

I believe that if the problem is viewed in this traditional way, if we look to the breadth of the housing discrimination problem, we can see that the Commerce Clause does support Title VIII.

The question has also been asked whether the line that Congress has drawn between the home owner who uses a real estate broker and the home owner who does not violate the constitution. This kind of question has been argued before the Supreme Court before. In *Mabee v. White Plains* and in *Katzenbach v. Morgan*, the Supreme Court held that Congress is under NO constitutional obligation to remedy every part of the problem that it addresses itself to. For example, in the *Morgan* case, it was argued that the Voting Rights Act was itself discriminatory because it protected foreign-speaking people taught in American flag schools, but not the foreign-speaking people taught in non-American flag schools. The Court said that it is up to Congress to decide where the line should be drawn.

Certainly, on reflection, no other rule would be possible. If the Supreme Court had decided that question in any other way, then any Congressional regulation of interstate commerce would be subject to the attack that it discriminated against intrastate commerce. If such an attack were upheld, the power of Congress would effectively collapse.

Title X—another anti-riot provision—has aroused some controversy. But although the controversy is interesting, it is mostly academic. As a practical matter, no U.S. Attorney will attempt to prove the unprovable—that a person gave another a firearm or explosive having reason to know that such an item would be used in a civil disorder which affected interstate commerce.

It should not be overlooked that Title X would also protect firemen and policemen lawfully performing their duties during civil disorders. I co-sponsored such a bill with over a score of other Congressmen, and I continue to support such legislation now.

In reviewing the bill as it came from the other body, I find no provision that is intolerable. There are some defects. But the game would not be worth the candle. The prospective gain in draftsmanship is not worth the risk of sending the bill to a conference or back to the other body in a modified form, there to possibly be lost for this session of Congress.

Thus, I request this Committee to favorably report H. Res. 1100. And finally, Mr. Chairman, if H. Res. 1100 be favorably reported, I expect to support and vote for it when it is up for decision in the House.

STATEMENT OF HON. THOMAS F. RAILSBACK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. RAILSBACK. May I also have the same privilege? I would like to submit a statement, too.

The CHAIRMAN. Without objection, the gentleman's request is granted.

(Mr. Railsback's statement follows:)

STATEMENT BY REPRESENTATIVE THOMAS F. RAILSBACK

Mr. Chairman, Members of the Committee, I appreciate the opportunity to submit a statement concerning H.R. 2516. While a member of the Illinois General Assembly, I always supported civil rights legislation, and I have supported the bill being considered by this Committee, at least, in the form which was passed by the House.

I am very much concerned however, about one particular provision under Title VIII, the open occupancy section of the bill. It seems to me Section 803(b)(1) has the effect of unwisely discriminating against real estate brokers, agents, salesmen or their representatives. It encourages people to avoid using the services of these persons in the event they are apprehensive about being brought under the provisions of this title. If this is not corrected it could have, and probably would have, the effect of causing people to quit using the services of the professional realtor.