

"That such an assembly of the persons most directly concerned with the functioning of administrative agencies offers a continuing possibility of improvement in procedures through interchange of ideas is a matter of universal agreement. * * * The subcommittee recommends that every congressional encouragement be given to the establishment and continuation of the Conference. Since, as we have pointed out elsewhere, we believe that the guidance of the President is necessary for the improvement of the administrative process, we recommend that the permanent staff should be a part of the Office of Administration and Reorganization, and, therefore, a part of the President's own staff."

On April 29, 1961, the President announced the appointment of the Council of the Administrative Conference. In so doing he called attention to the fact that the Council membership, apart from the Chairman, was equally divided between those from the Government and those from outside the Government. The members, besides the Chairman, were Manuel F. Cohen, member of the Securities and Exchange Commission; Walter Gellhorn, professor of law, Columbia University, New York City; Joseph P. Healy, vice president-general counsel, Boston Edison Co., Boston, Mass.; Everett Hutchinson, Chairman, Interstate Commerce Commission; James M. Landis, Special Assistant to the President; John D. Lane, of the firm of Hedrick & Lane, Washington, D.C.; Earl Latham, Eastman professor of political science, Amherst College, Amherst, Mass.; Carl McGowan, of the law firm of Ross, McGowan, & O'Keefe, Chicago, Ill.; Nathaniel L. Nathanson, professor of law, Northwestern University, Evanston, Ill.; and Max D. Paglin, General Counsel, Federal Communications Commission. Webster Maxson, Director of the Office of Administrative Procedure, was Executive Secretary.

The Council thus constituted included, besides the Chairman, three practicing lawyers, three professors (one of whom is an outstanding authority in political science and two are outstanding professors of administrative law), and three are from Government agencies. The 10th member of the council, Dean James M. Landis was highly experienced in the chairmanship of regulatory agencies, highly experienced in the teaching of law, and highly experienced in the practice of the law.

The Council was immediately called into session and met in three sessions, Monday and Tuesday, May 8 and 9, Monday and Tuesday, May 22 and 23, and on Monday, June 26, 1961. On May 23 it finalized plans for the institution and operation of the Conference. It named the agencies to be invited, approved a list of non-Government members to be named, adopted bylaws to be proposed to the Conference, adopted in general terms a program of work for the Conference, and adopted a budget to be submitted to the Congress. It called the first meeting of the Conference for Tuesday, June 27, in Washington. That first plenary session was held as scheduled.

The conference thus set up was composed of a Chairman and 85 members. Of these, 10 were the Council named by the President; 44 members were named by the heads of executive departments and agencies, 29 were named from outside the Government, and 2 trial examiners were designated. The members not named by the departments and agencies were named by the Chairman of the Conference with the approval of the council. The composition of the Conference was 60 percent from the Government agencies and 40 percent from the outside (5 plus 44 plus 2 equals 51; 5 plus 29 equals 34). Members named by the heads of Government agencies were as follows: By the Secretaries of the Cabinet departments each one member, and by some whose departments include several agencies, two members; by the heads of each of the so-called Big Seven independent agencies, two members; by the heads of 14 other agencies having rulemaking or adjudicatory functions, one member each. Of the members from outside the Government service, 21 were practicing lawyers, three were from law school faculties, two were from faculties of schools of government, and one was an accountant.

In the selection of the members from the practicing bar, a major effort was made to produce a cross section of all shades of interest in administrative law procedure. A list was made of the names of over a hundred thoroughly qualified people from which to choose. Specialists in each of the major areas of Federal regulation were named. Some others with broad general experience in several areas were included. Some lawyers not specialists were named. Geography, both of the lawyers and of their major clients, was a factor, although of course several from Washington, D.C., were necessarily on the list. Not more than one member of any one law firm, or from any one university, was named. Different interests in the several areas of interest are represented