

Where is that determination of whether or not there was a pattern or practice to come from? How is it to get into the case?

That is one of the basic questions.

Mr. WILLIS. One final question as I don't want to prolong the hearing.

Judge Walsh answered most of my questions along this line by saying that it is to be assumed that the primary party to the initial proceeding, let's say the registrar of voters, could somehow come in, although the bill doesn't require a rule to show cause and file exceptions to the findings of the referee, voting referee, but as I see it, since the referee proceeded on a presumption of discrimination which the individual voter doesn't have to prove and secondly, that his findings are given the weight of being right unless proved erroneous, wouldn't it follow that the registrar, if he does have a right to file an exception, and be placed in the analogous position of having to disprove or to prove disqualification rather than the individual affected having the right to prove that the right to vote has been denied or abridged.

Wouldn't that be an analogous position to put a person filing an exception into?

Mr. BLOCH. Yes.

Mr. WILLIS. Do you follow my point?

Mr. BLOCH. Yes.

Mr. WILLIS. In other words, the problem of proof would shift and the registrar would have to prove disqualification in order to challenge the report or to file an exception.

Do you know of any such comparable proceeding?

Mr. BLOCH. I know of none, sir. This is about as far reaching as any proposal as I have ever heard of and you might add to the statement that you have just made that you will notice that under that proposed supplemental proceeding, that there isn't any time limit on it, within which it must be brought.

The reason for my calling the attention of the committee to the fact that we have a law in Georgia which requires the registration books to close 6 months before the general election so that there is a period of 6 months when the rights of persons who may or may not be on that list can be adjudicated is illustrated by that lack of "time limit" in this bill.

Now under this law, under this bill if it is passed into law that supplemental decree could be issued 3 days before the general election and that supplemental report issued the next day and the registrars be compelled to include those names and permit those names to vote at an election held on say the 4th of November when they had absolutely no opportunity to appeal that ruling.

Mr. WILLIS. Maybe the Federal judge wouldn't do that, but the bill does not stop him from doing it.

Mr. BLOCH. Let's not fool ourselves. Whatever rights Federal registrars in the South get have got to be spelled out in the law.

Mr. McCULLOCH. Mr. Chairman, I would like to interrupt to say that there are many States which have no registration for prospective voters. Voters come in on election day and are forthwith given or denied the right to vote. It is utterly impossible to provide by law a certain time limit that would accommodate the time limit set by various States in the Union.