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IN THE

Supreme Court of the United States

OCTOBER TERM, 1952.

No. 278.

ROBERT RAMSPECK, ET AL., *Petitioners*,

v.

FEDERAL TRIAL EXAMINERS CONFERENCE, ET AL., *Respondents*.

BRIEF FOR THE BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA, INC. Amicus Curiae

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

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PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

SUBJECT INDEX.

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OPINIONS BELOW

The opinion of the District Court (R. 49) is reported at 104 F. Supp. 734. The opinions in the Court of Appeals (R. 96-105) are not yet reported.

COUNTER-STATEMENT OF QUESTIONS PRESENTED

1. Whether regulations of the Civil Service Commission, which provide for as many as five grades of hearing examiners within a single agency, are reasonably within the rule-making power vested in the Commission by section 11 of the Administrative Procedure Act; taking into account provisions and operations of the associated regulations made necessary as a consequence of such multiple grading

of examiners; i.e., the promotion scheme set out in section 34.4 and related sections; the segregation of agency cases of adjudication into groupings corresponding to the number of examiner grades; the grading of each case on the initial pleadings in accordance with the case groupings; and, the assignment of particular cases within each group to the corresponding grade of examiner(s).

2. Where the statute provides for the assignment of cases in rotation so far as practicable, may the Commission by regulation restrict such rotation of cases within each of five pre-determined categories and thereby limit the assignment of cases to examiners in as many as five different grades of examiner competence and corresponding case-difficulty.

3. Where the statute provides for removal of examiners only for good cause after opportunity for hearing, may the Commission by regulation provide for reduction in force in accordance with regulations applicable generally to non-examiner employees.

STATEMENT

This proceeding involves the statutory validity of the Hearing Examiner Regulations of the Civil Service Commission (referred to herein as "Commission"). It is the position of The Bar Association of the District of Columbia (referred to herein as "Bar Association") that the Commission's regulations are in violation of section 11 of the Administrative Procedure Act (referred to herein as "Act").

The views of the Bar Association on this subject were set forth in the resolution adopted by it on August 17, 1951, referred to in part in the Government's brief, p. 46. The first and second paragraphs of the Bar Association's resolution (not quoted in the Government's brief) state:

> "1. That the Commission's proposed promotion policies and procedures for hearing examiners should not be

placed into operation as they are clearly contrary to the express provisions and legislative history of section 11 of the Administrative Procedure Act.

"2. That the promulgating of promotions contemplated by section 11 of the Administrative Procedure Act do not require either the existence of vacancies in higher grades or competition among hearing examiners."

It is also the view of the Bar Association that there should be but one grade of examiners within a single agency. This has been the consistent position of the Bar Association and is stated in paragraph 5 of the same resolution as follows:

"5. That insofar as possible and practicable, there should be no more than a one grade spread among hearing examiners engaged in the same activity; that for the purpose of this Resolution, activity may be defined as hearings conducted within an agency or within one of several divisions in an agency."

In a few of the agencies where there is a clear subdivision in sections 7 and 8 proceedings, the principle of one grade of examiners within a single agency would not be violated if different grades were established, provided that there were substantial differences between such proceedings. A few agencies administer different statutes which may warrant a difference in grades.

Use of the term, "agency", in this brief with reference to one grade of examiners within a single agency contemplates the possibility, in a few cases, of more than one grade within an agency as defined in the Act, section 2 (a). The term, "each agency" used in section 11 of the Act contemplates an "agency" as defined in section 2 (a)[1] which would

[1] S. Doc. No. 248, 79th Cong., p. 196: "The word 'authority' is advisedly used as meaning whatever persons are vested with powers to act (rather than the mere form of agency organization such as department, commission, board, or bureau) because the real authorities may be some subordinate or semidependent person or persons within such form of organization. In conferring administrative

seem to warrant a larger listing of agencies than that included in the Government's brief, p. 18.

The Bar Association is interested in the establishment and operation of a trial examiner system for the full and fair conduct of proceedings specified in sections 7 and 8 of the Act. The Bar Association appeared *amicus curiae* in this proceeding both before the District Court and the Court of Appeals. The Bar Association is opposed to multiple grades of examiners within a single agency, which is permitted by the Commission's regulations.

The Commission's regulations are cumulative and interrelated in their invalidity. When the Commission blanketed in the incumbent examiners, it found multiple grades of examiners within a single agency. Its regulations thereafter adopted provided for as many as five grades of examiners within a single agency. It was then confronted with the necessity of providing for a promotion system. Because of the provision for multiple grades and for promotions, the Commission found it expedient to categorize hearing examiner proceedings into groupings corresponding to the number of examiner grades provided for each agency. Having categorized such proceedings the Commission found it necessary and expedient to match up case categories with examiner grades. As a consequence of these actions, the Commission restricted the rotation of cases to each category and among the corresponding grade of examiner(s).

The intended operation of the Commission's regulations in the selection and promotion of examiners is understood to be substantially as follows:

> The appointment of an examiner, by whatever method chosen, depends upon the existence of a vacancy. The

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powers, statutes customarily do not refer to formal agencies (such as the Department of Agriculture) but to specified persons (such as the Secretary of Agriculture). Boards or Commissions usually possess authority which does not extend to individual members or to their subordinates."

existence of a vacancy, whether it is to be filled, and when it is to be filled, are matters left to agency discretion.

Assuming the existence of a vacancy and the agency's willingness to fill it, the regulations come into operation. At the outset the agency has an election of methods; i.e., appointment from the open register, promotion, transfer, re-assignment, or reinstatement. The regulations allow the agency to transfer non-examiner personnel into an examiner position. This appears to account for the near absence of agency selection from the open competitive register.

The promotion regulations come into play only if the agency elects to fill the vacancy by promotion. In such cases, all examiners within the agency in a lower grade than that to be filled are eligible candidates for the position. The cases of all candidates are studied by a Board of Examiners. From the Board's recommendations the Commission selects the examiner to be promoted. There is provision for review before a Board of Appeals.

The number of promotion processes which might be set in motion would be dependent upon the frequency of agency discretion to fill vacancies by promotion. In some agencies, the process could result in a virtual promotion treadmill.

The process might also be set in motion upon application by an incumbent examiner to have his position upgraded. Favorable action by the Commission in such case would result in the creation of a vacancy which would present the agency with an opportunity for the election of methods above stated.

The period of time required to handle one promotion proceeding is estimated to vary from six months to two years.

ARGUMENT

Introduction

In all matters of administrative "case adjudication" (including rule-making proceeding where the particular statute provides for a hearing), the Act assures opportunity

for a hearing and a determination of the case in accordance with the provisions of sections 7 and 8.

Each such hearing (excluding those relatively few heard by the agency itself) is required to be presided over by one or more examiners appointed under the Act. The Act expressly provides that such statutory examiners be "qualified and competent" and that they conduct their functions "in an impartial manner".

To assure competent examiners, functioning impartially between agency-parties and private parties, the Act makes provision for security of tenure and compensation, independent of agency influence.

The Act itself spells out in considerable detail the powers and functions of a statutory examiner. The Act enjoins certain conduct and removes certain authority previously exercised by agencies over examiners. The Act limits the agency in its discretion or authority as to matters of appointment of examiners;[2] the assignment of cases among examiners; and the assignment of inconsistent duties to examiners. The Commission determines the qualifications and competence of eligible examiners. The Act precludes any agency recommendation in the matter of examiner compensation. The agency may not remove an examiner. Beyond these matters specified in and enjoined by the Act, it vests the Commission with authority to promulgate all rules deemed necessary for the purposes of section 11. Thus the Act, in clear terms, provided for the withdrawal of agency

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[2] "There shall be appointed by and for each agency as many qualified and competent examiners as may be necessary...."

The Civil Service Commission was to establish the qualifications for agency hearing examiners. It was to examine and qualify persons competent to serve as hearing examiners. The agencies, then, were to appoint from among these persons, the examiners necessary to their proceedings.

"Appointments are to be made by the respective employing agencies of personnel determined by the Civil Service Commission to be qualified and competent examiners." (Statement of the Attorney General, S. Doc. No. 248, p. 414).

control or influence over examiners in the matters of appointment, assignment of cases, removal, and the fixing of compensation.

The Act thus removes from the agencies large areas of control over their examiners in the matters specified. The other alternative before Congress was the complete separation of examiners from the agencies.[3] Having adopted the milder alternative, there is no room to water down the Act by regulations which compromise intended status and independence of examiners.

Unless the Commission's regulations assure the presence within agencies of competent examiners, functioning impartially, the Act in the matter of case adjudication remains but an empty shell.

A. The Commission Failed to Give Effect To and Proceeded Contrary to the Act in Providing for Multiple Grades of Examiners Within a Single Agency.

The multiple-grade issue embraces the related and subordinate issues of promotions, case grading, compensation and Classification Act, as considered below.

Examiners. The term, "examiner", is not defined in the Act. The origin of its use in federal agencies is not clear. Perhaps its earliest use was in the patent office.[4] In early times there were examiners in chancery who were officers of the court. Webster's International Dictionary (1936) defines Examiner thus:

[3] S. Doc. No. 248, 79th Cong., p. 216: "The bill is designed to operate as a whole and, as previously stated, its provisions are interrelated. At the same time, however, there are certain provisions which touch on subjects long regarded as of the highest importance. On those subjects, such as the separation of examiners from the agencies they serve, there has been a wide divergence of views. The committee has in such cases taken the course which it believes will suffice without being excessive. Moreover, amendatory or supplementary legislation can supply any deficiency which experience discloses in those cases."

[4] Bouvier's Law Dictionary: "Examiners. Persons employed by the government of the United States in the Patent Office for the purpose of passing upon applications for letters patent."

"A court officer empowered to administer the oath and take testimony"

There are today masters in chancery who are acknowledged to possess the status of a judicial officer. The duties of examiners provided for in the Act are spelled out in some detail. The Commission's own Examining Circular contains a description of duties which is consistent with those associated with one acting as a judicial officer.[5]

Multiple grades. The statutory status given examiners by the Act, the specification of their duties, and their protection in terms of assignment of cases, tenure, and compensation are inconsistent and in conflict with their treatment in the Commission's regulations. The Act requires the appointment of qualified and competent examiners. As related to proceedings pursuant to sections 7 and 8, the Act does not acknowledge multiple degrees of competence. If the examiners of an agency are qualified and competent for sections 7 and 8 proceedings of that agency, they meet the requirements of the Act. The rights assured a person in the matter of hearing and decision are not qualified by any arbitrary degrees of difference in terms of relative difficulty or importance.

[5] "In general, Hearing Examiners preside at formal hearings required by statute. They may be required to make recommended or initial decisions on the basis of the record. The normal duties and responsibilities of a Hearing Examiner are to: (1) administer oaths and affirmations; (2) issue subpenas authorized by law; (3) rule upon offers of proof and receive relevant evidence; (4) take or cause depositions to be taken whenever the ends of justice will be served thereby; (5) regulate the course of the hearing; (6) hold conferences for the settlement or simplification of the issues by consent of the parties; (7) dispose of procedural requests or similar matters; (8) question witnesses, if necessary; (9) consider the facts in the record and arguments and contentions made, or questions involved; (10) recommend decisions or make initial decisions on the basis of reliable, probative and substantial evidence on the record; and (11) take any actions authorized by agency rule consistent with the provisions of the Administrative Procedure Act. Hearing Examiners may also be required to perform additional duties not inconsistent with their duties as Hearing Examiners."

Congress did not intend to authorize an examiner system with sub-grades of so-called competence. This is most certainly a subject for which express provision would have been made were such intended. The opposite intention is indicated by the provision for assignment of cases in rotation, and by reference to the Classification Act of 1923 only in the matter of examiner compensation to be prescribed by the Commission. There is nothing in the Act which warrants the sub-grading of cases of adjudication or the sub-grading of examiner competence in the hearing or decision of cases.

Promotions. As a consequence of allowing multiple grades of examiners within a single agency, the Commission became committed to a course of subordinate actions quite clearly out of sympathy with the purposes of section 11. Multiple grades within an agency require the institution of promotions. The Act empowers the Commission to prescribe the compensation of examiners. Having authority to prescribe the compensation of examiners initially, the Commission would have continuing power to adjust the compensation of examiners from time to time. Authority to prescribe compensation for examiners, and to make adjustments thereof from time to time, does not comprehend promotion regulations, which operate in terms of individual positions or examiners.[6] The Commission's regulations,

[6] "Examiners shall receive compensation prescribed by the Commission independently of agency recommendations or ratings and in accordance with the Classification Act of 1923, as amended . . . ."

The Commission was to establish the salary of examiners. It was to do so independently of agency recommendation. The Attorney General's Committee had recommended a specified uniform salary scheme for examiners. To avoid statutory compensation for all examiners, Congress left the salary determination to the Commission. The compensation was to be fixed by use of position grades of the Classification Act. Flexibility through the years was also provided. Adjustment of compensation, following experience or changing duties, was forseen. But "salary security" was uppermost. In fact, *promotion* as generally conceived was *not intended.*

furthermore, in allowing an agency to determine the existence of a vacancy and whether or when to fill it, deprive the Commission of its statutory authority to prescribe examiner compensation. This sub-delegation to agencies of an election as to methods for filling a vacancy allowed the agencies effective control over the compensation of examiners. Moreover, the promotion process necessarily involves agency recommendations as to compensation of examiners. Operation of the promotion regulations allows the agency control over the initiation of promotions, and their timing. None of this is consistent with section 11 of the Act.

Case Grading. The structure of multiple grade examiners and the resulting promotion system was premised upon the classification of agency cases. This is a false premise. The Act does not require nor permit the arbitrary division of cases within one agency into as many as five categories. Such differences in difficulty or importance as there may be between one case and another within a single agency are matters of opinion and of degree, upon which the agency and the party might vigorously disagree. A case which may be of great importance to a party may be considered of no particular importance or difficulty to the agency. At best, any such case-grading by a team of the Commission's staff is most arbitrary and officious. The reference to the Classification Act of 1923 in this Act is only to the matter of examiner compensation and clearly does not empower the Commission to categorize cases of adjudication.

Beyond the multiple grading of examiners and the grouping of classes of cases into categories corresponding to grades of examiners, there is involved yet a further arbi-

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Section 11 speaks only of examiner compensation prescribed by the Commission. If promotion were contemplated, promotion would have been specified in some form, certainly. Nor do the Committee Reports speak of promotion. Both state the Commission must "prescribe and adjust" examiner salaries. Despite the loose use by the government of the term "adjust", it is singular terminology and especially significant in the absence of the more usual term, "promote". It does not mean promote.

trary and quite objectionable process; namely, that of assigning each case on its initial pleadings to one of the specified class-categories of cases. It is quite impossible to assign a particular case into any one of the five categories, particularly on the initial pleading. Such a system allows agency discretion in the assignments of cases, without participation by the private party, and in particular situations, to designate a desired or disfavor an undesired examiner. The promotion system with all its variations, coupled with case grouping and restricted case assignments, are by-products of a multiple-graded examiners set-up, which allows for many ways to defeat the purpose in the Act.

Classification Act Reference. The multiple grading of examiners within a single agency is contended by the Government to be virtually required or ratified by the Classification Act of 1949. (Brief, p. 44). The effect of the Commission's regulations, with certain minor exceptions, is to make examiners or examiner positions subject to the Classification Act of 1949. The Government argues that since examiners were not expressly excluded from the Classification Act of 1949, it is therefore applicable to them in all respects. In short, the Classification Act of 1949 appears to be the Commission's principal source of refuge on the issues in this proceeding.

The following points seem persuasive against the Government's position.

The Government cites no provision of the Classification Act of 1949 which specifically authorizes the subgrading of examiners.

The Classification Act of 1949 makes no reference to trial examiners or to the Administrative Procedure Act.

The House and Senate reports on the Classification Act of 1949 are lacking in any specific reference either to examiners or to the Administrative Procedure Act. Section 12 of the Administrative Procedure Act pro-

vides: "No subsequent legislation should be held to supersede or modify the provisions of this Act except to the extent that such legislation shall do so expressly".

The Classification Act of 1949 repealed the Classification Act of 1923 as amended, and although it provides that reference to the former Act in any other law should be held to mean the Classification Act of 1949, there is no provision expressly amending or modifying the Administrative Procedure Act. The two statutes are in conflict. It is open to question whether the reference to the Classification Act of 1923 in section 11 has been modified. It is sufficient here to answer that the Classification Act of 1949 did not supersede or modify the Administrative Procedure Act with respect to multiple grading of examiners.

Reference to the Classification Act of 1923 in section 11 is limited to the Commission's authority to prescribe compensation of examiners independently of agency recommendations. This is not to say that the position of examiners was made subject to the Classification Act. Rather, it is to say that the Commission in prescribing the compensation for the examiners of an agency will utilize the Classification Act for this purpose.

A classification act has for its essential purpose that of classifying positions in accordance with its duties and responsibilities. In the case of examiners, the position is established by the Act itself. Likewise, the duties, powers, and responsibilities of examiners are spelled out in the Act. (See footnote 5). With the Act establishing the position and specifying the duties, no classification function is required or warranted, except for prescribing the compensation of examiners, at the level of the agency.

The Classification Act of 1949 is fundamentally in conflict with the Administrative Procedure Act. The Classification Act of 1949 decentralized power formerly in the Civil Service Commission to the departments and agencies. The latter were authorized to allocate positions in

the various classes in accordance with general standards published by the Civil Service Commission. The departments and agencies were authorized to classify positions. Their actions were made official without prior approval of the Commission. The Commission was left with reviewing authority. In contrast, the Administrative Procedure Act, as to examiners, intended to centralize authority within the Civil Service Commission which theretofore was exercised by the agencies. If the Classification Act of 1949 is effective to make examiner positions or examiners subject to its terms (excepting only ratings or removal), then for all practical purposes, section 11 can be eliminated from the Administrative Procedure Act.

The failure of the Commission to recognize and appreciate the fundamental conflict in purpose between the Administrative Procedure Act and the Classification Act of 1949 may explain the ill-advised regulations at issue in this proceeding.

B. The Commission, Contrary to the Act, Has Not Only Failed to Provide for Assignment of Cases in Rotation so Far as Practicable, But Has Restricted Rotation of Cases Within Each of Multiple Categories Corresponding to the Number of Salary Grades.

Upon this issue the Act is rather clear in commanding the assignment of cases among the examiners of each agency in rotation so far as is practicable. The Commission's regulations restrict this provision by adding in effect "but limited to each of five salary grades". This is a gross and unwarranted compromise of the Act. It is consistent only with a state of mind which would subordinate the Administrative Procedure Act to the Classification Act of 1949.

The Government's brief argues against automatic rotation of cases. This sidesteps the issue. The question is not whether rotation is to be automatic or unautomatic. The question is are we to have rotation (of one kind or another) in one grade or within five grades. To illustrate, the regulations which the Government is defending restrict

the rotation of cases among grade 11 examiners to fifth grade cases, those prejudged to be "moderately difficult and important". It would restrict the rotation of cases among grade 12 examiners to fourth grade cases, those prejudged to be "difficult and important". It would restrict the rotation of cases among grade 13 examiners to third grade cases, those prejudged to be "unusually difficult and important". It would restrict the rotation of cases among grade 14 examiners to second grade cases, those prejudged to be "exceedingly difficult and important". Only grade 15 examiners are eligible to be assigned first grade cases, i.e., those considered "exceptionally difficult and important".

We read the Act to require that examiners of each agency should be assigned to cases in rotation so far as practicable. This would seem to indicate an intention that the examiners within an agency, having been determined to be qualified and competent for proceedings of that agency, are eligible for the assignment of cases in rotation so far as practicable. This is the actual situation which in fact exists in a majority of agencies. If an examiner is not qualified and competent to conduct the proceedings of his agency, then it is questioned that he is duly appointed as provided for in the Act. If he is truly competent and qualified, then he is eligible for assignment to any cases of the agency. The question is one of the eligibility to assignment of cases. (The only basis of disqualification is that of bias. Section 7(a)). If eligibility to assignment of cases is not compromised, the means by which rotation is obtained is of importance principally to prevent an agency favoring or disfavoring a particular examiner in a particular case.

The question is, therefore, truly not that of mechanical rotation. If there is need for greater particularity as to permissible or prohibited rotation, this is a matter which might well be dealt with in regulations or standards issued by the Commission. The idea that at any one time the best

qualified examiner should be assigned the most difficult and important case, however commendable and desirable, is rather unrealistic and impossible of achievement. Such an objective is not realized or attempted even in our courts. Actually, there is something monotonous and abnormal in expecting a grade 15 examiner to have a continuous succession of all of the most difficult and important cases; or a grade 11 examiner to have all the culls. Given competent and qualified examiners within an agency, it would appear more normal and healthy for each examiner to have a balanced diet of cases. Anything less concedes disqualification of sub-graded examiners.

In any event, the Government's contentions on case grading and restricted case rotation cannot be reconciled with the facts in actual operation. The table on page 18 of the Government's brief lists 20 departments and agencies. Eleven of these, the majority, have but one grade of examiners. It is completely illogical to contend that in each of these eleven agencies, all cases are of the same degree of difficulty and importance. This situation, which exists in a majority of agencies, exposes the unreality of the Government's position. The Government's brief fails to explain why it is that in most of the agencies (including some which administer more than one statute) there is a single grade of examiners. Unless the Government can establish that there are no differences in cases in most agencies but five grades of differences in a few agencies (resulting in a 100% salary differential) its case must fall.

C. The Reductions in Force Regulation of the Commission Is Patently Contrary to the Act.

Section 34.15 purportedly permits agencies to separate, furlough or reduce the rank or compensation of examiners in the same manner as other employees and without any regard to section 11 of the Act.

Section 11 intends to assure examiners security of tenure. It expressly provides for their removal "only for

good cause" determined by the Commission after opportunity for hearing and upon a record. Presumably, such a removal proceeding constitutes a "case of adjudication" for the purposes of section 5 of the Act. Section 11 also provides for the shifting of examiners from one agency, with its consent, to another agency. These are the only methods provided for by the Act to separate an examiner from an agency. The Commission's regulations, therefore, clearly vitiate section 11 and sanction agency discretion over examiners exactly opposite of that intended by Congress.

CONCLUSION

This case seeks of the Judicial Department a determination of initial and lasting importance concerning an entire statutory scheme and organization to govern "cases of adjudication" in the administrative field.

In the beginning, the President's Committee on Administrative Management, in making a study of administrative management efficiency, diagnosed certain ills in the administrative processes resulting from the mixture of judicial and administrative functions. Grave concern was expressed for the deterioration of public confidence in administrative agencies.

This initial diagnosis resulted in the Attorney General's Committee being summoned for consultation. Then Congress took notice of the unhealthy condition of administrative agencies and became convinced that the matter was one requiring surgery—the Walter-Logan Bill. The agencies refused their consent in the form of a Presidential veto. In the midst of strong protestations and promises of reform, the Attorney General's Committee concluded its examinations and persuaded Congress to undertake a milder statutory remedy.

At this juncture began a most unique legislative experiment—the attempt to reconcile the views of all Government agencies, and to compose these with the demands of the

public. Congress undertook prescription of a course of treatment in the form of the Administrative Procedure Act which was characterized as the "minimum requirements of fair administrative procedure". The agencies, having just barely escaped Walter-Logan surgery, were called upon to act in their own best interests to make "the first, primary, and most far reaching effort to comply with the terms and the spirit of this bill". They were advised that avoidance of the treatment would be subject to penalty or correction by the courts. They were warned that avoidance, evasions and indirections would be re-examined by Congress.

Such, in brief, is the background of the Administrative Procedure Act. The only substantive provision of the Act was designed for the inauguration of a competent, impartial and independent hearing examiner system. The Civil Service Commission was given the critical duty of executing these provisions. The Commission has failed its duty.

The regulation concerning the *compensation* of examiners (34.12) is unlawful because it sanctions compensation according to arbitrary case grading, whereas the Congress intended that any classification and compensation differences be based only on the differences between agencies.

The regulation concerning *promotion* of examiners (34.4) is unlawful because it permits agency participation in promotion when Congress outlawed such participation, and because Congress did not intend that examiners be "promoted" but instead provided for "adjustment" of their prescribed compensation, if conditions so warranted.

The regulation concerning case *assignment* of examiners (34.12) is unlawful because it allows undue agency discretion in the assignment of cases when Congress intended the opposite and required true rotation among all examiners within an agency without disfavor or disability.

The regulation concerning *reduction in force* of examiners (34.15) is unlawful because it provides for agency removal (by reduction in force) of hearing examiners as other status employees, when Congress expressly com-

manded no removal but for good cause determined by the Commission after hearing and upon a record.

The judgments of the courts below should be affirmed and the Commission should be enjoined to promulgate lawful regulations which fully and fairly execute the provisions of section 11 of the Administrative Procedure Act.

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