the equal protection of the laws. The courts have held that these prohibitions operate against election laws which discriminate on account of race, color, religion or national origin. And both of these Amendments expressly confer upon Congress the power to enforce them by appropriate regulations.

Beyond the provisions of the Fourteenth and Fifteenth Amendments, which inhibit only official action, Congress has the broad power to protect voters in elections for federal offices from action by private individuals which interferes with the right of the people to choose federal officials. As the Supreme Court said in 1941 in United States v. Classic (313 U.S. 299, 315) this right to choose "is a right secured by the Constitution . . . And since the constitutional command is without restriction or limitation, the right, unlike those guaranteed by the Fourteenth and Fifteenth Amendments, is secured against the action of individuals as well as of states."

The Dwight D. Eisenhower Library

Congress passed many years ago statutes, now 42 U.S.C. 1971 and 1983, under which private persons claiming that they had been deprived of the right to vote on account of race or color by persons acting under color of state law have been able to bring civil suits for damages and preventive relief. In fact, it is in a long series of cases brought by private individuals under these statutes that the courts have held that the constitutionally protected right to vote extends beyond the general election to any primary or special election which is either a recognized part of the state's election machinery or which is, in fact, the only election which counts in the ultimate selection of the elected officials.

The Congress has also authorized Federal criminal prosecutions in the voting field. Actions by private individuals which interfere with the right to vote for federal officials may be prosecuted under 18 U.S.C. 241 or 594. Persons who act under color of law to deprive individuals of their right to