And it was that case that caused me to give to Mr. Meader the answer that I did. But the application here is, and I have written it down so that I can make it perfectly clear—I say there cannot be pattern or practice, using the language of this bill—there cannot be pattern or practice which can legally be synonymous with denial or abridgment by the State until the State courts have been given the opportunity to correct those acts which are said to constitute a pattern or practice.

Mr. HOLTZMAN. Mr. Chairman, may I ask a question at that point?

Mr. Bloch, you are familiar, of course, with the case of *King* v. *Chapman.*

Mr. BLOCH. Yes, sir, I was of counsel there.

Mr. HOLTZMAN. As a matter of fact, did you argue that case?

Mr. BLOCH. Yes. It was tried before the same judge who tried *United States* v. *Raines*, Judge T. Hoyt Davis.

Mr. HOLTZMAN. Now, how did that case come into the circuit court of appeals?

Mr. BLOCH. How did it get to the circuit court of appeals? It was a suit, as I recall it, for damages, brought by Primus King, a colored man, who claimed to have been denied the right to vote in a Georgia primary held on July 4, 1944. He filed a suit for damages against Chapman and others, who constituted the executive committee of Muscogee County, Ga., Columbus.

The defendants had about admitted themselves out of court before I ever got into the case. But be that as it may, it got into court by a damage suit, under section 1983, I think it is now, of title 42, claiming that King had been deprived of his civil right, to wit, his right to vote, by an act of Chapman and others, the Democratic executive committeeman of Muscogee.

We tried to distingush *Smith* v. *Allwright* from the Georgia system, because *Smith* v. *Allwright* dealt with the Texas primary laws, where the primary was compulsory, and our primary was not.

Judge Sibley, in the 154 F.(2d), I think it is, writing for the court, said that when our State permitted the primary and required the county unit system to be observed in the primary, that that constituted an abridgment or denial on the part of the State.

Mr. HOLTZMAN. I did not get the last part of your answer. When your State did what?

Mr. BLOCH. Judge Sibley, speaking for the circuit court of appeals, held that by reason of the fact that Georgia required all primaries when and if held to be held under the county unit law, that that constituted State action, or denial or abridgment by the State, within the meaning of the 14th amendment. I mean the 15th amendment.

Mr. HOLTZMAN. Well, did not this law permit only white citizens to vote in the Democratic primaries?

Mr. BLOCH. Sir?

Mr. HOLTZMAN. Did not this law, upon which *King* v. *Chapman* was based, permit white citizens only to vote in State and Federal primaries in your State?

Mr. BLOCH. At that time——

Mr. HOLTZMAN. 1946, now, we are talking about.

Mr. BLOCH. Sir?

Mr. HOLTZMAN. 1946.