

You say to the President:

Instead, it can easily become a fraud upon the public and a protective shield behind which monopoly may operate to the public detriment.

Now, I want to find out if what you meant here was to say to the President, in the letter, which you released to the press, as I understand, to become public—is that going on in either the Commission you are serving on, or in any of the other Commissions, to your knowledge?

Mr. MORGAN. I think that again this is simply an exercise in logic. If the agencies do not exercise the vitality and vigor that the law calls for, the public has very little possibility of learning this. The public assumes it is getting from the agencies what the law calls for. If it gets less than that, I think you can say that the public is being cheated, shortchanged, defrauded. What I am trying to point out here are the possibilities inherent in the situation, the possibilities which in my opinion will be precluded if men of real stature or caliber are appointed to these offices.

The CHAIRMAN. And we are to arrive at a conclusion, then, that that is not being done?

Mr. MORGAN. What is not being done?

The CHAIRMAN. Men of real stature and ability being appointed to these Commissions.

Mr. MORGAN. If you will read Dean Landis' report where he deals with this subject, he describes the decline of Commission personnel beginning about the time of World War II in far more specific detail than I have in my letter to the President. If you would like, I will be happy to read some of this into the record.

The CHAIRMAN. I think that is already in our records, Commissioner Morgan. And I might also say that Dean Landis is not down here any more; his time was short for one reason or another. I admire Dean Landis; I have long had great admiration for him; he is a man of great ability. He had a job to do which was a temporary job. But I might say at the outset that his views about the concentration of control over these agencies down at the White House were not in accordance with what we thought was the intent of the law. And I think the President feels the same way, from my conversations with him and from public statements he has made.

Mr. MOSS. Mr. Chairman?

The CHAIRMAN. Mr. MOSS.

Mr. MOSS. Mr. Morgan, while we are at this point, I have read your dissents, and let me say that I find in them a sense of great vigor, clarity and logic. There may be instances in reading them where I have not always agreed, nevertheless the fact that you have stated well and without any equivocation your views is, I think, much to your credit.

I read the Idaho Power decision. And you point out here in this statement, as it has been read here in the committee, that if our regulatory laws are not administered by men of the type you refer to, Norris, Johnson and Pinchot—and I would point out that this wasn't partisan, because all of these were distinguished Republicans, one of them was the great Senator from my State—that there is a danger in this exercise again of a desire of conformity, a timidity in moving beyond the existing practices or policies that ultimately could lead to a type of regulation which would be a fraud upon the public.