

12 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Promptly after the election, President-elect Kennedy named Dean James M. Landis to prepare for him a report on the administrative agencies and their problems. Dean Landis submitted his report on December 26, 1960. In it he referred to the President's request of August 29, to the Organization Committee, and to the preliminary draft of bylaws. He recommended that this work be encouraged and continued. He said, in part:

"* * * Much can come from this effort, including not merely revisions in our administrative procedures but also the making of our regulatory agencies into a system just as the Judicial Conference of the United States has made a system of what were once isolated and individual Federal courts. * * *

* * *
"The concept of an Administrative Conference of the United States promises more to the improvement of administrative procedures and practices and to the systematization of the Federal regulatory agencies than anything presently on the horizon. It could achieve all that the concept of the Office of Administrative Procedure envisaged by the Hoover Commission and endorsed by the American Bar Association hoped to accomplish, and can do so at a lesser cost and without the danger of treading on the toes of any of the agencies."

On April 13, 1961, President Kennedy sent to the Congress a special message on regulatory agencies. In the course of that message he discussed the establishment of an Administrative Conference of the United States. He said, in part: "The process of modernizing and reforming administrative procedures is not an easy one. It requires both research and understanding. Moreover, it must be a continuing process, critical of its own achievements and striving always for improvement." He announced that he had issued an Executive order calling at the earliest practicable date the Conference, to be organized by a council of lawyers and other experts from the agencies, the bar, and university faculties. He said that the Council would consider questions concerning the effective dispatch of agency business, "along with the desirability of making this Conference, if it proves itself, a continuing body for the resolution of these varied and changing procedural problems." He further said:

"The results of such an Administrative Conference will not be immediate but properly pursued they can be enduring. As the Judicial Conference did for the courts, it can bring a sense of unity of our administrative agencies and a desirable degree of uniformity in their procedures. The interchange of ideas and techniques that can ensue from working together on problems that upon analysis may prove to be common ones, the exchanges of experience, and the recognition of advances achieved as well as solutions found impractical, can give new life and new efficiency to the work of our administrative agencies."

In his Executive Order No. 10934 President Kennedy established the Administrative Conference of the United States, to consist of a council of 11 members named by him and a general membership from the executive departments, the administrative agencies, the practicing bar, and other persons specially informed. "The purpose of the conference," says the Executive order, "shall be to assist the President, the Congress, and the administrative agencies and executive departments in improving existing administrative procedures." The order provided that the composition of the membership should be determined by the council; that the total membership be not less than 50 persons, a majority of whom should be from the executive departments and administrative agencies; that the Government members be designated by the heads of their respective departments and agencies; and that the other general members be named by the Chairman, with the approval of the Council. The order provided that the Director of the Office of the Administrative Procedure, which is in the Department of Justice, should act as the executive secretary of the Conference. It authorized the making of arrangements with the President of the Senate and the Speaker of the House for participation by interested committees of the Congress.

The next day after the foregoing events the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee returned a report (S. Rept. No. 168, 87th Cong., 1st sess.) in the course of which it said, in part:

"VI. The subcommittee recommends that every assistance should be given in making permanent an Administrative Procedure Conference, and that Congress should provide the Office of Administration and Reorganization with funds to provide a permanent secretariat for that Conference.

* * *