

Let's say there were 100 people there seeking to register and the board of registrars asked 20 of them various questions about the Constitution of the United States under the registration statute and all 20 of them couldn't answer.

The registrars could then say that creates a presumption that the rest of you are ignorant, that all 80 of you are ignorant and we won't register any of you. That is what the bill does in reverse.

Mr. WILLIS. Let's pursue what Judge Walsh's interpretation of the proposal is.

Mr. McCULLOCH. Might I add something there?

Mr. WILLIS. I am sorry. I want to nail this down because I think we are talking about two bills. I have been talking about 10035 and Judge Walsh in his testimony on page 21 of the record is talking about his mimeographed bill.

Mr. WILLIS. What page?

Mr. McCULLOCH. On page 21 of the printed record. Isn't Judge Walsh talking about his mimeographed proposal and not about the printed bill which bears my name, H.R. 10035? If he isn't, then the record ought to make that fact unmistakably clear.

Mr. WILLIS. Page 21?

Mr. McCULLOCH. Yes.

Mr. WILLIS. Of course not. Well, I say of course not; from reading it, it doesn't say so, it doesn't say he is speaking of his mimeographed proposal. He said it five times.

Now may I pursue it further?

Mr. McCULLOCH. All right, if you will limit your questioning to H.R. 10035 so that there will be no mistake in the record I shall be pleased.

Mr. WILLIS. All right. On page 29 in my colloquy with Judge Walsh I said:

Then you say this different element of proof is the one which the statute would eliminate; namely, proof of individual discrimination. Congress would, in effect, provide that where the court has found a pattern of discrimination against Negroes it is so obvious that this pattern is the only cause for the denial of registration to a fully qualified Negro applicant, that the applicant need not prove this casual thing.

Judge Walsh said that was the heart of the bill.

Mr. BLOCH. Yes.

Mr. WILLIS. Now Mr. Willis said this:

That is what I understood it to be and we are talking about the 15th amendment which talks about the lack of power of the Federal Government or of a State to deny or abridge the right to vote on account of race, color, or previous condition of servitude which is in the constitutional provision, but this very thing that the 15th amendment protects, the individual is not required to prove.

Judge Walsh said that is the purpose of this statute. He said:

That is my construction of what we are after.

Now coming to rule 53 of the Rules of Civil Procedure, this proposal would only take one of the five subsections of rule 53, namely, subsection (c) which vests in the masters or the referees certain powers.

Now those powers in this bill are given to this referee. But the protective features of subsections (a), (b), (d), and (e) are not included. In other words, in normal master in chancery references, in exceptional cases, the Federal judges have a right to name masters and ref-