

2. The provision in section 6 of the bar association draft that at least five members of the Council of the Conference be members of the bar in private practice seems to me to be undesirable. Although the factors I mentioned orally, which I think render it almost inevitable that the Assembly would be composed preponderately of agency representatives do not apply to the Council, and the membership of the Council might therefore be prescribed in various ways, it seems undesirable to require such a large non-Government representation. If a prescription were to be included in the bill, it probably should be for at least a given number to be agency representatives; but it seems to me that the composition of the Council, like that of the Conference, should not be so restricted. Wherever they may come from, the members of the Council should function in their individual professional capacities, and it should be beneficial to permit considerable flexibility in the choice of members. For the same reasons, a specification with regard to the political affiliations of members of the Council seems to me to be unnecessary. I continue to believe, also, that the composition of the Assembly should not be prescribed in mathematical terms.

3. The sentence in section 7(a) of the bar association draft, that "The Council shall designate the agencies from which members shall be named and the number of such members from each, having due regard for the extent of the administrative programs of the respective agencies," is, I think, a good way to provide for the membership from the agencies.

4. The sentence in section 7(a) of the bar association draft that "Each member of the Assembly shall participate in his individual capacity and not as a representative of any governmental or nongovernmental organization," would, I think, be a desirable feature of the act establishing a Conference, emphasizing the intended nature of the body to be established.

5. The provision of section 9(a) of the bar association draft with regard to the authority of the Chairman to make inquiries, which eliminates the word "preliminary" from the corresponding provision of section 6(c) of S. 1664, would, I think, be a satisfactory substitute. The inquiries would still be "into matters for Conference consideration." I also prefer paragraph (d) of section 6 as proposed in the substitute to the provision of section 6(c)(3) of S. 1664 which would permit "agency regulations" to limit the information which agency heads might supply to the Conference. I see no reason why the agencies should be encouraged to limit by independent action the information they are willing to supply.

6. It seems to me to be desirable to provide, as section 11(b) of the bar association draft would do, that the Assembly shall meet at least once each year. The possibility that meetings of the Assembly might lapse ought probably to be foreclosed by law.

7. The provision of section 12 of the bar association draft, eliminating conflict-of-interest questions that might otherwise surround the service of members of the Conference from outside the Government, is desirable. Questions of this kind are often exceedingly troublesome, and there seems to be no good reason for permitting them to arise in this connection.

Respectfully submitted.

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