

14 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

as, for example, shippers as well as the railroads and motor carriers in the field of interstate commerce. A mixture of political affiliations was sought. Every invitee accepted. The roster of the Conference is attached.

No member of the Conference, either from the Government or from outside, appeared in a representative capacity. Each appeared as an individual, and while, of course, each gained assistance by inquiry and consultation, the views expressed and the votes cast by each were understood to be his own.

The Conference operated on an assembly or legislative basis. Subjects for study and recommendation were immediately assigned to committees. Nine standing committees were established. Their principal areas of interest were respectively: (1) personnel; (2) rulemaking proceedings; (3) licensing and certificating proceedings; (4) compliance and enforcement proceedings; (5) the adjudication of claims; (6) statistics and reports; (7) internal operation and procedure; (8) education and information, meaning the preparation of manuals on procedure and the holding of seminars in the field; and (9) judicial action of various sorts. Specific topics were assigned for study and recommendation, ranging from recruitment programs for lawyers in Government, through improvements in procedure for all sorts of cases, formulation of criteria for measuring delay and backlogs, better internal operations, grassroot informational meeting, manuals in craftsmanship, the massive complex which is delay and expense, all the way to better means for judicial review.

The chairmen of these committees are Ashley Sellers, Esq.; Commissioner Gilliland of the CAB; Commissioner Hyde of the Federal Communications Commission; Messrs. Robert W. Ginnane, James McI. Henderson, and Cyrus R. Vance, who were, respectively, General Counsel of the Interstate Commerce Commission, the Federal Trade Commission, and the Department of Defense; Messrs. Charles W. Bucy and David Ferber, who were Associate Counsel of the Department of Agriculture and the SEC; and Professor Emmette S. Redford of the University of Texas.

Liaison with Congress by means of Members of each house, designated by the Vice President and the Speaker, respectively, which designees are invited to attend the sessions of the Conference and to enjoy the privilege of the floor. These designees are Senator Hart, Muskie, and Dirksen, and Congressmen Oren Harris, Walter Rogers, and John B. Bennett.

The committees were fortunate in obtaining the services of educators in leading law schools in the country, who acted as full-time staff directors and as consultants as the need appeared. The names of these scholars were: Auerbach of Wisconsin and Minnesota, Cramton of Michigan, Jones of Columbia, Kramer of George Washington, Lester of Cincinnati, McKay of New York University, and Metzger of Georgetown. And the committees were authorized to secure the services of research directors, upon a retainer basis of employment, but members of the Council and of the Conference and most of the consultants served without compensation. Administrative and secretarial services were supplied the Conference and the committees by the Office of Administrative Procedure of the Department of Justice.

The Conference, as a whole, operated in the form of a legislative assembly. The course of operation was: (1) A subject was suggested for study. Such suggestion might come from anywhere or anybody. (2) The Council adopted the suggestion and proposed its assignment to a committee. (3) The assembly approved the Council assignment. (4) The committee considered the subject and directed research into it. (5) A staff director made or directed the research and formulated the data thus accumulated into a staff report. (6) The committee considered the staff report and prepared a recommendation of action on the subject. It formulated a report—usually, of course, based upon the staff report—in support of its recommendation. These—the committee report and its recommendation—were two separate documents, one somewhat extensive and the other succinct. (7) The Council considered the recommendation and passed it along to the assembly. Both the report and the recommendation were circulated to the entire membership. (8) The assembly debated the recommendation in a public plenary session and voted on it. (9) If adopted by the assembly, the recommendation was transmitted to the President. A total of 30 recommendations were adopted, covering a wide variety of matters, more importantly the following:

“Jurisdiction and procedures for review orders of the Interstate Commerce Commission, production of records and briefs by means more economical than printing, and designation of record after the filing of briefs, unification of the