

(The statement of Lawrence E. Walsh follows:)

I have been asked this morning to explain Attorney General Rogers' proposal for the use of U.S. voting referees as an instrumentality for the elimination of racial discrimination in voting.

According to the report of the Civil Rights Commission, in certain areas racial discrimination permeates the administration of State election laws. In these areas the number of Negroes registered to vote is far fewer than would be expected from their proportion of the population. In addition, the report gives harsh examples of the administrative harassment which has blocked the efforts of Negroes who try to vote.

Confronted with the problem of State administrative discrimination against hundreds of persons, the Commission recommended that some alternative type of registration procedure be devised through which those persons could establish their right to vote. Although the Commission itself did not submit any proposed bill for the Congress, a number of bills to implement its recommendation have actually been introduced. Most of the bills propose that in areas in which the Civil Rights Commission finds that persons have been deprived of the right to vote because of their race or color, the President designate a Federal administrative official to be a voting registrar with power to register voters for Federal elections—the election of U.S. Senators, U.S. Representatives, and electors for President and Vice President.

It is the view of the Department of Justice that those proposals are inadequate for the following reasons:

1. There is a constitutional question as to whether the present procedures of the Civil Rights Commission are adequate to support a determination which would in whole or in part supplant a State election officer.

2. If the form of the Commission and its procedures are altered to assume the traditional pattern of administrative agencies, this new function will inevitably weigh down and subordinate the present objective of the Commission which is to gather facts to serve as a basis for congressional action in this field.

3. The relief contemplated would merely extend to Federal elections. Even if effective, the invaluable right to vote for State officials would be lost.

4. The persons who registered before the Federal official would in all probability never be able to vote at all. The ballots provided on election day would almost always be consolidated ballots for both Federal and State offices. A person authorized to vote by a Federal registrar would not be authorized to vote for State offices. Those State election officials who are not in sympathy with the program may be expected to find ample excuse for confusion.

5. At the very best there would be segregated voting. The Negro would not vote at all unless there were made available to him a separate Federal ballot or a separate vot-