

Our particular formula said that not more than 50 percent of the membership of the Conference should be agency personnel and not more than 50 percent should be members of the practicing bar.

Incidentally, Mr. Chairman, although we haven't been able to be with you in that last 2 days, we have secured the transcript and read it each night and we have read all the prior testimony. I have noticed that some people say that we are advocating 50 percent practicing bar and 50 percent from the agency, but we are not by any means doing that. We have put it negatively and said not more than 50 percent should be from the agencies and not more than 50 percent should be from the practicing bar.

What we are trying to do is avoid "stacking" this Conference in either direction.

Now, I would like to point out that our formula would allow a Conference almost precisely similar to the 1961-62 Conference which you have heard praised in great measure. In that Conference there were 94 members. I notice Judge Prettyman testified there were 88; but in his count I believe he left out the Senate and House of Representatives members and alternates, so that you had actually 6 more than he said.

Now, they included agency personnel and the Members of Congress and judges and other persons employed by the Government, and finally members of the practicing bar and scholars.

Now, actually 47, or 50 percent, of that Conference were agency personnel and the others came from the other groups which I have mentioned.

Now, I heard no complaint about the composition of the previous Conference and our formula allows a Conference which is precisely like the one before, and it avoids the "stacked deck" idea. We also provided that the Council should include five members of the practicing bar to assure fair public representation. That is less than a majority, of course. At the last Conference, in fact, the Government personnel on the Conference were in the minority.

Finally, in securing unanimity of action in ABA on this, we had no problem about the scope or coverage or work of the Conference because it never came up as an issue. It was always considered that it would be coextensive with the basic coverage of the Administrative Procedure Act.

Now, from my experience I believe if this committee reports a bill which will incorporate those three fundamentals; that is, a Chairman with independent powers, a Conference membership with—and I want to say this very carefully—a Conference membership with fair representation from all interested and affected quarters, and a scope of work coextensive with the basic scope of the Administrative Procedure Act, the bill will find enthusiastic general support.

In conclusion, I think that you will also want to realize that the Administrative Conference will not be simply a study group dealing in matters of academic interest. The Conference can produce substantial savings to the taxpayer by promoting efficiency in administrative procedures.

Mr. Kennedy was indicating some interest in the cost of the Conference this morning. I think that the opportunities for saving in Government procedures, administrative procedures, through the work