

The CHAIRMAN. But voting referees cover both registration and voting.

Mr. WALSH. Yes, sir.

The CHAIRMAN. And also counting the vote.

Mr. WALSH. Yes, sir.

The CHAIRMAN. As I understand it also, in the case of Federal registrars, for want of a better term, you have the use of, shall I say, "carpetbaggers." You have people who are not necessarily residents of the particular district where the disturbances occur, or the untoward conduct occurs.

Mr. WALSH. I believe it is not necessary, in the bills that have been introduced—I do not know that the Commission directed itself to the problem, but in the bill introduced it is not so limited.

The CHAIRMAN. But in the case of voting referees, it is essential that those who act as referees be from the locale where the difficulties arise?

Mr. WALSH. It is not made essential, but the assumption is that any district judge is going to appoint somebody from his district.

The CHAIRMAN. In other words, a voting referee would be very much like a special master or a referee in bankruptcy, who are usually appointees of the court, which men are appointed ordinarily for the lists that the judge has of lawyers who appear in that court?

Mr. WALSH. Exactly.

The CHAIRMAN. Would you say that the right to vote and the right to register is a controversy before the court under article III of the Constitution?

Mr. WALSH. Under article III, yes, sir.

The CHAIRMAN. Why would you say that?

Mr. WALSH. Well, because the applicant seeks a court's determination as to his right to vote, the other parties to the proceeding, who would be the U.S. attorney, the registrar, and any other persons who were in the original injunction proceeding, have an opportunity to be heard in opposition to the right asserted by the applicant, and the judge makes a determination which is final. This is no mere advisory determination or administrative determination. This is a final determination. And the only way you can go beyond the judge's determination is to appeal through the courts.

The CHAIRMAN. Now, you speak of a pattern or practice which might involve a number of people. Would you say where a number of people are involved it would be also a justiciable question or controversy under article III of the Constitution?

Mr. WALSH. Yes, sir. The justiciability would not depend on the number of people.

The CHAIRMAN. What would you mean by "pattern or practice"?

Mr. WALSH. Pattern or practice have their generic meanings. In other words, the court finds that the discrimination was not an isolated or accidental or peculiar event; that it was an event which happened in the regular procedures followed by the State officials concerned.

The CHAIRMAN. What would be the sanctions or punishments in the event a State official violates the order of the court?

Mr. WALSH. In addition to whatever criminal sanctions there might be, there would be the punishment for contempt which is provided in the Civil Rights Act of 1957, which is a 45-day penalty.