

The importance of this cannot be overemphasized, for it is the past lack of an organization which could perform these combined functions which has, in large measure, precluded effective solution of many of the procedural problems now besetting agencies. In this connection, I should like to take the liberty to refer to my own experience as Vice Chairman and Council member of the Administrative Conference which recently ended.

What that Conference afforded me, and the other participants therein, was a means to meet with other representatives of Government agencies, members of the bar, and scholars, and to discuss problems of mutual concern.

This we did in an atmosphere of reasonableness and cooperation, without any sense of coercion, and on a completely frank basis. Here we were able to exchange information regarding our experience with given procedures, to suggest (in light of our own particular statutes) why certain procedures could not apply to the agencies we represented, for example, and to suggest for consideration by other agencies reforms which had already been achieved at, say, the FCC.

This was accomplished through what I have characterized as a system under which there was "cross fertilization through cross section;" that is, that there was a cross fertilization of ideas through a cross section of representation from the various areas of people knowledgeable in this field.

But this was only a small part—indeed, the lesser part of what those who participated in the Conference gained. Because it was my observation—and I think other participants in the Conference will back me up on this—that the most important thing all of us derived from the Conference, and that was most significant, it seemed to me, to the members representing the agencies, was a revitalized recognition of the need for searching out solutions to procedural problems.

So, speaking from my personal observation, the spirit of cooperation which prevailed at the Conference, and which served as a remarkable catalyst for inspiring fresh perspectives to problems of administrative procedural reform, is perhaps the most important benefit which agencies can expect to derive from participating in a Conference established on a permanent basis.

Of course, the Conference being the joint venture that it is, what agencies will actually derive therefrom will depend, in good measure, on the attitude with which they approach the work and recommendations of the Conference.

By approaching their participation in the Conference with an attitude of openmindedness and receptiveness to desirable changes, it seems to me that the agencies can profit in the same manner as the courts have, through the Judicial Conference of the United States, the body most analogous to the proposed Administrative Conference.

And by openmindedness, I mean that agencies and participants in the Conference should be willing to approach their problems with what Warner Gardner has referred to in his paper, "The Administrative Process," presented during the Columbia University Law School Centennial, and I quote:

A concern more with the pathology of the administrative process—with the areas where it doesn't work as well as it might—rather than with the much larger areas where it works either adequately or exceedingly well.