

For example, the Commissioners are not full-time Government officers at all. They are men drawn from other walks of life, university presidents and deans of law schools, who contribute a day or two a month to this very important work. You would have to get a full-time group, a staff, examiners, and all that sort of thing that the Administrative Practices Act contemplates, in order to make the proposal work.

The third point that we raise in objection is that the relief would merely extend to Federal elections; it would not cover State elections; and we think State elections are as important, if not more important, than Federal elections.

Mr. WALTER. On page 3 of the proposed bill, Judge Walsh, the second paragraph from the bottom, it is provided: "Any person appointed by the court pursuant to this subsection shall have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure."

Is that language proposed in order to avoid the provisions of rule 53? Why does it refer to only one section of the rule?

Mr. WALSH. For example, 53(a) deals with standing masters. This is a difficult problem altogether. Rule 53(b) indicates the court's view that masters should not be appointed except in exceptional cases. We did not think either one of those had any applicability.

Then, 53(c) contemplates—

The CHAIRMAN. Rule 53(c) is embraced in the act.

Mr. WALSH. Just 53(c).

The CHAIRMAN. Why not 53(d)?

Mr. WILLIS. Rule 53(d) and (e).

Mr. WALSH. Rule 53(d) and (e) contemplate a contested hearing on notice.

The act as it was contemplated, the referee would ordinarily not conduct hearings on notice. In other words, we are shifting now from the registrars' act over to the Attorney General's proposal. The referee's hearings would be ex parte and limited to very simple questions: The voter's residence, his age, and then if there were literacy requirements, to test the voter as to those, and if there were other requirements by valid provision of the State law, to test him as to those. Then he would report to the judge, and the judge would then hear exceptions to his report.

The CHAIRMAN. In other words, you do not spell out the nature of the proceeding before the referee at all?

Mr. WALSH. No, sir.

I realize that there has been some comment that that would be desirable. We have no rigid views on that. We felt that this should be left in the hands of the local Federal judge. He knows his community, he knows his problem, he knows his people, and he knows his referee that he is going to appoint. He can control all that in his own discretion. But, I have submitted this morning, not as a recommendation of the Department, but as language to show how these incidental procedures could be spelled in greater detail than the Attorney General's proposal and Congressman McCulloch's bill now spell them out.

Mr. MEADER. Are you referring to page 7, where you say the court will provide in its order for notice to the other parties, and so on?