

The voter will be given a certificate of voting qualification and the judge may direct the voting referee or such other persons as he deems necessary to attend the polls to see that the voters named in the order are not defeated in their efforts to exercise the rights which the court has by its decree established.

It is also required that the Attorney General cause a copy of the order of the court to be served upon every election official whose acts are necessary to make effective the right to vote of the persons named in the order. In this way the exercise of this right is sheltered from beginning to end by the protection of the Federal court. Anyone who knowingly attempts to thwart the court's order risks the penalties of contempt of court. Further, there will be no excuse for intrusion by any State court under these circumstances. Any effort by it to stay the exercise of the right granted by the Federal order would itself be appropriately subject to stay by a further Federal court order.

It is thus believed that, recognizing the immense difficulties of compelling unwilling State officers to comply with the 15th amendment, the proposal of the Attorney General is the most effective that could be devised to meet this problem. Any effort to establish some system for Federal action outside the Federal courts will put in the hands of the opponents of Negro voting a far greater choice of time and forum in which to entangle the rights of the hopeful voter.

The Attorney General's proposal has the full and unqualified support of the administration. It is believed that it is an effective answer to the problem and the best so far devised for the following reasons:

1. Its control lies in the hands of the local Federal judge. He is a person who may be expected to enjoy community respect and to be fully familiar with the exact conditions of the problem to be overcome. Further, as a judge, his actions, and the actions of the referees he appoints, and the reasons for these actions, are all matters of record explainable to the community and directly reviewable by the appellate courts.

2. Because the court itself will be overseeing the implementation of its own decree, there will be no conflict of agencies or duality of responsibility. The referee will be someone in whom the court has confidence and to whom the court will be approachable for instructions and action.

3. The referee and the persons named in the court's order will be protected by the court's power to punish for contempt, a protection which no administrator or administrative agency can give.

4. The proposal presents no constitutional problem. The powers granted to the referee are based upon a judicial determination of a pattern or practice of racial discrimination in voting. The finding in turn is based upon a court-conducted proceeding in accordance with familiar judicial procedures.

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