

Mr. MEADER. You would then say that only those individuals named in the complaint of the Attorney General could possibly be beneficiaries of anything that resulted from 1971(c) ?

Mr. BLOCH. No, sir, I would not go so far as to say that. But I would say that persons for whose benefit the suit is brought cannot be in an independent proceeding registered by a Federal court to referees, because that would be another and a distinct proceeding which would not be a case of controversy under the Constitution of the United States.

Mr. MEADER. Let us assume it were limited to named persons. Would you believe it would be the right of the district court, whether this bill, H.R. 10035, were passed or not, to appoint a referee or a master to determine whether or not there were other persons similarly situated who should be added as intervenors or added to the complaint?

Mr. BLOCH. Do I think that would be the right of the district court? I do not.

Mr. MEADER. You do not think the court would have that right—not even if he gave notice to the parties, gave them all the rights they had before a referee?

Mr. BLOCH. I do not.

Mr. MEADER. Why?

Mr. BLOCH. Because I do not think that presently the district courts have that power under the Civil Rights Act of 1957, and I do not think that the Congress has got a right to confer that power on the district courts, because I do not think it comes within the judicial power. The judicial power is confined to the determination of cases and controversies. I do not think that the Congress of the United States, broad as its powers are, all of which are delegated, has got any right to confer any such power on a Federal court.

Mr. MEADER. Well, now, you have conceded that the court has a right to appoint a master to do factfinding for him.

Mr. BLOCH. In a case where the court had jurisdiction; yes. They have got a right to appoint a master to supply gaps, to fill in blanks. But, in the first place, they have not got any right to appoint a master to try a case, except in exceptional cases. And they haven't got a right on the basis of one case to say here is another one and we will appoint a master to decide it.

Mr. MEADER. But here is a proceeding which contemplates the Attorney General proceeding in the name of the United States against certain persons, probably election and registration officials of a State, who have deprived somebody of the right to vote, which is guaranteed him under the 15th amendment.

Now, if the Attorney General is required to name certain persons, it is conceivable he might not know everybody before he starts a suit. He ought to have the benefit of the powers of a court, through a referee, if the court's powers are as broad as I believe they are, to appoint referees in aid of the court, to determine what additional individuals should be named in that proceeding, if you require that they be named in the proceeding, rather than being a class.

Mr. BLOCH. Now—were you through, sir?

Mr. MEADER. I am asking for your comment on my statement.