

Mr. WALSH. The answer is: He is asking for court action as far as the referee is concerned in the first instance. But it is the administrative type of action in which a court officer serves in many areas as a receiver of property or as the conductor of a corporate election. It is that type of action he is asking for in the first instance. He says: "I have just been across the street, and I am qualified to vote, and they slammed the door in my face and said 'get lost.'"

Mr. MEADER. Suppose he goes into a State court for redress against the clerk who refused to register him. The clerk will be a party to that action. He will have all of the rights of due process that are accorded to every litigant. But if he goes instead to the referee appointed in the district court case, the clerk will be denied the right to appear and to appear with counsel and present evidence and cross-examine in the referee's factfinding proceedings.

Mr. WALSH. I think the difference perhaps between us comes in comparing the Federal voting referee to the State court. It is more closely comparable to the county clerk. In other words, the referee will do the work which the county clerk should have done under State law. Again, just as the county clerk would be a party to any proceeding before the State court in which his action was challenged, the State official who was a party to the Federal action will have a full opportunity to be heard before the judge, if he wants to challenge the action of the voting referee.

Maybe I could show it physically better [drawing chart].

[Displaying chart.] In other words, your State registrar is here, and you can appeal from him to the State court. Now, the voting referee is not up here; he is down here, too. The fellow goes across the street to the voting referee, and then if he doesn't like what he does, he goes up to the Federal court and fights it out there.

Mr. LINDSAY. Will the gentleman yield for a question?

Mr. MEADER. Yes.

The CHAIRMAN. I hope it is just one question.

Mr. LINDSAY. Yes; this is just one question.

You have said "if the State registrar wants to challenge what was done." At what point in the language of the bill does he do that?

Mr. WALSH. As the bill is now drawn, Congressman Lindsay, that is entirely up to the judge's order. The judge can provide for a hearing on notice for the referee, or however he wants it done. In the example which we have shown here [showing mimeographed sheet] of possible procedural implementation, he would not challenge it before it gets before the Federal district judge.

Mr. LINDSAY. You mean on a contempt order?

Mr. WALSH. No; on exceptions to the referee's report.

Mr. LINDSAY. This is the same question and I am through, Mr. Chairman.

What happens in this case: Let us assume the man who complains he has been denied the right to vote has been denied the right to vote on legitimate grounds. He can't read or write, he doesn't live in the area, he is the wrong age, and a few other things. He comes in to the referee who has previously found "a pattern or practice of voting deprivations."

Mr. WALSH. And he lies to the referee.