

Cited in that case is the landmark case of *McPherson v. Blacker* (146 U.S. 1) in which Chief Justice Fuller said: "The appointment and mode of appointment of electors belong exclusively to the States under the Constitution of the United States" (op. cit., p. 35).

This bill defines the term "registration district" as a political subdivision of a State authorized under State law to provide for the registration or qualification of individuals, living therein, to vote in Federal elections held in that State.

The gist of the bill is in sections 3, 4, and 5.

Individuals who (a) believe themselves to be qualified, under State laws to vote in Federal elections held in such State, (b) have within 1 year before filing a petition under this section, unsuccessfully attempted to register, in his registration district, to vote in any Federal election, and (c) believes he is being deprived of his legal right to register to vote in such election solely because of his race, religion, color, or national origin, may file with the President a petition requesting that a Federal registrar be appointed for the registration district in which such individual lives. Whenever the President shall have received within a period of a year nine or more of such petitions, he shall refer such petitions to the Commission on Civil Rights. If the Commission investigates and determines that such citizens are being denied the right to vote [sic] solely because of their race, religion, color, or national origin, the Commission certifies that fact to the President. Thereupon, the President shall appoint from among Federal employees living in or near such district an individual to serve as Federal registrar for such district until such time as the President determines that individuals living in such district are no longer being denied the right to vote in Federal elections solely because of their race, religion, color, or national origin.

The Federal registrars so appointed shall accept vote registration applications from all individuals living within that district who allege that they are being denied the right to register to vote in such district solely because of their race, religion, color, or national origin.

Without any determination by any tribunal or person that those allegations are true, the Federal registrar proceeds to examine the applicants.

All applicants whom he finds have the qualifications requisite, under the laws of the State wherein such district is situated, for electors of the most numerous branch of the legislature of such State, shall be registered by him as being qualified to vote in Federal elections in such district, and the Federal registrar shall certify to the appropriate election officials of such State the name of all applicants registered by him and the fact that such applicants have been so registered.

Any individual who is registered under the act by a Federal registrar shall have the right to cast his vote, and any election official who denies him the right is punished criminally.

S. 2719, introduced by Senator Morse, is substantially the same as S. 2684. It was supplemented by S. 2722 introduced by him on the same date. This provides for the preservation by State registration officers of all registration and voting records for a period of 5 years after the making thereof.

On January 11, 1960, Senator Javits introduced S. 2783 "to protect the right to vote in Federal elections against denial on account of race, religion, color, or national origin, by providing for the appointment of Federal registrars by the President."

This bill of Senator Javits' is almost word for word that of the one introduced by Senator Morse (S. 2719) 4 months before. Why the additional bill was thought necessary, I do not know. On January 14, 1960, Senator Humphrey for himself and others introduced S. 2814, Federal Election Registrations Act of 1960. It is similar to S. 2684. Preceding all of the bills mentioned, S. 2535 was introduced on August 12, 1959 by Senator Hart and others including Senators Morse and Hennings.

This bill denominated as the "Congressional Elections Act" seeks to establish an agency of the legislative branch of the Federal Government authorized to conduct the elections of Members of the Senate and the House of Representatives.

It tacitly recognizes what some of the others, S. 2684 for instance, do not: (1) That no one, except Presidential electors, vote for any one for the office of President or Vice President of the United States; (2) that a Presidential elector is a State officer and not a Federal officer; (3) that under the Constitution of the United States (art. II, sec. 1, par. 2) as construed by the Supreme Court