

Mr. Hamilton, the problem of size, as I explored with the chairman of the Administrative Conference, is one of the most serious obstacles toward the creation of a Federal ombudsman. You have done considerable work in the State and local area. What about the possibility of creating the regional type of ombudsman that I explored with Chairman Williams? Do you think this will work as an experiment at the Federal level?

Mr. HAMILTON. I would think so, but I would imagine that the regional definition would be based rather than on State lines on the jurisdictional lines of the agency concerned. In other words, since 1937 in this country we have been trying to get Federal agencies to have the same regions. Quite obviously the FAA does not have the same region as the VA or the Federal Bureau of Prisons or HUD or HEW. Consequently, I do think in answer to your question specifically, that a regional application will work provided the jurisdiction of the ombudsman conforms to the administrative region of the agency to which his work is addressed rather than to an artificial geographic area, say, the States of California, Nevada, and Colorado.

Mr. KASS. So, if an experimental ombudsman were created with jurisdiction over complaints of all citizens residing in, for instance, the State of Missouri or the State of California, even though this did tend to cross State lines as far as Federal agencies are concerned, you think this would cause problems?

Mr. HAMILTON. Yes, I do; because the regional office may not be located in that State.

Mr. KASS. I see.

Mr. HAMILTON. Accessibility is to my mind at the heart of the grievance mechanism.

Mr. KASS. Access to the appropriate official?

Mr. HAMILTON. Yes.

Mr. KASS. But now, if the ombudsman had access through the use of telephones—part of the process as we understand it is that the ombudsman doesn't necessarily have to make field investigations, but can accomplish the same thing through telephone calls and letters if people had access to the ombudsman living in St. Louis or Berkeley or some place, and this ombudsman had jurisdiction and had access to literally everybody.

Mr. HAMILTON. Yes; if he had the access to the officials and the records, then it would work.

Mr. KASS. This would work.

Now, you mentioned the concept of amparo. Could you just for about a minute explain what it is and, with the chairman's permission, we would like to put the document that you prepared into the Appendix of this hearing record.

Senator LONG. Without objection that will be placed in the record.

Mr. HAMILTON. The amparo is a concept of Mexico particularly. It is a writ, and a constitutional right, which allows an individual to proceed against an administrative action without proceeding against the law under which the administrator is acting.

It is before the Federal judicial authorities. The plaintiff is always an individual. One of its unique and distinct features is that the doctrine of stare decisis does not apply; and, consequently, the judge when he hears this plaint does not have to worry about judges 20 years