

The CHAIRMAN. Counsel wants to ask you a question.

Mr. FOLEY. Judge, let us take Mr. Celler's proposition as you heard it. You stated the last section would take care of the Alabama situation, where you substitute the State for persons.

Mr. WALSH. Yes.

Mr. FOLEY. Now, take the next step, if possible. What would happen if the new registrar was appointed to succeed the deceased, and then a Negro applies for the first time to the new registrar, tries to register, and is rejected? Would that presumption which flows from the finding in your original action of a pattern of discrimination cover the new registrar under this new application?

Mr. WALSH. Yes, it would, unless there was some proceeding brought before the court to vacate the injunction and vacate the order because of the death of the previous registrar.

In other words, the order of the court would apply to the registrar and his successor, and any other agent of the State who—

Mr. FOLEY. Even though he was not a party in the original action nor named in the order?

Mr. WALSH. Yes. The identity of the registrar is secondary to his State office. He is in here because he is a State officer, and he is abusing the rights of a State office.

Nobody is coming before this voting referee who has not been first over to the State registrar and tried to get registered. If he is qualified and registered, there is no problem. It is only when he is qualified and not registered that we ask that Congress find that that pattern is continuing in one form or another, and that is the only logical explanation of why he was denied registration.

The CHAIRMAN. In other words, the order would be against a certain registrar and his successors, and so forth.

Mr. WALSH. And the State of Alabama, or whatever State was involved.

Mr. MEADER. Mr. Chairman.

I am concerned about these orders running against persons who are not parties to the action. Let us assume that there has been found to be a pattern or practice. Is that confined to a geographical area or a particular subdivision of the Government?

For instance, let us take my community. We have the city of Ann Arbor, and the township of Ann Arbor and other surrounding townships. Let us assume that some case were brought against the city clerk of the city of Ann Arbor, and he was a defendant. But the clerk of the township of Ann Arbor was not a defendant, although the city and the township are contiguous.

The pattern or practice would not extend beyond the individuals who are party to the action; is that correct?

Mr. WALSH. Beyond the scope of the office of the persons who are party to the action. In other words, if the clerk of the city of Ann Arbor was the person whom the judge found had been a participant in this, and it was the power of that office which was used to further a pattern and practice of discrimination, the order would only apply to that particular jurisdiction and would not apply to the town.

Mr. MEADER. So that if a person came before a referee in a case in which the city of Ann Arbor was the only defendant, or the clerk of the city of Ann Arbor, he could not come in to this referee, assuming