Mr. BLOCH. Here is my comment, here is the way the statute reads—I mean, the bill reads:

> In any proceeding instituted pursuant to subsection (c) of this section, in the event the court finds that under color of law or by State action any person or persons have been deprived, on account of race or color, of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice, the court may appoint one or more persons, to be known as voting referees, to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election, and to take evidence and report to the court findings as to whether such applicant or any of them (1) are qualified to vote in any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote in any election, or (b) found by State election officials not qualified to register to vote or to vote in any election.

Now, Mr. Meader, what I am trying to say is that even if the court finds those condition precedents, and even if we should concede their validity, and constitutionality, and even if it should be conceded that the pattern or practice therein referred to would be an abridgment or denial on the part of the State, that even if all of those things were considered, that the Congress has not the right to confer upon the district courts the rights to receive applications for registration from persons residing all over the State, or even within a limited area of the State, who are not concerned with the original suit, and convert that Federal court into a registration board.

Mr. WILLIS. Will the gentleman yield?

Mr. MEADER. I yield for one question.

Mr. WILLIS. To see if I understand your point, your point is that under the Civil Rights Act, the power of the court is to issue an injunction and to stop the practice and to punish those engaging in that practice, but that now we cannot add a provision going beyond preventive measure, and to turn the Federal courts, through Federal receivers, into boards of registration. That is the issue.

Mr. BLOCH. That is the issue, succinctly stated, but there is another issue.

If the court should—after making those findings—if the court should appoint one or more persons to receive applications from other persons, and so forth, that that latter proceeding, which they try to say is ancillary to the main proceeding, or supplemental to the main proceeding, as you have pointed out, it really is not. It is not ancillary or supplemental. And that latter proceeding is not a case or controversy under the judicial power.

Mr. WILLIS. Under article 3. In other words, the Congress cannot constitutionally confer the extra power sought by it.

Mr. BLOCH. That is right. That was decided in the *Muskrat* case—a funny name, but that is it. In that—that was 291 U.S., I think, on my brief—and the old *Dallas* case, from the Second Dallas. But that latter proceeding is not a case or controversy within the judicial clause of the Constitution.

Mr. MEADER. Mr. Bloch, if I may return, I had some misgivings, if you have read the record of our previous hearing, about some passages of this legislation, which I discussed with Judge Walsh when he was before our committee a week ago today. One of them was whether or not the order of the court, or the decree of the court, would run against persons who were not parties to the proceeding, and it seems to me you have just, in your reply to Mr. Willis, indicated that you believe that