

recommended to the House of Delegates of the American Bar Association that the concept of an administrative conference be approved. It was so approved by the American Bar Association.

I participated with Judge Prettyman in Conferences at the Department of Justice and the White House which finally led to President Eisenhower's setting up machinery for the development of this Conference in August of 1959. I served on the organizing committee of that group with Judge Prettyman, and I had the privilege of serving in the second Conference as a delegate and as Vice Chairman of the Committee on Practice and Procedure. I felt that the second Conference was even more successful than the first and that the experience of these two Conferences demonstrated beyond any question, at least to my mind, that it was essential that some machinery be set up for a permanent Conference.

I think that if we expect improvement in the Government, and we must always expect this and demand it, it is important that a large measure of this improvement be self-improvement, that it be voluntarily undertaken by the agencies of the Government and their officers responsible for maintaining our form of society. It is important because those who are persuaded, rather than pushed, are apt to operate and to improve in a more efficient way. This is always so. The man who is pushed too far is apt to be resentful, and I think that Government agencies can be likewise resentful if they are pushed too far without the privilege of participating in matters of this sort.

And therefore I feel strongly that the Administrative Conference should have a preponderance of its members among the administrative agencies from the Federal Government itself.

But there is a vast segment of the bar that is likewise, vitally interested in improvement of the administrative process. They sit on the other side of the council table and they, too, should be counted in and counted in in an important manner. There are those in the universities who are interested in improvement, and they, too, should have a role in this Conference.

I feel, Mr. Chairman, that your bill strikes a happy medium between these various interests, a balancing need, and I believe that, in principle it is wholly sound.

I, therefore, have no suggestions to offer for amendments. I have no doubt that the bill can be improved but I feel that in the main thrust, it is a bill that is very much in the public interest. It is a bill to which the Congress this session should give its attention.

There is no more pressing problem in Government in these days than that of improving the administrative process. And I reiterate, sir, my congratulations to you for your great leadership of this cause. You have the opportunity here, as do other Members of the Senate and the Congress, for making the most significant contribution to improvement to Federal Government since the passage of the Administrative Procedure Act.

I thank you, sir, for the opportunity of appearing here in support of this legislation.

Senator LONG. Thank you, Mr. Kintner. The Chair would like to note that this fine statement was made without manuscript or without notes as far as I can determine.

Mr. Fensterwald?