

For all of these reasons, I think this is appropriate legislation under the 15th amendment.

Mr. WILLIS. I understand, and I am not questioning your devotion to protecting the right to vote. And may I say parenthetically, you can go in my district. They vote, and have been voting, so I am not involved in this thing. But we are talking about a proposal.

This is one approach. The Civil Rights Commission suggested another approach, that you are critical of. As a matter of fact, your chief, the Attorney General, has ridiculed it by saying that their proposal was like buying a ticket to the Dempsey-Firpo contest many years ago. You are not only critical of it, but you ridiculed what the Commission does.

Mr. WALSH. I don't think it was ridiculed.

Mr. WILLIS. Now you come with this proposal. What I am wondering is, could you not perhaps find a better way to achieve what you are after, rather than asking Congress to establish presumptions in the fashion that you suggest?

In other words, have you people thought this thing out long enough? How long have you been working on this bill?

Mr. WALSH. I will tell you how long we have been working on it. It goes back probably to before the time I came to the Department. But since the civil rights report in 1959 we have given it a lot of thought, and we respect the Commission for its report and for its suggestion, which has opened up all this line of legislative possibility.

We started off with the Commission's report, which required appointment by the President. We thought it seemed wrong to draw the President into this. Here is a man who is trying to guard the national security, and he has to start worrying about county registrar? So we tried to find a better way. We thought, who is the officer most likely to be respected in the locality in which this problem exists? And we thought of the Federal judge. Then we said, "All right, have the Federal judge appoint the registrar." Then we said, "Well, that will be supplanting a State officer with a Federal officer. Why do that. We will have the Federal judge appoint a special master, or call him a referee, who wouldn't act unless the State registrar has had a chance to act and has refused to act." That is the next step we took.

Then, we said, "How will this proceeding go before the referee? What will the applicant have to do, and how can we make his right to vote effective?"

Well now, the registrar proposal does not deal with the right to vote. That talks about registration as though that were something of value in itself. So we developed the parts of this bill which authorize the Federal judge to send persons to the polling place and the place where the votes are counted, to see that any rights which he would have would be respected.

Then it came to the question, How does this applicant prove his right to vote? Does he have to prove all over again this pattern of discrimination which it took the U.S. attorney probably weeks of preparation to prove? Or will that make his right to vote effective?

Here the white people are. They are going into the State registrar's office. All they do is fill out a form and answer a few questions, and they vote. Are we doing anything for this Negro if we say, "You go before a voting referee, and you prove your case from beginning to