

We will be happy now if you will continue your presentation.

Mr. MAXSON. Mr. Chairman, I have a very short statement, and then I would like to comment briefly on one or two of the issues which have been raised by previous witnesses.

Last year, that is, during fiscal year 1962, there were 93,473 formal cases before 32 Federal agencies. A good many of these were very unimportant cases in terms of the number of people involved and the amount of money involved. A substantial number were of significant impact upon the economy.

Here we are in a period of unusual, perhaps, sensitivity to our national growth and to the national economy's well-being. As Dean Landis has gone around saying for a long time, the impact of the Federal administrative process upon the national economy and the whole business community is a very tremendous thing. If, for example, a group intends to build a hydroelectric plant on a navigable stream and if they could somehow go through the necessary process to get the licenses required in a reasonable time, they could hire the labor force, purchase the materials, build the facility, render the service, and provide the asset to the area that added power would provide and contribute to the national economy to the extent that this asset promotes business development in that area.

However, if they go to the Securities and Exchange Commission, to the Chief of the Engineers, to the Federal Power Commission, and are forced to spend 1, 2, or 3 years to get the license to even begin, that means that for 1, 2, or 3 years the hiring of the labor force, purchase of the materials, the asset of the service rendered, the economic activity it will generate—all of these things are inordinately delayed, and this is an encumbrance upon the national development.

Now, that is only one case that may be duplicated thousands of times in this 93,000 figure.

As I say in my statement, the 93,000 figure only suggests the magnitude of the whole process because these are only formal cases. There are countless thousands of informal cases, for example, our 14,000 a year in the Department of Justice which determine exclusion and expulsion in the Immigration and Naturalization Service.

In spite of the concern over the whole process, in other words, the concern over the adequacy of procedures in this area of governmental activity over a long period of time, at least since Lord Chief Justice Hewart inveighed against the "New Despotism" in 1929, it is only recently that there has been anything close to a full appreciation of the impact of the administrative process upon the lives of countless thousands of people and upon the business community at large.

As the legal department of the executive branch, of course, the Justice Department has played a vital role through the years in all of the organized efforts toward improving the administrative process. The Attorney General, under 28 U.S.C. 507(b), has responsibility for the supervision of all litigation to which the United States or any agency thereof is a party. It is because of that responsibility that the Department of Justice has more than an agency interest. In fact, the proper discharge of agency processes has a direct and immediate effect upon the proper functioning of the Department of Justice.

In 1939, the Attorney General, then fully aware of the problems created the Attorney General's Committee on Administrative Pro-