

their duties as members of the Conference. The bill should include a specific provision to this effect.

Ideally, each member of the Conference should draw upon the entirety of his experience and expertise, wholly without regard to whether he happens to be a Federal employee or not. His goal should be improvement in administrative procedure to serve the public good. This should never be subverted by an impulse to insulate any agency from constructive criticism, either through such member's individual actions or in concert with others. The bill should contain no language which could be seized upon by its opponents as grounds for charging that the Conference is so composed as to prevent any criticism unwanted by the agencies.

In this connection I believe it is very significant, Mr. Chairman, that Mr. Staats felt impelled this morning to defend S. 1664 against charges which are already in the press asserting that it would create a super-agency. Likewise, Mr. Kennedy referred to the fact that he has received, or Senator Dirksen has received letters characterizing this as a "stacked deck." Both of such types of charges are the outgrowth, we submit, of the features of the bill to which I have just invited attention. And this aspect of the bill can easily be cured and a restoration of public confidence in the bill can be effected, we believe, by the suggestions that I have advanced.

In this connection, I think it should not be overlooked that the fact that the administrative process is on trial today, the horrendous condition which exists in the operations of many agencies, is, in large measure, though not entirely, the fault of the agencies themselves.

Since that is so, it seems somewhat illogical to suggest a "preponderantly" self-improvement program as the best means of solving the problem.

In this connection, also, I think it should be noted that reference was made by Mr. Staats to the composition of the Judicial Conference. It is true enough as he pointed out that the Judicial Conference itself is composed entirely of judges, and so I might add were the conferences of some of the Judicial Circuits.

However, I think it is significant to point out right here that in a recent amendment of the rules of District of Columbia circuit, the composition of the Judicial Conference of that circuit was so altered as to create a situation under which there would not be a preponderance of judges, and we believe that this is the outgrowth of the experience within that conference and may well forecast a trend revision in the organization of the Judicial Conference itself.

Nor should it be overlooked that the appointive power vested in the President necessarily carries with it a sure means to control the flavor of the composition of the Administrative Conference. It is thus a surplusage, which should be eliminated, to superimpose a requirement that the Conference be "preponderantly" agency dominated. To require by law such a preponderance is to invite and give support to charges—already in evidence today—that the Conference will be a "stacked deck" and that it will be in effect a "super agency."

Now, Mr. Chairman, in view of the shortness of time, and your prior indication of the wish to conclude this morning, and it is a transgression upon your courtesy to proceed further with my prepared statement, I would therefore suggest, if it would be in order, that the bal-