

cedure. The work of that committee culminated in the enactment of the Administrative Procedure Act. The Department's role in that activity was important, and conforming agency processes to the requirements of that act was aided greatly by Justice Department efforts. We were active participants in the subsequent organized efforts of the two Hoover Commissions and the President's Conference on Administrative Procedure.

Finally, in the midfifties the Attorney General, then Mr. Brownell, working with Lee Rankin, Solicitor General, decided that this kind of sporadic effort wasn't going to be enough to meet the problems.

This is a viable area. There are very few ultimate solutions. Almost anything you decide is going to have to be tested and inevitably, almost, modified as you go along. Therefore, the Department of Justice established a continuing organization, but only on a very limited and experimental basis. That is the Office of Administrative Procedure in the Department of Justice.

Its experience has generally been deemed by all who have evaluated it, including the recent Conference, as a contribution and a valuable experience. I think it bears somewhat upon the question before the subcommittee today.

From its total experience in the whole area of efforts to improve administrative procedures, the Department now feels that there can no longer be any doubt as to the need for a continuing organization for consideration of the procedures by which Federal agencies regulate the activity of private interests and otherwise determine private rights.

The special insight needed to deal effectively with the many perplexing problems of Federal administrative procedures requires a kind of momentum which is lost in these occasional or sporadic efforts.

Moreover, the organization, as I say, must have the capability to follow through on its recommendations. The formulation of a recommendation, however conclusive in its terms, is really the lesser part of tangible progress. Even though the organization certainly should have no authority to impose its judgment on the agencies, it should have, first, the facilities necessary to assist the agencies in implementing its recommendations, and second, the opportunity to observe and evaluate the consequences of its actions and to conduct such further studies and take such further actions as may be necessary to effectuate the purposes intended.

The administrative process still is developmental, indeed, still in its infancy. It is far from maturity. There are likely to be very few solutions which we can promulgate and walk away from with no further concern. Even the most perceptive recommendations are going to require following up.

Therefore, there must be a continuing body.

Now, as to the nature of such continuing body, it is clear that the difficulty and complexity of the problems makes imperative the application of combined experience and combined judgment and efforts toward their solution. The continuing organization needed, therefore, must provide the machinery for applying to the problems the accumulated insights of the several agencies, lawyers who handle matters before them, scholars from universities, and others who have special knowledge and experience in Federal administrative procedures.