

Mr. FENSTERWALD. Professor, is it your feeling that section 4, as previously drafted, might result in too large a conference?

Professor FUCHS. No; I don't think so. I do think that a conference of the size generally contemplated could hardly have a preponderance of nonagency members, and I was trying to make the point that a large conference would inevitably have a preponderance of agency members, and I think that's the way it should be.

Mr. FENSTERWALD. Do you agree with the previous witnesses, that there should be a preponderance of the membership by agency people?

Professor FUCHS. Yes; this is Government business. I think the interest and experience and knowledge that are needed to carry it forward exist most largely among the agencies, but I don't think it is necessary to tie that point down legislatively.

Mr. FENSTERWALD. Do you have any comments on Professor Nathanson's remarks with respect to section 3(a)?

Professor FUCHS. Well, that disturbs me. It seemed to me undesirable, but the exceptions are quite limited and they don't do any great harm. I would prefer to see them omitted.

Mr. FENSTERWALD. You do think it a matter of particular importance?

Professor FUCHS. No.

Mr. FENSTERWALD. Thank you.

Senator LONG. Mr. Kennedy.

Mr. KENNEDY. Thank you; I have no questions.

Senator LONG. Thank you, Professor, for being here this morning.

Professor FUCHS. Thank you.

Senator LONG. Tomorrow we will have another session of the committee. We will have Mr. Maxson, Director, Office of Administrative Procedure, Department of Justice; Mr. Hutchinson, Commissioner, Interstate Commerce Commission; Mr. Cohen, Commissioner, Securities and Exchange Commission; Mr. Paglin, General Counsel, Federal Communications Commission; and Mr. Kintner, attorney, Washington, D.C.

The committee will stand recessed until 10 a.m. tomorrow.

(Whereupon, at 12:30 p.m., the committee recessed, to reconvene at 10 a.m., Thursday, June 13, 1963.)

(Subsequent to the close of the hearings, the following letter was received from Professor Fuchs:)

INDIANA UNIVERSITY,
SCHOOL OF LAW,
Bloomington, Ind., June 14, 1963.

Hon. EDWARD V. LONG,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR LONG: Because my appearance before your subcommittee of the Senate Committee on the Judiciary on June 12 was arranged on such short notice, I did not have an opportunity to see in advance the proposed draft of a substitute for S. 1664, which has been prepared on behalf of the American Bar Association. A draft of the substitute has now come into my hands, and I should like, if I may, to comment on a few of its provisions.

1. Section 3 of the substitute seems to me to contain an excellent means of overcoming the limitations in section 3 of S. 1664. Although, as I stated orally, I construe these limitations more narrowly than some others apparently have, their removal in the manner proposed by the bar association draft would certainly be desirable.