

or just said, "I have got all the whites registered. We will just shut up and not open this office again until after election day."

All of those things would be State action within this bill.

Mr. MEADER. If that is what the intent is, why is it necessary to include "(b)" on line 2 of page 2, saying: "been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section."

Now, (a) relates to action by States with respect to all elections.

Mr. WALSH. Right.

Mr. MEADER. And (b) refers to action by any persons to threaten, coerce, or intimidate with respect to Federal elections only.

Mr. WALSH. Right.

Mr. MEADER. Why, if you are talking about State action, is (b) included on line 2, page 2?

Mr. WALSH. Only out of an abundance of caution. I think we could get along without it, and the reason it is there is to take advantage of any additional constitutional support for this legislation that may be found in article I of the Constitution, which is the article on which (b) is based.

Mr. MEADER. The only right secured by section (b) of the Civil Rights Act of 1957 which is not already secured by section (a) of the Civil Rights Act of 1957, I suppose might be said to be the right to be free from intimidation or coercion.

Mr. WALSH. Yes.

Mr. MEADER. And it was that right which you had in mind by including (b), was it?

Mr. WALSH. We just wanted to make sure we did not leave anything out by not including (b).

Mr. MEADER. But you have limited these cases to those where State action or inaction or deprivation has occurred under color of law?

Mr. WALSH. Yes, sir.

Mr. MEADER. Which refers to the government and not to private individuals?

Mr. WALSH. That is right.

Mr. MEADER. It seems to me it is only confusing to add in section (b), which relates to intimidation by persons other than State officials.

Mr. WALSH. I will not labor the point. The reason it was put in there was simply as a matter of caution, and if the committee or the sponsor of the bill concluded it was more confusing than helpful, we would yield on that position.

Mr. MEADER. I yield to the gentleman from Virginia.

Mr. POFF. I understood the witness to say that section 1971, subsection (b), of title 42, United States Code, had its constitutional basis in article I.

Mr. WALSH. I think that is right.

Mr. LOSER. Would the gentleman yield at that point?

Mr. POFF. No; just a minute, please.

Am I correct in saying that subsection (b) extends not only to elections of Senators and Representatives, but to presidential electors as well?

Mr. WALSH. Yes, it does.

Mr. POFF. Is it not further true that article I does not deal with the presidential electors, but is confined exclusively to the election of Senators and U.S. Representatives?