

We have tried to organize our presentations so that we don't repeat and so we can be most helpful to you hopefully, and Mr. Sellers will go first and I will go second, and then Mr. Foster, and I would like to suggest, Mr. Chairman, if you have questions, you and Mr. Fensterwald and Mr. Kennedy, that they be held until we complete the presentations.

Senator LONG. It is our intention to do that. We are happy to have all three of you here this morning.

Mr. Sellers, you may proceed.

Mr. SELLERS. Thank you, Mr. Chairman, and members of the subcommittee.

My name is Ashley Sellers. I am vice chairman of the Special Committee on Legal Services and Procedure of the American Bar Association and presently serve as an assembly delegate to the house of delegates.

I am a former chairman of the section of administrative law of the American Bar Association and appear here today on behalf of the association to support the establishment, by appropriate legislation, of an Administrative Conference of the United States.

The concept of such a permanent Administrative Conference of the United States has long been advocated by every group which has considered the matter.

The time is ripe for the establishment of such a Conference because there is a crucial need for it. Furthermore, I think this subcommittee will agree, when it reviews the history of past events, that the establishment by legislation of a permanent Administrative Conference has been carefully considered, and that the various alternatives concerning the manner of the establishment and operation of such a Conference are being thoroughly explored.

It is not a situation in which the subcommittee is confronted with a completely new idea, in which case it would be both necessary and desirable for the subcommittee to take evidence with a view to deciding whether the idea has merit. As I view the matter, there can be no serious opposition to the idea, itself. I think that the primary task of this subcommittee is to determine the details of the legislation for the establishment of such a Conference.

Personally, as a longtime member of the American Bar Association, I have served with those sections and committees of the association which have advocated the establishment of an Administrative Conference of the United States. Therefore, to make the record clear, I favor the establishment of such a Conference along the lines espoused by the American Bar Association.

One of the key provisions of the American Bar Association's approach to this matter is that the Chairman of the Conference should be given strong powers by the Congress in the enabling legislation, including powers to act individually and on his own initiative in dealing with the host of problems confronting our administrative agencies—and by administrative agencies I include all executive departments exercising regulatory functions, as well as the so-called independent Federal agencies.

In this connection, I would like to impress upon the subcommittee my conviction that, in dealing with matters of administrative law and procedure, both the Congress and other groups unfortunately