

Mr. Moss. Well, I would be interested in a fuller statement on that, if you—

Mr. MORGAN. And also including some suggestions as to possible avenues of correction for these ailments and imperfections which are the reasons for my leaving.

Would that satisfy you, sir?

Mr. Moss. I would like very much to hear it.

Mr. MORGAN. One, the Commission does not have the freedom and independence which it needs in order to carry out the powers delegated to it by the Congress.

The Commission is not independent externally and it does not have freedom and independence internally. The reasons can plainly be seen through an analysis of Reorganization Plan No. 9, under the act of 1950.

The President has the power to designate the Chairman and, presumably, he also has the power to withdraw that designation.

The Chairman, under the plan, has almost complete administrative control over the staff, including personnel authority with respect to hiring and termination, promotions, pay increases, and assignments of duties.

This committee and the Congress should understand that more than administrative control is transferred to the Chairman under that plan, because these powers are translatable into control over policies so far as the staff is concerned.

Policies not favored by the Chairman will not be developed by staff members whose futures and careers are directly influenced by the Chairman's actions and policies.

A standing criticism for many years has been that the Commissioners are captives of their staffs. To a degree this is unavoidable, owing to the size and complexity of the workload.

Commissioners must rely in the making of informed judgments on the expertise and information furnished by the staff. The best safeguard for a truly independent Commission, therefore, is a truly independent staff, free to think imaginatively and creatively under Commission policy.

If the flow of information and legal interpretation from the staff to the Commission has been influenced initially by preselected policies, the Commissioners may be deprived of alternative facts and alternative approaches.

Therefore, the way is open for Commissioners to become captives of staff members who are captives of the Chairman, who is, in turn, a captive of the White House.

In my view, this system holds grave perils for the freedom and independence of regulatory agencies created by the Congress, and I urge the members of this subcommittee to look hard at this matter and think hard about it.

Now, again, I want you to understand that I am making no charges, but I am pointing to a situation which exists and, to a greater or lesser degree, hampers the independence and freedom of these so-called independent agencies.

I do not say this situation is bad but it is not perfect and it can become very bad, in my opinion.

Two, the present Commission has inherited a system of attempting to control the price of natural gas in the field which is extremely cum-