

will be made, will call for legislative action. To take a very simple example, one of these recommendations, namely changing the method of judicial review over actions of the Interstate Commerce Commission to make it comparable to judicial review over activities of the Civil Aeronautics Board, Federal Trade Commission, and so forth, is a piece of legislation that has been kicking around Congress for, I think, 15 years. The old system of review of Interstate Commerce Commission decisions is an historic anachronism that just has no particular purpose. There is no reason why the judicial review over the ICC shouldn't be handled the same way as review of the other larger commissions, is and I think the committee will benefit by it by the making of this suggestion.

That, Mr. Chairman, is my general thinking on the subject. I have been concerned with it. I have served with Mr. Brownell on the task force of the Second Hoover Commission where we also considered this issue, so this is not a new subject to me. It has had the consideration, I think, of the bar as a whole, and scholars as a whole, and I know of no one who is really antipathetic toward the conference idea. People have a few different ideas as to just how it should be set up, but the experience of the last Administrative Conference during its 18 months of life indicated a very workable organization.

Certain things that I think were important, and you may think they are too, namely the question of alternates. Not allowing people to send a substitute to act for them in the Administrative Conference is important. I agree with Judge Prettyman that the agencies should designate their members themselves, and that the Chairman of the agencies should not automatically become members of the Conference. They can if they choose, but they should not be made members merely because they are Chairman.

We had very effective men who were Chairmen of the various Commissions in the last Conference, and some of them were good. But, it may be that the General Counsel or somebody else would be the most effective delegate of that agency to the Conference.

On the Council, for example, we had the General Counsel of the Federal Communications Commission; we had the General Counsel of the SEC, and they devoted a lot of time to this work. I don't like the idea of just automatically making the Chairman of a Federal agency a member of this Conference. I think they ought to take the problem of becoming a member of this Conference as a very serious matter, and fortunately, Judge Prettyman impressed that on the members of the Conference. He wouldn't allow an alternate to vote and the bylaws of the Conference didn't permit that. They could speak, but they could not vote, so that the members themselves generally attended the Conference.

One other point which I would like to make, and which Mr. Brownell made, and which is also made in the American Bar Association proposal. It is a small point, but that is, that members of the Conference should not be paid, but even for them to take money for their railroad fare to attend meetings of the Conference can possibly be construed as a violation of the Conflict of Interest Act, and they should be protected against that kind of thing. They come and they will spend a day or 2 days here in Washington, and will hesitate to be reimbursed for their expenses. I know for myself, I felt that I couldn't even accept money for train fare because of the Conflict of In-