

Mr. WILLIS. Will you defer 1 minute? There is a question right here in this regard on the passage we were talking about.

Referring again to these third parties in the community or in the area who are not parties to that original action, they make application to the referee for what the bill does not say, but application for the right to vote.

Mr. WALSH. Yes.

Mr. WILLIS. That is implied, I take it.

Mr. WALSH. Yes.

Mr. WILLIS. Then, according to your explanation and clear statement of your proposal on page 6 let us find out what this third party has to prove or not to prove to be registered. You say: "It will not be necessary for the applicant to prove anew the existence of the pattern or practice of discrimination which the judge has already found." Meaning in the original action.

Mr. WALSH. Yes, sir.

Mr. WILLIS. "Neither will it be necessary for him to prove that the denial of his right to register was because of that pattern."

Mr. WALSH. That is right.

Mr. WILLIS. Then you say: "This difficult element of proof is the one which the statute would eliminate. Congress would in effect provide that where the Court has found a pattern of discrimination against Negroes, it is so obvious that this pattern is the only cause for the denial of registration to a fully qualified Negro applicant that the applicant need not prove this casual link."

Mr. WALSH. That is the heart of the bill.

Mr. WILLIS. That is what I understood it to be.

And we are talking about the 15th amendment, which talks about the lack of power of the Federal Government or of the State to deny or abridge the right to vote on account of race, color, or previous condition of servitude, which is in it. But this very thing that the 15th amendment protects, the individual is not required to prove.

Mr. WALSH. That is the purpose of this statute. In other words, that Congress has a duty under the 15th amendment, where an evil exists, where State election laws are so administered that Negroes cannot vote, Congress has a duty to make it possible for them to vote. And if this statutory provision is the only way in which it can be done, or the only effective way in which it can be done, it is appropriate legislation under the 15th amendment, and we say it is necessary for these reasons: First, the inference is reasonable. If he is qualified to vote, what reason is there for denying him the right to vote? And when we know that the very registrar who denied him the right to vote has been party to a pattern and practice of discrimination, what other inference is possible?

Second, it is necessary that Congress enact such a presumption, because it is almost impossible for this poor individual applicant to prove it.

He has to prove the state of mind of the registrar; and the registrar, knowing he will be under threat of contempt, is not likely to be very helpful in developing this line of proof.

Then, of course, the Civil Rights Commission has found—on which I make this finding of my own—that Negroes who have attempted to assert these rights have been subjected to threats of economic pressure and violence.