

classes of cases, including those before the regulatory agencies. The Conference created an Advisory Committee on Procedure Before Administrative Agencies, chaired by Judge E. Barrett Prettyman. After a firsthand investigation of the causes of excessive delay and expense and unduly voluminous records the Committee reported its conclusions and recommendations to the Conference in September 1951.

Because I believe that Committee made a significant contribution to a general understanding of the problem which S. 1664 attempts to meet, I would like to quote certain brief excerpts from the report of the Judicial Conference of Senior Circuit Judges, as follows:

* * * unduly voluminous records and unreasonable delay constitute a hindrance to the success of the administrative process * * *.

The contributing causes of these difficulties vary from proceeding to proceeding and from agency to agency * * *. Necessarily, the remedies for these causes must also vary.

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The regulatory agencies themselves must solve this problem. The solution may best be accomplished by the cooperation of all agencies involved; in fact, a cooperative approach, with mutual exchange of experience and suggestions, seems imperative for the most efficient functioning of the administrative agencies.

The Committee recommended that the Judicial Conference suggest to the President that he call a Conference of Representatives of the Administrative Agencies having adjudicatory and substantive rule-making functions to devise ways to meet the problems identified above. The Judicial Conference adopted that recommendation, and added a recommendation that representatives of the Federal judiciary and the bar be designated to attend the Conference and to serve in such capacity as the President might determine.

The proposed Conference was established by President Eisenhower on April 29, 1953. The final report of that Conference recommended establishment of an Office of Administrative Procedure in the Department of Justice. Such an Office was created by administrative action of the Attorney General and has made a valuable contribution with limited resources. Many continued to hold the view, however, that other organizational arrangements would be preferable, with strong support for the Administrative Conference approach.

In March 1960 the Judicial Conference renewed its recommendation for a permanent Conference in which representatives of Federal agencies and the practicing bar would participate. The proposal was strongly supported by the Chief Justice in a letter to the President on May 6, 1960. On August 25, 1960, the chairmen of six of the major regulatory boards and commissions jointly recommended to the President a detailed proposal for the creation of such a Conference.

President Eisenhower appointed a committee to formulate plans, and the Conference was established by Executive Order 10934, issued by President Kennedy on April 13, 1961.

S. 1664 is a direct outgrowth of a recommendation of that Conference, transmitted to the President on December 17, 1962, pursuant to his directive that the Conference evaluate the need for further studies of administrative procedure and suggest appropriate means to be employed for this purpose in the future.

I have reviewed this background, Mr. Chairman, in some detail to illustrate the careful study by many interested groups and the long experience which lies back of the proposal in S. 1664.