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STATEMENT OF HON. E. BARRETT PRETTYMAN, SENIOR CIRCUIT JUDGE, U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Judge PRETTYMAN. Senator, I am very happy to be here this morning.

For the record, my name is E. Barrett Prettyman. I am a senior judge of the U.S. Court of Appeals for the District of Columbia Circuit, and I am here this morning because of having been Chairman of the Administrative Conference of the United States held under an Executive order in 1961-62.

Senator LONG. May I interrupt you. If you served on that court you might know Bennett Champ Clark, who is from my hometown.

Judge PRETTYMAN. We were appointed on the same day. I had been a friend of his a long time before that. As a matter of fact, we were at Fort Myer training for World War I at the same time.

Senator LONG. You are probably a member of the American Legion.

Judge PRETTYMAN. Yes. I was a charter member of my post.

There has been prepared, with some care, for the use of this committee a detailed and authoritative history of this measure from its inception. I have this statement here in writing, with copies, and I proffer it for insertion in the record.

Mr. FENSTERWALD. Thank you very much. We will include the history of this Conference in your remarks.

Judge PRETTYMAN. Thank you very much.

(The described document is as follows:)

THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

In July of 1949 there was testimony before a special subcommittee of the Judiciary Committee of the House of Representatives relating to delays in the trial of certain cases. In the course of these hearings the chairman announced: " * * * we have communicated with Chief Justice Vinson and we have asked him to request the Senior Council of Circuit Judges, when they meet in September, to endeavor to develop some timesaving procedures, procedures especially in the antitrust laws." Thereafter, at its September meeting, 1949, the Judicial Conference of the United States adopted a resolution which read, in part:

"The conference was of the opinion that experience has indicated the desirability of examining the present procedure governing controversies arising under the antitrust laws and the various statutes establishing regulatory agencies with a view to advancing their effective, expeditious, and economic disposition, and authorized the designation of a committee of the Conference to consider [means by which these ends might be achieved]."

The Chief Justice appointed a committee of 10 judges, Circuit Judges Stone, Magruder, Augustus Hand, Lindley, and Prettyman, and District Judges Chesnut, Kloeb, Leahy, Rifkind, and Yankwich.

At its first meeting the committee took action which is reflected in the following extract from a letter from the committee to the Chief Justice:

"The committee was troubled by the assignment to it of the administrative agency phase of the general problem. The members of the committee were of the view that their own limited experience in this field would place a limited value upon their recommendations in the field.

"After careful discussion the committee unanimously instructed me to suggest respectfully to you the appointment of a second section to this committee, to be composed of persons familiar with the problems of the administrative agency