

procedure, for example, members or general counsel of commissions or experienced private practitioners before the agencies, or both."

Thereupon the Chief Justice authorized the appointment of "an Advisory Committee, composed of persons in and out of the Government familiar with the problems of administrative agency procedure." On June 20, 1950, such an Advisory Committee was appointed. It had 12 members—3 members of administrative agencies, 3 general counsel for agencies, two private practitioners who had then recently left membership on administrative agencies, and 3 lawyers in the general practice with prior administrative law experience. In a footnote are the names of the members of that committee.¹

This Advisory Committee spent 9 months in "a firsthand investigation of the causes of excessive delay and expense and unduly voluminous records in the procedures of Federal regulatory agencies, and possible remedies therefor." On March 30, 1951, it submitted its report, which contained a dozen recommendations. The first was for an "Administrative Agency Conference." The idea was first suggested by Clyde Aitchison, of the ICC, a member of the Committee, and at that time the dean of all commissioners in the Government. At any rate he made a speech during that time to the ICC Practitioners Association, which was later published in its Journal of November 1950 (vol. XVIII, pp. 118, 120-122). In that talk the Commissioner stressed the responsibility of the Commission and of its practicing bar in the formulation of remedies for the problems of cumbersome, costly, and overly detailed procedures. Here the germ of an idea can be readily detected. The Advisory Committee said:

"The regulatory agencies themselves must solve this problem. The solution may best be accomplished by the cooperation of all agencies involved; in fact, a cooperative approach, with mutual exchange of experience and suggestions, seems imperative for the most efficient functioning of the administrative agencies. With such an approach to this problem in mind, your Committee's primary recommendation is that the Judicial Conference suggest to the President that he call or cause to be called, a conference of representatives of the administrative agencies having adjudicatory and substantial rulemaking functions, for the purpose of devising ways and means for achieving the objectives with which this Committee is concerned."

The Judicial Conference Committee to which this report was addressed approved it, and the Judicial Conference itself approved it. At its meeting in September 1951, the Conference adopted a resolution as follows:

"Upon consideration, the Conference ordered that the Committees' suggestions and recommendations with respect to the call of a conference of representatives of the administrative agencies having adjudicatory and substantial rulemaking functions, be approved with this additional recommendation:

"That representatives from the Federal judiciary and the bar as may be desired be designated to attend said conference and to serve in such capacity as the President may determine."

Chief Justice Vinson duly transmitted this suggestion to the President.

On April 29, 1953, President Eisenhower issued a document addressed, "to all executive departments and administrative agencies." He said, in part: "Accordingly, I am happy to call a conference of representatives of the departments and agencies, and of the judiciary and the bar, for the purpose of studying the problems thus described."

He requested the Attorney General to cause a list to be prepared of the departments and administrative agencies having adjudicatory and rulemaking functions. He requested each department and agency thus listed by the Attorney General to designate a representative to meet with other such representatives in a conference. With the agreement of the Chief Justice he invited 3 Federal judges to participate. He named 3 trial examiners and 12 practicing lawyers to participate.

The Attorney General listed 57 agencies. Thus the Conference was composed of 75 members. This Conference came to be known as the President's Conference on Administrative Procedure. It operated in the following fashion: A Committee on Organization and Procedure, consisted of six members, was appointed and acted as an Executive Committee, planning the organization and the rules of procedure. Nine other standing Committees were appointed—on Prehearing,

¹ E. Barrett Prettyman, chairman; Clyde B. Aitchison, John Carson, Benedict P. Cottle, Robert K. McCannaughey, E. L. Reynolds, Paul L. Styles, Preston C. King Jr., Joseph J. O'Connell, Jr., Bradford Ross, John L. Sullivan, Roger J. Whiteford.