

or denial, that those acts and practices cannot be considered the acts of the State until the State has had an opportunity to pass on them. That is what I mean to say. That there isn't any abridgment or denial by the State—

The CHAIRMAN. What do you mean, until the State has had an opportunity to pass on them?

Let me ask you a question: Suppose an elected official of a State does something in the name of the State. Does that mean that the State is not guilty or is not responsible for the act of that elected official, or even appointed official, acting under color of the State's authority—the State is not responsible unless the State actually had notice? And how could you give notice to the State, except through the duly appointed officials of the State? And if duly appointed officials of the State do certain things, then, why isn't the State having notice of it?

Mr. BLOCH. It isn't a question of notice. It is a question of opportunity to correct. What the Supreme Court held—I think the Supreme Court answered the chairman's question in the *Barney* case, if it is still the law. In the *Barney* case, the members of the Rapid Transit Authority of the City of New York exceeded their authority in building a subway in a place where they had no right to build it under the State law. The Supreme Court of the United States, through Chief Justice Fuller, unanimously held that that was not State action until the courts of New York had had a right to pass on the action of the transit authority.

The CHAIRMAN. You tell us how in the world could the State get notice. How could the State, under your theory, get any kind of notice that it is doing wrong?

Mr. BLOCH. It isn't a question of notice.

The CHAIRMAN. Tell us how you could give notice to the State.

Mr. BLOCH. If one of these people in any county in Georgia, colored people or white people or Puerto Ricans or Filipinos or what-not, claims that he is qualified to vote and that he has a right to vote under State law, and he applies to the board of registrars to be registered so that he can vote, and the registrars willfully, contrary to State law, refuse to let him vote, because he is a Negro or a Puerto Rican or a Filipino or what-not, all that he has got to do is to file an appeal from that decision to the superior court of the county where the board of registrars sits, and then to go to the court of appeals and the supreme court.

What I say is that until he does that, there is no denial or abridgment by the State.

The CHAIRMAN. In other words—

Mr. BLOCH. And I say he has got to pursue his State judicial remedies.

The CHAIRMAN. Do you want him to go through a veritable obstacle race before he can establish notice on the part of the State?

Mr. BLOCH. Our law provides that registrations must close 6 months prior to the election. The reason for that 6 months' period is that the registration list can be scanned, examined, and culled. During that 6 months' period, if that man that claims he is deprived of the right to vote really wants to vote and really has been discriminated against, and really has been unconstitutionally denied the right to vote, he has got his remedy. But there hasn't been one of them I know of to pursue that remedy.