

However, in the years since its enactment, a number of serious defects in the statute have become plainly apparent, most of them having been pointed out in judicial decisions. The most obvious defect in the law is that it does not protect the voters in federal elections from unlawful interference with their voting rights by private persons. It applies only to those who act "under color of law", which means to public officials. The activities of private persons and organizations designed to disfranchise voters in federal or state elections on account of race or color are not covered by the present wording of 42 U.S.C. 1971 and the statute fails, therefore, to afford voters the full protection from discrimination contemplated and guaranteed by the Constitution and its amendments.

Section 1971 of Title 42, United States Code, is clearly defective in another important respect. It fails to lodge in the Attorney General any authority to invoke civil remedies for enforcement of voting rights and is particularly lacking in any provision authorizing the Attorney General to apply to the courts for preventive relief against violation of voting rights. We think this is a major defect. The ultimate goal of the Constitution and of Congress is the safeguarding of the free exercise of the voting right, acknowledging the legitimate power of the states to prescribe necessary and fair voting qualifications. Civil proceedings by the Attorney

