

I am not going to ask you about the article in detail, but I wanted to note the phrase "superagency."

In your statement, I think that you referred to this, but I just want to get your comment as to whether or not this would be a superagency.

Judge PRETTYMAN. I haven't seen the Wall Street Journal article, but this proposal in this bill which follows so closely—the suggestions the Conference made, is exactly the opposite to a superagency. The heart of this plan is that you do not have a superagency. You do not have some outside body advising the agencies what to do. This plan is that you provide a machinery and a forum so that the agencies themselves can get together, consider their problems, talk about their problems and agree among themselves as to what they think is the best thing to do.

We hear the expression "superagency" every once in a while—I think the Wall Street Journal has used that headline once or twice before. I get a little wrought up on it. We have not done that. It would be easy to create a director or some kind of a committee and tell them, "You tell the agencies what to do." That is what we very carefully avoided.

I can't emphasize it more than it is in the first sentence of the Conference recommendation which I quoted to you a moment ago.

We think the agencies themselves ought to have a machinery, a forum, where they, themselves, can continually, cooperatively and critically examine their own procedures. That is the precise opposite of a superagency.

Mr. FENSTERWALD. Judge, I don't think anyone can state it more clearly than that.

Those are the only questions I have.

Senator LONG. Thank you. Mr. Kennedy?

Mr. KENNEDY. I was going to read one sentence from this article because it refers to the bill, and although Judge Prettyman has given an answer—under the subheading "Superagency Plan Described," the article states:

The bill under consideration today would superimpose an agency to be called the Administrative Conference of the United States.

Now, that is inaccurate I gather.

Judge PRETTYMAN. That's just plain not so, if I can be blunt about it.

Mr. KENNEDY. That's the only question I have.

Senator LONG. I think that states it clearly enough.

Judge PRETTYMAN. I don't want to leave any doubt on the subject.

Senator LONG. Thank you for your very strong statement. It has been very helpful. We appreciate it very much.

Senator LONG. Our next witness is Herbert Brownell, former attorney General of the United States under President Eisenhower and a very distinguished lawyer. We are grateful for Mr. Brownell's coming here this morning.

We have a biographical sketch of you, too, to be put in the record at this time.