

The CHAIRMAN. Yes, we have copies.

Mr. SWIDLER. I heard, sitting here the last 2 days, a great deal of discussion. Was this intended as aimed at his colleagues, or were these strictures intended merely as general advice to the President on how he could improve the work of the regulatory agencies of the Federal Government?

To met, when I read the letter, I had no difficulty with it at all, except as to detail. In the second paragraph, right at the outset, Mr. Morgan says:

There are a number of reasons for my decision, but I am sure I should be considered less than gracious if I were to list them all.

And he goes on to say:

Besides, several of them are clearly visible to those who have read the dissenting opinions which I have been obligated to write during my service here.

This is notice to everyone who can read that he is not delivering a general lecture, but that at least some of what he said is aimed at his colleagues. Everyone has interpreted it that way; this is the only interpretation, in my opinion, of which it is susceptible. And this is the reason the letter has been given headlines.

Now, I confess, I do not know how much of this is aimed at his colleagues. I do not think all of it, because some seem so inept that I cannot believe that it was directed at his associates on the Commission.

Others follow the lines of his dissents and clearly are aimed at us. But I cannot tell you any more than Mr. Morgan was willing to tell you where the one leaves off and the other begins.

Mr. Morgan says:

Ordinary men cannot administer regulatory laws today in the face of pressure generated by huge industries and focused with great skill on and against the sensitive areas of Government. Ordinary men yield too quickly to the present-day urge toward conformity, timidity, and personal security.

Well, no one is going to quarrel with that as a generalization. I guess an extraordinary man is always better than an ordinary one, assuming that he is extraordinary in a socially desirable way, and as I said at a press conference, sure, it is better to have someone with brains than someone who is stupid—that goes without saying. Courage is always a desirable characteristic. But the question is: Have his colleagues yielded to base considerations of fear?

The CHAIRMAN. Of what?

Mr. SWIDLER. Of fear, which prevented them from discharging their work. I would hate to tell this committee—maybe you would not believe me if I did say it—that I never have to summon up my courage to do what I think is right. But I have, to my knowledge, never failed in the conduct of my work as Chairman of the Commission to do what I thought was right. So far as I know, I have never reached a wrong answer for reasons of timidity, speaking for myself. So far as I know, I can say the same thing for my colleagues who are not here today.

I have said, Mr. Chairman, that I would not use the powers of my office beyond the extent intended by the Congress to achieve results which the statute never contemplated, and that one of the reasons I would not do this was because I thought respect for integrity was