

Mr. PAGLIN. Mr. Fensterwald, I certainly do not, and I cannot express it any better than did Judge Prettyman yesterday. I agree with him wholeheartedly. The entire concept of the past conference and the concept of this bill is the antithesis of any idea such as a superagency.

Mr. FENSTERWALD. Do you have any views on the question of alternate members?

Mr. PAGLIN. I do, and here again, coming at this stage in the hearings, I must say, in order to save the time of the subcommittee, that I agree with the views expressed by Commissioner Cohen and for the same reasons that he gave. I believe that it would be unrealistic to require the chairman of an agency, a large agency, or a department head, officially and as a matter of statute to be a member of the Conference. Certainly, as you have already heard, the Conference recently concluded took a great deal of time. And to me, the key to all of this and the key to the success of that Conference such as it has been, and I believe it has been, was a continuing and a concentrated participation by the various members of that conference. The Conference did, of course, include members of the agencies, particularly in the case of the Federal Communications Commission, where we had as the delegates to the Conference a member of the agency, Commissioner Rosel Hyde, and an Assistant General Counsel, Mr. John Cushman. They were able, with all of their other duties, however, to participate on a continuing basis, and, as Mr. Cohen stated, particularly in the work of the committees; this was where the real important work was done, the groundwork, and it seems to me, as Mr. Cohen said, unrealistic to regard a chairman of a large agency, with all of his duties, to be able to give that much time to it.

However, I also agree that if you do have a head of an agency who has the expertise, such as he described, he ought not to be barred.

Mr. FENSTERWALD. It seems to me you had several agency heads, including the present head of the Federal Power Commission, who were members and who did take a great deal of interest and were active in the Conference, and I don't think there is any suggestion that they shall be barred, but, if they do not feel that they have the time or the inclination, that they should designate someone in their place but not an alternate member.

Mr. PAGLIN. That is correct. I do have reference to the particular language in the statute in section 4 which deals with this problem of alternates, and if I recall correctly, the language states "as occasion requires."

This would seem to me to lead to the problem of spotty representation, such as Mr. Cohen mentioned. I would likewise have the fear that if the chairman of an agency was unable to attend committee meetings or plenary sessions, and chose just whoever happened to be free at the time, we would lose the benefit of this continuing participation, this interest and familiarity with the background of what the Conference has been doing, especially when you are thinking in terms of a permanent Conference.

Mr. FENSTERWALD. Thank you.

Senator LONG. Mr. Kennedy?

Mr. KENNEDY. Mr. Chairman, thank you. I have no questions.