

the order of the court might run against persons who were not defendants in the suit. Is that your belief?

Mr. BLOCH. I said in my prepared statement that that might be possible. I have not studied it sufficiently to say even whether the court, in a supplemental proceeding, could be authorized by the Congress to register people. My view is—I said there that it might be legal.

My view is that it would not be legal. I say legal, that it would not be constitutional, because even in the case of one person named in the bill, for the same of example—named in the suit—that Congress would be conferring upon the court a nonjudicial power.

Now I am not as strong on that—I am frank to admit I am not as strong on that as I am on the general provisions of the bill. But that question also, Mr. Meader, was raised in the *Raines* case.

Mr. MEADER. Let me read a passage from the hearings a week ago, from the top of page 36.

Mr. BLOCH. What are you reading from, sir?

Mr. MEADER. The hearings a week ago, with Judge Walsh.

Mr. MEADER. So the whole effect of this referee provision is confined to the parties to an action. Is that correct?

Mr. WALSH. Confined to the parties to the original action. But those are the parties in their official capacity. In other words, the parties to the original action would be in your case—

and so forth.

Mr. MEADER. And any of this business of serving the supplementary order would affect only parties to the original action.

Mr. WALSH. Yes, sir; and their successors in office.

So in any case brought by the Attorney General, under subsection (c) of 131, according to the Attorney General's representative before this committee, was intended to affect only the parties named as defendants to the action or their successors in office.

Mr. BLOCH. Yes, sir.

Mr. MEADER. It would not apply to the whole State, as you just said, in your answer to Mr. Willis.

Mr. BLOCH. Well, that is what he says. But what does the bill say?

Mr. MEADER. I am perfectly willing to concede that the present phraseology of this legislation we have been talking about, the bill pending before the committee, might lend itself to the interpretation you have made of it. Then it seems to me the problem is for the committee to draft language which says only what the Attorney General says he wanted it to say; namely, that the parties to the action were the only ones intended to be affected; that is, parties to the action or their successors in office intended to be affected by the decree.

I think it should be perfectly feasible to draft phraseology to limit it in that respect, don't you?

Mr. BLOCH. It would be feasible to draft it, yes. I don't know whether I would like it when it was drafted.

Mr. MEADER. But if it were not so limited, Mr. Bloch, I apprehend that others not party to the action might very well be denied due process, or their day in court, if they were to be affected by a decree in which they had no participation, in which they had not been permitted to produce evidence, cross-examine witnesses and make their arguments before the court.