

Mr. SWIDLER. Yes, sir.

Mr. BROTZMAN. Then I yielded and we kind of got off the track for a moment.

We are back to that point.

Mr. SWIDLER. Well, the next event in this chronology was that Mr. Morgan completed his draft of dissent on April 3 and lodged a copy with the Secretary, who held it. This was in accordance with the usual procedure in the Federal Power Commission and all other regulatory agencies of which I am aware, that opinions are issued together.

However, Mr. Morgan—I am now referring to nothing off the record. He has said this in statements that he has made—had 50 copies mimeographed which he sent to Members of Congress. And he supplied at the time a copy of a typical letter of transmittal. This one is dated April 4 and is addressed to the Honorable Maurine B. Neuberger, U.S. Senate, Washington, D.C.—

DEAR SENATOR NEUBERGER: The enclosed material refers to a most important controversy affecting your State, as well as affecting questions now being considered by the Senate Committee on Interior and Insular Affairs.

I am confident that a few minutes spent reading this material will be of great value to you.

Very truly yours,

HOWARD MORGAN, *Commissioner*.

This is 1 of 50. I offer this for the record.

The CHAIRMAN. You read its whole content, didn't you?

Mr. SWIDLER. I read its whole content.

The CHAIRMAN. Yes.

Mr. SWIDLER. Subsequently, when word of the dissent became known, in response to a request from the press, another 50 copies were distributed to the press. This was in the period from April 4 to April 11, 1962.

On April 11, Mr. Morgan, for the first time, raised with me the question about the suppression of his opinion and the same day, as I recall, Mr. Moss raised the same question.

I responded, as I recall, to Mr. Morgan that this was my understanding—and the entire Commission's understanding—of the arrangement that was made at the meeting that both opinions would be issued together.

I might say that I believe now that Mr. Morgan had a different understanding and did not think that he was bound by any obligation or promise not to release his opinion earlier.

Mr. BROTZMAN. Do I understand that the dissent was issued prior to the majority decision?

Mr. SWIDLER. Yes, sir; and I am about to give more details of that.

Now, this dissent had now been published all over the country and, of course, from April 3 on, everybody knew what the situation was and there had been not only the summary of his dissenting position in the order, but also the statement in the press release, and his own press release and from April 3 on he had sent out 100 copies to the press.

So that you had a fairly narrow question, which was whether the failure to issue the formal dissent by our own Information Office constituted suppression.

Up to this point we had said not one word, sir, in defense of our order.