

(5) If factfinding or hearing procedures were desired, these could be provided in several ways: (a) Through ad hoc boards set up by the President; (b) through ad hoc boards set up by the agency serving as the study and the action center; (c) by the agency itself, which would in this case have combined functions of initiation and consideration similar to the pattern of the regulatory commissions; or (d) by hearing or factfinding panels attached to but independent from the control of the agency responsible for preliminary study, initiation, and presentation of the case against an increase.

The primary considerations in choice from among these alternatives would be (1) the frequency with which proceedings of the type would be conducted, (2) the degree of need for consistency in application of standards, (3) the degree of independence desired in the proceedings and in the preparation of a report, and (4) the extent to which Presidential participation was desired.

If study, or study-action, or study-action-hearing functions were to be performed on a continuing basis then a problem of designation or creation of an agency responsible for such functions would arise. What possibilities would exist? First, it is unlikely that any of the four departments of administration dealing with economic matters—Agriculture, Commerce, Labor, Treasury—would be used. The function to be performed is not closely related to existing functions of any of these four. Also the clientele orientations of the first three of these would militate against their acceptability to the various groups affected by the program. Second, the functions could be delegated to the Federal Trade Commission. Favorable to this is the fact that the Federal Trade Commission has acquired knowledge and experience in dealing with concentrations of economic power, both through its investigations under section 6 of the Federal Trade Commission Act and through its proceedings under section 5 of that act and under the Clayton Act. Objections to locating the functions in the Federal Trade Commission would include the following: (1) That there was need for an agency whose effectiveness for these functions would not be impaired by the traditions and methods of the Federal Trade Commission, including its primary concern with antitrust as a weapon of public policy and its use of procedures designed primarily for law enforcement; and (2) that the form of organization was inappropriate, either because the hearing function would not be sufficiently independent from the study and action functions to insure confidence or that the study and action functions would be too much removed from the influence of the President. Third, if only a study function were involved it could be placed in the Council of Economic Advisers or in a new staff agency in the Executive Office of the President. Fourth, if more than study functions were involved then a new agency outside of the existing departments or the Executive Office might be created. If only study and action functions were to be placed in the agency, with factfinding or hearing functions placed in ad hoc boards or in panels attached to but independent of the agency, then the argument for placing the agency under Presidential direction would undoubtedly be compelling. If factfinding and hearing procedures were to be placed in this agency, then the question of relation to the President would be more complex, involving for its solution, judgment on whether close association of this function with the Presidency would impair or strengthen its effectiveness. For the special objectives to be