

frequently overlook the fact that our great executive departments, in many cases, exercise administrative regulatory powers just as important to those concerned as do the independent agencies.

For that reason, I am pleased to point out that the ABA proposal for legislation for the establishment of a Conference, as well as the other legislative proposals which have come to my attention, is, by its terms, applicable to executive departments as well as to independent agencies.

By this, I mean that the Administrative Conference of the United States, if established on a permanent basis by legislation, as proposed, would be able to deal with those problems of administrative law and procedure concerning the executive departments, as well as the so-called independent regulatory agencies.

In addition to the creation of a strong Chairman, with independent powers, another key provision of the legislation for the establishment of a Conference, advocated by the American Bar Association, makes it clear that the Conference to be established is not based upon the concept that it shall be dominated by the executive departments and agencies, themselves.

I am aware that there are those who honestly feel that the primary value to be achieved by an Administrative Conference of the United States is simply to create a mechanism by which the Federal executive departments and agencies, themselves, may meet and engage in some process of self-improvement. Of course, self-improvement is important, but I submit that it is not enough.

For that matter, may I break in on my prepared statement to say that I am not sure that it really is necessary to have special legislation creating an Administrative Conference if all that is going to be done—if its sole purpose is to enable the agencies themselves to meet and to have self-improvement programs. I think they have that power already. And in fact, it is a rather—it is somewhat of a commentary that over the many years that have gone by, in which time after time these problems of delay and problems of unnecessary variation in procedures have been brought to their attention, that there has not been more of interagency committees and coordination and liaison for this purpose.

In my opinion, the Conference should, as contemplated by the American Bar Association's proposals, be based upon a somewhat broader foundation. It should be regarded as a meeting place for departments and agencies and nongovernmental representatives from the practicing bar and from the scholastic world to meet and exchange ideas. Neither governmental nor nongovernmental groups have a monopoly on ideas.

If a permanent Administrative Conference of the United States is to be established by legislation, as I think it should be, then it should provide a forum in which all persons concerned with the improvement of administrative law and procedure may participate. Therefore, I am pleased with this part of the legislative program of the American Bar Association, and I hope that this subcommittee will agree with this philosophic approach.

A third key provision of the legislative program for a Conference advocated by the American Bar Association is based upon the concept that the subject matter with which such a Conference may deal should