

This is required by section 4(b) as now drawn, and it is apparently interrelated with certain other provisions in the bill. Thus, section 6(b) provides that the Conference shall include a Council composed "preponderantly of Federal officials and personnel."

Also, section 2(f) states that the purpose of the act is to provide arrangements through which "Federal agencies, assisted by outside experts, may cooperatively study mutual problems * * *."

In the first place, we believe that provisions of this sort will have the calculable effect of destroying public confidence in the work of the Administrative Conference. Such provisions are sure to stimulate charges that the Federal agencies involved are thereby insulated from public criticism, even though genuine and constructive, if the agencies themselves should view such criticism as unwelcome.

In the final analysis, the agencies exist and operate only for the public, not for the benefit of agencies or of agency personnel. As has been said before, they are the servants, not the masters of the public. And surely no one would object to a fair representation of the public in the composition and functions of the Administrative Conference.

Indeed, a plausible argument could be advanced for subordinating participation of agency personnel to preponderant representation of the public. But neither this extreme, in our view, nor the opposite extreme in the language of the bill as now drawn provides the right solution.

Instead, we think the bill should be amended to provide for a fair and representative participation by persons from the agencies and members of the practicing bar, scholars in the field of administrative law and government, and others specially informed by knowledge and experience with respect to Federal administrative practice and procedure.

Members from outside the Federal Government should be appointed in such numbers as will insure adequate representation of the public and reflection of diverse experience. Rather than to provide for a preponderance in either direction, we propose an arrangement under which not more than 50 percent of the membership will be members of the bar in private practice, and not more than 50 percent will be persons from the agencies. In this connection, it should not be overlooked that many of the members appointed from outside the Federal Government will certainly be persons with prior experience in the agencies.

We hold similar views as to the proper composition of membership of the Council. Here again, there should be a reflection of diverse experience in the field of administrative procedure. In no event should there be a preponderance of agency representation.

A related feature which we believe should be amended is the provision in section 4(b) specifying that certain Federal officials shall attain membership in the Conference by reason of the offices which they hold, either automatically or upon designation by the President, or when authorized by the Council. While we recognize that it will not be possible for members of the Conference who are Federal officials or personnel to divorce themselves entirely from their own experience, they should exercise their own independent judgment as individuals, not serve as mere representatives of agencies in carrying out