

For these reasons the Department of Justice feels that the organization contemplated by the bill appropriately fulfills the needs and we therefore support enactment of S. 1664.

Now, Mr. Chairman, if I may speak to a matter or two which were brought up yesterday, I understand that Mr. Brownell and Dean Landis have suggested that there be added to the bill an exemption from the conflict-of-interest statutes for members of the Conference.

I further understand that Professor Gellhorn would go even further and would extend such exemption to per diem staff assistants to the Conference.

The Department of Justice strongly opposes adding to the bill any such exemptions. I respectfully refer to the memorandum prepared in our Office which was distributed as a committee print of this committee dated March 1, 1963, analyzing the new conflict-of-interest statute, Public Law 87-849, effective January 21 of this year. As is explained in that memorandum, the new statute, at 18 U.S.C. 202, creates a new category of Government employees termed "special Government employees," and relieves them from certain of the prohibitions which apply to regular Government employees.

It is clear that both the Conference member and the per diem staff assistant would come within the definition of special Government employee. Also it is evident that if one examines the restrictions against special Government employees as they are listed on page 15 of the committee print, there is no need for special exemption for persons participating in Conference activity. Specifically the restrictions in the new statute are as follows, and I defer, of course, to the precise language as it is printed in the committee print. These are characterizations.

First, a special Government employee, under sections 203 and 205 of title 18, cannot act as an attorney or agent before a court or Federal agency in a particular matter involving specific parties in which he has participated personally and substantially on behalf of the Government.

Now, obviously in the Conference activity there is going to be no participation personally and substantially by Conference members or by staff in particular cases involving specific parties.

If there is, there is something wrong with the operation and we think the restrictions should apply.

Secondly, under the same sections, that is, 203 and 205 of title 18, the special Government employee cannot, except on behalf of the Government, represent anyone as an attorney or agent in a particular matter involving specific parties before his agency.

Obviously there are going to be no specific cases before the Administrative Conference.

Under 18 U.S.C. section 208 a special Government employee cannot in his official capacity participate in any particular matter in which his family, business associates, or persons with whom he is negotiating for employment have a financial interest. Again, it has only the remotest chance of any application, and to the extent there is a chance, we think the new statute is appropriate and it should apply.

Fourth, after his Government service has ended, the special Government employee cannot act as an attorney or agent in a particular