

eral judiciary. And these formal functions constitute only a small part of agency activities.

It is now generally accepted that effective solutions to the many-faceted problems generated by our complex society can be reached only by the concentrated and continuous study made possible by the administrative process. The familiarity so developed provides the flexibility necessary to adjust policy interpretation or procedure to meet the innumerable problems presented and the changes wrought by technological advances. It requires no argument to establish that the maintenance of a viable administrative process, responsive to the changing needs of the social and economic institutions it must regulate in the public interest, is of paramount concern to all interested in sound and effective government.

I do not believe it necessary to remind this subcommittee that in recent years certain agencies and administrators have been objects of criticism. Indeed, the very structure of the administrative agencies has been the subject of some debate. Unfortunately, these criticisms have tended to obscure the many notable achievements of administrative agencies in implementing effectively intricate patterns of regulation in accordance with the policies and criteria of public interests as laid down by the Congress. Nevertheless, it must be conceded that the ever-quickenning pace of industrial and social development poses a continuing challenge to the adequacy of existing practice and a demand for the development of more effective and efficient procedures.

Throughout the years this subcommittee has had before it many proposals for administrative reform. Many of these proposals, however, have consisted merely of attempts to introduce into the administrative process a high degree of uniformity under procedures similar to those which govern our judicial system.

About a year ago I had occasion to suggest that—

an attempt to confine a process deliberately withdrawn from the judicial arena and unsuited to it may serve only to defeat the aims of its sponsors. Those who have had occasion to appear before more than one of our Federal regulatory agencies must have been struck by their widely differing nature and functions. While certain common procedural requirements are susceptible of, and should receive, more uniform treatment, the problems involved in ratemaking, in awarding monopoly air rights, in revoking a broker-dealer registration, or in authorizing changes in the capital structure of a large enterprise, have little in common and provide little basis for a common framework. To encompass the full range of the administrative process within detailed and undifferentiated rules of procedures would afford administrative agencies and practitioners no latitude for the use of their specialized experience to achieve fairer results by simpler methods. Such proposals in my opinion have a large potential for unnecessary delay and complexity.

The point I wish to make here is simply that changes in administrative practice must be carefully tailored to meet the special problems which each agency faces. Flexibility rather than uniformity is the key that will unlock solutions to the many problems of administrative regulation.