

Mr. Moss. I think that that is far more of a reflection on you, sir, than on him. If you are going to deal with a dissent in that fashion, and you are going to say, temper your judgment so that you do not offend the thin skinned, you are going to take the vigor and much of the value out of dissents. I can show you language in dissents from very distinguished Americans that goes far beyond anything contained in the dissents that I have read coming from your Commission.

Mr. SWIDLER. Mr. Moss, there is a line of propriety beyond which—

Mr. Moss. Where has Mr. Morgan breached propriety in the dissents?

Mr. SWIDLER. I would be glad to go over them.

Mr. Moss. I would, too.

Which one do you want to go over? Which one do you want to refer to?

Mr. SWIDLER. Let me get a full copy, sir.

Mr. Moss. Which ones are we referring to?

Mr. SWIDLER. Let's take the *Pacific Power and Light* decision.

Let me instead take as my quote No. 1, Mr. Moss, the Arizona Power Authority dissent, in which Mr. Morgan first said, and I am quoting now from page 12:

I am constrained to remark, however—

Mr. Moss. Where are you reading from?

Mr. SWIDLER. Page 12 of the Arizona Power Authority dissent.

I am constrained to remark, however, that we should not allow the longstanding but usually harmless institutional rivalries between this agency and the Department of the Interior to vitiate the integrity of our judgment where the public's interest in an irreplaceable water resource is at stake. When limited to such picayune matters as our staff's approval to approve the rates at which the Interior Department may sell power from the Federal dams it operates, and Interior's reluctance to submit such rates to us except after long delay, the petty squabble between these two agencies over the bureaucratic question of jurisdiction is merely exasperating. But where it serves to obscure, obstruct, and frustrate the determination of that plan which will best insure the comprehensive development of the priceless waters of the Colorado, it is time to call a halt.

This says, as I understand it, that it is pettifogging jurisdictional, institutional rivalries that are responsible for that decision. I say it is a challenge of our good faith, and it is not the truth.

Then, in the same dissenting opinion, Mr. Morgan went on to say:

A great many people must live with and pay for the project we choose and for a very long time. If we license an inferior project, it is not very helpful to explain that we did it because someone, for reasons not necessarily—

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for reasons not necessarily having to do with the broad, general public interest, was in a great hurry to build it.

And I say that, too, goes not to our wisdom or prudence or judgment, but to motive and is unfair.

I think it is interesting that when this dissent was published, Mr. Morgan was not content with the usual procedures of the Federal Power Commission in releasing dissents, he had his own press release. And just for fear the newspapers would not understand that he was attacking his colleagues, he started his newspaper release with these