

Mr. WALSH. You are right.

Mr. POFF. Then, is there not a hiatus? Can you properly say that subsection (b) does have a constitutional basis, a full constitutional basis, in article I?

Mr. WALSH. An exclusively constitutional basis in article I right.

Mr. POFF. As a matter of fact, that question has never been before the court, has it?

Mr. WALSH. No.

Mr. POFF. The case of *U.S. v. Reines* does not deal with that?

Mr. WALSH. No, it does not.

Mr. POFF. That is all.

Mr. MEADER. I would like to call attention to the word "applications" on line 5 of page 2: "the court may appoint one or more persons (to be known as voting referees) to receive applications." But the remainder does not say applications for what. Does it mean applications for a voting certificate, a certificate that the applicant is entitled to vote?

Mr. WALSH. Yes, sir.

Mr. MEADER. Or does it mean to receive complaints that the person has been denied registration? Would not a proper word be "complaints" that the referee receives?

Mr. WALSH. No; the person is applying to the referee not to have action taken against the registrar, but to himself secure his right to vote.

Mr. MEADER. Should it not be to receive applications for voting certificates, or registration certificates, or something?

Mr. WALSH. Well, applications for an order qualifying him to vote, which is what he would get under this procedure.

Mr. MEADER. There should be some clarification about what this application is for, should there not? If it is an application for some other kind of relief, other than this certificate which the referee is later authorized to deliver to the applicant, than I think it should say that.

Mr. WALSH. Congressman Meader, I do not think the application could be read in any other way. But if you thought by spelling it out again it would be better, we have no objection to that.

Mr. MEADER. It should be clear that what was actually received by the referee was a complaint of denial of registration which the referee is going to investigate.

Mr. WALSH. The essence of the thing is the complaint. All the applicant wants is his right to vote; and what happens to the registrar he leaves to somebody else.

Mr. MEADER. This question of procedure again comes up. The referee proceeds, as I believe you said, on an ex parte basis.

Mr. WALSH. No. That is the way I would assume the judge would have him proceed. That is the way it is anticipated he would proceed.

Mr. MEADER. I think in most referee and master proceedings, all parties to the controversy are given an opportunity to be present, to present evidence, to cross-examine witnesses and be heard before a referee, and some kind of a record is maintained of the evidence. There is nothing in here that provides for notice to the parties against whom a decree is going to run; there is no provision for their appearance, presentation of evidence, cross-examination of witnesses, or the preservation of a record of the evidence.