

If the committee desires specific comments on the bill, S. 1664, I would make the following observations:

1. The power of the Chairman to initiate studies within the jurisdiction of the Conference should be clear. This power appears to be restricted by section 6(c)(10) to such studies as are "ordered by the Assembly or the Council." In my experience, this limitation on the powers of the Chairman should be eliminated.

2. The bill—sections 4(b) and 6(b)—states that the membership of the Conference and of the Council shall be "preponderantly of Federal officials and personnel." This appears to be an unwarranted restriction on the authority of the President to make appointments which, in his opinion, will provide a workable and well-balanced membership.

3. In order to obtain the best caliber of members outside the Government service, there should be an exemption for them from the conflict-of-interest laws. This exemption should be placed in section 4(d).

Thank you.

Senator LONG. The committee is indebted to you for a fine statement.

Do you have any questions, Mr. Fensterwald?

Mr. FENSTERWALD. You mentioned a question of the power of the Chairman to initiate studies. Do you think it might be wise also to give him the power to make reports on specific subjects on his own authority?

Mr. BROWNELL. I would think—and of course, you would be perfectly free to make public statements from time to time, but that any report that came out should be an official report of the whole body or of the Council, as the case may be.

Mr. FENSTERWALD. In other words, you think the report should be limited to reports of the Assembly or the Council, but not reports of the Chairman, even if labeled as such?

Mr. BROWNELL. I think that in the beginning that ought to be the case to see how it worked; that would be advisable.

Mr. FENSTERWALD. The only other question I have, and I think I know the answer to this—in your view, are there any partisan aspects to the establishment of this Conference?

Mr. BROWNELL. I can't imagine a more nonpartisan question that would ever come before the committee. In the 10 years I have had some experience in this problem, I have never known any partisan questions to arise, and I have never seen any member of the two temporary Administrative Conferences that has attempted to exploit any of these questions in the spirit of partisanship.

I think this is a problem that is of special interest to the bar as a whole, and should be approached and will be approached in a non-partisan spirit if this bill is enacted. I am confident that entirely non-partisan spirit would prevail and I think it can do untold good to the proper functioning of our Government.

Senator LONG. Mr. Kennedy, any questions?

Mr. KENNEDY. Thank you, Mr. Chairman, I have no questions.

Senator LONG. Thank you again for your statement.