

Mr. MORGAN. I think that is true. I am disappointed that the rebuilding is as slow as it is, but I do think and I most certainly hope that we are now on the upgrade.

Mr. BROTZMAN. But I take it that you thought the *Idaho Power* case was not a step forward?

Mr. MORGAN. No, sir; I do not think so; I do not think it was a step forward.

Mr. BROTZMAN. Either as to the decision or as to the approach to the problem; is that correct?

Mr. MORGAN. That is correct. Now, let me make it clear. What I advocated in that case was investigation. I did not pass any final judgments on the conditions that may prevail there and might be demonstrated by an investigation there. But I demonstrated enough *prima facie* evidence to indicate that an investigation to protect the public interest was justified and necessary in that case.

And to the extent that it was not made, I think it was a failure to move actively to protect the public interest.

Now, again, I am not passing any judgment on what the findings would have been; we don't know. But the fact that we don't know is the very reason why that finance issue should have been conditioned until we did know. This was the same basic major point in the *Pacific Power & Light-Pacific Gas & Electric* tieline case.

Mr. BROTZMAN. In your recommendations today there was one recommendation in which you were discussing captivity by the White House, or words of similar import.

Mr. MORGAN. Yes.

Mr. BROTZMAN. Do you have that available there, that particular statement? I just want to be sure I understand you correctly.

Mr. MORGAN. I think I added some ad lib comment right after that to the effect that I was not attempting to describe what—

Mr. BROTZMAN. Could you just paraphrase it, then? I will accept your paraphrase.

Mr. MORGAN. I think I said I was not describing or alleging that this situation exists or that it is presently bad, but that the framework for it is there, and ought to be recognized by the Congress.

Mr. BROTZMAN. How does this framework operate?

Mr. MORGAN. Would you like me to read you that passage?

Mr. BROTZMAN. Yes.

Mr. MORGAN (reading):

The President has the power to designate the Chairman, and presumably he also has the power to withdraw that designation. Thus a direct link between the White House and the Chairman is established by law. 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 assignment of duties. This committee and the Congress should understand that more than administrative control is transferred to the Chairman under this 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 future and career are directly influenced by the Chairman's actions.

A standing criticism for many years has been that the Commissions are captives of their staffs. To a degree this is unavoidable, owing to the size and complexity of the work load. Commissioners must rely on the making of individual 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 policy estab-