

Indeed, I believe that the administration would gain much from having available and in operation a continuing study group that would presumably be broadly concerned with methodological matters, whether in a claims-determining agency affecting millions of citizens or in a contracts-judging body affecting a significant portion of the economy. Bear in mind that the Administrative Conference has no power to compel, but only the capacity to advise. Bear in mind that it will have no inducement to roam at large in a recklessly improvident way, but will in the very nature of things interpret "administrative procedure" as lawyers typically do, and not as management experts do. Bear in mind that if, contrary to all reasonable expectation, some future Administrative Conference were to divert its energies into too distant realms, a quiet word from the White House to the Chairman would probably be heard and understood, as would a nudge by an appropriations subcommittee. In short, the dangers that the Administrative Conference will stray into undesired territory are few. The trouble with S. 1664 is that it would prevent attention to procedures as to which the Administrative Conference's judgment might be highly desirable.

Let me conclude this too long letter with one more remark. If the only way to have an Administrative Conference would be to accept the limitations of S. 1664, I would favor their acceptance in accord with the doctrine of the half loaf. But, truly, I see no solid justification for the limitation. I most earnestly request your reexamination of the theory that now underlies them.

I shall send a copy of this letter to Judge Prettyman for his information. You remarked in your letter that he, too, had planned to write me about S. 1664. His letter has not yet caught up with me.

Cordial personal regards.

Sincerely yours,

WALTER GELLHORN.

(The above letter was transcribed July 6.)

○