

other person or persons), (1) to attend at any time and place for holding any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any such person has been denied the right to vote, and (2) to attend at any time and place for counting the votes" and so on, and to see to it that those votes are counted.

Under State law—and I would imagine that this is true in New York as in Louisiana or anywhere else—the election commissioners, with the help of the watcher or deputy sheriff, or whatever officer is named to see that election laws are respected must bar people around the polling places, must rope off a certain area where no one can intrude. Certainly, it would be a clear violation of State law for any person to look over their shoulders to see that this or that persons' vote is counted.

I am not being ridiculous.

Mr. WALSH. No.

Mr. WILLIS. I am wondering, for the protection of these election commissioners, under pain and penalty of jail sentence in the Federal jails or State jails, which will they respect? State law or the Federal certificate of voting? That is a close one.

Mr. WALSH. I think the Federal law would prevail.

But also, you will notice, this is permissive. This is something the judge can do if he thinks necessary, and he will not if he doesn't.

He is a Louisiana Federal judge, he is going to know the State law and respect the policy of the State law, and he knows the problem he is trying to overcome, and he will decide whether he needs to send somebody to that polling place or not.

The CHAIRMAN. Well, Judge, under the supremacy clause, this would not be such a close question. The State law would have to yield to the Federal law.

Mr. WALSH. I think there is no doubt about that. The only question would be whether this was an unnecessary intrusion of the Federal law into the State administrative procedure. And I think that this is a reasonable proposal within the contemplation of the 15th amendment.

The CHAIRMAN. I would like to ask this question.

Let us assume that a State registrar has resigned who was the defendant in the original proceeding.

Mr. WALSH. Yes.

The CHAIRMAN. The proceedings were started against him, and the order was issued against the man who has resigned, or the man who is dead after the order was issued. What happens then?

Mr. WALSH. There is a case now pending before the Supreme Court that deals with that problem in Alabama, *United States v. Alabama*. The practice where a State officer is the person who is responsible, or who is participating in this pattern and practice of discrimination, would be the practice of the Department of Justice to sue the State as one of the parties to the lawsuit. So the State would always be present as a party, and the attorney general of the State would be served with all the processes, as well as the State registrar.

One of the provisions of this bill—

Mr. WILLIS. The very last one.

Mr. WALSH. Expressly gives that privilege, although we think that we already have that under existing law.