

Then on, say, February 10, some individual comes forward and says, "I have been deprived of my right to vote, of my right to be registered." He comes in 10 days after the order is issued by the judge. His name is not on the original order. Can he become part of that proceeding?

Mr. WALSH. Oh, yes. Yes.

The CHAIRMAN. How can he?

Mr. WALSH. If he came in to the referee, he would have to show two things: One, he was qualified, and two, he tried to apply to register. If he had not gone to the State registrar and tried to register, his application would not be accepted.

The CHAIRMAN. But his name does not appear on the original order.

Mr. WALSH. That is all right.

The CHAIRMAN. And there is no evidence that he was a victim of the practice or pattern when the original order was issued.

Mr. WALSH. Well, if you found a pattern and practice against Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble.

The CHAIRMAN. You mean that Congress can justify that presumption?

Mr. WALSH. Yes, sir. I think it is a reasonable presumption. I think if you have had a pattern found, the likelihood of any other reason for refusing to let him register even though he was qualified is nil. So I think there is a reasonable basis for such a presumption.

Not only is it reasonable, but it is necessary, because for an individual to prove each case that he had been a victim of prejudice is very difficult. Therefore, I think he needs Congress' help in that regard.

Mr. WILLIS. Would the chairman yield?

The CHAIRMAN. Is there any precedent where Congress has created such a presumption?

Mr. WALSH. The first thing that occurs to me is in the antitrust cases, where the presumption is not conclusive, but presumptive. Where there has been a Government antitrust case, a private plaintiff who claims to have been the victim of the same pattern of restraint of trade which the Government has proved may cover his burden of proof by relying on that proved in the Government case.

This is not a conclusive presumption; that would establish a prima facie case.

The CHAIRMAN. That was not in the statute. That is your interpretation of it.

Mr. WALSH. No, I think that is in the statute.

The CHAIRMAN. I beg your pardon; it is in the statute.

Mr. McCULLOCH. Will the chairman yield?

The CHAIRMAN. I think Mr. Willis asked before. He has been very patient.

Mr. WILLIS. I will yield.

Mr. McCULLOCH. I would like to ask this question: If the gentleman who has been charged with denying a qualified citizen his right to register and vote and there has been an ex parte hearing and there then follows a report of a referee, which in turn is followed by a supplemental decree, which is then violated by an elec-