

Thirdly, that men serving on the Commission have become neurotic from worry after having cast a vote in the public interest.

Failure of any member of the Federal Power Commission to act in the public interest for any of these reasons would make him guilty of violation of his oath of office and would be grounds for removal.

The witness has been asked in detail to point to any decision handed down by this Commission or any commission which was made by any commission or commissioner as a result of the above-named deficiencies in the name of the Commission. The witness has failed to point out any single instance in which there has been any proof whatever of the dereliction of duty by any Commissioner or Commissioners as a result of a desire toward conformity, being timid, or for personal security reasons, or for fear that his votes will arouse a campaign against him for reconfirmation in the Senate.

Mr. Chairman, if this witness had taken his charges to the U.S. District Attorney, and had gone before a grand jury and sought an indictment and had that returned and then brought action before a court of criminal jurisdiction, the judge would have been forced as a matter of law to dismiss it before it ever arrived in the hands of a grand jury. The judge himself would have directed a verdict against this witness. If this witness could have brought an action in civil law for damages resulting in an action against any commission or commissioners and could have made his case out in a court of civil law, the judge would have been forced as a matter of law to direct a verdict against this witness.

And, Mr. Chairman, may I say that in civil courts to make out a case to go to a jury only a scintilla of evidence is necessary.

Mr. Chairman, if this witness were to take a case to a court of equity, the fairest court in Anglo-Saxon law, this witness could not have made out a case. In equity there is a rule of law that the complainant must come in court with clean hands. Does this witness come with clean hands and with a reputation of truthfulness?

The records of the hearings on Howard Morgan for appointment to the Federal Power Commission contain findings that he was arrested on September 10, 1937, on an assault charge, found guilty and fined \$25 plus costs.

He was arrested on February 7, 1937, in Portland, Oreg., for questioning.

Mr. Chairman, the circumstances of these arrests are not at issue here. What cannot be explained by this witness, and what cannot be justified by a person holding such a high office, is the subsequent concealment of those arrests in direct violation of the law.

On six Government employment applications in the years 1942 to 1952, Howard Morgan answered no to each question relating to these arrests.

On another notarized affidavit he avowed that the statement on one of the other applications was correct.

Mr. Chairman, I quote from page 11 of the committee report to the U.S. Senate on Mr. Morgan's hearing for confirmation:

Not only did Mr. Morgan fail to answer each question truthfully, but his admissions before the committee make it clear that he deliberately concealed his arrests. In doing so, he violated the law.