

if he thinks there is any issue of fact. I am not sure that can help in the example you gave of the National Labor Relations Board.

Mr. MEADER. Let me just give an example. I always have to think in terms of practical situations.

The city of Ann Arbor is the seat of the University of Michigan, and there are 9,200 students there this year who have already received their baccalaureate degree. Many of them are married, most of them are over 21, and many of them have applied to vote in the city of Ann Arbor, though they may come from Syracuse or anywhere else.

We have had difficulties. Our city attorney has had to deny applications to register and vote. There is a very difficult question of residence, whether the residence requirements of the Michigan statute have been complied with, whether this person intends to make Michigan his domicile and live there, or whether he is just there getting an education.

I would say that is a difficult question of law and fact. And you are having the Federal referee in this case pass upon the application of State law, in a sense supervising the determination of the State official who is also bound to apply the State law.

It strikes me that where you have a proceeding which sometimes involves very difficult questions of law and fact, whether actual residence has been established, that where you deny those who take a different view than the applicant the opportunity to present their evidence and to challenge the evidence of the applicant in the fact-finding processes, you may be denying that person, who will be the one against whom the contempt proceedings will run, his day in court.

Mr. WALSH. Let me answer you this way. I understand the point which you raise.

The parallel here before the referee, I would suppose, in most cases where a Federal judge set up this sort of machinery, the parallel would be to what happens before the State registrar. When these people in Ann Arbor come before either the city clerk or whoever the appropriate State officer is, there is no one there to controvert their issues. There isn't a contested hearing before the State registrar or the county clerk. They act *ex parte*, and they register or deny registration. The controversy begins before the judge when someone challenges the act of the county clerk or the State registrar or, in our case, the voting referee.

When that is challenged an issue of fact is raised, the whole thing will be fought out before the judge, unless he wants to refer that particular controversy back to the referee, in which case he would then require that it be fought out in the way a fact is usually decided in court, with notice and opportunity to be heard, and so forth.

Mr. LINDSAY. Would the gentleman yield?

Mr. MEADER. Let us assume a student applied to the city of Ann Arbor and he is refused the right to register. He has a remedy under the State law through mandamus or some other kind of court proceeding to test the correctness of the decision and the application by the law of those who are doing the registration?

Mr. WALSH. Yes, sir.

Mr. MEADER. In a sense, when he goes to the Federal referee instead of going through whatever State procedure there may be, he is electing to go to the Federal referee and asking for court action to compel the registrar to enter his name on the election rolls.