

Mr. WILLIS. I will bring that out, Mr. Bloch. I underscored passages along that line.

Now may I call this to your attention. On questioning by the chairman and Mr. Lindsay of this committee, Mr. Walsh brought out that the registrar proposal was vulnerable on constitutional grounds.

For example, on page 18 of the printed record Mr. Lindsay said:

I am not clear on your argument about the registrars proposal. Is it not true that the 15th amendment would also cover the registrar proposal insofar as State elections are concerned in the event that the registrar proposal were broadened to include State elections.

Mr. Walsh said:

I think the problem you would be confronted with there is the supplanting of a State officer with a Federal officer without a judicial finding and that the 15th amendment conditions have been met.

Mr. Lindsay said:

I understand. Do you think that raises a clear constitutional question?

Judge Walsh said: "I think it does, yes."

Then on page 19 Mr. Lindsay said:

What I am trying to figure is what is the authority for making the distinction under the 15th amendment between the referee proposal and the registrar proposal. Again talking about State elections, I want to see if I understand you clearly.

Judge Walsh said:

Well, the basic distinction is the analogy of a due process problem.

I am just making that statement so that my questions will follow, Mr. Bloch.

Then, having raised that question of constitutionality, he tried to bring out the virtue of his proposal and he was the one who introduced the question of presumptions, and I have underscored some of his statements which I now read before I will ask you a few questions.

For instance, he brings out the idea of the presumption on page 14 as Meader developed and then on page 15 also.

Mr. MEADER. You better read that.

Mr. WILLIS. I will read those passages.

The voting referee, I would not make that determination. That is the whole purpose of the statute to avoid the need for that determination in each individual case; namely, the termination of individual discrimination.

Then again on page 16 Judge Walsh says:

The Congress, if this bill prevails and passes, will have made a legislative finding that the probability is so high that that is the only reason for not letting Negroes register; that it may be assumed a conclusive presumption or statutory rule that therefore need not be found in each individual case.

Mr. BROOKS. What page was that?

Mr. WILLIS. Pages 15 and 16.

Mr. BLOCH. That is the part I was talking about.

Mr. WILLIS (continuing):

Well, if you found a pattern and practice of Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble.

In other words, he said that five times. Now isn't he treading on due process there, on constitutional grounds as of serious import as is his criticism on the registrar proposal?