

Now, to go into details for a moment, no bill that I have ever seen is ever perfect even after it passes the Congress and is signed by the President. There is always a chance of perfecting any kind of a draft that comes before a committee, and there are certain suggestions that have been made to this committee. I call your attention particularly to a letter addressed to the Chairman by Prof. Walter Gelhorn of Columbia, who makes a few technical suggestions to the bill. There is also a draft, which I am sure the committee has, by the American Bar Association which differs, I think, only in minor respects from the bill itself. The one major respect in which it perhaps does differ is that it looks to a 50-50 Conference; that is, 50 percent members of the Federal agencies, and 50 percent members of the bar. I don't think that is too material. I think inevitably you will have a preponderance of the members of the agency, and I say that because it follows from my thinking that the responsibility for the operation of the Conference, the responsibility for initiating changes in procedures lies with members of the Federal agency who can be prodded into doing something, but they have to take that responsibility themselves.

I am not suggesting any particular wording for this bill. The committee, can make its choices between the various provisions that it has before them, and whatever choice it makes, I think will be the right one. The basic thing is, as I say, the Conference itself—the existence of machinery which will produce a continuing survey of the fairness and the efficiency and the expeditiousness of administrative proceedings in the various different agencies.

I'd like to say one word about a subject that came up this morning, namely, the talk of a superagency being created by this bill. It's so easy to make assertions of that type, but they are utterly untrue. The Executive Officer of the Administrative Conference, Director, if you choose to call him that, is by no means a so-called czar. His consideration of any problem is tempered both by the Conference itself and by the Council. His powers are recommendatory and nothing else, and I agree with Mr. Brownell that he should have the power to suggest subjects for study by the Council and by the Conference, and not be dependent upon the Conference, as such, for initiating every subject that is worthwhile considering. The great thing is the existence of some kind of machinery for the betterment of administrative procedures—a machinery that can prod people into action.

I recall testifying in this room, I think it was 2 years ago, and discovering, for example, that there was practically no cross-fertilization between agencies having essentially common problems, like the Interstate Commerce Commission, the Civil Aeronautics Board, and the Maritime Commission; they are all part of our general transportation picture, and yet they all traveled alone. Now, fortunately, changes are taking place in that area, but that kind of contact and cross-fertilization is one of the important products that can be derived from this Conference and it can be derived from a conference if the Conference also is not merely a one-shot operation, but has the responsibility to continue its activities and has to discharge its responsibilities in the light of publicity, and make its reports to the Congress, to the President, and to such agencies as may be concerned.

I think also that the existence of a conference of this nature will be very valuable to the Congress, because many of these recommendations that have already been made, and many of the recommendations that