

Mr. WALSH. That is all left to the judge. The anticipated procedure is that he would have the referee report to him as to the qualifications of individual applicants, and when he had enough to conduct a worthwhile hearing on it, he would give notice to the State registrar and to the other parties of the original, underlying proceeding, so that they could come in and except to the referee's report and be heard to whatever extent they are entitled to be heard before the court itself.

Mr. MEADER. My attention has been called to a memographed draft with no number and no indication who the author is. On page 2 of this draft, it expressly directs that the application shall be heard *ex parte*.

Mr. WALSH. I can explain who the author is of this draft, because it is the Department and I. The purpose of the draft was this:

There had been considerable comment exactly along the lines on which you have been proceeding: that the procedures before the referee are not spelled out, and there is not a clear understanding of how this would proceed before the referee, and how it would come to the court, and where there would be opportunity to be heard, and so forth.

We thought that this was all a matter which should be left in the hands of the Federal district judge. He will provide for all that in his order. He issues an order of injunction, and he appoints a referee, and then he is going to tell the referee exactly how he wants him to proceed, whether *ex parte* or how, and when he is to give notice to the other parties, and so forth. That would all be laid out in the district judge's order in the basic case in which the court found a pattern of discrimination.

But if it were felt by Congressman McCulloch or any member of this committee that this would be better clarified, this language has been prepared which I have just submitted, and which I should like to make a part of the record, if the chairman will permit it—

The CHAIRMAN. Yes, you may—

Mr. WALSH. To show how it should be implemented if it not desirable. It all depends on how much you want to spell out for the judge, or how much to leave to him.

(Document referred to follows:)

A BILL To amend the Civil Rights Act of 1957 by providing for court appointment of United States Voting Referees, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America assembled, That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:*

(a) Add the following as subsection (e) and designate the present subsection (e) subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) of this section, in the event the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice, the court may appoint one or more persons (to be known as