

bers of the agency or its staff who might be participating in the decisional process. The Conference noted that limitations of time precluded consideration of the equally important problem of intra-agency communications between members of the agency or its staff performing decisional functions and other agency employees.

The experience of this Conference as well as the experiences derived from the work of earlier conferences point to many additional areas in which there is a need for continuing interagency cooperation. A piecemeal attack on problems of such intricate nature and such extensive scope is less likely to satisfy this need than a continuous conference.

In my view the provisions of S. 1664 are well designed to meet this need. They would provide a clearing house through which Federal agencies, assisted by experts from the academic world, the legal profession and the business communities, might cooperatively study mutual problems, exchange information, and develop recommendations for action by the agencies.

The bill emphasizes that the purpose of the Conference is to "study," to "exchange" and to "develop." The Administrative Conference thus envisioned would be a factfinding advisory organization designed to stimulate thinking about procedural problems and to recommend solutions.

The bill leaves flexible the determination of the relative representation in the membership of the Conference as between agency personnel and private individuals. There can be no reasonable question whether members of the practicing bar, scholars in the field of administrative law, and political science, and members of the business community have a legitimate interest in and can make important contributions to the task of reviewing and improving administrative procedures. Persons outside the Government can and do bring their varied experience to the consideration of these problems and focus the attention of the Conference on troublesome aspects of procedure which have a significant impact on private parties. However, I believe that the Administrative Conference can best accomplish its purposes if it is composed predominantly of personnel from the various Government agencies. The function of the Conference is to assist other Government agencies in the study of their procedural problems. It should be essentially a study and advisory organization of and by the agencies. Agency members who participate in its deliberations will undoubtedly, however, provide a powerful force for implementation of its recommendations.

I am not unmindful that the concept of making the administrative agency an agency Conference has been criticized as "stacking" the Conference in favor of the Government. The assumption is that agency personnel can be counted on to vote together to resist change designed to eliminate procedures which may be unnecessarily time consuming or burdensome to private individuals. In my view such criticism is unfairly leveled at public servants interested only in fulfilling statutory mandates in the public interest. In any event, it is contradicted by the experience of the last Administrative Conference. Were a study made of the views expressed and the votes taken during the Conference, it would reflect a wide diversity of opinion among agency personnel and among persons from outside the Government.