

The CHAIRMAN. On page 12 of your statement, the second paragraph, you state:

What has any Federal court to do with whether a person is qualified to vote at any election?

Now, the 15th amendment is not limited to any election, whether it is State or Federal, is it?

Mr. BLOCH. The 15th amendment applies whether it is municipal or presidential.

The CHAIRMAN. And it also provides, in section 2—
Congress shall have the power to enforce this article by appropriate legislation.

Mr. BLOCH. That is right.

The CHAIRMAN. So that any bill that provides for control of State elections could well be grounded on the 15th amendment?

Mr. BLOCH. The 15th amendment provides, leaving out the United States, that no State shall deny or abridge the right of any person to vote on account of his race, color, or previous condition of servitude. Now, my position is—then in the next sentence is about the appropriate legislation.

My position is, and always has been, and always will be, that for it to be appropriate legislation under the 15th amendment the legislation must be confined to preventing the denial or abridgment of a citizen to vote on account of his race, color, or previous condition of servitude, and that that denial or abridgment must be on the part of a State.

The CHAIRMAN. There is no question—

Mr. BLOCH. And that this goes beyond that definition.

The CHAIRMAN. And when you say "must be on the part of a State" it can also mean under color of State law?

Mr. BLOCH. No, sir; I don't agree to that; no, sir. That is one of the questions that is pending in the Supreme Court right now—this phrase "under color of the law" some smart person thought of. But I don't think "under color of the law," or the phrase "State action," means a blessed thing. The question is whether there is a denial or abridgment on the part of a State, and calling it under color of the law, or calling it State action, doesn't make it a denial or abridgment by the State until the State has denied or abridged.

Mr. MEADER. Mr. Chairman, would the chairman yield to me?

Mr. ROGERS. Just a minute, let me ask him this question.

Then by that answer, any action taken by a State official is not an action of the State. Is that your interpretation?

Mr. BLOCH. Put it this way. All actions taken by a State official are not actions of the State. Read the case I suggested. That question is up over there now. Read the case of *Barney v. the State of New York*.

Mr. ROGERS. Then your position is that it is not State action, although the Governor may act; although the sheriff may act.

Mr. BLOCH. No, I didn't say that.

Mr. ROGERS. Well, then, where is the line of demarcation? When does he fail to be a State official, and when does he act on his own when he is performing a duty assigned to him under a State statute?

Mr. BLOCH. Those question, Mr. Rogers, I think have been answered by the Supreme Court of the United States in *Barney v. the City of*