

ADMINISTRATIVE PROCESS

FEDERAL POWER COMMISSION, OFFICE OF COMMISSIONER,
Washington, February 7, 1963.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of January 26 requesting my attendance at a meeting of your Subcommittee on Regulatory Agencies for Tuesday morning, February 26, at 10 a.m. Because of an oral argument I must attend at that time, I have arranged with your committee chief counsel, Mr. Howze, to meet with your subcommittee at 10 on February 27 instead of the prior date.

I hope you will accept my apologies for the delay in answering this letter. I have been submerged in work since receiving it and have had to put off not only this but many other letters until time permitted answering.

You pointed out that the letter of invitation was occasioned by press reports—in some of which I am afraid I was extensively misquoted—concerning my reasons for asking not to be reappointed to this Commission.

For your information and that of your subcommittee I am enclosing 10 copies of the letter which I wrote President Kennedy. The general comments in this letter, as I pointed out therein, represent a point of view concerning the major and crucial area of difficulty in all regulatory agencies which I have been developing with increasing conviction for a number of years. I sincerely believe that when commissions are staffed by men of genuinely outstanding stature and caliber, men such as those mentioned in the letter, the less important administrative and procedural problems of the agencies tend to be minimized, while the more important problems are more quickly recognized and dealt with. This is not to say that the numerous studies of such problems are unnecessary or that they are not helpful, but that a main avenue of attack on those problems is the recruitment and selection of outstanding personnel at the Commissioner level. My comments were not directed specifically toward this or any other single agency.

Your letter of invitation suggests that you wish my views primarily on matters of procedure and I shall be glad to discuss such matters with the subcommittee, within my competence to do so. It should be pointed out however that I am not a specialist in administrative and procedural matters nor have I attempted to become one. My work, both at the State commission level and on this Commission, has of necessity been directed toward the substantive aspects of case decisions and broad regulatory policy. I shall however be glad to discuss any matters you desire, in the hope that such a discussion may provide some small and continuing benefit in the regulatory field, to which I have devoted a number of years of study and work.

I accept your invitation and look forward to a useful discussion with your subcommittee.

Sincerely,

HOWARD MORGAN, Commissioner.

The CHAIRMAN. Mr. Morgan, with this background, I think you should have an opportunity at this time to make whatever statement you would care to make.

STATEMENT OF HON. HOWARD MORGAN, MEMBER, FEDERAL POWER COMMISSION

Mr. MORGAN. I am here in answer to your invitation which was issued after my letter to the President was written declining further appointment to the Federal Power Commission.

I wish to emphasize again, as I did in my letter to the President, that the ideas in the letter were general in nature and general in application. They have been made by many others before me. Dean Landis is a noteworthy example. And I think every regulatory committee of the House and Senate which has studied regulatory agencies has emphasized very heavily the necessity for excellent quality in the appointments to the Commissioner level. President Kennedy him-