

The CHAIRMAN. Mr. Bloch, I think there is ample answer there in the 15th amendment.

The 15th amendment doesn't say that before you can redress that wrong you have to go through the encompassing process of going through the courts of the States and you must exhaust all your State remedies.

It simply gives the complete right of an individual to have his wrong redressed when the wrong is committed by the State and then section 2 says the Congress shall have the power to enforce this article by appropriate legislation.

Now that is full and sweeping powers. If there is any doubt about it, I'm going to cite you the very decision of the court in the case in which you represented the defendants in the *Raines* case and here is what the court said.

Mr. BLOCH. What are you reading from, Mr. Chairman?

The CHAIRMAN. Beg pardon?

Mr. BLOCH. Are you reading from the *Raines* case?

The CHAIRMAN. I am reading from the decision of the judge in the case in which you appeared as defendant, Judge Davis:

The fact that Congress in subsection 4 of section 1971—
that is the Civil Rights Act of 1957—

provided that the court shall exercise that jurisdiction "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law" does not change the nature of this action from one in equity.

It merely provides that in such an equitable proceeding a certain, well established principle shall not be applicable.

The court knows—

and listen to this—

the court knows of no limitation on the right of Congress to so legislate.

It is well known that the Federal courts have often refused to act because complainants had failed to exhaust their other remedies (*Peay v. Cox*, 190 Federal 2d 123).

This rule, however, could hardly be applied where Congress has expressly directed the courts—

as they did in the Civil Rights Act of 1957—

to exercise their jurisdiction without regard to such a fact.

Now that is without regard to exhausting other remedies.

Mr. BLOCH. Administratively?

The CHAIRMAN. Any remedies. That is the decision of your own judge.

Mr. BLOCH. Mr. Chairman, would you mind reading the last 8 or 10 lines of that opinion, right at the very end?

The CHAIRMAN. Be glad to.

For the reasons set forth above, the court concludes that the section 1971-C—
and the portion I read, he spoke of 1971-D—

of title 42 is beyond the jurisdiction of Congress and unconstitutional. It is not appropriate legislation within the meaning of section 2 of the 15th amendment to the Constitution of the United States.

There exists no other basis for action by the Attorney General in the name of the United States seeking the remedy here sought, the action to dismiss your appeal.