

But at any rate, my main object in writing the letter was to re-emphasize what many people have reemphasized before me, and will after I leave here, that concern as to the quality of the personnel at the Commissioner level can't be overdone, the importance of it can't be exaggerated. This is mainly what I was trying to say. And if, as I say, my failure to include a point or two that should be in the letter has led to some misinterpretations, I am genuinely sorry for that.

The CHAIRMAN. I don't believe, if you mean that, that I have misinterpreted the letter. I read it, and that is the reason I wanted to give you full opportunity to explain just what you meant by certain of your very pointed statements.

Mr. Bennett.

Mr. BENNETT. Mr. Morgan, I want to go back to what I was discussing with you a few minutes ago. I listened with interest to the questions of Mr. Moss.

I have often heard you say that the quality of administration has improved. The deterioration that you talked about has subsided. But yet you just said a few minutes ago that within the last year and a half, the majority of the members of the Federal Power Commission issued an opinion that was not based upon the facts of the case, as stated in the opinion, but was based upon something secret or private that they formulated their judgment upon, which the public was not and cannot under the circumstances become aware of.

Now, am I stating the situation accurately?

Mr. MORGAN. I think so. There are other factors involved, but this one is present; yes.

Mr. BENNETT. Would you say that that kind of a practice on the part of your fellow Commissioners is not dishonest?

Mr. MORGAN. Certainly not in the sense of the ordinary interpretation of the word. Until men are perfect—

Mr. BENNETT. What do you mean, in the ordinary interpretation? Is it dishonest for a Commissioner to conceal something in an opinion that he writes that he ought to have revealed?

Mr. MORGAN. That happens over and over and is fairly common. The mere fact that—

Mr. BENNETT. Fairly common?

Mr. MORGAN. The mere fact—I think it is common everywhere—the mere fact that a factor which played a part in the formulation of an order is left out of the order does not make the order totally dishonest or the person who wrote it dishonest.

Mr. BENNETT. Does it make it misleading?

Mr. MORGAN. It may make it misleading.

Mr. BENNETT. Does it make it a fraud?

Mr. MORGAN. If it involves an important matter, and if the concealment was with deliberate intent, yes, it can become very serious. But this happens many times with no serious consequences at all.

Mr. BENNETT. Let's not talk about theoretical cases; let's talk about the decision that you referred to. Let's talk about that:

Was that opinion by a majority a misleading opinion?

Mr. MORGAN. I think so, and I said so at very great length in two dissents.

Mr. BENNETT. Was it dishonest?

Mr. MORGAN. No; I wouldn't say that.

Mr. BENNETT. Was it fraudulent?