

55th NEVADA LEGISLATIVE ASSEMBLY - COMMITTEE ON HEALTH & WELFARE,  
CHAIRMAN WOODROW WILSON PRESIDING  
March 4, 1969

OPEN HOUSING HEARING. A.B. 353 and A.B. 572.

Held in the Nye Building, Room 324, Carson City, Nevada.

Chairman Wilson called the hearing to order, invited all to speak who wished to be heard on any phase of fair housing or the two proposed open housing bills. He said the only rules he would make was that the proponents of the bill be heard first, the opponents last, that each person go to the microphone at the end of the table to speak, and that all other persons respect his right to be heard by not interrupting. That each person address the chair for permission to speak, to avoid confusion.

Mr. Wilson said he thought that these open housing bills deal with the total community. He said he thought that fair housing legislation was basically the most important legislation confronting our nation, because it will give an opportunity for the people of our cities and states to get to know more about each other and to develop a relationship, which is so important in these times in America.

Assemblyman Espinoza asked the Chairman to clarify one point. "At what point do you want the audience to question the witness?"

Wilson: "Upon the conclusion of his testimony. Either the witness or the committee is at liberty to answer questions by participants."

Mrs. Elaine Schnekser, American, Catholic League of Women Voters, Nevada Council, N.A.A.C.P., 1635 Pawnee Drive, Las Vegas, Nevada.

Mrs. Schnekser read a prepared statement, which in its entirety is attached to these minutes as Exhibit A.

In essence, she returned to the time of the slaves in Lincoln's time, mentioning they were refused job training, schooling and other forms of important fair treatment.

She said television has played a great part in pictorial education for the colored people.

She and her husband were in the Air Force for many years, where integration is forced on everyone, much to her joy, and "the heart of our country's great principles began to beat freely, injecting into the body around it, a new and healthy spirit of life" (with no discrimination on the basis of color, religion, or race).

Health & Welfare Hearing - Open Housing Law

March 4, 1969

Mrs. Schnekser, as a member of the Nevada Council for Civil Order thru Social Justice, backs the Housing Bill introduced by Mr. Wilson, A.B. 353.

Mrs. Frazzini: "Which bill to you favor?"

Schnekser: A.B. 353.

Swallow: "Why do you favor this bill?"

Mrs. Schnekser made reference to Sec. 5, Sub. Par. (b) "Attempt to bring together the parties involved in any such complaint and resolve, by mediation, the question of the alleged discrimination".

She said, "I don't see why we have to legislate any more. I don't see why for so many years, we have let this discrimination continue. Perhaps we are not truly aware of it. Perhaps if I had grown up in the South, I would have been led to believe by my parents that because I am white, I was nationally superior."

Frazzini: "Suppose a negro applied to me (to rent a house or apartment) and I had a strong personality conflict with this person. That clash might be resolved without someone being charged and someone having to go to jail?"

Schnekser: "I believe the only rule should be whether I am going to bring ill repute or damage to your property. Aren't there laws now that if someone is destroying your property you can get them out?"

David Hoggard - Clark County Fair Housing. (Mr. Hoggard's prepared statement is attached to these minutes as Exhibit "B").

Mrs. Earl Nicholson - League of Women Voters, Carson City, Nevada. (Legislative Chairman) (statement attached as Exhibit C.)

She stated that the two previous speakers had aligned the League of Women Voters with both bills, Mr. Wilson's A.B. 353 and Mrs. Brookman's A.B. 572. She said she wished to state that they had taken no position. She said in May 1968, the League had adopted support for fair housing, which they said, should be secured by law. Since that time, League members have been involved in developing a criteria. It was formally adopted on January 10 of this year in opportunities for purchase or renting of homes and for borrowing money for housing. She said federal funds should not be used to perpetuate discrimination.

She said her committee had already spoken to the Ways and Means Committee. "The job of justice may not be cheap".

Commenting on S.B. 288, which "Provides in detail separate hearing procedure for Nevada commission on equal rights of citizens", "Although we have read it, we do not feel qualified to make a judgement at this time. We do not feel we can evaluate it. We are

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wondering if it will strengthen any fair housing legislation, or simply aim to strengthen it. I think any committee considering fair housing should consider the wording of this Senate Bill.

The League would also like to make certain references to provisions in the Federal Law, and particularly those sections that spell out access to the Federal Courts. In other words, any person should be able to go to the Courts. The League understands there is another bill in the bill drafter's office.

May: "You touched on a couple of points that eluded me, and a simple yes or no answer will do. In the investigative work done by the League, do you have occasion to run across areas where negroes were refused in a building, solely because of race, color or creed?"

Nicholson: "We have had no complaints. We have heard, in other organizations, that type of discrimination, in sales and rental of housing in both Las Vegas and in Reno, and I think in Carson City. I am not qualified, because the League did not get the complaints."

May: "You expressed quite strongly, and at this point, I don't know whether I agree with you. Do you think Equal Rights is not strong enough to handle complaints without recourse to the courts?"

Nicholson: Fair Housing has an agreement whereby as soon as possible any individual can take a grievance directly to the Courts if he has the money and so desires to do so. Personally, I think I might take a complaint to the Court myself, rather than having an agency do it for me. In a State Agency such as Equal Rights Commission, they can build such a backlog of complaints that with the best intentions in the world, they might not be able to work speedily enough to get a Resolution in a satisfactory amount of time. If you can take it directly, you should have the right to do so."

Brookman: "May I answer Mr. May's question?"

Chairman Wilson: "We will have time to ask each other questions later. I don't think we should use the time of the persons testifying before us. Let us direct our questions to the persons testifying before us at this particular time".

Mrs. Schnekser: "I am a brand new member of the League. In Section 4-572, does it mean that everyone has to go to a private agency?"

Hoggard to Nicholson: "I didn't mean to imply that we had the support of the League of Women Voters."

Nicholson: "We take no position. At this point the League's Board does not wish us to take a position or opposition, because there are so many other things to be considered before we make our decision."

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Dr. Elmer R. Rusco, Human Relations Action Council,  
University of Nevada, and American Civil Liberties Union of  
Nevada.

"I would like to indicate discrimination is going on in Nevada and in other states as well. Most of the Negro population lives under segregated conditions. At the University of Nevada, we did a survey to find out what the percentages were. This area (in Reno) is not a Black Getto, but is obviously moving in that direction. That particular area is 23% white. I think this is the same process going on throughout the Nation. With respect to specific measures, I would like to indicate what I think should be in a fair housing law that would be really effective in enforcing this trend. None of the bills include all of the things that seem to me should be in a good fair housing law. The National Fair Housing Law seems to me to be a good model for State Legislation. It does make exemptions for certain types of things which went into these bills and which don't really belong there. The National legislation applies against other forces. It applies to financing associations, real estate brokers, labor unions, business and industry, news media, civic organizations, educational institutions, etc.

I know from personal experience that real estate brokers do refuse to show housing to non-white citizens. The Attorney General of the United States can intervene (speaking of the National Act) where there is a particular practice against fair housing. For instance, where there is a sub-divider who has a lot of houses for sale. There is another remedy to stop discrimination. The Attorney General can go in.

Chairman Wilson: "With regard to the Federal Statutes that were enacted in 1866. Have you had an opportunity to check them out and get an interpretation?"

Dr. Rusco: "Yes. It is a very simple law, and it was enforceable only by civil action by private persons. All citizens have the same rights."

Wilson: "It doesn't include religion or national origin. Our bill goes farther than the 1866 statute. We include religion and national origin. The Legislative Counsel Bureau told us definitely that this, that the intent of this bill, in all of the areas, was to spell out what was in the Federal Act. This is an interpretation of our Legislative Counsel Bureau, so in fact, I am saying to you that A.B. 353 goes much farther than what is on the surface of the bill.

Dr. Rusco said he would much rather see a strong State law. If the State legislation does not cover all of the things covered in the Federal law, then it should be amended to so cover.

Eddie Scott, N.A.A.C.P., Reno, Nevada (Copy of proposed bill as sponsored by the N.A.A.C.P. is attached as Exhibit "D").

Mr. Scott said that the Branch did not take a position on any of the legislation proposed. He said they were concentrating on their needs, and the provisions as set out in the Federal Act. He said at the meeting of their Board on Feb-27th, they had come to the conclusion that these bills must include at least a model to the Federal Act. He also noted, as he said Dr. Rusco had before him, that no provisions had been made for recourse to the courts for injustices to individuals. He said an attorney had told the NAACP that any state bill which is less than the Federal Bill would become a "dough block". He said he wanted to go on record as saying that anything less than the Federal Act would be giving up those rights already provided for in the Federal Bill. He said: "This Commission serves at the pleasure of the Governor. We need laws to cover 'intent' such as the white man who sells his house to a colored man, and when the colored man goes to move in, he finds his windows are all broken in. We need legislation to cover "hostile neighbors". This bill does not have a "cease and desist" clause on discrimination."

James Guinan, Attorney at Law, Reno, Nevada.

Mr. Guinan stated that he had not come as an attorney or a representative of the N.A.A.C.P., but merely as an interested person who was at the last meeting of the N.A.A.C.P.

Assemblyman Swallow asked Mr. Guinan what happens when personal grievances are caused by colored persons moving into a neighborhood. "Won't the Courts become swamped?"

Mr. Scott: "It would be up to the Commission to decide whether this would be a personal situation or a racial discrimination. We have a Public Accommodation Law now that this Legislature has enacted that gives a citizen the right to take his grievance into Court. We have had 3 or 4 cases to my knowledge, where the people involved preferred to settle their own differences rather than to go into Court. No State has reported yet that the Courts are overcrowded with Civil Rights cases.

Mr. May stated that he knew Mr. Jerry Fair of the Equal Rights Committee in Las Vegas, and that he plans to hire a new type of professional man for the State of Nevada. A person who is trained and whose sole duty will be to hear these grievances between whites and non-whites. This will answer Mr. Swallows question in regard to keeping the courts from being swamped. It will act as a road block. This has been mentioned in several meetings - about a "Hearing Officer".

"How many persons are going to be on the Equal Rights Commission? The citizen should have the right himself to go into Court."



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Scott: "When it comes right down to the nitti gritti, what law actually provides for us to go into Court? If we get a Commission, as well-meaning as they might be, we don't want to get the frustration of waiting 6 months. We want the citizen to have his rights to go into Court."

Assemblyman Frazzini: "Doesn't everyone have the right to go into Court?"

Scott: "Not in discrimination cases. We have worked hard to get this Federal Law. This is why we are asking this Committee to consider modelling our bills after the Federal Act."

Mr. Guinan said he didn't want to dispute the Legislative Counsel Bureau on their definition of the word "person". "Although it applies to corporations, partnerships, associations, or any other legal entity, it is a question in my mind of just how far it goes. It seems, that if these bills do not include in substance, what is contained in the Federal Act, the Federal Act will take precedence." He said he understood that the bill that he had drafted would be out sometime in the near future, "and I hope it will be considered". He said that the Federal Fair Housing Act was Public Law No. 90-284, dated April 11, 1968, and he thought perhaps the Legislative Counsel Bureau would have copies of it. (Attached hereto as Exhibit "E".)

Hoggard: "The Clark County Fair Housing Committee certainly would not support any legislation that does not at least equal the Federal Housing legislation".

Mrs. Alice Key asked to be excused, as she had to drive the Clark County Delegation to the Airport.

Mrs. Graham Erskine, Nevada Council, NAACP. "The bill Mr. Guinan has had drafted has been under our auspices. It is presently going through the bill drafter's office. We are not opposed to any of the bills as far as they go. As Mr. Guinan says, the Federal law said if we don't have substantial state laws in this state, the Federal Law will prevail. That, in essence, was passed by the Reno-Sparks Branch of the NAACP."

Dr Ralph Adams, Las Vegas, Nevada "I don't belong to any National organizations, although I have worked with a number of groups and nationalities in running a hospital. Our feeling in being here today is to give you some encouragement in your untiring efforts to these bills. Coming here to Nevada from Chicago, I had the privilege of working with about 25 young people on the North Shore in Chicago that did not feel they were discriminating in spite of the fact that they had only 2 colored families in their unit. To show what a few can do when they believe in something right, we were able to bring forth a very strong fair housing ordinance in that little village, in spite of being a satellite to Lake Forrest, which had a very strong discriminatory

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law. We did discover that there was great merit in working for a very strong ordinance. However, the local administration took precedent to the Federal but much more, we got the breadth of scope. That is why I was highly elated with the scope of Mrs. Brookman's bill. They won't rent to divorcees, because they know these people have come to Las Vegas for a divorce. These people have rights too."

Samuel Gibson, NAACP. "Housing is the most essential problem for getting the negro people out of the rut we are in. There have been people who have come to the area that good jobs are available for, but had to leave or don't even come because of inadequate housing. If I were a lawyer or a doctor, I would want to live with similar people. I'm a truck driver, and I would like to live around truckers, but I can't. I would urge all of you to look carefully over the bills that will be introduced, because the brokers and the money industry have hidden behind everything in the world. A negro can't qualify under F.H.A. because they don't make enough money. We can't blame this on the realtor, in the sense that he should accept this as his responsibility."

Joe Williams, Real Estate Broker. "I am the only negro real estate broker in the northern part of the state. I would like to preface my statements with the fact that I have a good opinion of the housing bill passed. Any bill that is less than the Federal Statute would only add to the frustration of already frustrated people. I have been on the battlefield of open housing every since I got my broker's license. I have been spit at, rebuked, it doesn't bother me. I have been in this fight for civil rights for a long time, and I have all of the confidence in the people of the State of Nevada that we are going to have a good open housing bill passed. I have asked the Chairman to look at all bills before making a decision, because there are points in all of them that need to be in one bill. There are points in each bill that need your close attention. I have made a little personal survey of the owners who would not allow me to list their property, but since the Federal Act has been passed, they are for open housing because it protects them. I have sold a house in a white neighborhood where the white owners were severely threatened. Their dogs were threatened to be poisoned and their wives were threatened. One man sat up all night with a shot gun in his kitchen, because neighbors had threatened his wife. I am telling it like it is. Perhaps this isn't what you want to hear. After the negro family moved in, we had nothing but praise from the white neighbors. I have made a survey of these white neighbors, and they have said they would rather have them in their neighborhood now that they know them than have some of the whites that have attempted to come into the neighborhood. In the past I have not been able to get into the multiple listings. I have made an application recently. In the past, I was told I would not be accepted. "

Wilson: "In case some of the committee members do not understand, will you please explain what Mr. Williams is talking about with regard to multiple listings?"

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Williams: "This means that all properties listed, any broker who is a member of the multiple listings, all properties are listed with every other member or broker who is a member, and every broker has the right to sell that property, although he cannot be invited to join, or sell a property without all the other broker's say. The reason for excluding me is that there are so many areas where they do not want negroes."

Bill Bailey, N.A.A.C.P., Reno, Nevada.

Chairman Wilson: "Have you ever had difficulty getting Federal funds for anyone you made application to buy a home?"

Bailey : "You mean F.H.A. or V.A.? The problem arises before you get to that point. One case comes to my mind. The thing is, you are not about to prove it. This was a case where a colored person bought a home, and the house happened to be in the Northwest (Reno). When it got down to the last detail, the husband wasn't able to get in to sign the papers. After the realtor got the deal all consummated, Mrs. X made the statement that they wouldn't have to worry about negroes moving in and devaluating the property. We know these things take place, but this is one of the non-tangible situations."

Gwen Weeks Rehner, Las Vegas, Nevada.

"There are rumors of a bill pertaining to brokers. I have a feeling that this bill is directed at throwing some cobs in the wheels."

Chairman Wilson thanked the participants who had come to be heard on behalf of himself and the members of the Health & Welfare Committee and assured them that if they had further suggests in regard to open housing or any other piece of legislation that might come before the committee, they should feel free to contact the Chairman.

He said Rev. Fuehr had sent his regrets that he could not attend the hearing, as he had been ill and in the hospital with influenza.

Rabbi Aaron Gold sent a telegram urging consideration of A.B. 353.

Dr. & Mrs. Samuel Ford sent a telegram in which they said they took no position on the bills, but were certainly in favor of open housing legislation.

The hearing was adjourned at 5:00 P.M.



When anyone is not aware of what is going on in the world around them, they can surely be taken advantage of!

Because the slaves were kept in Ignorance, they were taken advantage of. Even though freed by law in Lincoln's time, they were refused job training, schooling, and fair treatment and taken advantage of!

With the advent of Television, a mode of pictorial education has swept not only our country, but the world. With the advent of Oral Education no one group is any longer in a position to successfully take advantage of any other group - any more - thank God!

I have lived all over the world, yet would choose this land of America as my home, not only because it is my homeland, but because it is based upon truly Democratic principles of Freedom and Justice to all.....

Because Predication of Liberty is not necessarily Dedication on the part of all Americans, I have been engaged in the fight for Civil Liberties and Justice for nearly 30 years.

It has been a great joy for me and my husband, since we retired from the AF last June to Nevada, to have had the Unique experience in Las Vegas, of encountering momentous dedication of intelligent fellow Americans who know and feel and say that a country's very survival depends on the extensior of true Liberty and True Justice to each and every citizen of that country.

In the military since 1954 we became integrated overnight by Law and for the first time in the History of our country no one was permitted to openly discriminate solely on the basis of color, religion, or race against anyone, and the "heart" of our country's great principles began to beat freely injecting into the body around it, a new and healthy spirit of life! We have found it to be a great privilege, getting to know and understand groups of people we formerly had not much opportunity to know and understand.

I am weary of re-fighting the Civil War, and nauseated at attempts to defend racial superiority where none really exists, for despite the fact that some of us are blondes, brunettes, or redheads, we are all God's children - tho' some are bad "kids" and some are good!

EXHIBIT "A"

I will never cease to crusade for a more perfect Union of Peoples for I believe we can become a family when peace and harmony are a reality, once we begin substituting good habits for bad!

103

The Law of our Land has long decreed Open Housing and it is time the law of our State followed suit. On a newscast yesterday I heard that very soon no state can pass or retain on the books, any law that discriminates even minutely against any person or groups of people without the <sup>Consent</sup> ~~Consent~~ of the Federal Government. I hope that Nevada will lead the Nation in taking the necessary steps to eradicate all past injustices and enjoy the prosperity of the honest Americans who will migrate to live Just Policies for all.

Let all choose freely, along with their fellow Americans, to live where they can afford to live, and let those who would block their efforts for any false or bigoted reason, be brought to trial and punished swiftly.

As a member of the Nevada Council for Civil Order thru Social Justice, I have worked diligently with the Solutions Conference Committee for Fair Housing, in forming the Housing Bill introduced by Woodrow Wilson. The Nev. League of Women Voters favor the bill; the Social Action group of St. Viator's Parish is in favor of this bill; many Methodist, Jewish, Presbyterian, Baptist, and other Catholic churches in So. Nevada favor this bill; other intelligent patriotic Americans white and black favor this bill. Our country tis of thee! favors this bill, and who but "Traitors" ever oppose the very principles <sup>on which</sup> their Country is based? ~~was~~

May God bless and aid the passage of this bill, so that speedy Civil Order thru Social Justice may be achieved in this frontier State of Nevada, which has an obviously brilliant future, but only if she takes the lead and assures: "LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS" to all who would settle here.

sincerely,

Elaine F. Schuckler  
Las Vegas, Nev.

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105

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sincerely,

Elaine F. Schneken  
Las Vegas, Nev.

*Aaron Gold*

Mr. Chairman, - Ladies & Gentlemen of the Committee on Health and Welfare of the 55th session of the Nevada State Legislature - Fellow citizens.

I deem it a distinct personal honor and pleasure to have the opportunity of appearing before you this afternoon in support of A.B. 353 and on behalf of and as Chairman of Clark County Fair Housing Committee. If you will permit - I would like to share with you, rather quickly, the background of this organization. The Clark County Fair Housing Committee had its beginning with the Clark County Commission on Social Concerns of the United Methodist Church. In the latter part of 1967 this group after much soul searching determined that fair housing legislation should have high priority in its program as a real need of all citizens of the state. It was obvious that this base was entirely too narrow to accomplish the stated goals of the group.

A public appeal was made to all citizens and organizations interested in developing Fair Housing legislation.

This appeal was made through the news media - appearances before various church, civic and service groups - A Fair Housing Seminar and a town hall type meeting at which the Honorable Paul Laxalt appeared. (At this meeting on the University Campus at Las Vegas Rabbi Aaron Gold was appointed Chairman of a Governors fact-finding committee. This committee has reported to the Governor and has said there is need for Fair Housing Legislation on a state-wide basis in Nevada.)

(1)

EXHIBIT "13"

As a result of the aforementioned appeal an "umbrella" organization was needed where people of varying faiths, races and beliefs would feel comfortable working together to help create the climate in Nevada for a free and open housing market.

Aside from the numerous committed citizens who have supported this effort with their talent, time and money there is strong support for state-wide Fair Housing legislation in the following organizations - The Las Vegas Branch of NAACP, Clark County Class Room Teachers Association, Southern Nevada Human Relations Commission, Nevada Equal Rights Commission, Nevada Concil of Civil Order Through Social Justice, League of Women Voters and the Clark County Commission on Social Concerns of the United Methodist Church, Mr. Chairman and members of the Committee this partial list of supportive concerned groups should further highlight the need for a "do pass" from you.

It was the consensus of the Clark County Fair Housing Committee that unnecessary duplication be avoided in state government by amending the Statutes to make all of the functions of this propossed legislation the responsibility of the Nevada State Equal Rights Commission. With this in mind, provision must be made for supplemental financial support for the Commission to act effectively.

The proposed legislation will permit Nevada Citizens who believe they are being denied housing, they can afford, strictly on the basis of race, creed, or color a state vehicle to which their grievance may be addressed.



While recent Supreme Court interpretations and the Federal Housing Law of 1968 have given additional relief to this national problem that is a world-wide disgrace to America we believe it incumbent upon every member of this Session of the legislature to support A.B. 353 by working and voting for its passage.

The purpose of the proposed Fair Housing Legislation is to provide every person in the State of Nevada an equal opportunity to choose housing suited to his needs and financial ability wherever he would like to live. To this end, this proposed Fair Housing Legislation will ban discrimination based on race, religion, color or national origin in the sale, or rental or conveying of property.

Mr. Chairman - I again earnestly implor you and the members of your committee to send A.B. 353 back to the floor with the strongest "do pass" possible. We also request your assistance in getting this Fair Housing over whatever other hurdles lie ahead before it reaches the Governors desk. Thank you again for listening and continuing to merit the faith of many of your constituents by seeing that Nevada takes the first step TODAY toward joining those other states who already have this type of legislation on their books.

I am Mrs. Earl Nicholson, Legislative chairman for the League of Women Voters of Nevada. We are not speaking today in support or opposition to any of the three Open Housing bills thus far introduced, but we do wish to register our keen interest in the subject, and to spell out the position of our organization.

In May 1968 the League adopted a position of support of fair housing nationally, specifying that the right of all persons to buy or rent dwellings regardless of race, color, religion or national origin should be secured by law.

Since that time, League members have been involved in developing criteria for such legislation, criteria which were formally adopted on January 10, 1969. I should like to read them if I may:

- Opportunities for purchase or renting of homes and for borrowing money for housing should not be restricted because of race, color, religion or national origin.
- Responsibility in the nationwide effort to achieve equality of opportunity for access to housing resides with government at all levels and with the private sector -- builders, lending institutions, realtors, labor unions, business and industry, news media, civic organizations, educational institutions, churches and private citizens.
- The continued existence of patterns of discrimination depends on the covert support of community leaders, institutions and residents. Award or withdrawal of federal contracts and placement of federal installations should be used as levers to change this covert support.

After positive steps such as mediation and conciliation have been exhausted, the federal government should have the option for selective withholding of federal funds where patterns of discrimination in access to housing occur. In applying the option to withhold funds, the federal government should weigh the effects of its actions on the welfare of lower income and minority groups.

Federal programs should include provisions to guarantee equal opportunity for access to housing. Federal funds should not be used to perpetuate discrimination.

- In the enforcement of fair housing laws, speedy resolution should be ensured. Administrative procedures and responsibilities should be clearly defined and widely publicized.

Mediation and legal redress should be readily available. The process should ensure every possible protection for both complainant and persons or institutions against whom complaints are lodged. Avenues for mediation and legal redress should be widely publicized and should be easily accessible.

Funding should be adequate to provide trained and competent staff for public education to inform citizens of the provisions of fair

*housing legislation, of their fair housing rights and of procedures to be followed in securing them. Adequate funding should also be available for mediation and for all aspects of speedy enforcement.*

*There should be continued evaluation to provide a basis for revision and strengthening of all procedures so that equality of opportunity for access to housing can be accomplished.*

In the light of these criteria, the League feels that consideration of Open Housing legislation should be accompanied by consideration of bills and budget affecting the Equal Rights Commission. We have already spoken in Ways and Means hearing in strong support of an adequate budget for the Commission, and we should like to underscore that support today. The job of justice may not be cheap.

Then, too, we are concerned about procedures for the Equal Rights Commission. And we are wondering, therefore, about SB288. Although we have read it, we do not feel qualified to make a judgment on it at this time, but we would hope that legislators seeking fair housing for all citizens would take care that the commission is not hamstrung in its effectiveness by procedural roadblocks.

The League would also like to make certain that provisions included in the Federal law are also spelled out in any State legislation regarding access to the courts. That is, the complainant must have the right to go directly to Court, or to take the matter to Court if the Equal Rights Commission is not able to resolve it.

In general, the League wants to make certain that nothing in state legislation for fair housing either slows up, makes more cumbersome or more costly the complaint and redress procedures.

We hope your committees will reserve action until all bills on the subject are in, and that interested organizations like ours will have an opportunity to react to them before your final decisions.

Thank you for this opportunity to be heard.

ACT relating to real property; prohibiting discrimination because of race, color, religion or national origin in the sale or rental of any dwelling; providing exceptions; providing remedies and penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT

AS FOLLOW:

Section 1. Title 10 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. This chapter may be cited as the Nevada Fair Housing Law.

Sec. 3. As used in this chapter, except where the context otherwise requires, the following words have the meanings ascribed to them in this section:

1. "Commission" means the Nevada commission on equal rights of citizens.
2. "Discriminatory housing practice" means an act that is unlawful under section 4, 6 or 7 of this chapter.
3. "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure or portion thereof.
4. "Family" includes an individual living alone.
5. "Person" means an individual, corporation, partnership, association, or any other legal entity.
6. "Rent" means rent, lease, sublease, let or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Sec. 4. 1. Except as provided in section 5 of this act, no person shall, because of race, color, religion or national origin:

- (a) Refuse to sell or rent after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.
- (b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith.
- (c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any such preference, limitation or discrimination.
- (d) Represent to any person that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

2. No person shall, for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion or national origin.

Sec. 5. Nothing in this chapter shall prohibit:

1. A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.
2. A private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members, unless membership in such club is restricted on account of race, color, religion or national origin.

Sec. 6. It is unlawful for any bank, building and loan association, insurance company or other person, whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

Sec. 7. It is unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, religion or national origin.

Sec. 8. The commission shall:

1. Administer the provisions of this act.
2. Make studies with respect to the nature and extent of discriminatory housing practices in communities throughout the state.
3. Cooperate with and assist all public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices.

Sec. 9. 1. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irreparably injured by such a practice that is about to occur may file a complaint with the commission in such form as the commission may require.

2. Upon receipt of such a complaint, the commission shall furnish a copy to the person who allegedly committed the offense or who is about to commit the offense. The person charged shall have 20 days in which to answer the complaint.

3. If the commission determines, after investigation, that the complaint is valid, it shall attempt to eliminate or correct the cause of the grievance by informal methods of conference, conciliation and persuasion.

4. If the commission cannot, within 30 days after the complaint is filed, obtain voluntary compliance with the provisions of this chapter, the complainant may, within 1 year thereafter, commence an action in any district court in the state to enforce the provisions of this chapter. If the court determines that the provisions of this chapter have been violated by the defendant, and that the plaintiff has been injured thereby, it may enjoin the defendant from continued violation or may take such other affirmative action as may be appropriate, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff.

Sec. 10. 1. Nothing said or done in the course of the attempts by the commission to resolve the grievance, as provided in section 9 of this act, may be made public or used as evidence in any subsequent proceeding without the written consent of the persons involved.

2. During the course of its investigation the commission shall have access at all times to premises, records, documents and all other evidence necessary for its investigation if it first obtains a search warrant in the manner provided by law.

Sec. 11. 1. For the purpose of investigating disputes, the commission may issue subpoenas requiring the attendance of witnesses before it, together with all books, records, memoranda, papers and other documents relevant to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any investigation is being conducted by the commission may compel the attendance of witnesses, the giving of testimony and the production of documents as required by any subpoena issued by the commission.

3. If any witness refuses or fails to attend or testify or produce any documents required by such subpoena, the commission may report to the district court in and for the county in which the investigation is pending by petition stating that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of documents;



(b) The witness has been subpoenaed in the manner prescribed in this section; and

(c) The witness has failed or refused to attend or produce the documents required by subpoena before the commission in the investigation named in the subpoena, or has refused to answer questions propounded to him in the course of such investigation, and asking an order of the court compelling the witness to attend and testify or produce the documents before the commission.

4. The court, upon petition of the commission shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the documents before the commission. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the commission, the court shall thereupon enter an order that the witness appear before the commission at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order, the witness shall be dealt with as for contempt of court.

Sec. 12. Any person who engages in a discriminatory housing practice is guilty of a misdemeanor.

Sec. 13. Any person who, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

1. Any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwellings, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 1; or

(b) Affording another person or class of persons opportunity or protection so to participate; or

3. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 1, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate, shall be punished by imprisonment in the state prison for not more than 1 year, or by a fine of not more than \$1,000, or by both such fine and imprisonment.

Sec. 14. This act shall become effective upon passage and approval.



Public Law 90-284  
90th Congress, H. R. 2516  
April 11, 1968

## An Act

To prescribe penalties for certain acts of violence or intimidation, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Civil rights.

### TITLE I—INTERFERENCE WITH FEDERALLY PROTECTED ACTIVITIES

SEC. 101. (a) That chapter 13, civil rights, title 18, United States Code, is amended by inserting immediately at the end thereof the following new section, to read as follows:

62 Stat. 696.  
18 USC 241-244.

#### “§ 245. Federally protected activities

“(a) (1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or the Deputy Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

“(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

“(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

“(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

“(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

“(C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;

“(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

“(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

“(2) any person because of his race, color, religion or national origin and because he is or has been—

“(A) enrolling in or attending any public school or public college;

“(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

82 STAT. 73  
82 STAT. 74

"(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;

"(D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror;

"(E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;

"(F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments; or

"(3) during or incident to a riot or civil disorder, any person engaged in a business in commerce or affecting commerce, including, but not limited to, any person engaged in a business which sells or offers for sale to interstate travelers a substantial portion of the articles, commodities, or services which it sells or where a substantial portion of the articles or commodities which it sells or offers for sale have moved in commerce; or

"(4) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

"(A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F); or

"(B) affording another person or class of persons opportunity or protection to so participate; or

"(5) any citizen because he is or has been, or in order to intimidate such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

As used in this section, the term 'participating lawfully in speech or peaceful assembly' shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot. Nothing in subparagraph (2)(F) or (4)(A) of this subsection shall apply to the proprietor of any establishment which provides

Penalty.

82 STAT. 74

82 STAT. 75

"Participating lawfully in speech or peaceful assembly."

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lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

"(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term 'law enforcement officer' means any officer of the United States, the District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a State, or a political subdivision of a State."

"Law enforcement officer."

(b) Nothing contained in this section shall apply to or affect activities under title VIII of this Act.

Post, p. 81.

(c) The provisions of this section shall not apply to acts or omissions on the part of law enforcement officers, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State or the District of Columbia, not covered by such section 101(9), or members of the Armed Forces of the United States, who are engaged in suppressing a riot or civil disturbance or restoring law and order during a riot or civil disturbance.

70A Stat. 4.

Sec. 102. The analysis of chapter 13 of title 18 of the United States Code is amended by adding at the end thereof the following:

"245. Federally protected activities."

Sec. 103. (a) Section 241 of title 18, United States Code, is amended by striking out the final paragraph thereof and substituting the following:

Penalties.  
Conspiracy  
against rights  
of citizens.  
62 Stat. 696.

"They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life."

(b) Section 242 of title 18, United States Code, is amended by striking out the period at the end thereof and adding the following: "; and if death results shall be subject to imprisonment for any term of years or for life."

Deprivation of  
rights.

(c) Subsections (a) and (c) of section 12 of the Voting Rights Act of 1965 (79 Stat. 443, 444) are amended by striking out the words "or (b)" following the words "11(a)".

42 USC 1973j.

Sec. 104. (a) Title 18 of the United States Code is amended by inserting, immediately after chapter 101 thereof, the following new chapter:

62 Stat. 795.  
18 USC 2071-2076.

#### "Chapter 102.—RIOTS"

"Sec.

"2101. Riots.

"2102. Definitions.

#### "§ 2101. Riots

"(a) (1) Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent—

82 STAT. 75  
82 STAT. 76

"(A) to incite a riot; or

"(B) to organize, promote, encourage, participate in, or carry on a riot; or

"(C) to commit any act of violence in furtherance of a riot; or

"(D) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph—

"Shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

"(b) In any prosecution under this section, proof that a defendant engaged or attempted to engage in one or more of the overt acts described in subparagraph (A), (B), (C), or (D) of paragraph (1) of subsection (a) and (1) has traveled in interstate or foreign commerce, or (2) has use of or used any facility of interstate or foreign commerce, including but not limited to, mail, telegraph, telephone, radio, or television, to communicate with or broadcast to any person or group of persons prior to such overt acts, such travel or use shall be admissible proof to establish that such defendant traveled in or used such facility of interstate or foreign commerce.

"(c) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

"(d) Whenever, in the opinion of the Attorney General or of the appropriate officer of the Department of Justice charged by law or under the instructions of the Attorney General with authority to act, any person shall have violated this chapter, the Department shall proceed as speedily as possible with a prosecution of such person hereunder and with any appeal which may lie from any decision adverse to the Government resulting from such prosecution; or in the alternative shall report in writing, to the respective Houses of the Congress, the Department's reason for not so proceeding.

"(e) Nothing contained in this section shall be construed to make it unlawful for any person to travel in, or use any facility of, interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor, through orderly and lawful means.

"(f) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section; nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law.

#### "§ 2102. Definitions

"(a) As used in this chapter, the term 'riot' means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

"(b) As used in this chapter, the term 'to incite a riot', or 'to organize, promote, encourage, participate in, or carry on a riot' includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas

Penalty.

Prosecution proceedings.

Report to Congress.

82 STAT. 76  
82 STAT. 77



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or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts."

(b) The table of contents to "PART I.—CRIMES" of title 18, United States Code, is amended by inserting after the following chapter reference: 62 Stat. 684.

"101. Records and reports..... 2071"

a new chapter reference as follows:

"102. Riots ..... 2101".

## TITLE II—RIGHTS OF INDIANS

### DEFINITIONS

SEC. 201. For purposes of this title, the term—

(1) "Indian tribe" means any tribe, band, or other group of Indians subject to the jurisdiction of the United States and recognized as possessing powers of self-government;

(2) "powers of self-government" means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and

(3) "Indian court" means any Indian tribal court or court of Indian offense.

### INDIAN RIGHTS

SEC. 202. No Indian tribe in exercising powers of self-government shall—

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(3) subject any person for the same offense to be twice put in jeopardy;

(4) compel any person in any criminal case to be a witness against himself;

(5) take any private property for a public use without just compensation;

(6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

(7) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of \$500, or both;

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(9) pass any bill of attainder or ex post facto law; or

(10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Penalty,  
limitation.

82 STAT. 77  
82 STAT. 78

## HABEAS CORPUS

Sec. 203. The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe.

TITLE III—MODEL CODE GOVERNING COURTS OF  
INDIAN OFFENSES

Recommendations  
to Congress.

Sec. 301. The Secretary of the Interior is authorized and directed to recommend to the Congress, on or before July 1, 1968, a model code to govern the administration of justice by courts of Indian offenses on Indian reservations. Such code shall include provisions which will (1) assure that any individual being tried for an offense by a court of Indian offenses shall have the same rights, privileges, and immunities under the United States Constitution as would be guaranteed any citizen of the United States being tried in a Federal court for any similar offense, (2) assure that any individual being tried for an offense by a court of Indian offenses will be advised and made aware of his rights under the United States Constitution, and under any tribal constitution applicable to such individual, (3) establish proper qualifications for the office of judge of the court of Indian offenses, and (4) provide for the establishing of educational classes for the training of judges of courts of Indian offenses. In carrying out the provisions of this title, the Secretary of the Interior shall consult with the Indians, Indian tribes, and interested agencies of the United States.

Sec. 302. There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

TITLE IV—JURISDICTION OVER CRIMINAL AND CIVIL  
ACTIONS

## ASSUMPTION BY STATE

SEC. 401. (a) The consent of the United States is hereby given to any State not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within such State to assume, with the consent of the Indian tribe occupying the particular Indian country or part thereof which could be affected by such assumption, such measure of jurisdiction over any or all of such offenses committed within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over any such offense committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

## ASSUMPTION BY STATE OF CIVIL JURISDICTION

SEC. 402. (a) The consent of the United States is hereby given to any State not having jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country situated within such State to assume, with the consent of the tribe occupying the particular Indian country or part thereof which would be affected by such assumption, such measure of jurisdiction over any or all such civil causes of action arising within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute, or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.

## RETROCESSION OF JURISDICTION BY STATE

SEC. 403. (a) The United States is authorized to accept a retrocession by any State of all or any measure of the criminal or civil jurisdiction, or both, acquired by such State pursuant to the provisions of section 1162 of title 18 of the United States Code, section 1360 of title 28 of the United States Code, or section 7 of the Act of August 15, 1953 (67 Stat. 588), as it was in effect prior to its repeal by subsection (b) of this section.

28 USC 1360  
note.

(b) Section 7 of the Act of August 15, 1953 (67 Stat. 588), is hereby repealed, but such repeal shall not affect any cession of jurisdiction made pursuant to such section prior to its repeal.

Repeal.

## CONSENT TO AMEND STATE LAWS

SEC. 404. Notwithstanding the provisions of any enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil or criminal jurisdiction in accordance with the provisions of this title. The provisions of this title shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes, as the case may be.

## ACTIONS NOT TO ABATE

SEC. 405. (a) No action or proceeding pending before any court or agency of the United States immediately prior to any cession of jurisdiction by the United States pursuant to this title shall abate by reason of that cession. For the purposes of any such action or proceeding, such cession shall take effect on the day following the date of final determination of such action or proceeding.

(b) No cession made by the United States under this title shall deprive any court of the United States of jurisdiction to hear, determine, render judgment, or impose sentence in any criminal action instituted against any person for any offense committed before the effective date of such cession, if the offense charged in such action was cognizable under any law of the United States at the time of the commission of such offense. For the purposes of any such criminal action, such cession shall take effect on the day following the date of final determination of such action.

## SPECIAL ELECTION

SEC. 406. State jurisdiction acquired pursuant to this title with respect to criminal offenses or civil causes of action, or with respect to both, shall be applicable in Indian country only where the enrolled Indians within the affected area of such Indian country accept such jurisdiction by a majority vote of the adult Indians voting at a special election held for that purpose. The Secretary of the Interior shall call such special election under such rules and regulations as he may prescribe, when requested to do so by the tribal council or other governing body, or by 20 per centum of such enrolled adults.

## TITLE V—OFFENSES WITHIN INDIAN COUNTRY

## AMENDMENT

80 Stat. 1100.

SEC. 501. Section 1153 of title 18 of the United States Code is amended by inserting immediately after "weapon," the following: "assault resulting in serious bodily injury,".

## TITLE VI—EMPLOYMENT OF LEGAL COUNSEL

## APPROVAL

SEC. 601. Notwithstanding any other provision of law, if any application made by an Indian, Indian tribe, Indian council, or any band or group of Indians under any law requiring the approval of the Secretary of the Interior or the Commissioner of Indian Affairs of contracts or agreements relating to the employment of legal counsel (including the choice of counsel and the fixing of fees) by any such Indians, tribe, council, band, or group is neither granted nor denied within ninety days following the making of such application, such approval shall be deemed to have been granted.

## TITLE VII—MATERIALS RELATING TO CONSTITUTIONAL RIGHTS OF INDIANS

## SECRETARY OF INTERIOR TO PREPARE

SEC. 701. (a) In order that the constitutional rights of Indians might be fully protected, the Secretary of the Interior is authorized and directed to—

(1) have the document entitled "Indian Affairs, Laws and Treaties" (Senate Document Numbered 319, volumes 1 and 2, Fifty-eighth Congress), revised and extended to include all treaties, laws, Executive orders, and regulations relating to Indian affairs in force on September 1, 1967, and to have such revised document printed at the Government Printing Office;

(2) have revised and republished the treatise entitled "Federal Indian Law"; and

(3) have prepared, to the extent determined by the Secretary of the Interior to be feasible, an accurate compilation of the official opinions, published and unpublished, of the Solicitor of the Department of the Interior relating to Indian affairs rendered by the Solicitor prior to September 1, 1967, and to have such compilation printed as a Government publication at the Government Printing Office.

(b) With respect to the document entitled "Indian Affairs, Laws and Treaties" as revised and extended in accordance with paragraph (1) of subsection (a), and the compilation prepared in accordance with paragraph (3) of such subsection, the Secretary of the Interior shall take such action as may be necessary to keep such document and compilation current on an annual basis.

(c) There is authorized to be appropriated for carrying out the provisions of this title, with respect to the preparation but not including printing, such sum as may be necessary.

## TITLE VIII—FAIR HOUSING

### POLICY

SEC. 801. It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

### DEFINITIONS

SEC. 802. As used in this title—

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) "Family" includes a single individual.

(d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.



## EFFECTIVE DATES OF CERTAIN PROHIBITIONS

SEC. 803. (a) Subject to the provisions of subsection (b) and section 807, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 shall apply:

(1) Upon enactment of this title, to—

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to the date of enactment of this title;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to the date of enactment of this title: *Provided*, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b).

(b) Nothing in section 804 (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner: *Provided*, That such private individual owner does not own more than three such single-family houses at any one time: *Provided further*, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: *Provided further*, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: *Provided further*, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

FDIC or FSLIC  
institution.

Exemptions.

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

#### DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

SEC. 804. As made applicable by section 803 and except as exempted by sections 803(b) and 807, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

#### DISCRIMINATION IN THE FINANCING OF HOUSING

SEC. 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided*, That nothing contained in this sec-

tion shall impair the scope or effectiveness of the exception contained in section 803(b).

#### DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

Sec. 806. After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

#### EXEMPTION

Sec. 807. Nothing in this title shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this title prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

#### ADMINISTRATION

Authority and  
responsibility.  
Assistant Secretary.

Sec. 808. (a) The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) The Department of Housing and Urban Development shall be provided an additional Assistant Secretary. The Department of Housing and Urban Development Act (Public Law 89-174, 79 Stat. 667) is hereby amended by—

42 USC 3533.

(1) striking the word "four," in section 4(a) of said Act (79 Stat. 668; 5 U.S.C. 624b(a)) and substituting therefor "five,"; and

42 USC 3535.

(2) striking the word "six," in section 7 of said Act (79 Stat. 669; 5 U.S.C. 624(c)) and substituting therefor "seven."

Delegation of  
authority.

(c) The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this title. The persons to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5362, and 7521 of title 5 of the United States Code. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

80 Stat. 415,  
528.

(d) All executive departments and agencies shall administer their programs and activities relating to housing and urban development

in a manner affirmatively to further the purposes of this title and shall cooperate with the Secretary to further such purposes.

(c) The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies;

(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices; and

(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title.

#### EDUCATION AND CONCILIATION

SEC. 809. Immediately after the enactment of this title the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of title 5 of the United States Code. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this title. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

80 Stat. 499.

Reports on  
conferences.

#### ENFORCEMENT

SEC. 810. (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irreversibly injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Upon receipt of such a complaint the Secretary shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the Secretary shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Secretary decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a sub-

Complaints.  
Procedure for  
filing.

## Penalty.

sequent proceeding under this title without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) Wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title, the Secretary shall notify the appropriate State or local agency of any complaint filed under this title which appears to constitute a violation of such State or local fair housing law, and the Secretary shall take no further action with respect to such complaint if the appropriate State or local law enforcement official has, within thirty days from the date the alleged offense has been brought to his attention, commenced proceedings in the matter; or, having done so, carries forward such proceedings with reasonable promptness. In no event shall the Secretary take further action unless he certifies that in his judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interests of justice require such action.

## Commencement of civil actions.

(d) If within thirty days after a complaint is filed with the Secretary or within thirty days after expiration of any period of reference under subsection (c), the Secretary has been unable to obtain voluntary compliance with this title, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate United States district court, against the respondent named in the complaint, to enforce the rights granted or protected by this title, insofar as such rights relate to the subject of the complaint: *Provided*, That no such civil action may be brought in any United States district court if the person aggrieved has a judicial remedy under a State or local fair housing law which provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title. Such actions may be brought without regard to the amount in controversy in any United States district court for the district in which the discriminatory housing practice is alleged to have occurred or be about to occur or in which the respondent resides or transacts business. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may, subject to the provisions of section 812, enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual, in either Federal or State court, pursuant to this section or section 812, shall come to trial the Secretary shall immediately terminate all efforts to obtain voluntary compliance.

## INVESTIGATIONS; SUBPENAS; GIVING OF EVIDENCE

Sec. 811. (a) In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: *Provided, however,* That the Secretary first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Secretary may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

Records and documents, access.

Subpoenas.

(b) Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpoenas issued by the Secretary himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Witnesses summoned by subpoena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

Witnesses, compensation.

(d) Within five days after service of a subpoena upon any person, such person may petition the Secretary to revoke or modify the subpoena. The Secretary shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpoena, the Secretary or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Secretary, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Secretary pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Failure to testify, penalty.

(g) The Attorney General shall conduct all litigation in which the Secretary participates as a party or as amicus pursuant to this Act.



ENFORCEMENT BY PRIVATE PERSONS

SEC. 812. (a) The rights granted by sections 803, 804, 805, and 806 may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy and in appropriate State or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: *Provided, however,* That the court shall continue such civil case brought pursuant to this section or section 810(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Secretary or a State or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Secretary or to the local or State agency and which practice forms the basis for the action in court: *And provided, however,* That any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Act, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this Act shall not be affected.

Civil action  
without fees,  
etc.

(b) Upon application by the plaintiff and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security. A court of a State or subdivision thereof may do likewise to the extent not inconsistent with the law or procedures of the State or subdivision.

Damages, limi-  
tation.

(c) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: *Provided,* That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

ENFORCEMENT BY THE ATTORNEY GENERAL

SEC. 813. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, he may bring a civil action in any appropriate United States district court by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this title.

EXPEDITION OF PROCEEDINGS

SEC. 814. Any court in which a proceeding is instituted under section 812 or 813 of this title shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

## EFFECT ON STATE LAWS

Sec. 815. Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this title shall be effective, that grants, guarantees, or protects the same rights as are granted by this title; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this title shall to that extent be invalid.

## COOPERATION WITH STATE AND LOCAL AGENCIES ADMINISTERING FAIR HOUSING LAWS

Sec. 816. The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this title. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

Publication in  
Federal Register.

## INTERFERENCE, COERCION, OR INTIMIDATION

Sec. 817. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806. This section may be enforced by appropriate civil action.

## APPROPRIATIONS

Sec. 818. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

## SEPARABILITY OF PROVISIONS

Sec. 819. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

## TITLE IX

## PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

Sec. 901. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(a) any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(1) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a); or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

Penalty.

shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

## TITLE X—CIVIL OBEDIENCE

### SHORT TITLE

"Civil Obedience Act of 1968,"

SEC. 1001. This title may be cited as the "Civil Obedience Act of 1968".

### CRIMINAL PENALTIES FOR ACTS COMMITTED IN CIVIL DISORDERS

76 Stat. 1119.  
18 USC 201-224.

SEC. 1002. (a) Title 18, United States Code, is amended by inserting after chapter 11 thereof the following new chapter:

### "Chapter 12—CIVIL DISORDERS

"Sec.

"231. Civil disorders.

"232. Definitions.

"233. Preemption.

"§ 231. Civil disorders

"(a) (1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

"(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

"(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the move-

ment of any article or commodity in commerce or the conduct or performance of any federally protected function—

"Shall be fined not more than \$10,000 or imprisoned not more than five years, or both. **Penalty.**

"(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

#### "§ 232. Definitions

"For purposes of this chapter:

"(1) The term 'civil disorder' means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

"(2) The term 'commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

"(3) The term 'federally protected function' means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails.

"(4) The term 'firearm' means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

"(5) The term 'explosive or incendiary device' means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

"(6) The term 'fireman' means any member of a fire department (including a volunteer fire department) of any State, any political subdivision of a State, or the District of Columbia.

"(7) The term 'law enforcement officer' means any officer or employee of the United States, any State, any political subdivision of a State, or the District of Columbia, while engaged in the enforcement or prosecution of any of the criminal laws of the United States, a State, any political subdivision of a State, or the District of Columbia; and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State, or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by such section 101(9), and members of the Armed Forces of the United States, while engaged in suppressing acts of violence or restoring law and order during a civil disorder.

70A Stat. 4.

#### "§ 233. Preemption

"Nothing contained in this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which any provisions of the chapter operate to the exclusion of State or local laws on

the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of State law unless such provision is inconsistent with any of the purposes of this chapter or any provision thereof."

62 Stat. 683.

(b) The table of contents to "PART I.—CRIMES" of title 18, United States Code, is amended by inserting after

"11. Bribery and graft..... 211"

a new chapter reference as follows:

"12. Civil disorders..... 231".

Approved April 11, 1968.

#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 473 (Comm. on the Judiciary).

SENATE REPORT No. 721 (Comm. on the Judiciary).

#### CONGRESSIONAL RECORD:

Vol. 113 (1967): Aug. 15, 16, considered and passed House.

Vol. 114 (1968): Jan. 18-31, Feb. 1-29, Mar. 1-11, considered and passed Senate, amended.

Mar. 14, Apr. 10, House considered and agreed to Senate amendment.