Returning to the text, these, therefore, are the key provisions of the legislative proposal of the American Bar Association and which it feels are necessary if the Congress is to establish a conference which will make a contribution to the field of administrative law of significant value:

(1) A strong Chairman with independent powers;

(2) A Conference composed of representatives of governmental and nongovernmental personnel without a prerequisite predominance of any one group; and

(3) Authority to deal with the whole range of administrative procedural problems.

Now with the subcommittee's approval, I would like to direct attention to why I think a Conference should be established by legislation, along the lines which I have indicated. But, in spite of the general recognition that the rise of administrative law has probably been the most legally significant trend in this century, and that this body of law affects so many values, the surprising—and I am almost tempted to use the word "shocking"—fact is that, for the most part, the Congress of the United States, which is the creator of administrative law, has been able to give so little attention to its form and the direction of its growth.

Apart from the Federal Register Act of 1937 and the Administrative Procedure Act of 1946, the Congress has thus far dealt with administrative law and procedure largely on an ad hoc basis. Separate legislation dealing with the various agencies and executive departments has been the keynote. Actually, for example, there is no real reason why some regulatory functions have been entrusted to Federal executive departments while others of a precisely similar nature have been entrusted to so-called independent regulatory agencies.

While bearing certain similar characteristics, the very procedures prescribed by the Congress under the different regulatory statutes have not been consistently uniform even where uniformity would be desirable, both from the standpoint of the government and of the public.

Insofar as the Congress is concerned, this situation of lack of uniformity has undoubtedly been occasioned by the fact that the Congress created each administrative function at a different time. Different draftsmen were responsible for the different great regulatory statutes. Individual idiosyncrasies and preferences unavoidably crept into the drafting processes. There has been no common reference point—no guidelines as to what is desirable both from a governmental and a public standpoint.

Indeed, I daresay that, more often than not, when enacting the great regulatory statutes, the individual Members of the Congress naturally have been more concerned with substance than with procedure, which they probably regarded and well might have regarded as an incidental detail.

The result is that, because of the manner in which the Congress has enacted the various laws, a hodge-podge of procedures is provided. Sometimes the Congress has even imposed the strictest sort of quasi-judicial proceedings with respect to essentially rulemaking functions, thereby hamstringing both the Government and the public and giving