

Mr. BLOCH. I would be very glad to have the opportunity to supplement my memorandum with a written memorandum to the chairman for insertion in the record. (See app. B.)

Mr. WILLIS. I ask, Mr. Chairman, and that will be done, I know, shortly, that the gentlemen give some study to the precedent, so-called, of the antitrust laws, and let's dig into it.

Mr. BLOCH. He said something about the antitrust laws. I never had an opportunity to look into it. As I say, it has not been but 5 days since I read it.

But my point is this, sir—

The CHAIRMAN. I just want to make an answer to that request. You have a right to insert in the record anything you want to put in there concerning so-called precedents under the antitrust laws.

Mr. BLOCH. Yes, sir.

But what I was talking about was this: Assuming that that is a good phrase, and assuming for the sake of the argument merely that a pattern or practice means something and gives somebody a right to do something—now, here is my point—under this bill, 10035, the Federal judge is given a right to appoint Federal referees whenever he finds that a pattern or practice of discrimination exists.

Now, my point is this, sir: Even if that Federal judge finds that a pattern or practice of discrimination exists, that that pattern or practice of discrimination, or prejudice, as Judge Walsh at one time calls it—that that pattern or practice cannot be considered or cannot be deemed as synonymous with a denial or abridgment by a State until a State—the State in which that pattern or practice is carried on—has had the opportunity to correct that pattern or practice by decisions of its own courts.

That is my point.

The CHAIRMAN. You say Judge Walsh maintains that?

Mr. BLOCH. Sir?

The CHAIRMAN. You did not say Judge Walsh maintains that, did you?

Mr. BLOCH. I said that was my view. That even if a pattern or practice on the part of registrars exists, that that does not mean anything unless that pattern or practice can be legally—is legally synonymous with denial or abridgment by a State. And that that pattern or practice cannot become synonymous with denial or abridgment by a State until the courts of the State have had a right to adjudicate with respect to that pattern or practice.

Now, that is what this case holds.

The CHAIRMAN. You do not mean to say that a State cannot be accused of, say, a wrong, until the State is advised of the wrong and shall have an opportunity to correct it? Is that the gist of what you are saying?

Mr. BLOCH. What I mean to say is this—using the language of the *Raines* case—that is now pending over in Court.

In the *Raines* case, the petition alleged that the wrongful acts alleged to have been committed against these alleged schoolteachers were designed and intended by the registrars to deprive the colored people in Terrell County of their right to vote.

Now, what I mean to say is that where practices are designed by individuals who happen to be State registrars, and intended by them to carry out a policy of discrimination or unconstitutional abridgment