



1944

## The Administrative Procedure Bills

O. H. Thormodsgard

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1944. He was promoted to Captain on October 14th, 1944. He was awarded the Purple Heart for wounds received in action on August 31st, 1944, also awarded Oak Leaf Cluster for the Purple Heart for wounds received on September 1st, 1944, and was again awarded an additional Oak Leaf Cluster for wounds received in action at Bergstein, Germany, on December 7th, 1944.

Previously his unit had received the Presidential Citation and Combat Infantrymen's Badge.

The Citation reads as follows:

#### Citation For The Silver Star

First Lieutenant Morton L. McBride, 01309777, Infantry United States Army, for gallantry in action in connection with Military Operations against the enemy on August 30th, 1944, in the vicinity of TyBal, France. Lieutenant McBride was leading his company in an advance on a town when the enemy opened fire.

Disregarding all personal safety, Lt. McBride returned the fire on an enemy machine gun with his own submachine gun. He then advanced, destroyed the enemy machine gun and position and killed three enemy riflemen. The undaunted courage, and outstanding display of gallantry demonstrated by Lt. McBride served as an inspiration to other members of his unit, and are in keeping with the highest traditions of the armed forces. Entered military service from North Dakota."

Captain McBride is a son of M. L. McBride, well known attorney of Dickinson, and the husband of Evelyn A. McBride.

(First paragraph was prepared by President Owens.)

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Please send items of interest to our members to your secretary so that "Here and There" may be continued."

### THE ADMINISTRATIVE PROCEDURE BILLS

By Dean O. H. Thormodsgard

(Continued from Page 181)

Extensive hearings were held on S 674, the bill proposed by the minority members of the Attorney General's Committee and S 675, the bill of the majority of the Committee and the Walter-Logan Bill S 918. Due to the impending war the Senate suspended consideration on all bills dealing with administrative procedure in 1941.

Since 1941, the American Bar Association's Committee on Administrative Law has devoted its time and interest to organize and conduct a conference on administrative law. Carl McFarland, former Assistant Attorney General, who had served on the Attorney General's Committee on Administrative Procedure, was made Chairman of the American Bar Association's Committee on Administrative Law. 67 A.B.A. Rep. (1942) 226-227; 68 A.B.A. Rep. (1943) 249-257.

This Committee prepared a draft of a proposed "Administrative Procedure Act." The proposed bill is printed in 30 A.B.A.J. (Jan. 1944) 7-16 and 44-48. A revised draft was then prepared, which was approved by the House of Delegates on February 28, 1944. This revised draft is published in 30 A.B.A.J. (April 1944) 226-230. Not all but many of the proposals, and recommendations of as stated in the "Final Report of the Attorney General's Committee" have been incorporated in this new draft. There is one serious omission. Both the minority members and the majority members of the Attorney General's Committee had agreed that there should be created an Office of Federal Administrative Procedure. Even with this limitation, this proposed bill is an improvement upon the original Federal Administrative Court Bill and that of the Walter-Logan Bill.

The proposed bill drafted by the Administrative Law Committee of the American Bar Association has been introduced in the Congress. It has the label of the McCarran Bill (S 2030) in the Senate and in the House it is known as the Sumner Bill (HR 5081). Every lawyer in the state of North Dakota should, with interest, read the annual reports of the Special Committee on Administrative Law of the American Bar Association as printed in the annual American Bar Association Reports from 1933 to date. Copies of the McCarran-Sumner Bill may be secured from our members in the Congress. As members of a profession, lawyers should personally become acquainted with the growth and development of administrative procedure. The importance of the McCarran-Sumner Bill should not be underestimated. David A. Simmons, President of the American Bar Association, asserts that it is the most important thing before the American Bar Association this year. When properly self-instructed, lawyers of this state may come to the conclusion that the McCarran-Sumner Bill embraces a workable procedure, and is the proper step forward in administrative law." By means of the local and the state bar associations, lawyers should vote upon the merits of this Bill and report the results with recommendations to Carl M. McFarland, Chairman, Special Committee on Administrative Law, 1002 Hill Building, Washington, D. C.

O. H. THORMODSGARD—Dean.

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#### AN APPRECIATION

By O. B. Herigstad

In the passing of Wm. G. Owens our Association has sustained a great loss. During the two years as president I was privileged to work shoulder to shoulder with Bill in performing the important tasks that confronted our Association during these trying times. He always took a deep interest in the affairs of the Association. His advice and counsel was always timely and good. He performed cheerfully and well all tasks assigned to him. As Vice President he was truly a right hand man to the President.