

Mr. BLOCH. The case, to use the language of the Constitution, or controversy, is one in which the plaintiff is the United States of America, and the defendants are those who are accused of having engaged in acts or practices which have deprived certain named people of their rights under 1971 (a) or (b). And the object of the case—

Mr. MEADER. Now, wait a minute. You bring in certain named people—I want to correct this—you say certain named people.

Mr. BLOCH. Read, if you do not mind—

Mr. MEADER. This is what (c) says:

Whenever any person has engaged—

Mr. BLOCH. That is 1971—how does 1971(c) start? “Whenever”?

Mr. MEADER (reading):

any person has engaged or there are reasonable grounds to believe any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

It does not say that the Attorney General must name Joe Doakes or Eli Smith as having been deprived of the right to vote. It does not indicate that any person who has been deprived is either a primary party or a beneficial party to the action.

Is that correct?

Mr. BLOCH. I do not believe, sir, that any court in the land, any district court in the land would entertain an action under 1971(c) as it presently exists, unless the Attorney General of the United States of America would allege the names of the persons who are claimed, who he says have been deprived of their constitutional right by other persons.

Mr. MEADER. That may be, but certainly the statute does not require the naming of any individual, does it?

Mr. BLOCH. Well, that would be a question of court construction. If I were a judge, I would say that the statute does require it. It doesn't say it in so many words, but if I were a judge, and the Attorney General of the United States of America brought a suit in my court against a board of registrars of any county in your State or my State, and said that that board of registrars, those persons have deprived other persons of their 15th amendment right, contrary to 1971 (a) and (b), I would make him allege what persons have been so deprived, because how can you try a case without it?

Mr. MEADER. Would you permit him to name 4 or 5 or a dozen or two dozen or 50 individually named persons, and say, “and others”?

Mr. BLOCH. And others similarly situated?

Mr. MEADER. Yes.

Mr. BLOCH. If I were the judge, I would make him say who the others similarly situated were.

Mr. MEADER. You would not permit a suit on behalf of a class?

Mr. BLOCH. No, sir. I think the doctrine of class suits has gone too far.