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**NOMINATION OF HOWARD MORGAN
TO BE A MEMBER OF THE
FEDERAL POWER COMMISSION**

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**HEARINGS
BEFORE THE
COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE
UNITED STATES SENATE
EIGHTY-SEVENTH CONGRESS
FIRST SESSION
ON
THE NOMINATION OF HOWARD MORGAN TO BE A MEMBER
OF THE FEDERAL POWER COMMISSION FOR THE REMAIN-
DER OF THE TERM EXPIRING JUNE 22, 1963**

APRIL 11 AND MAY 2, 1961

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HEARINGS
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INTERSTATE AND FOREIGN COMMERCE

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NOMINATION OF HOWARD MORGAN, OF OREGON, TO BE
A MEMBER OF THE FEDERAL POWER COMMISSION
For the Remainder of the Term Expiring June 22, 1963¹

TUESDAY, APRIL 11, 1961

U.S. SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 5110, New Senate Office Building, Hon. John O. Pastore (acting chairman of the committee) presiding.

Senator PASTORE. With the indulgence of our many guests here this morning, we would like to call this meeting to order.

The first item of business before this committee is the nomination of Howard Morgan of Oregon to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1963. This is a vacancy resulting from the death last year of Commissioner Hussey. This position is now held under a recess appointment by Mr. Paul A. Sweeney, Democrat, of Maryland.

We have a number of very distinguished Members of Congress who want to be heard this morning and the names I have here are Senator Neuberger, Representative Edith Green, Representative Ullman; and then we have Mr. William Berg, Jr., administrative assistant to Senator Wayne Morse; and Mr. Howard Morgan, the nominee.

I see my distinguished friend, Mr. Gore. Are you going to testify on this, Mr. Gore?

Senator GORE. I will be glad to support him but I am here to testify on behalf of Mr. Swidler.

Senator PASTORE. Our first witness is Senator Maurine B. Neuberger.

It is always delightful to have you here, Mrs. Neuberger.

**STATEMENT OF HON. MAURINE B. NEUBERGER, A U.S. SENATOR
FROM THE STATE OF OREGON**

Senator NEUBERGER. Thank you.

Mr. Chairman and members of the committee, I come to present to you a fellow Oregonian whom I am very proud to have with me here—

Senator PASTORE. May I interrupt you for just a moment?
Is Mr. Morgan here?

¹ This is the vacancy resulting from the death last year of Commissioner Hussey. This position is now held under a recess appointment by Mr. Paul A. Sweeney, Democrat, of Maryland.

Senator NEUBERGER. Yes.

Senator PASTORE. Will you come forward and sit in the witness chair?

I am sorry for the interruption.

Senator NEUBERGER. Mr. Morgan is well known in our State. I am especially proud of his association with my husband when they were colleagues in the Oregon State Legislature.

Howard received the acclaim of Gov. Robert Holmes, of Oregon, when he was appointed utility commissioner. There were those in the State who had some reservations about this appointment. Yet after Mr. Morgan had been serving in the capacity which he did, many changed their minds. Even though their points of view might have differed, they stood up and spoke for his fairness and commended him highly.

Editorial comment around our State after this appointment was made by the President has been of great interest. I would like to quote from some of these.

The Medford Mail Tribune, which is an important paper in the southern part of the State, observed that Mr. Morgan—

is dedicated to serving his concept of the public interest, the interests of all the people rather than a few.

Another prominent paper, the Coos Bay World, commented:

It would have been difficult for President Kennedy to have found a better qualified man by knowledge, philosophy, and temperament than Howard Morgan for appointment to the Federal Power Commission.

I certainly hope you will consider his appointment favorably, and I commend him to you.

Thank you.

Senator PASTORE. Thank you very much.

Are there any questions of Mrs. Neuberger?

Senator MONRONEY?

Senator MONRONEY. The highest recommendations that would be received would be the recommendation of Dick Neuberger, and if he had served with Mr. Morgan and had confidence and faith in him, which Mrs. Neuberger has as well, he certainly should be most carefully considered by this committee for this appointment.

Senator PASTORE. Senator Schoepfel?

Senator SCHOEPEL. No questions.

Senator PASTORE. Senator Bartlett?

Senator BARTLETT. No questions. I am very glad to see Senator Neuberger here endorsing the appointment of Mr. Morgan, whom I have known for many years.

Senator PASTORE. Thank you, Mrs. Neuberger.

Our next witness is Representative Edith Green.

STATEMENT OF HON. EDITH GREEN, REPRESENTATIVE IN THE CONGRESS FROM THE STATE OF OREGON

Senator PASTORE. We are honored by your presence this morning, Mrs. Congresswoman.

Mrs. GREEN. Thank you very much, Mr. Chairman.

It is with a great deal of pleasure and pride that I do appear before this committee with Howard Morgan. I have known him for many, many years and I of course am extremely pleased that the President has appointed him to a position on the Federal Power Commission.

Mr. Morgan is a person of tremendous intellectual capacity. He is a man of unquestioned integrity and courage and he is also a very articulate spokesman for those causes in which he believes.

I have known not only him but also his wonderful family for a long period of time. It seems to me that he has served his State exceedingly well and I am sure that the people of Oregon will take great pride, both Republicans and Democrats, in the fact that his talents have been recognized by this administration.

I am sure that they also are confident that he will spend his seemingly unlimited energies in a position where he has a great dedication to the public interest.

I note that Mr. Bill Berg is going to present a statement by the senior Senator from Oregon giving more of Mr. Morgan's background and his experience so I will not take the time of the committee in duplicating that.

Senator PASTORE. Thank you very much.

Senator MONRONEY?

Senator MONRONEY. I have no questions, thank you.

Senator PASTORE. Senator Schoeppel?

Senator SCHOEPPEL. I have no questions, thank you, Mrs. Green.

Senator PASTORE. Senator Bartlett?

Senator BARTLETT. No questions.

Senator PASTORE. Thank you very much, Mrs. Green. It was a pleasure to have had you.

Our next witness is Representative Ullman.

STATEMENT OF HON. AL ULLMAN, REPRESENTATIVE IN THE CONGRESS FROM THE STATE OF OREGON

Mr. ULLMAN. Mr. Chairman, members of the committee, I am particularly honored to be here today because Howard Morgan is a representative of my district in Oregon. I have known Howard for many, many years and I think if there were one word to describe Mr. Morgan better than any other word, it would be "integrity."

In his many years of public life, he has dealt with the problems before him without fear or favor. In my opinion, he has represented that which needs to be represented more than anything else on this Commission, and that is the public interest. He is an articulate spokesman.

As a matter of fact, I know of no one, in either public or private life, who is more articulate. He has a keen perception of the problems in this particular area dealt with by this Commission. He is a student and a keen student, an ardent one, a hard worker. He has had wide experience in the fields of endeavor covered by this Commission.

In my opinion, the United States is indeed fortunate to have as a candidate for this office and as a nominee, a man of the integrity and the capacity of Howard Morgan. I predict that he will make a great record of public service in his term on this Commission and I highly recommend him to you, Mr. Chairman.

Senator PASTORE. Thank you very much, Mr. Congressman.

Senator MONRONEY?

Senator MONRONEY. I have no questions.

Senator PASTORE. Senator Schoeppel?

Senator SCHOEPPEL. I have no questions.

Senator PASTORE. Senator Bartlett?

Senator BARTLETT. No questions.

Senator PASTORE. Senator Cotton?

Senator COTTON. No questions, thank you.

Senator PASTORE. Thank you very much, Mr. Congressman.

Our next witness is Mr. William Berg, Jr., administrative assistant to Senator Wayne Morse.

STATEMENT OF HON. WAYNE MORSE, U.S. SENATOR FROM THE STATE OF OREGON, PRESENTED BY WILLIAM BERG, ADMINISTRATIVE ASSISTANT TO SENATOR MORSE

Mr. BERG. Mr. Chairman and members of the committee, Mr. Morse regrets very much it was impossible for him to be here this morning. He had a commitment of long standing to be present in Oregon. The Senator's statement is as follows:

It is a special privilege and a pleasure for me to inform the members of the committee of my very high esteem for Mr. Howard Morgan, an outstanding citizen of Oregon who has been nominated for the position of Federal Power Commissioner.

For many years I have been of the opinion that Howard Morgan would be ideally suited to serve in one of the Federal regulatory agencies in a position requiring a high degree of intelligence, discretion, and integrity. This is what prompted me to write to President Kennedy on January 9, 1961, urging the President to give consideration to the appointment of Mr. Morgan to a Federal post. In my letter to the President I said:

"Another man I wish to mention is Mr. Howard Morgan, former State chairman of the Democratic Party in Oregon and chairman of the Oregon State Public Utilities Commission under Governor Holmes' administration.

"Morgan is one of the most able men serving in the Democratic Party, not only in Oregon but along the Pacific coast. When Mr. Joseph Eastman was Chairman of the Interstate Commerce Commission, Howard Morgan was one of his top executive assistants. Morgan received his training under Eastman. For many years in Oregon, we have considered Morgan to be the best informed man in the Democratic Party on interstate commerce, public utilities, and other regulatory agency matters.

"You would do yourself a great favor if you advised Dean Landis to look into Morgan's record at once, with the thought in mind of appointing him to a very high position in connection with one of our administrative agencies. I cannot think of a better qualified person for an appointment to the Interstate Commerce Commission or for that matter, to any one of the other regulatory agencies."

It was with special satisfaction, therefore, that I received the news that Mr. Morgan had been nominated for the position now under consideration by the committee.

By background and experience, Morgan is ideally suited for the position of Federal Power Commissioner. In college and in graduate school he placed emphasis on courses that would prepare him for work in the area of interstate commerce. For example, his senior thesis at Reed College was entitled "Economic Background of the Interstate Commerce Act of 1935."

Mr. Morgan completed his work at Reed College, Portland, Oreg., in 1940 and entered graduate school at the University of California in 1941. He was a candidate for the master's degree and was engaged in research on a thesis dealing with proposed extensions of the Interstate Commerce Act. His studies in graduate school were interrupted by the request he received to serve in Washington, D.C., in the Office of Defense Transportation. The experience he obtained in

servng under such an illustrious public servant as Joseph B. Eastman, Director of Defense Transportation, is in itself an excellent recommendation for the post now under consideration.

From 1943 to 1946 the nominee served with distinction in the Naval Air Transport Service of the U.S. Navy. He retired with the rank of lieutenant.

At the close of the war, Mr. Morgan engaged in the construction machinery business and served as transportation consultant to the Oregon State Grange. In 1948 to the present time he has also engaged in livestock ranching, first at his sheep ranch near Monmouth and more recently at his cattle ranch near Sisters, Oreg.

From 1949 to 1951 Mr. Morgan served as a member of the house of representatives in the Oregon State Legislature. From 1957 to 1959 he served with distinction as public utilities commissioner of the State of Oregon. I regard him—and many people in Oregon share my view—as one of the finest and most able public utilities commissioners ever to have served in the State of Oregon.

The selection of Mr. Morgan for membership on the Federal Power Commission would be most fortunate for the United States. He would bring to the Commission his very fine experience as a businessman and as a public servant. In particular, he would bring to the Commission a point of view that I regard as of utmost importance, namely, that an Administrator's job is to carry out the law as Congress drafted the law and not to superimpose his own ideas of what the law should be.

It is with utmost sincerity that I urge the committee's prompt and favorable action on this nomination because, in my opinion, it relates to a man of tremendous ability and integrity who is a public servant of the highest type.

To the committee I express my appreciation for having been given this opportunity to speak on behalf of an outstanding citizen of Oregon.

Senator PASTORE. Thank you very much, Mr. Berg.

Mr. BERG. Thank you.

Senator PASTORE. Senator Monroney?

Senator MONRONEY. I have no questions.

Senator PASTORE. Senator Schoeppel?

Senator SCHOEPEL. I have no questions, thank you.

Senator PASTORE. Senator Bartlett?

Senator BARTLETT. No questions.

Senator PASTORE. Senator Cotton?

Senator COTTON. No questions.

Senator PASTORE. Thank you very much.

Mr. BERG. Thank you.

Senator PASTORE. Senator Scott?

Senator SCOTT. No questions.

STATEMENT OF HOWARD MORGAN, OF OREGON, NOMINEE TO BE A MEMBER OF THE FEDERAL POWER COMMISSION

Senator PASTORE. Mr. Morgan, I have before me a biographical sketch of your background, your experience. Are you familiar with it?

Mr. MORGAN. Yes.

Senator PASTORE. Do you want to add anything to it?

Mr. MORGAN. No, sir.

(The biographical sketch follows:)

BIOGRAPHICAL SKETCH, HOWARD MORGAN, NOMINATED MARCH 21, 1961, TO BE A MEMBER OF THE FEDERAL POWER COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 22, 1963

Mr. Howard Morgan, former public utility commissioner of the State of Oregon and presently owner and operator of a livestock ranch at Sisters, Oreg., is 47 years old and a Democrat.

Mr. Morgan graduated from the public schools of Portland, Oreg., and from Reed College (1940) where he majored in economics and wrote a graduating thesis in public utility regulation. He also served as student body president in his senior year. After graduate work in economics and the administrative law of utility regulation at the University of California (Berkeley), he served under the direction of the late Joseph B. Eastman in the Office of Defense Transportation during 1941-42.

From 1943 to 1946, Mr. Morgan served in various war theaters as operations officer with the Naval Air Transport Service.

After the war, he engaged in practice as transportation consultant, and in 1948 purchased a large livestock ranch. He has remained in this occupation since that time.

In 1949-51, Mr. Morgan served as a member of the Oregon Legislature, and from 1952 through 1956 as chairman of the Democratic Party of Oregon.

In 1957, he was appointed public utility commissioner (the only one-man commission in the United States having full regulatory powers over all utilities and forms of transportation), serving in that capacity until 1959.

Mr. Morgan is married to the former Rosina Corbett, of Portland. They have two sons, 8 and 18, and two daughters, 11 and 14 years of age.

Senator PASTORE. Mr. Morgan, I am going to leave the questioning about your attitudes and your philosophy with regard to the development of hydroelectric power and so forth to my colleagues here. I am going to confine myself to your point of view on the question of natural gas.

Are you a believer in the consumer's interest?

Mr. MORGAN. If you mean do I believe that it is the function of a regulatory agency to protect the public interest; yes, sir.

Senator PASTORE. Do you conceive that the public interest includes the consumer interest?

Mr. MORGAN. I believe it mainly focuses on consumer interest.

Senator PASTORE. Are you familiar with the so-called *Phillips Petroleum* case that was decided by the Supreme Court in 1954?

Mr. MORGAN. In a very general way; yes, sir.

Senator PASTORE. In that case, whether you agree with the decision of the Court or not, the Court decreed it was the function of the Federal Power Commission to regulate natural gas from the point of production. Are you familiar with that?

Mr. MORGAN. Yes, sir.

Senator PASTORE. And until that is either changed by a further opinion of the Supreme Court or by legislative fiat, do you think it is the responsibility, duty, and function of the Federal Power Commission to see that law is enforced in every way?

Mr. MORGAN. There is no question about it, sir.

Senator PASTORE. Senator MONRONEY?

Senator MONRONEY. Do you have any prejudice, however, that would lead you to prejudge any case dealing with natural gas? My State happens to be fortunate enough to be about the second largest producer of gas; it is a major part of our economy. Would you have any prejudice, knowing what the evidence is, would you prejudge any case for or against producers or consumers?

Mr. MORGAN. No, sir. I am entirely familiar with the responsibilities of a regulatory official to protect the general public in its dealings with the large monopolies which provide utility service to the public and, at the same time, to deal fairly with the property interests represented by the utility and its stockholders. I am also aware of the difficulties of making this balance and being fair to all elements of the public.

Almost the first obligation of a regulatory official—

Senator COTTON. Pardon me. Would you speak just a little louder?

Mr. MORGAN. I would say the first responsibility of a regulatory official is not to prejudge a case or to let his formative thinking, such as he may have before the case is heard, interfere with his freedom to follow the facts and the law wherever they lead him.

Senator MONRONEY. You are undoubtedly aware, are you not, that in determining the price that the consumer interest is involved with, which is the burner-type price of the gas, there are three principal parts of the gas industry: one, the producer who finds the gas and produces it out of the depths of the ground, delivering it to a pipeline, which then transports it in interstate commerce to the edge of a city or edge of a consuming area, and then turns it over to the local gas distribution company, and that all three of these elements are a part of the rate that the consumer must bear in this whole picture. Is that not the fact?

Mr. MORGAN. Yes, sir.

Senator MONRONEY. And in considering all of these things, you would not be blinded to each element of the cost that necessarily goes into the production and distribution of this very vital and natural resource?

Mr. MORGAN. That is correct.

Senator MONRONEY. You would be able to judge all three of them independently and without any predetermination or preconceived decision based on the evidence and on the findings as it is adduced in the hearings?

Mr. MORGAN. Well, I can't guarantee that I will judge correctly, sir; but I can guarantee that I will judge free of prejudice.

Senator MONRONEY. And be fair to all?

Mr. MORGAN. Yes, sir.

Senator MONRONEY. That is all I have.

Senator PASTORE. You, Mr. Morgan, at any rate, will assume the responsibility to judge?

Mr. MORGAN. Yes, sir.

Senator PASTORE. In other words, you will not take the position, as some other Commissioners have taken, that just because they didn't think it was a wise law that they turn their backs upon the enforcement of that law?

Mr. MORGAN. Sir, I believe it was Mr. Berg who read the comment of Senator Morse on this point, and I would like to associate myself with those remarks. I am a former member of a legislative body and I have a very strong feeling that the law should be carried out by administrative officials exactly as it was written and intended to be enforced by those who wrote it. I do not—

Senator PASTORE. And as interpreted by the courts of this land?

Mr. MORGAN. Yes, sir.

I do not think that an administrative official is entitled to change the law by distorting it or by failing to enforce it.

Senator PASTORE. Senator Schoeppel?

Senator SCHOEPPEL. Mr. Morgan, I want to ask you some questions with reference to this gas picture, since we are discussing it at the present time. I hope that you will understand that the reason for my asking these questions is because you are here for confirmation,

and obviously we would like to have your views, or your judgment factors on some of these questions if you are sufficiently familiar with them to give us an answer at this time.

I assure you that as far as I am personally concerned, there is nothing personal in these questions. What I want to know is what your views are and what your attitude is toward this law and this industry that you are hoping to become a member of through this great regulatory agency.

Now, how much experience, Mr. Morgan, have you actually had in the regulation of natural gas with reference to your commission, when you served as the commissioner in your State of Oregon?

Mr. MORGAN. Very little, sir. The pipeline which serves the Pacific Northwest from the Permian basin on the south and from British Columbian fields on the north was completed and service established in Oregon in 1956. I assumed the position of utility commissioner—and, incidentally, that is a one-man commission in Oregon; the only one in the country—in 1957. There were very few rate cases involving natural gas. There were several immediately after I left office in 1959.

I had some dealings with the pipeline which serves the State and helped persuade its officials to extend that pipeline to serve several additional communities in the State.

Senator SCHOEPPPEL. Were those interstate pipelines as well? Did you have a separate intrastate pipeline within your State?

Mr. MORGAN. Not a separate company. I was able to persuade the company to make intrastate extensions to their own interstate line.

Senator SCHOEPPPEL. I am sure, Mr. Morgan, that you know that there are different and serious hazards in the production of oil and gas, and we have what is known as combination wells.

Mr. MORGAN. Yes, sir; I am familiar with that.

Senator SCHOEPPPEL. You are familiar that the cost factors of combination wells may be entirely different than where you have just strictly a gas field, as such, with sufficient high pressures to put the gas into the line at the least possible expense, assuming that it is suitable and practical gas for consumer use.

Mr. MORGAN. Yes, sir; I am familiar with the difficulties in this field.

Senator SCHOEPPPEL. Are you familiar with the pricing policy of the Commission as set forth in paragraph 61-1, and some of the amendments thereto? Have you had time to familiarize yourself with that?

Mr. MORGAN. I have read them, sir.

Senator SCHOEPPPEL. If so, can you give me your opinion as to the wisdom of this approach as to the pricing factor of gas?

Mr. MORGAN. I don't believe I have reached a conclusion on this matter, sir.

Senator SCHOEPPPEL. In other words, you have no definite opinion with reference to that at the present time?

Mr. MORGAN. No. I recognize this area-pricing approach is an attempt to solve an extremely difficult problem. I know that it has not been passed on by the courts as yet, and I have withheld judgment as to the wisdom or lack of wisdom of the policy.

Senator SCHOEPEL. In other words, your view at the present time would be that this is a policy determination that has been made by the present members of the Federal Power Commission. Are you committed to any view at the time now, at this time directly or indirectly, to overthrow that view or substitute another view as to policy on this matter?

Mr. MORGAN. No, sir; I have reach no such conclusion and I make that statement with no reservation whatever.

Senator SCHOEPEL. I am glad to hear you say that, because that is a very important question, among others, that you are going to have to determine and judge sometime.

Do you have any opinions as to the treatment of the depletion allowance in computing, say, income taxes of a pipeline which produces gas? Have you gone into that? Have you given any thought to that?

Mr. MORGAN. Sir, rightly or wrongly, I regard that as in the province of the Congress and the Internal Revenue Service, and I don't believe it is properly a part of my duties, if and when I become a member of the Federal Power Commission.

Senator SCHOEPEL. I recognize what you say there, but that is a factor to be taken into consideration with reference to issues bearing upon the rates, is it not?

Mr. MORGAN. It is a part of the financial facts of life affecting a company regulated by the Federal Power Commission, and as such must be taken into consideration in setting the rates; yes, sir.

Senator SCHOEPEL. I agree with you thoroughly that as far as the right to collect income taxes from a corporation or a company or a pipeline or gas produced, that is not our function here. But when those taxes are levied, or those taxes are determined and passed on, then you do recognize that becomes a consideration on the part of some commission of which you will be a part, or hope to be a part, in determining what the rate is and how it should be handled in the rate structure, do you not?

Mr. MORGAN. Yes, sir.

Senator SCHOEPEL. I would like to ask you what is your opinion, if you have one, with respect to the use of gas—and I want to say I generally concur with what my distinguished colleague here from Oklahoma says, Kansas is a gas-producing State; we are interested, of course, in the utilization of that in the public interest and in the interest of those who expend their millions of dollars, or hundreds of thousands of dollars, in producing it and making it available to the general public.

Now what is your position, generally, with respect to the use of gas as a fuel to generate electricity, or as a fuel in the manufacture of materials such as steel, for example?

Mr. MORGAN. Well, I assume you are referring to some recent actions of the Commission which, I believe, have been upheld by the courts, in which the Commission has exercised judgment as to the use of fuels which may be in critical supply, or may in the future be in critical supply, and has taken action to discourage the use of gas for generating electricity as a boiler fuel; is that correct, sir?

Senator SCHOEPEL. Well, that is a part of it; but I was wondering generally what your position was with reference to the use of gas over and against other fuels?

Mr. MORGAN. This is quite a new subject to me, and I must confess the first time I was aware that the Commission had entered this particular field was during the last few weeks. Here again, I must say, I have reached no conclusion at all and I am not sufficiently familiar with the subject to try to reach a conclusion at this point.

Senator SCHOEPPPEL. In other words, as far as you are presently concerned, what you know, that you are openminded, that you would study this problem?

Mr. MORGAN. Yes, sir.

Senator SCHOEPPPEL. You know there is a conflict of interest, so to speak, among the various proponents of the different types of fuel. There are those in the natural gas field who believe that gas can be used up to a certain amount, during certain offpeak times, for industrial uses, and other various and sundry uses, and whether it is cheaper and cleaner than other fuels, you know that is in there. All of those factors will probably be before you in certain of these cases, and I take it that you haven't gone into it sufficiently at this time to make a determination or have a judgment on this: is that correct?

Mr. MORGAN. That is quite true, Senator.

Senator SCHOEPPPEL. Now on these cases that might come before you, with reference to—say, for instance—natural gas, on a non-contested case, no contest in it at all, do you feel that you, as a member of the Commission, could be free in consulting with the people and producers of gas with reference to the application?

Mr. MORGAN. Well—

Senator SCHOEPPPEL. I mean openly, and I mean before your Commission?

Mr. MORGAN. This question, of course, is extremely controversial, and especially so in the last few months. I must say that consultation between a regulatory agency and the industry it regulates is, to my way of thinking, a necessary part of regulation. It is capable of being abused. But I gather that you are not talking about the *ex parte* communications in contested cases.

Senator SCHOEPPPEL. I certainly am not.

Mr. MORGAN. Well, I have always felt comfortable about consultations with the industry. Very few people have ever tried to take advantage of a conversation with me, and those who did didn't repeat the attempt.

If you cut off consultation with the regulated industry you deprive the regulatory official of a great body of information that he can hardly get in any other way—at least in any other feasible and economical way. I think I am capable of handling the question of what is ethical consultation with an industry and putting a stop to it when any sign of unethical approach appears.

Senator SCHOEPPPEL. Mr. Morgan, I don't want to monopolize too much of the time here, and my colleagues desire to ask some questions. I will defer my further questioning with the exception of one other question until later here this morning.

Mr. Morgan, some of us—I know in my own case, I had the opportunity of serving as the chairman of the utility commission of my State of Kansas for a number of years. I had the privilege and the good fortune to confer with and consult with the then members of the Federal Power Commission, and I was privileged to sit in a

cooperative capacity, as the chairman of the utility commission for my State, with reference to the Federal Power Commission examiners on some important cases that involved a number of States through which the applicant pipeline, if approved, would pass.

Do you believe in consultation with the State regulatory commissions in relation to your commission?

Let me have your views on that, will you please, sir?

Mr. MORGAN. Yes, sir. I do. I assume that you mean consultation off the record about matters which either are in dispute or in litigation, or which may become in dispute and end in litigation?

Senator SCHOEPEL. Let me make myself a little clearer; what I have in mind.

These State regulatory commissions some places are elected, some places appointed and confirmed by their respective senates or their legislative assemblies as the law in that State provides. They are there in the same capacity within the State as the Federal Power Commission is here in Washington over the entire situation.

I am wondering if you feel they are a part of this entire regulatory structure of this country in relation to oil and gas and not so much electric power in my area, but in oil and gas areas?

Mr. MORGAN. Yes, sir. I feel that they are operating under a public trust from their own State just as the members and staff of the Federal Power Commission are operating under a public trust on the Federal level. I always felt free to criticize the attitude of members of the Federal Power Commission or of the Interstate Commerce Commission or any other Federal agency I dealt with when I was public utility commissioner of Oregon. Where I thought those officials were not doing a sufficiently energetic and aggressive job in protecting the public interest, I felt free to try to do a better job or to encourage them to do a better job. Also, I saw nothing wrong with consulting with them and writing to them urging a particular point of view on them and I see nothing wrong with this kind of consultation going in both directions.

Senator SCHOEPEL. Thank you very much. I will defer to other members.

Senator PASTORE. Senator Bartlett?

Senator BARTLETT. Mr. Morgan, do you have any general views, and if so, would you care to express them as to the conflict between the pressures for high dams on the Columbia River for the generation of electrical energy and the contrary pressures on the part of the fishing industry?

Are you fearful construction of more high dams will endanger the supply of salmon on that river?

Mr. MORGAN. Well, I have, like almost everyone in the Northwest, favored the largest possible multiple-purpose dams on the main stems of the rivers in the Columbia Basin. In fact, I have had the same opinion in regard to all the major river systems in the West with the proviso, however, that these dams, where humanly possible, should be built only after adequate means for protecting the movement of fish have been worked out.

I hate to see the day approach, and I am afraid that some day we will be faced with it, when we will have to make a clear-cut flat choice between fish and power. That day should be delayed in coming as

long as possible, and we should do everything we can to see that it never arrives, if we can do it.

Senator BARTLETT. Do you have any hope that the research which is now going on may result in a situation where we could have both?

Mr. MORGAN. I certainly hope so, sir, and from what little I have heard of the programs now underway in the Interior Department—and I believe Secretary Udall referred to these programs when he asked the Federal Power Commission to delay any final action on the Snake River at this time—what little I have heard about those programs leads me to hope that we may be approaching a solution now.

Senator BARTLETT. In any case, you would not see any need in the early future to make a decision which would result in the destruction of the wonderful fish in that river?

Mr. MORGAN. Senator, I hate to see any wrong decision made and I especially hate to see a wrong decision made involving natural resources that are worth untold millions of dollars and which will affect the public for generations to come and which is irreversible.

Sir, I just do not like that kind of a mistake.

Senator BARTLETT. I am glad to hear you say that, Mr. Morgan.

I have no further questions.

Senator PASTORE. Senator Cotton?

Senator COTTON. Mr. Morgan, you have assured the chairman, the Senator from Rhode Island, that as a member of an enforcement, quasi-judicial agency, you would consider it your duty to enforce the law as it is, and as it has been properly interpreted, regardless of your opinion of that law.

Would you also consider it your duty as a member of the Federal Power Commission, however, to actively bring the attention of the Congress and of the public to any laws that you believe and have found from experience in your capacity to be either impracticable of enforcement or which may result in inadequate or unjust enforcement?

Mr. MORGAN. Yes, sir; I would consider that part of the duties of a Commissioner. I would add to that that it is the duty of a Commissioner, as I see it, to do everything he can to see to it that existing law as interpreted by the courts can be enforced in a practical and feasible and reasonable manner before he asks that the law be changed or repealed.

You are as aware as I am, I am sure, Senator, that a good administrator can make a poor law workable in many cases, whereas a bad administrator can sometimes make a good law almost unworkable. I think a Commissioner must approach these matters in good faith and make an honest, earnest effort to carry out the law.

Senator COTTON. It has been said, however, I believe, that the best way to get a bad law, a fundamentally unsound law off the statute books, is to rigidly enforce it. Do you recognize that as one method of approach, too?

Mr. MORGAN. I do, sir, but in this field, such an approach is apt to cost somebody a very great deal of money. There are cheaper ways to improve the law than that.

Senator COTTON. I think that is an excellent answer. Thank you.

There are certain fundamental purposes underlying the creation and establishment of the Federal Power Commission which I am

sure, as a student of functions of that Commission, you are thoroughly aware of. As a Federal Power Commissioner, would you consider it your duty and part of the province of your activities to use every means to effectuate and bring about the fundamental purposes which you conceive to underly the Federal Power Commission, in addition to the mere act of rendering decisions and settling disputes?

Mr. MORGAN. Sir, I apologize to you, but I am afraid I lost the thread of that question somewhere about the middle.

Senator COTTON. I don't know as I blame you; it became very involved.

To put it more bluntly, in addition to your function, as a Commissioner, of deciding matters that are raised and brought before the Commission, do you also feel as a Commissioner that you have a duty to actively by other means seek to bring about the general objectives which underly the purpose of the Federal Power Commission?

Mr. MORGAN. Yes, sir; I assume this is what is referred to in the Landis report, for example, as the function of policy planning.

Yes, sir; I feel very strongly that forward thinking of this kind is a proper function and responsibility of the Commission.

Senator COTTON. And in addition to policy, will you tell me just in a few words what your conception is of the activities referred to in the Landis report as policy planning?

How far do you go? Do you go to the matter of attempting to influence public opinion and congressional opinion and actively throwing yourself into a movement, trying to make the regulation of the Power Commission more effective?

Mr. MORGAN. Well, Commissioner Eastman once said that the place for zealots and partisan advocates is before, not on, the regulatory commissions, and I agree with that.

At the same time, there are some areas in which changes become necessary from time to time, and I think that the Commission should try to stay at least abreast of these changes and, if possible, to anticipate them in the field of policy planning.

I read a statement by one of the Senators from Virginia, I think, the other day and he was saying that he hoped in a certain situation that people would not stir up more snakes than they could kill.

I think this is a good thing to remember in a regulatory commission. I don't think that there is any place for evangelism in a commission of this kind.

Senator COTTON. For what?

Mr. MORGAN. For evangelism. I don't think you should be out looking for causes, but when new situations arise they have to be handled and the Commission should be prepared to handle them promptly.

Senator COTTON. Just—for instance—what is your general philosophy about public power in contradistinction to power of private companies, if you are under franchise given by a corporation?

Mr. MORGAN. Well, I am very sympathetic to public power. Most of the people in my region are. They regard it as a useful yardstick, a competitive supplement and adjunct to proper regulation which has produced tremendous benefits for the people of the region.

This does not mean that I believe public power should become a monopoly any more than private power should be. I am not predisposed in all cases to favor public power over private power, and I certainly am not predisposed to do violence to the constitutional and legal rights of the private utility industry and their stockholders.

Senator COTTON. I am merely asking you these questions with a purpose which I think is legitimate. It is not to try to start an argument about public power, but rather to get an idea of your conception of the functions of the Commission.

I take it that you feel that your philosophy is that we should have both public and private power in this country?

Mr. MORGAN. Well, let's put it this way, Senator. We already have both private and public power in this country and I am not a partisan of either group in an effort to try to put the other one clear out of business.

Senator COTTON. Are you one of those who feel, and I have friends who feel with great sincerity, that the natural resources of this country, the oil and gas that comes from the ground, with various other natural resources, should be handled as the heritage of all the people and should be handled in behalf of all the people by public rather than private exploitation? What would be your comments on that view?

Mr. MORGAN. No, I don't hold that view.

Senator COTTON. Would it be your feeling that a Government agency should encourage wherever possible, whenever certain cities or sections desire to build a municipal plant, for instance, powerplant, to encourage that endeavor?

Mr. MORGAN. I believe that a substantial body of Federal law already does hold forth such encouragement for those communities which wish to avail themselves of this form of power.

Senator COTTON. I don't want to seek to entrap you, but the purpose behind that question is this: I happen to live in a section of a country where there would be grave difficulties to our ever having the benefits of public power if we wanted it.

Mr. MORGAN. Yes, sir.

Senator COTTON. Because we live, coming from New England, we live in a section where you cannot probably develop a TVA. We have no rivers that you could dam and produce hydroelectric power unless you moved some cities that have been there for 300 years and are pretty well immovable.

Mr. MORGAN. I understand, sir.

Senator COTTON. Whenever a private corporation is serving a certain area and out of that area is taken a profitable piece, such as a city, building a powerplant, a public powerplant, then immediately upon the rest of the area comes the heavier burden of higher rates because the juiciest portion has been taken over for public power.

You realize that problem?

Mr. MORGAN. Yes, sir.

Senator COTTON. How far would that realization enter into your reasoning as a member of the Federal Power Commission?

Mr. MORGAN. I would be very reluctant to see such a thing happen, sir.

Senator COTTON. In other words, if city A, laying aside all the arguments about the relative merits of public and private power—if city A in a certain area desires or has a project and they are considering their own generating plant and if they do it, it means there is no one to serve the perimeter of the rest of that area, and the using consumers, if you please, are going to be subjected to a very, very heavy burden, would you consider it a function of the Federal Power Commission insofar as this matter, if it came before you, to take into consideration and find out if there is some way going to be provided to take care of the other residents of the area?

Mr. MORGAN. Well, I can only say this, that my approach to such a matter would begin with an attempt to find some way to spread the benefits, if there are benefits of a hydroelectric project such as you are talking about, over all of the area.

I feel very strongly that public utility responsibility, if you understand the term, it is a term of art, I suppose, the responsibility of a public utility should be as widespread as possible.

I don't like to see communities Balkanized by too small or too overlapping or too competitive a utility system. A utility system to be really economical and efficient ought to be large and ought to be widespread under single management and the benefits and the cost should be spread as widely as possible.

This is in the interests of the whole public. The reverse of this process is costly. Someone has to pay the bill.

Senator PASTORE. Would the Senator yield.

Senator COTTON. Yes.

Senator PASTORE. I think the hypothesis set forth by the distinguished Senator from New Hampshire is if a municipality decided to build its own power generating plant, whether or not he is a member of the Federal Power Commission, would he be opposed to it or having any feeling in the matter.

Now my question is jurisdiction. Why would that come under the jurisdiction of the Federal Power Commission at all. It is an intrastate activity over which the State has sovereign authority.

Senator COTTON. I was aware of that, Mr. Chairman, when I asked the question, but I also am aware of the fact that there can well be cases in which it would be interstate rather than intrastate.

Senator PASTORE. You mean if it went over State lines?

Senator COTTON. Yes, I mean if you take the juiciest part of an area that is being served by corporation A, it may serve in several States, but you take the largest city out of it and I don't want to be put in the position of opposing progress, but you take them out without due consideration for those who live in the outskirts, there is going to be real injustice done.

In a general way you can stretch that picture to the whole country, because there are certain sections of this country, fortunate enough to be adjacent to huge great streams with generating power, which can have the benefits of public power and there are others that cannot. Between the haves and the have-nots in that respect, I think there is a need of a very, very careful and delicate consideration by the Federal Power Commission.

I grant that many of these instances would not reach you, but I am trying to get your general philosophy and I am sure you understand that is all I am after.

Senator PASTORE. I was not being critical at all. I merely wanted to correct the predicate, that is all.

Senator COTTON. It could or could not, depending on the situation. Now, I won't take more time except very briefly. What is your opinion, if you care to express it, about the so-called utility formula, this formula of gaging the profits of utilities by giving them a certain percentage on their investment?

Mr. MORGAN. Well, my opinion of it—I can only say it is the orthodox method of attempting to arrive at a fair return. I am afraid I don't quite understand what you want from me, sir.

Senator COTTON. Well, under certain decisions it has been my understanding in the past that the Federal Power Commission has felt they were compelled to use a formula whereby you took the investment that a utility had and allowed them so much percent profit and that is the way you regulated the prices. Is that correct?

Mr. MORGAN. Yes, sir.

Senator COTTON. It has been my observation that the Federal Power Commission has to a certain extent been moving away from that method, in the case of gas particularly.

My own feeling, not only in the matter of gas, but in other fields, has been that it puts a premium on extravagance in the sense that even though the Commission seeks to go into the wisdom of the investment, that still the company that has been rather prodigal in its investment and can show heavy investment, reaps unfair profits by getting a percentage. I never liked that formula, but the Federal Power Commission has been moving away from it in the matter of gas.

Would you as a Commissioner feel they should go back to it?

Mr. MORGAN. We have two separate problems here. I agree with you that this method has in the past and does put a premium on extravagant investment. In my own State I advocated amendment to the laws which would allow the public utility commissioner to examine the plans for additional construction before the investment is made and where necessary draw a line against extravagant and wasteful spending, overbuilding.

There are several devices by which the rate base of the utility can be inflated. I might add that in the past those devices have been used both in interstate and intrastate jurisdiction. But now you are discussing moving away from the rate of return as a measurement or as a means of gaging prices, in the gas field. The criticism, of course, that has been raised against the area price concept in gas is that the area prices are high.

I think Dean Landis made this comment in his report. Incidentally, I don't know Dean Landis. I have never met him, I have not talked with him, but I have read his report. There are aspects of the area pricing policy that are disturbing to me as to other people. All I can do is repeat what I told Senator Schoeppel, I have not enough information or enough facts to even attempt to reach a conclusion on this matter yet.

I know that it is extremely difficult to extend the conventional utility concept to the wellhead gas producer. How it is to be done eventually, I frankly don't know. I would like to explore, however, and see the Federal Power Commission explore the possibility of classifying those producers who are large enough to influence the

market and regulate them as thoroughly as directed by the Supreme Court and classify those producers who are so small, so tiny, that even a combination of them could not have any appreciable effect on the market, and so long as those producers are actually in competition, let competition regulate the price of gas from those wells.

It has always been my concept that utility regulation is simply a substitute for competition which we use in those fields where the great systems and corporations operate best and most efficiently as monopolies.

In other words, it is a monopoly field. We set it up as a monopoly and we use regulation as a substitute for competition. Where competition can do the job, where we can be sure that it is doing the job, I think it should be allowed to do it.

Senator COTTON. Well, I appreciate that discussion. I don't want to press you. I think your position is that you haven't made up your mind, but it may be an oversimplification.

It was my understanding that under a court decision it had been considered that the Federal Power Commission was really obliged to stick to that conventional method of establishing rates.

Mr. MORGAN. I recognize that, sir.

Senator COTTON. But it had been moving away from it, and I thought that probably you would have a rather definite idea, even though admittedly you have not had time to go into all the ramifications of the duties of the position to which you have been nominated. It would be unfair of this committee to try to force you into them.

As I understand it you are not quite prepared to give a categorical answer to that question yet?

Mr. MORGAN. No, sir. All that I am aware of, so far as this problem is concerned, is that it is extremely difficult, very possibly the most difficult problem ever to confront the Federal Power Commission and it is going to require some original thinking by a great many people to get it solved satisfactorily.

Senator COTTON. You are not even prepared to indicate the general trend of your thinking at the present moment on that very important question?

Mr. MORGAN. Other than to say, as I have, frankly to you that I would like to see the possibility explored that there are sufficient competitive forces in at least a part of this field to lessen the administrative job of the Commission in handling it as ordered by the Supreme Court.

Senator COTTON. Thank you, Mr. Chairman.

Senator PASTORE. Senator Scott.

Senator SCOTT. I think Senator Morton and I would like to defer to Senator Kefauver.

Senator MORTON. He does not get any overtime for being on this committee.

Senator KEFAUVER. I will just wait until Mr. Morton has finished.

Senator PASTORE. You want to wait until Mr. Morton is finished before you make your statement.

Senator KEFAUVER. I appreciate your courtesy.

Senator PASTORE. I thought that Mr. Kefauver was here for another nominee.

Senator KEFAUVER. I am, although I know Mr. Morgan very pleasantly.

Senator SCOTT. I will defer to Senator Morton for the present time.

Senator PASTORE. Mr. Morgan, are you familiar with the Federal Power Act that has to do with conflicts of interest? I am calling to your attention part 1 where it says, "Said Commissioners shall not engage in any other business, vocation or employment."

I understand you are a rancher.

Mr. MORGAN. I have a small cattle ranch, yes, sir.

Senator PASTORE. Would you classify that as a business? I am not trying to be facetious, the law is explicit. I call it to your attention because I think you must understand the law and know these facts, assuming you are approved.

Mr. MORGAN. I am thinking of the balance sheet and trying to decide whether I could classify it as a business.

Senator PASTORE. Would you say that if you continue to operate that ranch, you would be in contravention of this section of the law?

Mr. MORGAN. I think, Senator, that my place could be classified as a rather large home, especially since it is being managed by a hired hand and with almost no supervision by me.

Senator PASTORE. Are you engaged in any other activity that might be in conflict with the Federal Power Act?

Mr. MORGAN. No, sir.

Senator PASTORE. Do you have any financial interest that would be inimical or in conflict with assuming your duties as a member of this Commission?

Mr. MORGAN. None whatever, sir.

Senator PASTORE. Are you prepared, whatever your interests are, to submit a list of them for this committee?

Mr. MORGAN. Yes, sir.

Senator PASTORE. Are you familiar with the Senate resolution that was passed on July 2, 1960, which is Senate Resolution 338 which reads as follows:

That it is the sense of the Senate that individuals appointed to administrative and policymaking posts should be willing to serve for a period long enough to permit them to contribute effectively in their assigned tasks; and be it further

Resolved, That it is the sense of the Senate that nominees appearing before its committees shall indicate their willingness to serve so long as the President desires.

Are you familiar with that?

Mr. MORGAN. I frankly was not familiar with it, sir. But I am entirely willing to make such a statement at this time.

Senator PASTORE. Now inasmuch as this is possibly a composition of people of various political parties, for the purpose of the record, what is your political affiliation?

Mr. MORGAN. I am a Democrat.

Senator PASTORE. Are there any further questions?

Senator MORTON. Mr. Morgan, I see in your biography here that you had some service during the war years in the U.S. Navy.

Mr. MORGAN. Yes, sir.

Senator MORTON. Did you enter the Navy as an officer?

Mr. MORGAN. Did I enter the Navy as an officer? Yes, sir, I did.

Senator MORTON. Did you serve in 1948 or thereabouts in some consultative capacity under the administration of President Truman in Alaska?

Mr. MORGAN. I served as a member of a four-man team which was sent to Alaska, to Fairbanks, Alaska, during the month of December 1952, by the Defense Transport Administration to compile a classified report on the capability of the Alcan Highway for the military and civilian servicing of Alaska in the event of an invasion of Alaska during the latter period of the Korean war. I served, as I recall, for about 30 days on that mission.

Senator MORTON. Mr. Morgan, you have identified yourself politically. I hope that you will be good enough to give my warm regard to your father-in-law, Mr. Corbett, who has been associated with the Republicans. [Laughter.]

Mr. MORGAN. Mr. Corbett died in 1957, I believe.

Senator MORTON. I didn't know about it, I am sorry.

Mr. MORGAN. He was a very fine man.

Senator MORTON. He was indeed.

Mr. MORGAN. And warmly regarded by people of both parties in his home State.

Senator MORTON. Indeed he was.

Senator PASTORE. Mr. Scott.

Senator SCOTT. Mr. Morgan, I am not sure whether this was covered before I came in, but we are all aware that the President has requested reports from time to time at certain intervals from the various agencies. Can you advise me whether the Federal Power Commission is included in those agencies as to which the President has requested interim reports?

Mr. MORGAN. I read an article in the newspaper which said that the Federal Power Commission is among those agencies, but I do not know anything about this of my own knowledge.

Senator SCOTT. The Federal Power Commission is, however, one of the so-called independent agencies, is it not?

Mr. MORGAN. Yes, sir.

Senator SCOTT. And in your decisions, opinions, and official conduct, in view of this request for reports, would you give some weight to the comments or suggestions coming to you from the White House following receipt of these reports?

Mr. MORGAN. Well, sir, I would have to say that I would include all sources outside the Commission in this same remark, and it would depend on what kind of comment or instruction or direction was forthcoming. There is a great deal of comment, at the present time, about the backlog of cases in that Commission and the proper means of taking care of this backlog and getting it on a current basis is of great concern to the Congress and the executive branch.

There has even been some strong language used about it by the judicial branch. I would certainly be inclined to listen to any constructive suggestions that came from the White House with regard to changing procedures and methods of handling the administrative work of the Commission, just as I would pay attention to the same type of communication coming from the Congress.

But if you are talking about a decision on any substantive matter concerning issues before the Commission, I think it is the function of that Commission to remain independent in this respect, and I would regard it as so.

Senator SCOTT. There has been a good deal of discussion and some recommendations that ex parte appearances by Members of Congress before Commissions or communications from Members of Congress to the Commission should be made public. Now if we may assume the validity of that suggestion for a moment, would you feel that ex parte suggestions from the White House to your agency or to you should also be made public?

Mr. MORGAN. I believe a specific bill has been prepared and was discussed in committee hearings last year, I believe before the Senate Judiciary Committee. I read the hearings. If that bill were to be enacted into law, I believe it would apply to all persons communicating with the Commission.

Under those conditions, ex parte communications from the White House would, I assume, be made public under the terms of such a law.

Senator SCOTT. In matters pertaining to the exercise of your judgment in connection with cases before the agency, would you permit any suggestions from the White House concerning the matter in which you might perhaps exercise that judgment?

Mr. MORGAN. Are you referring now to a substantive matter, a decision of a specific case?

Senator SCOTT. Yes, I am referring to whether or not a specific case should either be decided in a certain way or should be expedited or delayed or any matter of substance pertaining to that case.

Mr. MORGAN. Let me say this, Senator. When I was appointed utility commissioner in Oregon, I had a very explicit understanding with the Governor and it was the Governor who, much to my pleasure, put this understanding into explicit words. The understanding was that I would handle the office of public utility commissioner in Oregon and the Governor would handle the Governor's office, and he would not tell me how to decide any case and he did not.

I assume that the same understanding will prevail between the White House and myself in this position.

Senator SCOTT. At the present moment, you know of no such understanding, do you, between the President and the Commission itself, as a Commission?

Mr. MORGAN. The President has been far too busy to spend time discussing this matter with me.

Senator SCOTT. Will you suggest to the President that there should be such an understanding?

Mr. MORGAN. I think that would be presumptuous on my part.

Senator SCOTT. So do I. You suggested that you did do it to a Governor and I was making the distinction.

Mr. MORGAN. No, sir, I told you that it was the Governor who himself—

Senator SCOTT. The Governor suggested it to you?

Mr. MORGAN. Who made this understanding explicit, much to my satisfaction. I should be greatly surprised if anything other than such an understanding were to eventuate in my present capacity or future capacity.

In any case, I have never decided a substantive matter before me for judgment in such a fashion and you have my word that I will not.

Senator SCOTT. I am very glad to have you say that, Mr. Morgan.

In your testimony before the Select Committee on Improper Activities in the Labor-Management field, I believe you stated that you were among the first persons in Oregon to "assess the intentions of the Teamsters," and that your testimony implied the former Governor, Paul Patterson, was obligated to the Teamsters Union because he had been endorsed and supported by them.

The Governor who appointed you, Governor Holmes, whom I happen to know and incidentally for whom I have a very high regard, according to the testimony of one Clyde C. Crosby, received a \$2,000 contribution from the Teamsters Union.

Now, in view of your testimony that you were among the first persons to assess the intentions of the Teamsters in Oregon, how do you differentiate between support given to Governor Patterson and support given to Governor Holmes?

Mr. MORGAN. I am not entirely clear as to the relevance of this matter but I will be glad to go into it if you wish, sir.

The contribution given to Senator Holmes, who was running for the governorship at the time, was made openly and on the record. It was made through a joint committee maintained by the AFL-CIO for the collection and distribution of political contributions. There was nothing secretive about it. There were no strings attached to it. It actually came to Senator Holmes through the joint labor committee and not directly from the Teamsters.

As to how much money was contributed to Governor Patterson in his campaign, I do not know. The record does not show any. I did not make any comment about the possibility of an improper relationship between Governor Patterson and some members of the Teamsters Union in Oregon until after I was informed by representatives of the Teamsters Union that they had established at least some elements of control over Governor Patterson and those same members of the Teamsters Union had interceded, intervened with me and with the Democratic attorney general of the State of Oregon in an effort to protect Governor Patterson from the political effects of disclosures of improper activities in the liquor commission directly under his jurisdiction and control.

Also, I did not make any further comment or any comment about Governor Patterson until these same people in the Teamsters Union made an effort to establish the same kind of control over Senator Holmes, should he be elected Governor.

It is true that I could not establish in a court of law exactly what the relationship between the Teamsters Union and Governor Patterson was, but I was experienced enough in politics to be able to establish to my own satisfaction what the Portland Oregonian, the leading Republican newspaper in the State had already established to its satisfaction, that there was a concealed relationship between those Teamsters and Governor Patterson.

I testified about this matter before the Senate committee under subpoena. It would have been much easier for me to have remained silent about the matter, but I was asked to tell what I knew and I did.

Senator SCOTT. Now the relevancy of the question. You are certainly entitled to ask why it is relevant. The relevancy of the question turns upon whether or not you complied with the request of a Senate committee because, Governor Patterson being dead at the time your charges were made, one of the members of the so-called McClellan committee made the request that a staff member seek an affidavit from you. I believe this quote is accurate "in which you would 'either produce evidence derogatory to Mr. Patterson or else make a retraction so that the good name of the former Governor can be cleared.'" This Senator said, "I think that our committee is a little bit guilty in letting a dead man's memory be smeared without trying to investigate it further."

Thereafter the chairman instructed the staff members to see you and try to get such an affidavit. A very quick search of the files fails to turn up any such evidence and therefore in the question of compliance with Senate committees is where the relevancy occurs.

May I ask if you ever did present such a document to the committee yourself?

Mr. MORGAN. May I answer the question fully?

Senator SCOTT. Yes, sir.

Mr. MORGAN. When this statement was made by the member of the committee to whom you refer, I sent a very lengthy telegram to the chairman of the committee informing him that my statement was made under oath, that it was truthful, so far as I knew, that I did not intend to change any of it, and I received a response from him that he was not interested in acting on the request of the individual Senator.

I then contacted the staff members of the McClellan committee, who were still in Portland, still investigating, and asked them if they had any request from the committee to secure such an affidavit from me. I was told that they had none. That was the end of the matter. No request was ever made on me by anybody for such an affidavit.

Senator SCOTT. Page 313 of the testimony would indicate you were a voluntary witness. Am I wrong on that? You said you were there under subpoena, which would indicate you were an involuntary witness. Didn't you offer to testify? Weren't you a voluntary witness?

Mr. MORGAN. I was approached on three or four occasions in Oregon by Mr. Robert Kennedy, and his staff investigators, and asked to volunteer testimony about this matter. It was well known in Oregon, and there had been newspaper stories about it, that I had engaged in quite a fight with certain members of the Teamsters Union over their efforts to infiltrate and dominate the Democratic Party in the State of Oregon and that I had fought them off.

Mr. Kennedy came to Oregon and asked me if I would volunteer testimony. I said that I would prefer not to. I was serving at that time as public utility commissioner. These fights had all been in the past, and I did not wish to do it.

Mr. Kennedy thereupon produced a subpoena and said that my presence was required in Washington, and that I would be asked certain specific questions. I thereupon said that of course under the circumstances I would cooperate with the committee, which I did.

I was a voluntary witness after the subpoena was produced. There didn't seem to be much point in being otherwise. But the point is

that I was subpoenaed to testify before the McClellan committee because I had kept my party, as its chairman in the State of Oregon, free of this kind of dominance.

As I said, it would have been much easier for me to have been less frank with the committee in Washington and no one was sorer than I that some of the testimony that was asked of me was that involving Governor Patterson who had died some months previously. But I testified freely as to the facts as I knew them.

Senator PASTORE. Under oath?

Mr. MORGAN. Under oath.

Senator SCOTT. Mr. Morgan, you have just said, of course you were voluntary after you were subpoenaed. I would like to read your own answer into the record.

"Chairman—Senator McClellan:—"

You volunteered this now; he doesn't ask you.

The chairman says, "All right, Mr. Kennedy, you can proceed." Then the next answer is:

Mr. MORGAN. I might say I am a voluntary witness who was subpoenaed at my own request.

The CHAIRMAN. You were subpoenaed at your own request?

Mr. MORGAN. Yes, sir.

Now the next question, unless you want to comment on that, Mr. Morgan, is that on page 1073 of the testimony appears Teamsters check, Joint Council No. 37, in the sum of \$2,000 to the order of Robert Holmes and endorsed by Robert Holmes. That is the last question I have.

Mr. MORGAN. I think it is entirely possible that there was a conversation between Mr. Kennedy and myself in which I told him that if I were to cooperate with the committee I would do so under subpoena. I have forgotten the details of that. I don't recall them at the moment.

It is true that I was subpoenaed, and it is true that I was a cooperative witness with the McClellan committee, testifying about the attempts to deminate the political life of the State of Oregon through the Teamsters Union. I am sure that my testimony offended various people for various reasons. It wasn't the first time, and quite possibly it won't be the last time.

Senator SCHOEPEL. Mr. Chairman, I would like to pursue some of these matters further, in order that we may get them into the record.

First, I want to say—to ask you, Mr. Morgan, do you recognize or consider that the Federal Power Commission is an independent agency of the Government and a creature of this Congress?

Mr. MORGAN. Yes, sir; I do.

Senator SCHOEPEL. Do you subscribe to the theory that as an independent agency it should not be under the dominance of any President or any outside interests or any other interests, but accountable to the Congress of the United States and to the constituted authority of this country as we have established it with reference to these regulatory agencies?

Mr. MORGAN. Well, Senator, the law as you know covers this matter very explicitly. I don't think it should be dominated by the executive branch to any greater extent than is set forth in the law.

The President obviously makes the nominations and thereby does the selecting of personnel of these offices and to some extent he controls

administration within the agencies through his power to select the chairman on some of them, including this one. I am not an advocate of any particular change in the law in this regard. I understand that changes in the law are under discussion now and there have been hearings on the possibility of establishing some kind of supervisory or appeal organization, a ministry of regulatory agencies, or some type of organization of that kind. I will be happy to follow the law as it is written now or as it may be changed by the Congress.

SENATOR SCHOEPEL. Mr. Morgan, as you probably know, there have been many instances, or certain instances where there has been reference made to inquiries on the part of Members of the Congress of members of the independent agencies or regulatory bodies with reference to the status of proceedings that are before these regulatory agencies more appropriately to the one that you are before us for here today.

MR. MORGAN. Yes, sir.

SENATOR SCHOEPEL. Aside from the strictly quasi, or judicial phases of the thing, and aside from the decisions which must be made by that Commission after it has heard all of the proceedings before it, do you have any objection on the part of any Member of the Congress of the United States making inquiry, if you become a member of this Commission, as to the status of any matter?

I want to state the reason for this question is this: a number of us have received letters or communications by constituents of ours who may have had matters before the Commission for months and months and months. And I, I am sure like other Members of the Senate and of this committee, have received inquiry, "Can you find out what is the status of the proceedings down there which have been closed and which we have been waiting on for months and months and months for a decision?"

Do you figure that is an undue influence being exercised on the part of a Senator or Congressman who makes an inquiry along that line? Do you have any objection to it, if it does not go to the prospective decision that you are going to make in a case?

MR. MORGAN. No, sir; I don't. But I would like to add this—and I am sure you are aware of this, being a former public utility commissioner yourself, Senator: some agencies, I am told, interpret a mere request for information, or a check on the status of a case, from a Senator, as a prod to hurry; and I am told that sometimes this happens. There are cases where the rescheduling or speeding up of a case may alter the substantive rights of adversaries in the case.

And the Senator may not know this—I mean he may have a request from a constituent to ask about the status of the case, and he, knowing nothing about the case, asks and the agency then responds with greater speed, thinking they are under pressure from the Senator to speed the thing up. Whereupon, one of the adversaries in the case loses his rights because the timetable has been changed and he either doesn't have gas reserves ready to go into operation, or for some other reason is put at a disadvantage by the rescheduling.

I think it is the duty of the Commission, the Commission staff and Commission members, to know this sort of background to a case and not to alter their administrative or procedural methods in such a way as to do violence to someone. This is the only way that I can think of where a simple request for the status of a case by a Senator

might possibly result in injustice to somebody, and it can be prevented by knowledge and proper judgment within the Commission.

Senator PASTORE. Will the Senator permit an observation on that point?

That doesn't prove the impropriety of the interrogator as much as it proves the weakness of the Commissioner.

Mr. MORGAN. That is correct.

Senator PASTORE. That is just the point we are making here.

After all, you have to understand the position of a Senator and Congressman from the actual facts of life. We don't invite people to write to us about these many matters that they are interested in. As a matter of fact, many times we don't like it any more than you do when you receive an inquiry from us. But the fact of the matter is that people do write to their Congressman and they ask all kinds of questions.

First of all, we have to more or less sift them out ourselves and find out what is right and what is wrong. But sometimes a person will write to us and say, "We filed an application 2 years ago. Here it is now, 2 years later, and we haven't heard a word. What can you do to help us?" And we just send the letter down there and say, "Within your rules and regulations, we are inquiring what is the status of this case?"

Now if someone down there is stupid enough to think that this is prodding and influencing, well, whose fault is that? Is it the fault of the individual who receives the communication rather than the person who makes the inquiry?

Mr. MORGAN. I agree with you, Senator.

Senator PASTORE. That is precisely what we are talking about. And I have heard all this talk about prodding from the White House. There again I think the White House legitimately can make many, many inquiries. As the administrative branch of the Government it has to know whether or not you have a backlog, whether or not you have enough personnel. I assume the Budget Bureau will get in touch with you from time to time in calculating the estimates that have to be sent to the Congress. I think that sometimes we ourselves on this side of the aisle kind of overdo it a little bit ourselves. I see nothing wrong if the White House pursues this whole realm within the rules and regulations of decency, propriety, fair play, impartiality, and justice. This is America. I don't think we are going to change it with this appointment.

Mr. MORGAN. I agree with you, Senator.

It seems to me it is part of the Commissioner's responsibility, when a case is lagging and there is a good reason why it should continue to lag for a while so injustice is not done, to know the facts and to include them as part of the answer to the Senator or the White House, as the case may be.

There was a wonderful old Governor of Oregon, a Governor by the name of Oswald West, who gave me some very good advice when I became public utility commissioner in Oregon. He said, "Howard, there is a lot of pressure in that job. I used to have it myself and I want to give you some advice that will help: When you are in doubt, just do the right thing."

Senator PASTORE. And that is the full answer.

Senator SCHOEPEL. Mr. Morgan, I want to ask you a few questions with reference to some of the press notations that come to my attention, and this is solely for the benefit of the record, so we might have before us your views and your answer to some of these questions which I am sure many folks will be wondering about.

Now, I understand that you have frankly made an answer here, several answers, to the effect that up in your section of the country that you are favorable to the Federal power concept. But you have also said, very frankly, that you did not believe that should be to the exclusion of the private power companies who are operating under proper certificates and under proper jurisdiction and under proper regulation, and I assume I am approaching this from this standpoint. That has heretofore been your view; is that right?

Mr. MORGAN. Yes, sir.

Senator SCHOEPEL. Now, I just note with some degree of interest that on January 27, the Oregon Journal quotes you with respect to your nomination to the Federal Power Commission. You say there—I believe this is in the edition—well, I have given the date of it.

This is what appeared in that paper with reference to you, Mr. Morgan:

He issued the following statement as to his policy in the new post—

And I quote:

I believe the primary objective of this job is essentially like that of the public utility commissioner in Oregon, to see that the public is not damaged by the great corporations which operate most efficiently as monopolies. I think a regulatory commission should insure that the corporations behave as they would be forced to behave if they were in active competition for the public's patronage.

What exactly did you mean by that? Did you mean to imply that the private corporations or the private utilities in your judgment should be suspect, or just how did you mean that? I would like to have you clear that up, if you would, for my judgment at least.

Mr. MORGAN. Let me tell you that I was appalled when I was asked by the newspaper reporter to give in one sentence my view of what public utility regulation is and should be. This represents a perhaps ill-advised attempt to cooperate with him and try to provide such an answer.

What I meant, sir, was what I said more fully a few minutes ago, that I regard the role of regulation as a substitute for competition. We have free enterprise system in this country which we expect, by and large, to be regulated by active competition between the enterprisers. But in those areas where service to the public can be accomplished most cheaply and most efficiently by a monopoly, we have attempted to provide a substitute for competition, and this is the role performed by utility regulation.

Of course, you can write a book, several books, about this concept. What I was trying to do in response to a specific request was the impossible task of boiling that down to a sentence or two, and I agree with you; it wasn't a very satisfactory job.

Senator SCHOEPEL. I appreciate very much having your answer to this, Mr. Morgan, because that received pretty general circulation over the entire United States. Naturally a man in your position, having served as a utility commissioner of your great State, being designated by the President for this important job, would be con-

sidered on what you had to say. I am glad that you have cleared that up, at least in my mind, the way you have approached it here today.

Now, going to another matter, I understand that your biography states that you majored in economics and wrote a graduating thesis on "Public Utility Regulation." What was the subject of that thesis, and what conclusion did you reach in it, just in a general way?

Mr. MORGAN. Well, the subject was the economic conditions and background circumstances which led to the enactment of the Motor Carrier Act of 1935 and amendment to the Interstate Commerce Act. It was an attempt to reduce to writing, which I believe had not been done at that time, a comprehensive recital, more or less, of the conditions in the industry which led to the passage of the act. I don't recall any particular conclusion was reached, certainly none that was acted on by the Interstate Commerce Commission.

Senator SCHOEPEL. You have been described in certain quarters as "a vigorous advocate"—I am quoting now—"of public power."

There is an article that appeared in the Washington Post of April 3, discussing competing interests for hydroelectric development on the Snake River. The article as I read it includes these statements. It says:

The fight has been punctuated with charges from public power proponents that supposedly the neutral Federal Power Commission experts are now biased in favor of the private power plan. And the public power advocates feel, however, that they will have the balance of power on the FPC for the first time in 10 years once President Kennedy has completed his overhaul of the Commission this summer.

Now, I take it with reference to this article, and reference to these views, Mr. Morgan, that your general philosophy and your general conduct will be governed by what you said here this morning before this committee of the Interstate and Foreign Commerce Commission, that you do not carry into this Federal Power Commission, the avowed purpose to advance Federal power over the rights and the prerogatives under the law of the private utilities who have certificated rights, under proper regulation by State and by the Federal, with reference to their interstate operation?

Mr. MORGAN. That is correct, sir.

Senator SCHOEPEL. Now, I want to ask you a few questions with reference—if you will indulge me, I know it is getting to the noon hour.

I understand that there is now pending before the Commission conflicting applications for the construction of hydroelectric facilities on a stream in your home area of Oregon. I believe it is in your home county.

I may not be completely accurate in this, but in your home State of Oregon, or an area up in the Northwest. If my recollection serves me correctly, this is on the Snake River?

Mr. MORGAN. Yes, sir, that is correct.

Senator SCHOEPEL. I understand one applicant is a public agency from the State of Washington and the other a private concern.

I do not know what the present status of this matter is at the present time or whether it will come before you for consideration, should you be confirmed. But I would like to know, if you believe you could consider these applications of the two parties impartially without favoritism, one as against the other?

Mr. MORGAN. I believe so, sir.

Senator SCHOEPEL. Now, as I said before, the reason I am asking these questions is because I want to have in this record with reference to some of these applications and with some of these matters that have been raised through the press and otherwise, on the Federal Power side over as against the private power side some cleancut positions and I want to say very frankly to you, that you have given some very satisfactory answers to me on several of them.

Now I understand that there is an application up there on the Snake River, that in the judgment of some, would do violence to the salmon industry or the fishing industry and the continuation of that industry which is so very important, not only to our Nation, but in your Pacific Northwest and up in our areas of Alaska.

I am somewhat disturbed by what I have heard and what has been in the press about the Secretary of Interior making a statement that some of these considerations should be deferred for a period of 3, 4, or 5 years I don't know what the exact date is, before a determination should be made by the Federal Power Commission.

Now, how do you feel about that, about deferring it in favor of a request of a governmental agency for that long a period of time? Do you have an opinion to express at this time on that?

Mr. MORGAN. Well, I have not talked to Secretary Udall about this matter or any matter. I have never met the gentleman. But my understanding is that this request is based on the feeling, which I might add is widespread in the Northwest, that both these applications have the serious possibility inherent in them of extreme damage to the fishing industry. Partisans of each dam claim that the other dam would do more damage, but there seems reason to believe that both partisan groups are right in that both dams can do heavy and irreparable damage to the fishing industry in the Northwest.

It is for this reason that the Secretary, so I am told, and so I read in the paper, has asked the Federal Power Commission to suspend the proceedings so that a crash program can be undertaken by his agency to perfect some devices, which I understand have been tried out on a dam in California and have shown promise there.

Now I agree with you fully, and as a student of regulatory matters for over 20 years I know that the Federal Power Commission should be an independent agency, independent of the executive branch, and independent in some respects of the Congress.

But I think that the commissioners, who are required by law and their oath of office to protect the public interest in a matter as important as this, are under some obligation to give the most serious consideration to a request of this nature coming from a public servant charged with the responsibility to protect the wildlife and fishery resources of the Nation.

Senator SCHOEPEL. Mr. Morgan, I agree with you from the standpoint of consideration; yes, sir, consideration should be given to it. No one wants to do an irreparable damage to that great industry. But I go further and what concerns me is, do we want or should a commission abdicate its power and its authority and its responsibility under the law for that long period of time when another agency says, "You fellows just stop, hold everything, and wait for my crash program."

The Congress may not implement his crash program. The point I am trying to make with you, Mr. Morgan, is, do you presently feel that you should abdicate or just give no consideration to further going ahead with these applications and with your studies on them and with your final determinations—some of them may be months and months, and maybe 2 or 3 years already before the Commission—and wait for this additional period of time. That is frankly what disturbs me.

Are we getting into a situation here where one department of the Government, sincere as they may be, says, "Hold everything over here until we get ready to move on a crash program."

I will be very frank, that disturbs me, and I would like to have your views with reference to it.

Mr. MORGAN. Here again, I think it would be a mistake for me to have reached a final conclusion on this matter on the basis of what I now know. It is a decision that the Commission is going to have to make, that is, they are going to have to decide either to go ahead with these hearings and grant a license to somebody, or to suspend the hearings as they have been asked to do in order to receive further information on this fisheries problem.

Now, I have no final judgment in the matter. And I hope I am openminded enough on this question, if it should come before me for a decision, to be able to act on all the facts relevant to the request that the Secretary has made, when all the facts are in.

But I do say, that I, just looking at it from the outside now, I feel that the Commission is under heavy obligation to give the most serious attention to this request and to have extremely good reason for what it does, no matter what it does. Because on the one hand, the rights of the utility concerns and the matter of money and man-hours that they have put into these applications are very considerable, as is also the possibility of service and profit under a license if it is granted.

On the other hand, an irreplaceable resource, the fishing industry of the Northwest, which is important to the whole country, is also at stake.

Senator PASTORE. Mr. Morgan, on that point, I mean I am merely thinking out loud, would there be anything inconsistent with the rules and the jurisdiction under the Federal Power Act, or the Commission to invite the Secretary of the Interior to intervene and show cause for the delay which would subject him to interrogation on the other side so that you would get a clearer picture?

I mean rather than doing it as an *ex parte* request. If this is weighted down with so many conflicting interests, it would appear to me they ought to be made part of the record because the public interest is involved.

You may do more damage in going one way than another way, even though of course it is a different kind of damage. The question here is who gets the license to develop this natural resource.

Now in the creation of one you may be destroying another of a different nature. I think it is quite important in what decision you make, whether you even decide to delay or proceed, that it should be spread upon the record and should not be completely *ex parte* and that the opposing parties or those having opposing views should have the right to rebut anything that is said.

That would strike me to be in the American way of doing it.

Mr. MORGAN. Well, I think that is an entirely reasonable way to look at it, Senator.

Senator PASTORE. I am merely thinking out loud. It is entirely up to you.

Senator SCHOEFFEL. I appreciate the views of our distinguished chairman, acting chairman, of this committee. And I have the utmost respect for every Cabinet official who serves, whether he has already served or is presently serving in this administration. Believe me, I say that sincerely, but to state—maybe it was not so intended, but it was so reported—that this can be delayed until my department gets ready to move here is where I think what the distinguished Senator from Rhode Island has said is not appropriate. It is most important in order to protect and be fair to all the interests and to get it out in the open where it can be discussed and where it can be heard and where it can be challenged if it is wrong.

One final question and I know you have been very patient here.

Did I understand you—and I believe I did, and if I have misunderstood you, I wish you would correct me—I believe I heard you say, you do not believe in applying the utility concept to the regulation of natural gas or the production of natural gas, especially the production of natural gas and the development of it?

Mr. MORGAN. No, sir; I did not say that. I said it is extremely difficult to do so. And a great deal of original thinking is going to have to be done by a large number of people to find some practical, feasible means of carrying out the Supreme Court's order in this respect.

I don't say it is impossible and I don't say I disagree with it, but it is very difficult to do, particularly under the procedure followed by the Commission at the present time, where they handle the rate application proceedings of each producer individually.

Senator SCHOEFFEL. I understand that the Commission down there has probably 90 percent of its activities in the natural gas field. I may be wrong, but I think it is someplace close to that. And it just occurs to me, if we are going to apply the utility concept to that, I do not know where this Commission is finally going to dig its way out without some realistic approach to this problem, either legislatively or otherwise.

That was the reason I asked you the question. I wondered whether you subscribed completely and fully to the utility theory as applied to the production of natural gas, because we have so many different types of gas wells, different gas fields, different entities involved, some corporate interests, some private interests, some independent operators, with one or two or three wells or something like that.

Mr. MORGAN. Sir, you know from your own experience, that it is a relatively simple matter to take a slide rule and apply it to the rate base and the cost of service of a utility company and arrive at a price for the final product. Trained men can do this almost without thinking about it and in a very brief time, but, to apply this to minerals and products of the earth that come with varied degrees of production costs and rates of flow, is an extremely burdensome thing to try to do, especially with this tremendous number of thousands of producers.

The Commission is ordered to do this by the Supreme Court, and it is now incumbent on the Commission to find some feasible, practical way to do it.

I must say, all my thinking on this matter is still in the formative stage. I am standing on the outside and looking at it from the position of an outsider.

I have enough experience to know that all these organizations look very different on the inside from the way they look on the outside. But it seems to me that the Commission has got to change its procedural methods of carrying out this mandate of the Supreme Court if it hopes to accomplish the job.

Senator PASTORE. May I make an observation on that, Mr. Morgan? I was the one who chaired the hearings on the Natural Gas Act that was vetoed by President Eisenhower. And while I was one of those who believed that the Supreme Court was right, that the natural gas should be controlled, should be under the supervision of the Federal Power Commission in the public interest, and that the only way to do it was to reach right down to the source, otherwise you would have had half control and half not control and that would have been an anomaly too and would not be satisfactory. I was one of those who was convinced of course that the formula, that is the orthodox formula of utility rates, as we understand them in electricity, would not work in any practical fashion.

Well now, those who disagreed with me wanted to throw out the Phillips ruling completely and they had hoped at the time that the President would sign the act, which of course he did not do. Since then, nothing has been heard.

It has always been my secret hope that this would be renewed, not in order to free natural gas from supervision because I think it should remain there, but we should look at it in a realistic and practical way.

Now I question very much that the Federal Power Commission has the latitude that it might want in changing these formulas, even in a realistic, practical way, and if that is so, then I would hope that the Federal Power Commission would work on a formula that would be practical and would be realistic and send it here to the Congress for the consideration of the Congress, and maybe something could be done about it.

As it stands now, it is absolutely unsatisfactory either way. First of all, because of the cumbersome procedure under which you have to go, you have no enforcement many, many times, and an injustice can be done either in one direction or another, and I think the paramount interest here is the public interest and if the present formula does not work, I think that we ought to put our heads together. I merely want to leave this message with those who are listening to me at this time, that it is not only the fault of the Federal Power Commission when it comes down to it, but Congress has to assume some of the blame too.

Because when this was argued on the floor of the Senate I was the one who suggested that in any formula, even under the legislation pending at that time, we should have an element of protection of the consumer interest. And if you can get that in there, I think that would give the latitude to the Federal Power Commission to move in the proper direction.

I merely leave that with you and so you may consider it.

Any further questions?

Thank you very much, Mr. Morgan.

(Whereupon the committee adjourned until Tuesday, May 2, 1961.)

The first of these was the fact that the country was in a state of confusion and that the people were in a state of alarm.

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NOMINATION OF HOWARD MORGAN, OF OREGON, TO BE A MEMBER OF THE FEDERAL POWER COMMISSION

TUESDAY, MAY 2, 1961

U. S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The CHAIRMAN. The committee will come to order.

Mr. Swidler, several other members of the committee will be here in just a minute or two, but in the meantime we have the nomination of Howard Morgan, of Oregon. We will proceed with that first.

NOMINATION OF HOWARD MORGAN, OF OREGON, TO BE A MEMBER OF THE FEDERAL POWER COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 22, 1963—Resumed

The CHAIRMAN. Mr. Morgan, if you will come forward.

Mr. Morgan's nomination is to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1963, the vacancy that resulted from the death of Commissioner Hussey, of Louisiana.

This nomination was sent to the Senate approximately 3 weeks ago or just prior to the Easter recess of the Senate and then the following week the chairman set hearings on Mr. Morgan. I was home at that time and didn't come back that week, so I suggested to expedite the matter that the committee go ahead, so I was not present at the original hearing when Mr. Swidler and Mr. Morgan were before the committee. The Senator from Rhode Island handled the hearing and most of the Senators were here. The nomination, for the purpose of the record, was submitted to the Senate on March 21, referred to our committee on the same day, and on March 22, the following day, the committee met in executive session, agreed to hold public hearings on the nomination on April 11, which was about as soon as we could get at it because there was a 10-day or almost 2 weeks Easter recess intervening at that time.

Then on April 11 the committee held a public hearing on the nomination and then at the next regular meeting of the committee in executive session action was deferred pending receipt of additional information requested by members of the committee. That was on April 18. As a matter of fact, the committee on that day intended to go into his additional information but we were in the middle of voting on the minimum wage law and as you recall the bells rang and we all had to go to the floor. So the next time we could get this matter up would be the next regular meeting which is this morning.

Mr. Morgan has personally discussed some of the matters, the additional information, at my request and at other Senators' request with members of the committee. He has submitted some additional information and the departments have submitted additional information, which most of the members of the committee are quite familiar with. I don't know of any further information that is necessary, and so, in order to expedite the matter again we decided this morning that we would have Mr. Morgan come before us for such questions as the committee members would like to ask on this additional information.

As I say, the chairman is not too familiar with all of it because he was not here at the original hearing of April 11, Senator Pastore, who will be here in a minute, conducted those hearings.

I am hopeful that the matter can be disposed of quickly and that is why I am bringing Mr. Morgan's name up now because he was brought up first ahead of Mr. Swidler.

Now, if the members of the committee here present have any questions we will be glad to hear from them.

Senator SCHOEPEL. I would like to ask a few questions first and then defer to my colleague here, Senator Scott.

Mr. Morgan, the first matter that we are concerned about grew out of a fight in a construction camp. I understand that was up in the State of Oregon. Will you tell us about that incident, please.

Mr. MORGAN. Yes, sir; I will be glad to.

The CHAIRMAN. I don't want to interrupt but I might say now that Mr. Morgan submitted a letter to the chairman of the committee, which I read to the committee members this morning, in which he suggested that he would be glad to discuss these additional matters either in executive session or in a public hearing, or both. We will put that note in the record in full.

APRIL 21, 1961.

Senator WARREN W. MAGNUSON,
Chairman, Senate Commerce Committee, Senate Office Building,
Washington, D.C.

DEAR SENATOR: The President has suggested that I request the privilege of appearing before the next executive meeting of your Senate committee so that I may discuss the charges which have been made against me within the committee. I sincerely hope this will be possible and that you will be able to attend the meeting, so that all aspects of the matter may be discussed in detail.

Very sincerely,

HOWARD MORGAN,
Nominee, Federal Power Commission.

WASHINGTON, D.C., April 26, 1961.

Senator WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee, Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am informed that, in response to my letter of April 21, you wish me to request the opportunity to be heard before a public, rather than an executive, session of the committee.

My original request was to be heard at the earliest meeting possible and since I had been informed that this was to be an executive session, that is what I requested. I am perfectly willing to accommodate myself to your desires (and those of the committee) in this regard, and I shall leave to you the choice of meeting at which I may be heard.

Very sincerely,

HOWARD MORGAN,
Nominee, Federal Power Commission.

Excuse me, Senator Schoepfel.

Senator SCHOEPEL. Will you tell us about that incident, please.

Mr. MORGAN. Yes, sir.

I spent several years working in construction camps in the Northwest during the early and middle thirties, working my way through college.

In 1936, when I was 22 years old, during the summer in one such construction camp in central Oregon, there was a fist fight between two contractors, one of whom was my employer. The fight started when the other contractor grabbed a screwdriver and attempted to stab my employer three or four times—the screwdriver wasn't particularly sharp and there was no great damage done, but quite a bitter fight ensued and it went on for quite a while.

After several minutes a truckdriver who worked for the other contractor jumped on my employer's back and began choking him with one arm and striking him with the other. I was nearby and stepped forward, pulled the man off, and threw him to the ground. He got up with a rock in his hand, and tried two or three times to hit me with it. He failed to do that, threw it at me, struck one of the people in the crowd behind me and there was a further scuffle. But the upshot was that he was removed from the fight and did not reenter the fight.

The main fight continued for a while more.

Three or four days later the contractor who had begun the fight with the screwdriver—

The CHAIRMAN. Will you talk just a little louder so everybody can hear in the back?

Mr. MORGAN. Yes, sir.

(Continuing)—brought a complaint of assault and battery against my employer and his truck driver brought a complaint of assault and battery against me. I was summoned to appear before a justice of the peace at the local county seat and described the fight and my part in it very much as I have here.

There were four or five witnesses who verified my statements.

The justice of the peace thought about it a while and finally asked me if my employer had asked me to remove the attacker from his back. My answer was to the effect that he was too busy defending himself from two men at the same time to hold a conference with me about it; whereupon, the justice of the peace announced that that's where I had made my mistake and it would cost me \$25, to which he added \$17.50 in court costs and witness fees. That was quite a lot of money in 1936 to a college student, but I cheerfully paid the fine, chalked it up to experience, more or less laughed it off and forgot it.

Senator SCHOEPEL. Now, Mr. Morgan, at that time you understood, of course, that you were arrested?

Mr. MORGAN. I was handed a summons, sir; I'm not sure whether technically that means I was arrested or not, I'm not a criminal lawyer.

Senator SCHOEPEL. Well, if the records in Oregon showed that it was listed as a report of an arrest that would be the determining factor with you, would it not, as to what the record actually disclosed?

Mr. MORGAN. No, the determining factor with me, sir, was what happened, and what happened was that a summons was delivered to me at the construction camp requiring me to be in the county seat 2 day later—which I did.

Senator SCHOEPEL. Have you ever checked the record up there?

Mr. MORGAN. No, sir.

Senator SCHOEPEL. Well, if you check the record up there, microfilm record which is kept, you will find that it's listed under No. 53680, I believe, report of arrest of Howard Vincent Morgan, and that is your name, isn't it?

STATE OF OREGON		Department of State Police		53680	
REPORT OF ARREST					
Name	Howard Vincent Morgan	Time	11:15 a.m.	Date	July 1, 1934
Address	Hwy. 101, near				
Age	22	Height	5'	Weight	130
Build	Slender	Complexion	Fair	Hair	Dark
Charge	Assault				
Where arrested	See Station	Complainant	Walter H. Grim		
Magistrate	Walter H. Grim, Justice of Peace - 1st District				
Disposition of prisoner	Bail				
File	22	Court cost	\$10.00	Escrow	None
Remarks	<p>Arrested on July 1, 1934, at 11:15 a.m. by Sgt. F. N. Grim.</p> <p><i>F. N. Grim</i></p>				

Mr. MORGAN. Yes, sir.

Senator SCHOEPEL. And the Sergeant making the arrest, who made the report of the arrest, is F. N. Grim, I believe it is, Frank N. Grim. Did you know him?

Mr. MORGAN. I remember him; yes, sir.

Senator SCHOEPEL. Was he an officer at that time?

Mr. MORGAN. I believe he was a State police sergeant in that area, sir.

Senator SCHOEPEL. And he was the officer who would make arrests as far as you are acquainted with?

Mr. MORGAN. That is correct.

Senator SCHOEPEL. Was the case actually tried in court there?

Mr. MORGAN. It was in justice court. It was in a small office, it was a very informal sort of chamber.

Senator SCHOEPEL. Were witnesses sworn at that time, do you remember?

Mr. MORGAN. I'm inclined to think so, sir; but I can't really remember.

Senator SCHOEPEL. I was just wondering if you remembered it.

And as I gathered you said that on the part of the justice of the peace or the trying official at that time, or whatever his name might

have been, whether it was a justice of the peace or a police court, he fined you \$25 and \$17.50 court costs, I believe you testified to.

Mr. MORGAN. That's correct.

Senator SCHOEPPPEL. For which you paid?

Mr. MORGAN. I had forgotten the exact amount, sir, until these documents were procured from Oregon, but I remember them now.

Senator SCHOEPPPEL. Had you ever been arrested before that?

Mr. MORGAN. I don't believe so, sir.

Senator SCHOEPPPEL. Who was Harold H. Keppinger?

Mr. MORGAN. Well, I think I know the answer to that, but I have only learned it within the last few days. From my own recollection I cannot remember the name of the other contractor in the fight, I cannot remember the name of his truckdriver, and I cannot remember the name of the justice of the peace; all these things have faded out after 25 years, sir, but I believe from the documents that I have seen in the committee's possession that Mr. Keppinger was the man whom I removed from my employer's back.

Senator SCHOEPPPEL. And I think you testified, if I remember your testimony correctly, I want to be correct about it in this record, you said that you had several witnesses to the affray. Can you recall the names of some of those witnesses for the benefit of the record here?

Mr. MORGAN. I can recall a few last names. There was a man named Hansen, there was a man named Schlegelmilch, which is a rather hard name to forget. Beyond those two I don't seem to recall any.

Senator SCHOEPPPEL. Mr. Morgan, do you recall whether you tried at the time to file a complaint against the other person or persons who were involved in this altercation?

Mr. MORGAN. That I don't recall; no, sir.

Senator SCHOEPPPEL. Who was your employer during the summer of 1936, do you recall?

Mr. MORGAN. A man named Jack R. Eatch.

Senator SCHOEPPPEL. How do you spell that last name?

Mr. MORGAN. E-a-t-c-h.

Senator SCHOEPPPEL. Now, Mr. Morgan, do I understand you to say that you completely forgot about the fact that this took place and that you were arrested or that you were brought before a magistrate and that you paid a fine?

Mr. MORGAN. Well, sir, let me put it this way. I have gone for I would say 3 or 4 years at a time without remembering this incident or having any reason to remember it, and then upon meeting someone who was there, who worked in the camp or who knew about it and who referred to it and laughed or joked about it, I would recall it temporarily and then forget it again for long periods. I have an excellent memory, an unusual memory for things that I regard as important and significant, but there's an obverse side to that memory and I have the gift, and it is a gift, of allowing myself to forget things that I regarded as trivial, meaningless, and silly; and it is in that category that I most often remembered this incident. I regarded it as a \$42.50 practical joke on myself and for the most part I never thought about it.

Senator SCHOEPPPEL. You never thought about it even though you looked possibly at four specific records that had detailed questions asking you about an arrest? Would you want this committee to believe that?

Mr. MORGAN. You are talking now about the form 57's which I filled out upon occasion for employment with the U.S. Government, are you, sir?

Senator SCHOEPEL. I will defer to my colleague, Senator Scott, here.

Senator PASTORE. Mr. Chairman, don't you think he ought to answer that question? I think it's left up in the air. I think the last question was left unanswered.

Senator SCHOEPEL. I will withdraw this last question, Mr. Morgan, and I will have a few more questions later.

Senator SCOTT. Mr. Morgan—

Mr. MORGAN. Yes, sir.

Senator SCOTT. First of all, you have very recently said something to me with regard to earlier testimony having to do with certain Oregon personalities and I would like the record to show that I accept the statements you made to me as satisfactory and I will not again refer to that particular matter.

Mr. MORGAN. Thank you very much, sir.

Senator SCOTT. I think unfortunately, unfortunately for the committee and I think you yourself will grant it, but these matters sometimes get tried in the newspapers before they reach a hearing.

Mr. MORGAN. Yes, sir.

Senator SCOTT. And through the courtesy of some of the press reports and at least one columnist I am put into a position which I believe ought to be cleared up promptly, that I have some reason, perhaps because of difference in point of view, which I have never explored so I don't know whether it exists, but a presumed difference in point of view between you and myself on matters which will come up that I may for that reason appear to be persecuting you, I hope that you yourself don't think that. I assure you it is not correct.

I am also the beneficiary of certain totally false and unwarranted reports that any question I might ask you might perhaps be due to the fact that some large and wealthy family in Pennsylvania are my biggest contributors and therefore I would like the record to show that the family mentioned in the column did not contribute to my Hugh Scott for Senate campaign committee a single red cent. I will withdraw the "red" since I am sure the family in question would not want to have anything to do with anything which is red, but I would like the record to show that they were not either the biggest contributor or in fact a contributor at all.

Having clarified that record—

Mr. MORGAN. Mr. Scott, may I add a little clarification of my own?

Senator SCOTT. Yes, sir.

Mr. MORGAN. The columnist to whom you referred tried to get in touch with me some 2 weeks ago before he went on a trip to Latin America and immediately again upon his return some 10 days later. He was the fourth newspaperman to tell me that he had received information from members of the committee, though neither he nor the others identified any particular member of the committee. He informed me that he was going to write an article about it and he asked to see whatever papers I had that might bear on the subject, and I decided since an article was going to be written I would like to be as accurate as could be without, as you say, trying the case in the newspapers, and so I allowed him to see them.

I was able to persuade the other three newspapermen who had seen me earlier that I did not want them to do anything like this in the papers and they acceded to my wishes.

Senator SCOTT. I passed his farm yesterday and I noticed a sign out there advertising a product, the product was manure and under it it said, "All cow, no bull."

I don't want to get into commercials here, but my inquiry is actually to determine the circumstances of these arrests and why they were not included in certain forms. This is what I directed my attention to, and with regard to the charge of larceny of a tire and gasoline which was referred to on which you were arrested, could you first tell me if my information is correct that that was on a fugitive warrant to Maupin County?

Mr. MORGAN. I don't know where the warrant originated or whether there was one and to the best of my recollection I was never faced with or put under a specific charge. I may be mistaken in this, but that is my recollection of the matter. There is a description of this incident in the affidavit which I furnished to members of the committee and it is an accurate description of the incident. I would like to request that that affidavit be made a part of the record at this point so that we can have a starting point from which to discuss the matter.

Senator SCOTT. Yes, I request, Mr. Chairman, that Mr. Morgan's affidavit be made a part of the record.

The CHAIRMAN. I have a copy and I will be glad to put it in the record in full.

(The document is as follows:)

AFFIDAVIT

STATE OF OREGON,
County of Multnomah, ss:

I, Jack R. Eatch, being first duly sworn, on oath depose and say that:

I live at 5246 Northeast Hoyt Street, Portland, Oreg., and am now engaged in the general contracting business; that I was in the contracting business in 1936 and was engaged in a highway surfacing contract in eastern Wasco County during that year. At the conclusion of the job all equipment was gathered and returned to Portland. Included among the materials returned to Portland was a passenger car tire which had appeared in the construction camp some time during the job and was transported unnoticed with the other materials to Portland. How this tire got into the construction camp has never been determined.

Mr. Howard Morgan had worked for me in the past and during the succeeding winter I owed him some back wages. He was attending night school in Portland and was anxious to collect wages in order to supply his automobile with tires. In looking through my supply of tires for something which he might use, I came across the unidentified automobile tire which did not fit any of my vehicles or his, and I suggested that he might take it in lieu of part payment of wages and exchange it at a service station for a new tire to fit his car. He agreed to do so.

As I understand the subsequent events, when the service station proprietor made a routine report of tires which he had taken in on such transactions, it was discovered that the tire which had come from my garage had been reported as stolen. Accordingly, the police took Mr. Morgan into custody, put him through the usual identification procedures and took him to The Dalles for further investigation of the matter.

Upon learning what had happened, I immediately went to The Dalles, explained that I had given the tire to Mr. Morgan, and arranged for reimbursement to the service station proprietor. Of course, the police immediately released Mr. Morgan. No formal charge was ever brought against him nor was there any court procedure of any kind concerning this matter.

At any time during this affair Mr. Morgan could have placed the major blame for this situation upon me but he chose not to do so. In the circumstances his behavior was not only entirely honorable but extremely generous.

From the time when Mr. Morgan first clashed with the undesirable elements in both political parties during his term in the legislature, I have been repeatedly interviewed by Mr. Morgan's political enemies seeking a statement from me which would be damaging to Mr. Morgan concerning this unfortunate incident. I have consistently refused to say anything but the truth, which is the above.

JACK R. EATCH.

Subscribed and sworn to before me this 16th day of October 1953.

[SEAL]

EILEEN ALLEN,

Notary Public for Oregon.

My commission expires April 19, 1957.

The CHAIRMAN. Senator Scott, if all of you will excuse me. I have a meeting I have to go down to, I'll be back in a few minutes. I will be back in about 10 minutes. Senator Pastore is here and he will take over.

Senator SCOTT. Mr. Morgan, I have a photostat of a police record which I show you, "Criminal records: Stole tires, etc., from a service station in Maupin, Ore." Under the heading, "Where arrested," it says, "City," and "Crime charged, Fugitive, Maupin, Ore."

Have you seen this photostat? I imagine you have seen that.

Mr. MORGAN. I have seen that many times.

Senator SCOTT. And can you then explain how it was that you were arrested on a fugitive warrant?

Mr. MORGAN. I am not aware there was a warrant, sir. I think the description of the incident is contained in the affidavit and shows the steps by which this little comedy of errors took place.

My recollection is that when a tire, which I had received through legitimate channels from my employer, who also received it through legitimate channels, was traded in on a recapped tire the serial number was reported to the police and it showed the tire to have been stolen, and I was immediately arrested by the police.

Senator SCOTT. Mr. Chairman, I ask that this photostat be included in the record.

Senator PASTORE (presiding). Is there any objection?

Senator SCOTT. Unless the witness has an objection to it. It has been discussed in the public press.

Mr. MORGAN. Well, Senator—

Senator PASTORE. Why can't we incorporate it by reference and it can be kept in our files rather than be spread in the record?

Senator SCOTT. I agree it may be incorporated by reference and keep it in the committee files.

(See appendix for the following documents—other than the photostat ordered incorporated by reference—that relate to the foregoing discussion: Telegram from R. W. Brower, chief of police, The Dalles, Ore., dated April 25, 1961, advising of the records of The Dalles Police Department relating to Howard Vincent Morgan.)

Four pages consisting of records and certifications from the Portland Police Department and Portland Municipal Court dealing with Howard Vincent Morgan.)

Senator SCOTT. Mr. Morgan, in this connection you say that an affidavit was made by Mr. Eatch to clear this up?

Mr. MORGAN. That's right.

Senator SCOTT. And Mr. Eatch says he is engaged in the general contracting business and his affidavit was taken October 16, 1953. You said a moment ago that the tire had come legitimately into his possession. He says, "Included among the materials returned to Portland was a passenger car tire which had appeared in the construction camp some time during the job and was transported unnoticed with the other materials to Portland. How this tire got into the construction camp has never been determined."

In other words, he doesn't know its origin as he says here.

Now have you seen Mr. Eatch very often between the time of your employment by him and the time when he made the affidavit in 1953? Did you see him frequently or not?

Mr. MORGAN. Mr. Eatch and I were in partnership for approximately a year in 1946-47. Except for that period I saw Mr. Eatch hardly at all between 1936 and 1946, and again from 1947 I saw him practically not at all until the time I asked him if he would prepare an affidavit setting forth the facts in this case.

Senator SCOTT. Then he had been a partner with you prior to his taking this affidavit? That is correct chronologically.

Mr. MORGAN. That is correct; yes, sir.

Senator SCOTT. And are you aware that the current city directory for Portland, Oreg., carries the following listing:

Pioneer Construction Co., 7881 Northwest, Saint Helens Road; President, Jack R. Eatch; Vice President, Mrs. Lena Eatch; Secretary Treasurer, Howard V. Morgan.

Mr. MORGAN. Yes, sir.

Senator SCOTT. And are you presently in business in the Pioneer Construction Co., with Mr. Eatch?

Mr. MORGAN. I am in a sense, but my officership in that concern is being terminated because of my present pending appointment to the Federal Power Commission.

I might add that I went into that relationship with that company on March 1 of 1960.

Senator SCOTT. When you were arrested in The Dalles on this larceny charge, rather you were arrested in Portland you were taken to The Dalles and there you were held by the justice of the peace.

Mr. MORGAN. That's right.

Senator SCOTT. Whose disposition is marked as "Released to State police."

Then what was the disposition of the case?

Mr. MORGAN. I was just going to remark, Senator, that I am not aware, in fact, I am very certain of this, that I was never charged with larceny. I was arrested in Portland as, I presume, a means of enabling the police to investigate the circumstances surrounding my possession of that tire. The investigation had to take place at The Dalles. As soon as I was transported there and the investigation began it became quite apparent that my connection with the tire was entirely legitimate and I probably should not have been arrested in the first place and I was released at once. That was the end of the matter. There was no court action, no arraignment, no indictment, no warrant issued in The Dalles. The police investigation terminated the affair in the first round.

Senator SCOTT. When you went from Portland to The Dalles, didn't you go there under a warrant of arrest?

Mr. MORGAN. I did not have a lawyer, sir, and I was very young and not as appreciative of the importance of these details as I should have been and I don't know whether there was a warrant for my arrest or not. The only thing I have seen are the documents which you have seen and they describe the charge against me at that point as that of a fugitive which I understand is simply a blanket term which would cover an arrest of this kind for an investigation.

Senator SCOTT. The same document, though, under the hearing, "Criminal record," reads as I read it, "Stole tires, oil, and so forth from a service station in Maupin, Oreg."

Are you saying now to the committee that you wouldn't know that you were being so accused when you went from Portland to The Dalles?

Mr. MORGAN. I have described to you what I understood the circumstances to be.

Senator SCOTT. Can you explain, then, how a photograph came to be taken of you at that time?

Mr. MORGAN. That is something that I have often wondered about. It has always been my opinion that I should not have been identified in that fashion. I am sorry to say this happens to thousands of people every year and as in my case it becomes a source of severe annoyance and trouble to them in later years. If I had had an attorney I don't believe I would have been photographed.

Senator SCOTT. Well, the committee has been advised that the records of the Oregon State police on this matter have been routinely destroyed with the exception of information contained on an index card.

Now the index card reads as follows, and I will show you this letter from the State of Oregon if you like. It is from the department of the State police, Salem, April 26, 1961, and they say:

DEAR SIR—

addressed to a member of the committee staff—

In response to your telegram of even date please be informed our arrest reports Nos. 53626 and 53627 do not relate to Howard Vincent Morgan. Those portions of the photographic copy of the microfilm pertaining to these cases should have been removed from the reproduced section before it was mailed to Washington.

Except for the limited information contained on an index card remaining in the crime file, the other incidents mentioned in your message are no longer of record at this headquarters. The covering reports were routinely destroyed during a clearing of obsolete records. They were not reduced to microfilm.

A copy of the index card is enclosed.

Yours truly,

H. G. MAISON, *Superintendent.*

Then the index card, "2-8-37, No. 21426, Larceny from service station." Then an "OK" in the corner which might mean anything, of course, "Wasco County," then in capitals, "COW CANYON SERVICE STATION;" then below it, "On Highway 97, between Maupin and Madras, Oregon." Signed "C. A. Glenn," and the body of it says:

Reports the theft of one new tire, and several cans of lubricating oil, on about July 30th. One *Howard Vincent Morgan* age 22 years, who was arrested by Portland police on February 7th, admitted the above theft, also stated he sold the tire to Norene's Service Station in Portland but did not know what became of the oil.

Now would you care to comment on that? And I will ask that this be included in the record, this statement, since I have read the entire statement.

STATE OF OREGON,
DEPARTMENT OF STATE POLICE,
Salem, April 26, 1961.

Mr. JOHN M. McELROY,
Assistant Chief Counsel,
Senate Commerce Committee,
Washington, D. C.

DEAR SIR: In response to your telegram of even date please be informed our arrest reports, Nos. 53626 and 53627, do not relate to Howard Vincent Morgan. Those portions of the photographic copy of the microfilm pertaining to these cases should have been removed from the reproduced section before it was mailed to Washington.

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Yours truly,

H. G. MAISON,
Superintendent.

2-8-37

21426 LAR. FROM SERV. STA. OK.
Wasco County

COW CANYON SERVICE STATION,
On Highway 97, between
Maupin and Madras, Oregon:

Reports the theft of one new tire, and several cans of lubricating oil, on about July 30th. One HOWARD VINCENT MORGAN age 22 yrs., who was arrested by Portland Police on Feb. 7th, admitted the above theft, also stated he sold the tire to Norene's Serv. Sta. in Portland, but did not know what became of the oil.

C. A. GLEN.

SALEM, OREG., May 4, 1961.

JOHN M. McELROY,
Assistant Chief Counsel, Senate Commerce Committee,
Washington, D.C.:

Retel date, Howard Vincent Morgan, C.A., Glen, former State police officer, is now deceased. Mark "OK" on index card has no special significance and is not peculiar to this particular case. It is the usual marking used regularly at this headquarters to denote on the index card that the case has been cleared.

H. G. MAISON,
Superintendent, Oregon State Police.

Mr. MORGAN. The statement is false.

Senator SCOTT. Is that all you have to say on that?

Mr. MORGAN. The statement about my alleged admission is false. I have heard and I'm sure you have, many times of police putting comments like that in their records. The disposal and the entire history of this case does not warrant that statement. If we are now trying to establish my guilt or innocence in this matter, we are trying to do something that was done 25 years ago—

Senator SCOTT. The biography you submitted to the committee and the letter you wrote concerning your financial holdings does not mention the Pioneer Construction Co. of which Mr. Eatch is president, Mr. Eatch being the man who made the affidavit on the entire matter.

Was there any reason why that was omitted from the biography, Mr. Morgan?

Mr. MORGAN. Yes, there is. The reason is that that is an investment of my wife's and not mine. I temporarily took the position of an officer in that company to keep an eye on the investment.

Senator THURMOND. I can't hear you. Will you speak up?

Mr. MORGAN. Yes, sir.

Senator SCOTT. Well, the listing lists you, as you say, as secretary-treasurer, Howard V. Morgan. There is no listing of your wife. Is that a corporation?

Mr. MORGAN. It is a corporation; yes.

Senator SCOTT. And would you mind telling us, then, how the shares were divided and in whose name?

Mr. MORGAN. She owns about 30 percent of the company.

Senator SCOTT. You don't recall how the shares were divided?

Mr. MORGAN. No, sir.

Senator SCOTT. Now, the White House press release has just been called to my attention, Mr. Morgan; I did not know this. The White House press release of January 26, announcing the President's intention of appointing you makes this statement:

Howard Morgan, who is part owner of Pioneer Construction Co., in Portland, Oreg., the Oregon Public Utility Commissioner in 1957 and 1959—
and so forth.

[For immediate release. Office of the White House Press Secretary, the White House, Jan. 26, 1961]

President John F. Kennedy today announced his intention of appointing Joseph Charles Swidler, Nashville, Tenn., lawyer, and Howard Morgan, former public utility commissioner of Oregon, to positions on the Federal Power Commission.

Howard Morgan, who is part owner of Pioneer Construction Co. in Portland, Oreg., was Oregon public utility commissioner in 1957-59. Oregon is the only State which concentrates all regulatory powers in the hands of one commissioner.

Mr. Morgan is a graduate of Reed College in Portland, after which he went to the Office of Defense Transportation. From 1943 to 1946 he was in the Naval Air Transport Service of the U.S. Navy. After the war Mr. Morgan worked in the purchase and sale of heavy construction machinery and then livestock ranching in Oregon.

For 2 years he was a member of the House of Representatives of the Oregon State Legislature. In 1952 he was a consultant to the Defense Transport Administration in Washington.

Mr. Morgan, 46, is married and has four children. His home is in Sisters, Oreg.

Senator SCOTT. Where did the White House get the information that you were a part owner of the construction company of which Mr. Eatch was president, if you say you did not report it to the committee here in your biography or in your statement to the committee of your holdings, and that you have actually no interest in this company? Where does the White House get this information?

Mr. MORGAN. I am not entirely sure, sir. I do have an interest in the company, naturally, but as a technical matter I do not have an ownership in it.

Senator SCOTT. Was the White House press release wrong or the statement submitted to the committee wrong, then?

Mr. MORGAN. I think in a strict legal sense, and technically, the White House announcement is wrong.

Senator SCOTT. Mr. Morgan, does not the Oregon law require an officer of the corporation to be a stockholder?

Mr. MORGAN. I do not know, sir.

Senator SCOTT. You are not familiar with that law?

Mr. MORGAN. I am not.

Senator SCOTT. The Corporation Commission of the State of Oregon does list you as an officer, and I thought you could clear that up for us.

SALEM, OREG., May 1, 1961.

JOHN M. McELROY,

Assistant Chief Counsel, Senate Committee on Commerce, Senate Office Building, Washington, D.C.:

Pioneer Construction Co., Inc., December 9, 1959. Officers are Jack R. Eatch, president, 7204 Northeast Sixth, Portland, Oreg.; Howard V. Morgan, Secretary-Treasurer, Black Butte Ranch, Sisters, Oreg.

FRANK J. HEALY,

Corporation Commissioner.

Mr. MORGAN. I am sorry; I cannot.

Senator SCOTT. May I ask whether or not you disclosed all of the circumstances of these two arrests when you were interviewed in connection with this appointment?

Mr. MORGAN. I disclosed the circumstances of the case you have just been discussing, Mr. Scott. I failed to disclose the circumstances involving the case Mr. Schoepel was discussing for the reason that it did not recall itself to my mind at the time.

Senator PASTORE. You mean the assault charge?

Mr. MORGAN. Yes, sir.

Senator SCOTT. Then, if it be correct that there was no information at the White House about the assault charge your statement explains that, that you did not disclose that because it was not in your mind? Is that right? I want to be fair in stating it.

Mr. MORGAN. Sir, I may be absent-minded and sometimes I am naive, but I am not stupid. In an appointment of this kind I knew that I would receive a very thorough check by the Federal Bureau of Investigation and it therefore was incumbent upon me as an obligation to the man who had appointed me to make certain that no unexpected matters in this situation would be called to his attention. I made an earnest effort to apprise him of everything he should know but I did not apprise him of this so-called assault case because it did not occur to me.

Senator SCOTT. Your statement to this committee during the public hearing and by letter is to the effect that this 700-acre ranch took practically none of your time and that either its earnings or its losses were modest; is that correct?

Mr. MORGAN. Yes, sir.

Senator SCOTT. And would that have been the case from the time you first purchased the ranch?

Mr. MORGAN. It is a 560-acre ranch, I believe, sir. No. When I retired as public utility commissioner in Oregon I put in about a year and a half of very hard work on this ranch. It took all my time for that length of time. Since then it has taken very little. It was run down and needed building up and some heavy machine work, quite a bit of construction, and I was fully occupied with the ranch during that time. I no longer am so occupied with it.

Senator SCOTT. Your full-time operation would then have been for about a year and a half; is that what you said?

Mr. MORGAN. Approximately that length of time, yes, from the first of 1959 until the first few months of 1960.

Senator SCOTT. Well, I am informed here that your 1952 form 57 says that from November 1948—this form being filled out in 1952—you engaged full-time in ranching and that the earnings were \$12,000 per year. If that statement is correct that would be a 4-year period rather than a year and a half?

Mr. MORGAN. Sir, we are talking about different ranches. In 1952 I owned a ranch in Monmouth, Oreg., which was sold approximately at the time I left the Oregon Public Utility Commission office. I purchased another ranch in the fall of 1956. There was a period there when I had two. The ranch on which I spent a year and a half building it up is the one which I presently own and it is not a 700-acre ranch, it is 560 acres.

Senator SCOTT. During that time were you engaged as a transportation consultant?

Mr. MORGAN. I served the Oregon State Grange in that capacity between the years 1947 and 1953.

Senator SCOTT. Now, Mr. Morgan, there are several forms which were filled out; March 11, 1942, you filled out Civil Service Commission form 375 a form which is used to determine noncompetitively the qualifications of a person when official action is proposed in his case. In this case it appears to have been taken out in connection with your application for a commission as a U.S. naval officer. I am familiar with the form because I have had to fill out the same one. Question 8 reads as follows:

Have you ever been arrested, or summoned into court as a defendant, or indicted, or convicted, or fined, or imprisoned, or placed on probation, or has any case against you been filed, or have you ever been ordered to deposit collateral for alleged breach or violation of any law or police regulation or ordinance whatsoever?

Your answer on this form is "No." This form contains an instruction which reads as follows:

Any false statement in an application, * * * or presentation to the Commission of any such paper, is a violation of the law and punishable as such.

The form also requires an oath in the following words:

I, the undersigned, do solemnly swear or affirm that the statements made by me in answer to the foregoing questions are full and true to the best of my knowledge and belief. So help me God.

The form is signed by Howard V. Morgan and sworn to before a notary public for the District of Columbia. Now this I am told was the one pertaining—there was another one regarding the Navy—this is for the appointment in the Office of Defense Transportation, this particular form. I have signed this one myself and I thought it was the Navy form.

Form 075
September 1942

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D. C.

TEMPORARY APPOINTMENT, TRANSFER, REINSTATEMENT, OR PROMOTION, ETC.

(NON-COMPETITIVE)

(This form is used to determine, successively, the qualifications of a person whose official action is proposed in his case. It should be submitted only through the appointing officer, and only when official action is proposed.)

Any false statement in an application, or alteration of a voucher or certificate, or presentation to the Commission of any such paper, is a violation of the law and punishable as such. All answers must be in ink or typewriting. If more space is required, an additional sheet securely fastened to this form may be used. Answers on such sheet should be numbered to correspond to questions.

Print your name plainly in ink, or typewrite (use given name, initial or initials, and surname). If a woman, prefix "Miss" or "Mrs." and if married, use your own given name, as "Mrs. Mary L. Doe."

Howard V. Morgan
1541 Key Boulevard
Arlington, Virginia
Globe 1524

Applicant will not fill the following blanks

Rating Application No.
Kind of examination
Place
Date
Application approved 19.....
By whom approved

1. (a) Check the purpose for which this form is being filed: Reinstatement Transfer Promotion Temporary appointment Reemployment List Emergency Replacement List Classification. (b) What department or agency is proposing the action?

2. Are you a citizen of the United States? (Answer yes or no) **Yes**

3. Give (a) the date of your birth **Jan 22 1914** (b) the place of your birth **Tillamook, Oregon**

4. Give in the blanks below a detailed statement of your education, including dates:
(a) Common school: Attended from **Sept 1920** to **June 1922**. Highest grade completed **8**
(b) High school: Name and location **Jefferson, Portland, Oregon**
Attended from **Sept. 1930** to **June 1934** Highest grade completed **4th yr. when you graduated** **Yes**

Name	Location	Dates of attendance (Give both graduate and under-graduate work)		Semester-hour credit received	Major subject		Degree received	Date of degree
		From	To		Name	How, how, in major		
Univ. of Oregon	Eugene, Oregon	9/35	6/36	26	General	--	none	
Woods College	Portland, Oregon	9/37	6/40	66	Economics	36	B. A.	6/15/40
Univ. of California	Berkeley, Calif.	6/41	1/42	7	Economics	7	none	

(c) Specify here any specialized courses which you have completed in high school, college, or elsewhere, and indicate the credits earned for each course.
All of my experience, both academic and operational, revolved around motor freight. Wrote B.A. thesis on it; was preparing M.A. thesis at U.of C. before coming to D.C.

(d) Have you ever been admitted to the bar? **No** (If what State? _____) (Where? _____)

5. Furnish in the blanks below a complete, comprehensive statement, showing every employment you have had since you first began to work, including your present employment, and extending for all periods of unemployment. List employments chronologically, beginning with the earliest. If you arranged your experience under a different name from that shown above, indicate in the space below the name by which you were employed.

Place of employment	Dates of employment (Month and year)	NAME AND ADDRESS OF EMPLOYER (Give street address and city and State. If unemployed, give town address at that time)	Yearly salary or net earnings	NAME OF POSITION AND DESCRIPTION OF DUTIES
Various Oregon	1931 1940	During this period I was employed by a large number of contractors engaged in heavy dam and highway construction in the Pacific Northwest. My duties related to the operation of heavy-duty dump-trucks in various capacities from driver to foreman.		
Portland Oregon	6/15 - 40 3/15 - 42	John Youell, Exec. V. P. Av. Consolidated Freightways Portland Oregon \$1000		Clerical and supervisory duties in nearly all the departments of the companies' main offices and shops.
Pacific Coast	3/15 - 41 1/30 - 42	During this period I engaged myself independently as a research man for the purpose of conducting traffic and operations investigations and presenting the results as evidence before the ICC in behalf of litigants before that body. (\$1500 a year)		
Wash. D. C.	2/5 - 42 Present	Board of Investigation & Research, Exec. Office of the Pres. \$2000		Research analyst in a study of the problems relating to public aids to highway users.

IF MORE SPACE IS REQUIRED, CONTINUE YOUR ENTRIES ON A SEPARATE SHEET ARRANGED AS ABOVE 1295

NOMINATION OF HOWARD MORGAN

4. Have you ever been discharged or forced to resign from any position?

Yes or No

If answer is "Yes," state when and where employed and give the name and address of your employer and the reason for your discharge or forced resignation in each case.

5. Write in the past 12 months have you used intoxicating beverages?

Yes or No

Substance?

Yes or No

To amount?

Yes or No

6. If you have any technical knowledge of a mechanical trade, name the trade or trades, and state the lines you have worked at, and when, where, and under whom, giving names and dates. If you have served an apprenticeship, so state.

Operation, care and maintenance of heavy duty freight and dump trucks, caterpillar tractors, and to a lesser degree, power shovels.

7. If not now employed, state how long you have been unemployed.

8. Have you ever been in the United States military or naval service? Yes or No. If so, give name of organization and dates of enlistment and discharge.

9. (a) Have you ever filed an application with this Commission or its representative in any branch of the United States Government service? Yes

Name and position for which examined, or for which application was filed	In what city were you, or are you to be, examined?	Give the date of such examination (Month and year)	Did you pass? (Answer "Yes" or "No")
Junior Prof. Ass't. (Junior Economist)	Oakland, Calif.	11/29/41	Yes

In what State or Territory have you held or held a position?	Length of such residence therein? (Indicate when you arrived, up to date of last)	In what county have you held or held a position?	Length of such residence in county? (Indicate when you arrived up to date of last)
Oregon	From 1/22/38 to 2/23/42	Multnomah	From 1/22/38 to 2/23/42

10. (a) During the past year you have not resided continuously in the State or Territory in which you claim legal or voting residence, or are not now actually living in such State or Territory, answer the following questions fully:

(b) For what periods since such residence was first established have you been absent therefrom? (Give dates) From August 16, 1941, to the present time.

(c) What is the nature, address, and relationship of the person, if any, living at the place in the State or Territory in which you claim legal or voting residence? NONE

(d) Are you now a voter in such State or Territory? (Answer "Yes" or "No") Yes

11. Are you a member of any Communist or German Front organization or any political party or organization which advocates the overthrow of our constitutional form of government in the United States, or do you have membership in or any affiliation with any group, association, or organization which advocates, or lends respect for any overthrow of our constitutional form of government in the United States? No

JURAT (OR OATH).—This jurat (or oath) must be executed.

The following oath must be taken before a notary public, the secretary of a United States civil service board of examiners or other officers authorized to administer oaths, before whom the applicant must appear in person. The following are among those not authorized to administer the oath: Postmaster, Army officers, post-office inspectors, and chief clerks and assistant chief clerks in the Railway Mail Service.

The examination and work in connection with any material required to be submitted for this examination are entirely my own, except where I have given full credit for quoted matter or the collaboration of others by quotation marks and references, and in the composition of the same I have received no assistance except as indicated fully in my explanatory statement.

I, the undersigned, DO SOLEMNLY SWEAR (OR AFFIRM) that the statements made by me in answer to the foregoing questions are full and true to the best of my knowledge and belief. SO HELP ME GOD.

If female, prefix "Miss" or "Mrs.," and if married, use your own given name, as "Mrs. Mary L. Doe."

(Signature of applicant)

Howard Morgan

Subscribed and duly sworn to before me according to law by the above-named applicant, this 16th day of July at city [or town] of Washington, D.C. and State [or Territory or District] of Columbia.

(Signature of officer)

(Official title) Chester R. Ellis, Jr.

1296

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., May 1, 1961.

HON. WARREN G. MAGNUSON,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: This is in reply to your letter of April 17, 1961, requesting information concerning a statement which may have been made by former Lt. Howard V. Morgan, U.S. Naval Reserve with respect to any arrest for violation of Federal or State laws. The Chief of Naval Personnel has furnished me the information upon which to base a reply to your inquiry.

A review of Mr. Morgan's naval record fails to disclose any evidence of his having submitted any statements under oath or under penalty of perjury with respect to any arrest for violation of Federal, State, or other law. However, on his application for commission in the U.S. Naval Reserve submitted August 6, 1942, Mr. Morgan indicated that he had never been arrested or been in the custody of police. A copy of the application evidencing this information is enclosed as requested.

Former Lieutenant Morgan's record contains no further information relative to this matter.

I trust that the information supplied above will be of service to you.

Sincerely yours,

PAUL B. FAY, JR.,
Under Secretary of the Navy.

17 May 1942
 (Revised May 1942)

APPLICATION FOR COMMISSION IN U. S. NAVAL RESERVE

COPY: _____ August 6, 1942
(Date)

From: Howard Vincent MORGAN
(Name in full)

1541 Key Boulevard, Arlington, Virginia
(Official residence)

To: The Chief of the Bureau of Navigation.

Via: The Director of Naval Officer Procurement

Subject: Application for appointment as Ensign D. V. M.

Enclosures: (A) Evidence of citizenship.
 (B) Three letters of recommendation.
 (C) Official transcript of prior military service, other than U. S. Navy.
 (D) Certificates of education.

1. I request that I be appointed in the U. S. Naval Reserve as Ensign D. V. M. (Bu. of Yds. & Dock) (Rate, corps, class)

2. The following information concerning the undersigned is furnished for consideration:

(a) Date and place of birth JANUARY 22, 1914,
Tillamook, Oregon

(b) Citizenship U.S. (U. S. I.) (Date of naturalization)

(c) Education Sea-Ed College, Portland, Oregon (B.A.) (Transport Economics)
(Schools and colleges attended or graduated from with degree and degree worked. Attach properly authenticated certificates)
U. of California Graduate School, Berkeley, Calif.
partially completed M.A. requirements in same subject.

(d) Military or naval or Coast Guard service NONE
(Give dates, organizations, rank, number ratings, etc., of former and present service. Attach properly authenticated certificates if other than U. S. NAVY 4377 (42))

(e) State whether at present a member of any Federal or State military organization in an active, reserve, or retired status No

(f) If ever granted a pension, compensation for disability, or retired pay, or if claim for such is pending, state dates and circumstances None

(If none, so state)
 (2702)



(g) State whether you have ever been arrested or in the custody of police No
 If so, for what _____ Have you ever been in a reform school, jail, or penitentiary, or have you ever been convicted of any crime? If so, state the circumstances No

(h) Associations None

(i) Seagoing experience other than naval service None

(j) Complete statement (attached) of all business and professional experience (give dates, names of employers, etc.):

(k) I ~~have~~ have not previously applied for a commission in any of the armed forces of the United States. (If answer is in the affirmative, attach statement as to branch of service concerned, where application was filed and action taken thereon, including reason if application was disapproved.)

(l) Present occupation: by whom employed. (Statement from responsible authority as to availability for immediate mobilization, whenever required by Bureau of Navigation's instructions.) Motor Transport Specialist, Operations Section, Motor Transport Division, Office of Defense Transportation, Washington, D. C.

(m) Other information concerning qualifications not shown above, including languages in which proficient (See letters of recommendation) I have had two years of college German, but it would require considerable review to make me proficient at the present.

(n) Names and addresses of three or more references of individuals who are prominent in the community, who may be contacted as to applicant's moral, mental, and professional qualifications:

1. Mr. Robert F. Terrill, Division of Special Research, Dep't of State, Wash., D.C. 2. Mr. Joseph E. Eastman, Director, ODT, Wash., D.C. 3. Mr. Frank E. Landsburg, District Director, Bureau of Motor Carriers, ICC, Portland, Oregon.

(o) Next of kin Rosina Corbatt Morgan Wife
(Name) (Relationship)
1541 Key Boulevard, Arlington, Virginia.
(Address)

Make all statements complete including dates, attaching additional pages if necessary.

Original: To Bureau of Navigation.
 Copies: Director of Naval Officer Procurement concerned.
 Bureau concerned.
 Applicant's file.

Howard V. Morgan
(Signature in full)

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 16-5220-1 U. S. GOVERNMENT PRINTING OFFICE

Mr. Morgan, I want to say right here that as far as the assault and battery situation is concerned, assuming the facts are as given by you and by your associate, I am quite sure I would have done what you did if I felt myself endowed with sufficient physique and feeling which imbued you at that time. In other words, I would have done what you did. But, the fact occurred, you were arrested, you did pay a fine. There is a record of a fugitive warrant in this other matter. The crime is stated as it is, it has been dismissed in the press as boyish offenses. I certainly don't want to argue with that.

But this form now was filled out quite a few years later, 1942, and there you said you had never been arrested, convicted, or paid a fine. Would you care to comment on that?

Mr. MORGAN. Yes; I will be glad to.

These two incidents as far as I am concerned are quite different and I had and still have quite a different feeling about them. The matter involving the tire was, as I said, a comedy of errors, mistakes, misunderstanding from start to finish. There is no guilt, culpability, or blame involved in the matter as far as I am concerned and I have never felt that there was.

On the other hand, there was never any way in which I could have avoided it. It happened to me as the same sort of thing happens to many people. It was a piece of bad luck. But I have always felt that the arrest should not have been made, should never have been made. In effect I was arrested for the purpose of investigating to find out whether I should have been arrested or not, and the investigation proved that I should not have been. I have always regarded this incident with a feeling somewhere between exasperation and mild outrage and I have perhaps wrongfully felt that it was something I did not need to carry on my shoulders and explain for the rest of my life. It is quite true that on every occasion that I have filled out a form 57 I did remember this case and I did refuse to report it.

As to what difference that made to the U.S. Government I would

like to suggest that it probably made the difference of about 2 to 4 weeks of investigation to find out what the facts were and that is all.

Senator SCOTT. In other words, you were helping the Government in denying the arrest by shortening the time which it would take to investigate your application?

Mr. MORGAN. I am not being facetious about this matter, Senator Scott.

Senator SCOTT. I am giving a literal interpretation of what you just said, if that is facetious, I assure you I am not trying to be facetious. You, yourself, said it would only have delayed it to tell the truth, and I am asking you whether in delaying something to tell the truth you weren't helping the Government by not requiring them to make an investigation to find out what the truth was? I am giving you full opportunity to say whether or not you agree with my approach to it?

Mr. MORGAN. I said that the difference as far as the U.S. Government was concerned was one of the length of time necessary to investigate the matter, if I had reported it, and find out the true facts.

So far as I am concerned my failure to report it relieved me of an embarrassment which I had felt was not rightly attached to me and which I did not wish to be encumbered with. It is entirely possible that my attitude was wrong. I am merely telling you what my attitude was.

Senator SCOTT. The answer which you have given us, then Mr. Morgan, in order not to belabor this thing, would also apply to the form 57 you filled out on October 31, 1949, which was an application for Federal employment in connection with the 1950 census where again you said—you answered "No" to question 30, which is substantially the same question except that it excludes minor traffic violations and is after the age of 16?

Mr. MORGAN. Yes, sir.

Senator SCOTT. The same answer there?

Mr. MORGAN. Yes, sir.

NOMINATION OF HOWARD MORGAN

STANDARD FORM 57—NOV. 1947 U. S. CIVIL SERVICE COMMISSION		APPLICATION FOR FEDERAL EMPLOYMENT	
<p>INSTRUCTIONS: In order to prevent delay in consideration of your application, answer every question on this form clearly and completely. Type, write or print in INK. In applying for a specific United States Civil Service position, read the examination announcement carefully and follow all directions. If you are applying for a WRITTEN examination, follow the directions. If you are applying for a WRITTEN examination, follow the instructions on the admission card regarding disposition of this application. If you are applying for an INTERVIEW examination, mail this application to the office named in the announcement. Be sure to mail to the same office any other fee or fee required by the announcement. Notify the office with which you file this application of any change in your address.</p>			
<p>1. NAME OF EXAMINATION OR KIND OF POSITION APPLIED FOR</p> <p>17th Decennial Census</p>		<p>DO NOT WRITE IN THIS BLOCK For the Use of Civil Service Commission Only</p> <p><input type="checkbox"/> MATERIAL <input type="checkbox"/> SUBMITTED <input type="checkbox"/> RETURNED</p> <p><input type="checkbox"/> APPROV. <input type="checkbox"/> NON-APPROV.</p> <p>NOTATIONS: _____ APP. REVIEW: _____</p>	
<p>2. OFFICER: (if mentioned in examination announcement)</p>		<p>3. DATE OF THIS APPLICATION</p> <p>51 Oct. 1949</p>	
<p>1. PLACE OF EMPLOYMENT APPLIED FOR (City and State)</p> <p>SALIS, OREGON</p>		<p>4. NAME (Last, if any)</p> <p>MORGAN</p>	
<p>5. SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE</p>		<p>6. MARRIAGE <input checked="" type="checkbox"/> MARRIED <input type="checkbox"/> SINGLE</p>	
<p>7. BIRTH NAME (Maiden, if any)</p> <p>BOWARD VINCENY</p>		<p>8. GRADE</p> <p>U.S. 9</p>	
<p>4. (A) STREET AND NUMBER OR R. D. NUMBER</p> <p>ROUTE 2, BOX 26</p>		<p>APPROVED: _____</p> <p>GRADE: _____</p> <p>EARNED RATING: _____</p> <p>PRESER- VANCE: _____</p> <p>ASSIG- NMENT RATING: _____</p>	
<p>(B) CITY OR POST OFFICE (including postal zone) AND STATE</p> <p>Monmouth, Oregon</p>		<p>9. POINTS (CERT.)</p> <p>18</p>	
<p>7. LEGAL OR VOTING RESIDENCE (State)</p> <p>OREGON</p>		<p>10. WIFE OF</p> <p><input type="checkbox"/> WIFE OF DECEASED <input type="checkbox"/> DIVORCED <input type="checkbox"/> SEPARATED</p>	
<p>8. (A) OFFICE PHONE (B) HOME PHONE</p> <p>NONE NONE</p>		<p>11. PLACE OF BIRTH (city and State; if born outside U. S., name city and country)</p> <p>TILLAMOOK, OREGON</p>	
<p>9. DATE OF BIRTH (month, day, year)</p> <p>JANUARY 22 - 1914</p>		<p>12. (A) HEIGHT WITHOUT SHOES (B) WEIGHT</p> <p>5 FEET 11 1/2 INCHES 176 POUNDS</p>	
<p>10. (A) HAVE YOU EVER BEEN EMPLOYED BY THE FEDERAL GOVERNMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>(B) IF SO, GIVE LAST GRADE AND DATE OF LAST CHANGE IN GRADE</p> <p>CAF 7 1948</p>		<p>13. CHECK IF YOU WILL ACCEPT APPOINTMENT, IF OFFERED:</p> <p><input type="checkbox"/> IN WASHINGTON, D. C. <input type="checkbox"/> ANYWHERE IN THE UNITED STATES</p> <p><input type="checkbox"/> OUTSIDE THE UNITED STATES</p> <p>14. IF YOU WILL ACCEPT APPOINTMENT IN CERTAIN LOCATIONS ONLY, GIVE ACCEPTABLE LOCATIONS:</p>	
<p>11. (A) WHAT IS THE LOWEST ENTRANCE SALARY YOU WILL ACCEPT? \$600.00 PER YEAR. You will not be considered for any position with a lower entrance salary.</p> <p>(B) CHECK IF YOU WILL ACCEPT SHORT-TERM APPOINTMENT IF OFFERED, FOR:</p> <p><input type="checkbox"/> 1 TO 3 MONTHS <input checked="" type="checkbox"/> 3 TO 6 MONTHS <input type="checkbox"/> 6 TO 12 MONTHS</p> <p>NOTE: Acceptance or refusal of a temporary short-term appointment will not affect your opportunity to obtain a permanent appointment.</p> <p>(C) IF YOU ARE WILLING TO TRAVEL, SPECIFY:</p> <p><input checked="" type="checkbox"/> OCCASIONALLY <input checked="" type="checkbox"/> FREQUENTLY <input checked="" type="checkbox"/> CONSTANTLY</p>		<p>15. EXPERIENCE: It is important for you to furnish all information requested below in sufficient detail to enable the Civil Service Commission and the appointing officers of agencies to give you full credit in determining your qualifications. Use a separate block for each position. Start with your present position and work back, indicating clearly the substantial tasks which you performed in each position, accounting for all periods of unemployment. Experience gained since then 15 years ago which is not pertinent to the work for which you are applying may be summarized in one or more of the blocks. If your duties changed materially while working for the same employer, use a separate block to describe each position. You may include any pertinent religious, civic, military, or organizational activity which you have performed, either with or without compensation, showing the number of hours per week and weeks per year in which you were engaged in such activity. Military experience should be described in the space below in its proper sequence.</p> <p>(a) If you were ever employed in any position under a name different from that shown in Item 5 of this application, give under "Description of your work" for each position, the name used.</p> <p>(b) If you have never been employed or are now unemployed, indicate this fact in the space provided below for "Present Position."</p>	
<p>PRESENT POSITION</p>			
<p>DATE OF EMPLOYMENT (month, year)</p> <p>FROM: July 1948 TO PRESENT TIME</p>		<p>EXACT TITLE OF YOUR PRESENT POSITION</p> <p>See below</p>	
<p>PLACE OF EMPLOYMENT (City and State)</p> <p>Folk County, Oregon</p>		<p>CLASSIFICATION GRADE (if in Federal Service)</p> <p>None</p>	
<p>NAME AND TITLE OF IMMEDIATE SUPERVISOR</p> <p>self</p>		<p>SALARY OR EARNINGS: PER STARTING: \$ 8000 PER YEAR</p>	
<p>NAME AND ADDRESS OF EMPLOYER (Name, organization, or agency; if Federal, name department, bureau or establishment, and city and State)</p>		<p>KIND OF BUSINESS OR ORGANIZATION (e. g., wholesale sale, insurance agency, manufacturer of goods, etc.)</p> <p>See below</p>	
<p>NUMBER AND KIND OF EMPLOYERS SUPERVISED BY YOU</p> <p>None at present</p>		<p>REASON FOR DESIRE TO CHANGE EMPLOYMENT</p> <p>See below</p>	
<p>DESCRIPTION OF YOUR WORK</p> <p>My present income consists of return on various small investments and rental from land owned but not farmed by me. I recently purchased a large ranch and am living on it, but the land is still under lease to other operators. After September 15, 1950 I shall begin operating the ranch, but at the present time and for the duration of the position for which I am applying it will require none of my time and is merely a place of residence</p>			
<p>(CONTINUED ON NEXT PAGE) 1287 14-6084-4</p>			

NOMINATION OF HOWARD MORGAN

⑤ DATES OF EMPLOYMENT (month, year) FROM <u>March 1942</u> TO <u>December 1942</u>		EXACT TITLE OF YOUR POSITION <u>Business analyst</u>		CLASSIFICATION GRADE OF (U.S. GOVERNMENT SERVICE) <u>GS-7</u>		SALARY OR EARNINGS STARTING 1 FINAL 1 <u>2600</u> PER PER	
PLACE OF EMPLOYMENT (city and State) <u>Washington, D.C.</u>				NAME AND TITLE OF IMMEDIATE SUPERVISOR <u>E. J. Buhner, Chief, Freight Operations Section</u> <u>Office of Defense Transportation</u>			
NAME AND ADDRESS OF EMPLOYER (firm, organization, or person; if Federal, name department, bureau or establishment, and division) <u>Office of Defense Transportation</u>				KIND OF BUSINESS OR ORGANIZATION (e. g., wholesale retail, insurance agency, manufacture of locks, etc.) <u>War-time Mobilization of Transport</u>			
NUMBER AND KIND OF EMPLOYEES SUPERVISED BY YOU <u>10 or 12</u>				REASON FOR LEAVING <u>Accepted commission in Navy</u>			
DESCRIPTION OF YOUR WORK <p>As assistant to the Chief of the Freight Operations Section I studied and analyzed freight problems, drafted emergency regulations designed to conserve transport facilities, reviewed appeals from such regulations and made recommendations for handling them, and in addition was responsible for considerable administrative detail concerned with the operation of the office itself. (\$2600 a year used to buy a lot of work in those days)</p>							
If more space is required, use a continuation sheet (Standard Form No. 38) or a sheet of paper the same size as this page. Write on each sheet your name, address, date of birth, and examination title. Attach to inside of this application.							
11. MILITARY TRAINING: In the space below, describe any training received in the Armed Services (even already listed under item 10) that would assist appointing officers in placing you most effectively. Indicate actual amount of training received, such as hours per week. Detailed information regarding any special service schools you attended is especially important. (Use separate pages if needed to give full descriptions.)							
DATES		LOCATION		DESCRIPTION OF TRAINING			
FROM TO <u>Nov. To Dec. 1942</u>		<u>Cornell U., Ithaca NY.</u>		<u>Indoctrination, Desk Officer, USNR.</u>			
12. EDUCATION: (Circle highest grade completed)							
1 2 3 4 5 6 7 8 9 10 11 12 MARK (X) THE APPROPRIATE BOX TO INDICATE SATISFACTORY COMPLETION OF:		(4) GIVE NAME AND LOCATION OF LAST HIGH SCHOOL ATTENDED <u>Jefferson, Portland, Oregon</u>					
<input type="checkbox"/> ELEMENTARY SCHOOL <input type="checkbox"/> JUNIOR HIGH SCHOOL <input type="checkbox"/> SENIOR HIGH SCHOOL		(5) SUBJECTS STUDIED IN HIGH SCHOOL WHICH APPLY TO POSITION DESIRED <u>Social Sciences, Business Administration</u>					
(3) NAME AND LOCATION OF COLLEGE OR UNIVERSITY		MAJOR AND SPECIALTY		DATES ATTENDED		DEGREES CONFERRED	
<u>Reed College, Portland, Oregon</u>		<u>Transp.</u>		FROM TO DAY NIGHT <u>1936 1940 4</u>		TITLE DATE HOURS CREDIT <u>BA June '40 7</u>	
<u>U. of Calif. Grad. Div., Berkeley name</u>		<u>Transp.</u>		<u>1941 Jan 42 2</u>		<u>(interrupted by war)</u>	
(6) LIST YOUR CHIEF UNDERGRADUATE COLLEGE SUBJECTS				(7) LIST YOUR CHIEF GRADUATE COLLEGE SUBJECTS			
<u>Economics</u> <u>Transportation (Thesis)</u> <u>Literature</u>				<u>Economics of transportation</u> <u>Transportation law</u> <u>Economic history</u>			
(8) OTHER TRAINING, SUCH AS VOCATIONAL, BUSINESS, STUDY COURSES GIVEN THROUGH THE ARMED FORCES INSTITUTE (show name and location of school) OR "ON-SERVICE TRAINING" IN PUBLIC OR PRIVATE EMPLOYMENT							
SUBJECTS STUDIED		DATES ATTENDED		YEARS COMPLETED			
		FROM TO DAY NIGHT					
13. INDICATE YOUR KNOWLEDGE OF FOREIGN LANGUAGES							
READING		SPEAKING		UNDERSTANDING			
EST. 18000 FIVE 100 18000 FIVE 100		EST. 18000 FIVE 100 18000 FIVE 100		EST. 18000 FIVE 100 18000 FIVE 100			
<u>German</u>		<u>X</u>					
14. IF YOU HAVE TRAVELED OR RESIDED IN ANY FOREIGN COUNTRY, INDICATE (1) NAMES OF COUNTRIES, COASTS AND LENGTH OF TIME SPENT THERE, AND (2) REASON OR PURPOSE (e. g., military service, business, education, recreation)							
<u>Brazil July to Dec 43 Naval service</u>							
15. LIST ANY SPECIAL SKILLS YOU POSSESS AND ACQUIRE AND COMPARE YOU CAN USE, SUCH AS OPERATING OF MACHINERY, SHOOTING, SWIMMING, SKIING, etc., KEY-PUNCH, TYPING, LITHOGRAPHY OR PROFESSIONAL SERVICES							
APPROPRIATE NUMBER OF YEARS FOR SERVICE IN TYPE... NIGHTTIME...							

NOMINATION OF HOWARD MORGAN

57

24. REFERENCES: List three persons living in the United States or Territories of the United States who are NOT related to you and who have definite knowledge of your qualifications and status for the position for which you are applying. Do not repeat names of supervisors listed under Item 16 (EXCEPT IF CHG.)

1	FULL NAME	(Give complete correct address, including street and number)	BUSINESS OR OCCUPATION
1	Philip L. Dreyer	4220 SW Lobelia St Portland	Economist
2	Monroe Sweetland	Chase & Jackson 866 Selma (2890 St. Charles ave.)	Publisher
3	Raymond M. Kell	1115 Aquitaba Bldg. Portland	Attorney

25. INDICATE "YES" OR "NO" ANSWER BY PLACING "X" IN PROPER COLUMN

YES	NO	26. ARE YOU AN OFFICIAL OR EMPLOYEE OF ANY STATE, TERRITORY, COUNTY, OR MUNICIPALITY?	YES	NO
X		26. ARE YOU AN OFFICIAL OR EMPLOYEE OF ANY STATE, TERRITORY, COUNTY, OR MUNICIPALITY?	X	
X		27. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF A FASCIST ORGANIZATION?		X

26. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF A FASCIST ORGANIZATION?

27. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF THE COMMUNIST PARTY, U. S. A. OR ANY COMMUNIST ORGANIZATION?

28. ARE YOU NOW, OR HAVE YOU EVER BEEN, A MEMBER OF ANY ORGANIZATION, ASSOCIATION, MOVEMENT, CLUB, OR CONVENTION OF PERSONS WHICH ADVOCATES THE COMMISSION OF ORS OR CONSTITUTIONAL VIOLATIONS OF SOVEREIGNTY, OR OF AN ORGANIZATION, ASSOCIATION, MOVEMENT, CLUB, OR CONVENTION OF PERSONS WHICH HAS A POLICY OF ASSASSINATING OR APPROVING THE COMMISSION OF ACTS OF FORCE OR VIOLENCE TO BRING ABOUT THE END OF THEIR RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES OR OF SEEKING TO ALTER THE FORM OF GOVERNMENT OF THE UNITED STATES BY UNCONSTITUTIONAL MEANS?

29. SINCE YOUR WIFE'S DEPARTURE, HAVE YOU EVER BEEN ARRESTED, IMPRISONED, OR CONFINED IN COURT AS A DEPENDENT IN A CRIMINAL PROSECUTION, OR CONFINED, FINED, OR IMPRISONED OR PLACED ON PROBATION, OR HAVE YOU EVER BEEN ORDERED TO REPAIR OR RESTITUTE FOR THE VIOLATION OF ANY LAW, POLICE REGULATION OR ORDINANCE (EXCEPTS MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR FORTY DOLLARS OR LESS WAS IMPOSED)?

30. HAVE YOU EVER BEEN DISCHARGED OR FORCED TO RESIGN FROM MILITARY OR UNDESIRABLE SERVICE FROM ANY POSITION?

31. HAVE YOU EVER BEEN BARRED BY THE U. S. CIVIL SERVICE COMMISSION FROM TAKING EXAMINATIONS OR ACCEPTING CIVIL SERVICE APPOINTMENTS?

32. HAVE YOU ANY PHYSICAL HANDICAP, DISEASE OR OTHER DISABILITY WHICH SHOULD BE CONSIDERED IN ASSIGNING YOU TO WORK?

33. DO YOU RECEIVE AN ANNUITY FROM THE UNITED STATES OR DISTRICT OF COLUMBIA GOVERNMENT UNDER ANY RETIREMENT ACT OR ANY PERSON OR OTHER COMPENSATION FOR MILITARY OR NAVAL SERVICE?

34. DO YOU RECEIVE AN ANNUITY FROM THE UNITED STATES OR DISTRICT OF COLUMBIA GOVERNMENT UNDER ANY RETIREMENT ACT OR ANY PERSON OR OTHER COMPENSATION FOR MILITARY OR NAVAL SERVICE?

35. SPACE FOR DETAIL ANSWERS TO OTHER QUESTIONS (Indicate item numbers to which answers apply).

36. I am presently a member of the House of Representatives, 45th Oregon Legislature. I understand that if I am appointed to a position of employment by the U.S. government I must resign immediately from the legislature, and I shall do so, of course.

37. IF MORE SPACE IS REQUIRED, USE PAPER THE SAME SIZE AS THIS PAGE. WRITE ON EACH SHEET YOUR NAME, ADDRESS, DATE OF BIRTH, AND COMMISSIONING DATE. ATTACH TO BACK OF THIS APPLICATION.

BEFORE SIGNING THIS APPLICATION CHECK BACK OVER IT TO MAKE SURE THAT YOU HAVE ANSWERED ALL QUESTIONS CORRECTLY. I CERTIFY THAT THE STATEMENTS MADE BY ME IN THIS APPLICATION ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND ARE MADE IN GOOD FAITH.

FALSE STATEMENT ON THIS APPLICATION IS PUNISHABLE BY LAW (U. S. Code, Title 18, Section 80).

SIGNATURE OF APPLICANT: Howard Morgan

DATE: Nov 11 1941

26. ARE YOU AN OFFICIAL OR EMPLOYEE OF ANY STATE, TERRITORY, COUNTY, OR MUNICIPALITY?

27. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF A FASCIST ORGANIZATION?

28. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF THE COMMUNIST PARTY, U. S. A. OR ANY COMMUNIST ORGANIZATION?

SPECIAL INSTRUCTIONS FOR CLAIMING VETERAN PREFERENCE

A. If you are claiming preference as a FRENCHMANS VETERAN who has been awarded a VETERAN'S BADGE or active status, or as a DISABLED VETERAN, or as the WIDOW OF AN OFFICER OF A FRENCHMANS VETERAN, attach Veterans Application Card, CSC Form 14, together with proof required thereon.

B. If you are a WARS-RESISTING VETERAN and claiming disability preference, you should first submit your discharge with this application. Discharge will be automatically credited to you and if equated, you will be required to submit to the appointing officer before to carry on duty, official evidence of separation from active service in the armed forces of the United States in line of duty.

29. (a) WERE YOU EVER IN THE UNITED STATES MILITARY OR NAVAL SERVICE DURING TIME OF WAR?

(b) IN THE WORD "HONORABLE" OR THE WORD "SATISFACTORY" USED IN YOUR DISCHARGE OR SEPARATION PAPERS TO SHOW THE TYPE OF YOUR DISCHARGE OR SEPARATION?

(c) WAS SERVICE PERFORMED ON AN ACTIVE FULL-TIME BASIS, WITH FULL MILITARY PAY AND ALLOWANCES?

30. DATE OF SERVICE OR SERVICE IN THE SERVICE: Nov 2 1942

DATE OF SEPARATION OR SEPARATION: Feb 1946

REASON FOR SERVICE (Army, Navy, Marine Corps, Coast Guard, etc.): USNR

GRADE OR RATING AT TIME OF SEPARATION: 1st Lt. USNR #11600

31. (a) IF YOU SERVED IN THE UNITED STATES MILITARY OR NAVAL SERVICE DURING THE TIME OF WAR, DID YOU PARTICIPATE IN A CAMPAIGN OR EXPEDITION FOR WHICH YOU RECEIVED A CAMPAIGN BADGE OR SERVICE BAR?

(b) ARE YOU A DISABLED VETERAN?

(c) ARE YOU THE WIFE OF A VETERAN WHO HAS NOT REMARRIED?

32. HAVE YOU EVER BEEN BARRED BY THE U. S. CIVIL SERVICE COMMISSION FROM TAKING EXAMINATIONS OR ACCEPTING CIVIL SERVICE APPOINTMENTS?

33. DO YOU RECEIVE AN ANNUITY FROM THE UNITED STATES OR DISTRICT OF COLUMBIA GOVERNMENT UNDER ANY RETIREMENT ACT OR ANY PERSON OR OTHER COMPENSATION FOR MILITARY OR NAVAL SERVICE?

34. DO YOU RECEIVE AN ANNUITY FROM THE UNITED STATES OR DISTRICT OF COLUMBIA GOVERNMENT UNDER ANY RETIREMENT ACT OR ANY PERSON OR OTHER COMPENSATION FOR MILITARY OR NAVAL SERVICE?

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BEFORE SIGNING THIS APPLICATION CHECK BACK OVER IT TO MAKE SURE THAT YOU HAVE ANSWERED ALL QUESTIONS CORRECTLY. I CERTIFY THAT THE STATEMENTS MADE BY ME IN THIS APPLICATION ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND ARE MADE IN GOOD FAITH.

FALSE STATEMENT ON THIS APPLICATION IS PUNISHABLE BY LAW (U. S. Code, Title 18, Section 80).

SIGNATURE OF APPLICANT: Howard Morgan

DATE: Nov 11 1941

PERSONNEL DIVISION
NOV 11 10 17 AM '41
RECEIVED
BUREAU OF THE SENATE
OFFICE OF THE CLERK

NOMINATION OF HOWARD MORGAN

Form 8-1063
Approved by Civil Service Commission
July 26, 1943

DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS

Form approved
Bureau of the Budget

APPOINTMENT AFFIDAVITS

IMPORTANT—Before swearing to these appointment affidavits, you should read and understand the attached information for appointee

Commerce
(Department or agency)

Census
(Bureau or division)

Sales, Oregon
(Place of employment)

I, Howard V. Morgan, do solemnly swear (or affirm) that—

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; that I will well and faithfully discharge the duties of the office on which I am about to enter, SO HELP ME GOD.

B. AFFIDAVIT AS TO SUBVERSIVE ACTIVITY AND AFFILIATION

I am not a Communist or Fascist. I do not advocate nor am I a member of any organization that advocates the overthrow of the Government of the United States by force or violence or other unconstitutional means or seeking by force or violence to deny other persons their rights under the Constitution of the United States. I do further swear (or affirm) I will not so advocate, nor will I become a member of such organization during the period that I am an employee of the Federal Government.

C. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not engaged in any strike against the Government of the United States and that I will not so engage while an employee of the Government of the United States; that I am not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, and that I will not, while a Government employee, become a member of such an organization.

D. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not paid, or offered or promised to pay, any money or other thing of value to any person, firm or corporation for the use of influence to procure my appointment.

E. AFFIDAVIT AS TO DECLARATION OF APPOINTEE

The answers contained in my Application for Federal Employment, Form No. 57, dated October 31, 1943, filed with the above-named department or agency, which I have reviewed, are true and correct as of this date with the exceptions noted in the Declaration of Appointee on the reverse of this form. (If no exceptions, write "None" on the Declaration of Appointee.)

F. AFFIDAVIT OF NONDISCLOSURE

I will not disclose any information contained in the schedules, lists or statements obtained for or prepared by the Bureau of the Census, to any person or persons, except those designated by the Director.

Howard V. Morgan
(Signature of appointee)

Subscribed and sworn before me this 18th day of December, A. D. 1943,

at Seattle, Washington
(City)

Richard J. Mulliken
(Signature of officer)

[SEAL]

Administrative Officer (Act of June 26,
1943, Section 235)

NOTE—If the oath is taken before a Notary Public the date of expiration of his commission should be shown.

15-54103-6

DECLARATION OF APPOINTEE

This form is to be completed before entrance on duty. Question 3 is to be answered in all cases, otherwise answer only those questions which require an answer different from that given to the corresponding questions on your application form. If no answers are different, write "NONE" in item 10, below. Any false statement in this declaration will be grounds for cancellation of application or dismissal after appointment. Impersonation is a criminal offense and will be prosecuted accordingly.

1. PRESENT ADDRESS (street and number, city and State)

2. (A) DATE OF BIRTH (B) PLACE OF BIRTH (city or town and State or country)

3. (A) IN CASE OF EMERGENCY PLEASE NOTIFY Mrs. Rosina Morgan (B) RELATIONSHIP Wife (C) STREET AND NUMBER, CITY AND STATE Route 2, Box 26 Donmouth, Oregon (D) TELEPHONE NO.

4. DOES THE UNITED STATES GOVERNMENT EMPLOY, IN A CIVILIAN CAPACITY, ANY RELATIVE OF YOURS (OTHER BY BLOOD OR MARRIAGE WITH WHOM YOU LIVE OR HAVE LIVED WITHIN THE PAST 24 MONTHS)? YES NO If so, for each such relative fill in the blanks below. If additional space is necessary, complete under Item 10.

NAME	POST OFFICE ADDRESS (Give street number, if any)	(1) POSITION (2) DEPARTMENT OR AGENCY IN WHICH EMPLOYED	RELATIONSHIP	MARRIED (Check one)	SINGLE
		1. _____			
		2. _____			
		3. _____			
		1. _____			
		2. _____			
		3. _____			

INDICATE "YES" OR "NO" ANSWER BY PLACING "X" IN PROPER COLUMN		YES	NO	ITEM NO.	10. SPACE FOR DETAILED ANSWERS TO OTHER QUESTIONS WRITE IN LEFT COLUMN NUMBERS OF ITEMS TO WHICH DETAILED ANSWERS APPLY
4. ARE YOU A CITIZEN OF OR DO YOU OWE ALLEGIANCE TO THE UNITED STATES?					None
5. ARE YOU AN OFFICIAL OR EMPLOYEE OF ANY STATE, TERRITORY, COUNTY, OR MUNICIPALITY?					
6. DO YOU RECEIVE ANY ANNUITY FROM THE UNITED STATES OR DISTRICT OF COLUMBIA GOVERNMENT UNDER ANY RETIREMENT ACT OR ANY PENSION OR OTHER COMPENSATION FOR MILITARY OR NAVAL SERVICE?					
7. DO YOU EVER RECEIVE ANY ANNUITY FROM THE UNITED STATES OR DISTRICT OF COLUMBIA GOVERNMENT UNDER ANY RETIREMENT ACT OR ANY PENSION OR OTHER COMPENSATION FOR MILITARY OR NAVAL SERVICE?					
8. HAVE YOU EVER BEEN DISCHARGED, OR FORCED TO RESIGN, FOR MISCONDUCT OR UNSATISFACTORY SERVICE FROM ANY POSITION?					
9. SINCE YOUR 18TH BIRTHDAY, HAVE YOU EVER BEEN ARRESTED, INDICTED, OR SUMMONED INTO COURT AS A DEFENDANT IN A CRIMINAL PROCEEDING, OR CONVICTED, FINED, OR IMPRISONED, OR PLACED ON PROBATION, OR HAVE YOU EVER BEEN ORDERED TO REPOSIT BAIL OR COLLATERAL FOR THE VIOLATION OF ANY LAW, POLICE REGULATION, OR ORDINANCE, EXCLUDING MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR FORFEITURE OF \$25 OR LESS WAS IMPOSED?					

INSTRUCTIONS TO APPOINTING OFFICER

The appointing officer before whom the foregoing certificate is made shall determine to his own satisfaction that this appointment would be in conformity with the Civil Service Act, applicable Civil Service Rules and Regulations and acts of Congress pertaining to appointment.

This form should be checked for holding of office, pension, suitability in connection with any record of recent discharge or arrest, and particularly for the following:

(1) **Identity of appointee.**—The appointee's signature and handwriting are to be compared with the application and other pertinent papers. The physical appearance may be checked against the medical certificate. The appointee may also be questioned on his personal history for agreement with his previous statements.

(2) **Age.**—If definite age limits have been established for the position, it should be determined that applicant is not outside the age range for appointment. Until such determination is made, the appointment may not be consummated.

(3) **Citizenship.**—The appointing officer is responsible for observing the citizenship provisions of (1) the Civil Service Rules and (2) appropriation acts, Form 2-7003 (Modification of Form 61) constitutes an affidavit for both purposes and is acceptable proof of citizenship status in the absence of conflicting evidence. In doubtful cases the appointment should not be consummated until clearance has been secured from the certifying office of the Civil Service Commission.

(4) **Members of Family.**—Section 9 of the Civil Service Act provides that whenever there are already two or more members of a family serving under probational or permanent appointment in the competitive service, no other member of such family is eligible for probational or permanent appointment in the competitive service. The appointments of persons entitled to veteran preference are not subject to this requirement. The operation of family preference does not apply to temporary appointments. Doubtful cases may be referred to the appropriate office of the Civil Service Commission for decision.

NOMINATION OF HOWARD MORGAN

Senator Scott. Would the same answer apply to the 1952 undated form 57 but appearing to have been filed in 1952 in connection with services as a consultant to the Defense Transport Administration where you also listed a "No" answer to question 30? Would the same answer apply here?

STANDARD FORM 57—NOV. 1947 U. S. CIVIL SERVICE COMMISSION		APPLICATION FOR FEDERAL EMPLOYMENT																																														
<p>INSTRUCTIONS: In order to present only for consideration of your application, answer every question on this form clearly and completely. Type-write or print in INK. In applying for a specific United States Civil Service position, read the examination announcement carefully and follow all directions. If you are applying for a WRITTEN examination, follow the</p>		<p>INSTRUCTIONS on the admission card regarding discussion of this application. If you are applying for an UNWRITTEN examination, mail this application to the office named in the announcement. Be sure to mail to the same office any other forms required by the announcements. Notify the office with which you file this application of any change in your address.</p>																																														
APPLICATION NO.	1. NAME OF EXAMINATION OR KIND OF POSITION APPLIED FOR		<p>DO NOT WRITE IN THIS BLOCK For Use of Civil Service Commission Only</p> <p><input type="checkbox"/> APPROV. <input type="checkbox"/> NATIONAL <input type="checkbox"/> DEFERRED REGISTER</p> <p><input type="checkbox"/> FOR-APPROV. <input type="checkbox"/> RETURNED</p>																																													
	2. OPTIONS (if mentioned in examination announcement)																																															
ANNOUNCEMENT	3. PLACE OF EMPLOYMENT APPLIED FOR (City and State)		<p>APPROVED OR:</p> <table border="1"> <thead> <tr> <th>OPTION</th> <th>GRADE</th> <th>EXPIRED</th> <th>PREFER-</th> <th>AUGM.</th> </tr> <tr> <th></th> <th></th> <th>STATUS</th> <th>ENCE</th> <th>RATING</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td></td> <td></td> <td><input type="checkbox"/> POSITIVE (CONF.)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td></td> <td></td> <td><input type="checkbox"/> NO</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td></td> <td></td> <td><input type="checkbox"/> VOPE OR</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td></td> <td></td> <td><input type="checkbox"/> REDUCE</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td></td> <td></td> <td><input type="checkbox"/> DEMOL.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td></td> <td></td> <td><input type="checkbox"/> DEMOL. DIVEST.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td></td> <td></td> <td><input type="checkbox"/> THREATENED</td> <td></td> </tr> </tbody> </table>	OPTION	GRADE	EXPIRED	PREFER-	AUGM.			STATUS	ENCE	RATING	<input type="checkbox"/>			<input type="checkbox"/> POSITIVE (CONF.)		<input type="checkbox"/>			<input type="checkbox"/> NO		<input type="checkbox"/>			<input type="checkbox"/> VOPE OR		<input type="checkbox"/>			<input type="checkbox"/> REDUCE		<input type="checkbox"/>			<input type="checkbox"/> DEMOL.		<input type="checkbox"/>			<input type="checkbox"/> DEMOL. DIVEST.		<input type="checkbox"/>			<input type="checkbox"/> THREATENED	
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	<input type="checkbox"/>				<input type="checkbox"/> THREATENED																																											
	4. DATE OF THIS APPLICATION																																															
	5. MR. MISS. (First name) (Middle) (Surname, if any) (Last)																																															
6. (a) STREET AND NUMBER OR R. D. NUMBER																																																
(b) CITY OR POST OFFICE (including postal name) AND STATE																																																
7. LEGAL OR VOTING RESIDENCE (State)																																																
8. DATE OF BIRTH (month, day, year)																																																
9. PLACE OF BIRTH (City and State) if born outside U. S., name city and country																																																
10. SEX																																																
11. HEIGHT																																																
12. (a) HAVE YOU EVER BEEN EMPLOYED BY THE FEDERAL GOVERNMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO																																																
(b) IF YES, GIVE LAST GRADE AND DATE OF LAST CHANGE IN GRADE																																																
13. (a) WHAT IS THE LOWEST ENTRANCE SALARY YOU WILL ACCEPT? <u>\$ 5,000 PER YEAR</u>																																																
(b) CHECK IF YOU WILL ACCEPT SHORT-TERM APPOINTMENT IF OFFERED FOR:																																																
14. (a) CHECK IF YOU WILL ACCEPT APPOINTMENT, IF OFFERED:																																																
(b) IF YOU WILL ACCEPT APPOINTMENT IN CERTAIN LOCATIONS ONLY, GIVE ACCEPTABLE LOCATIONS.																																																
15. EXPERIENCE: It is important for you to furnish all information requested below in sufficient detail to enable the Civil Service Commission and the appointing officials to give you full credit in determining your qualifications. Also a separate block for each position. Start with your present position and work back, explaining clearly the essential tasks which you performed in each position, accounting for all periods of unemployment. Repetitive duties more than 12 years ago which are not pertinent to the work for which you are applying may be summarized in one or more of the blocks. If your duties changed materially while working for the same employer, use a separate block to describe each position. You may include any pertinent religious, civic, military, or organizational activity which you have performed, either with or without compensation, showing the number of hours per week and weeks per year in which you were engaged in such activity. Military experience should be explained in the same manner as the proper organon.																																																
(a) If you were ever employed in any position under a name different from that shown in Item 9 of this application, give under "Description of your work" for each position, the same name.																																																
(b) If you have never been employed or are now unemployed, indicate that fact in the space provided below for "Present Position."																																																
PRESENT POSITION																																																
16. DATE OF EMPLOYMENT (month, year)		17. EXACT TITLE OF YOUR PRESENT POSITION																																														
FROM: <u>NOV. 1948</u> TO: <u>PRESENT TIME</u>		CLASSIFICATION GRADE (if in Federal Service)																																														
PLACE OF EMPLOYMENT (City and State)		SALARY OR CASUALTY STARTING: <u>12,000 PER YEAR</u>																																														
Molokai, Oregon		NAME AND TITLE OF IMMEDIATE SUPERVISOR																																														
NAME AND ADDRESS OF EMPLOYER (Firm, organization, or person; if Federal, name department, bureau or establishment, and division)		18. KIND OF BUSINESS OR ORGANIZATION (e. g., wholesale and, insurance agency, manufacture of books, etc.)																																														
Self		700 acres livestock, grain and cover-crop seed producing farm.																																														
NUMBER AND KIND OF EMPLOYEES SUPERVISED BY YOU		REASON FOR LEAVING TO CHANGE EMPLOYMENT (The Government here asked me to undertake occasional work as a transport consultant in the defense program.)																																														
varies from two to four		Reason for leaving to change employment: I am responsible for all planning and direction of work on a large, diversified (but primarily livestock) and I perform a major part of the year-round work myself. In addition I serve in a voluntary capacity as transportation consultant to the Oregon State Grange, representing that organization before various commissions and in the Oregon legislature, of which I have been a																																														
IDENTIFICATION OF YOUR WORK		(CONTINUED ON NEXT PAGE) member, (1948-1950)																																														
Above is reasonably self-explanatory.		1291																																														

16. CONTINUED			
2 DATES OF EMPLOYMENT (month, year) FROM Feb. 1946 to Nov. 1948 PLACE OF EMPLOYMENT (city and State) Self		EXACT TITLE OF YOUR POSITION merchant or broker	
NAME AND ADDRESS OF EMPLOYER (firm, organization, or person, if Federal, name department, bureau or establishment, and division) Self		CLASSIFICATION GRADE (if in Federal service) NONE	
NUMBER AND KIND OF EMPLOYEES SUPERVISED BY YOU 1 to 5		SALARY OR EARNINGS (starting and final) STARTING \$ 7500 PER YEAR FINAL \$20,000 PER YEAR	
KIND OF BUSINESS OR ORGANIZATION (e. g., wholesale and insurance agency, manufacture of books, etc.) Purchasing and sale of heavy construction machinery (trucks, shovels, cranes, etc.)			
REASON FOR LEAVING Acquired livestock ranch which I am now operating.			
DESCRIPTION OF YOUR WORK This was a strictly temporary post-war operation based on sale of war-surplus equipment during the period of acute shortage of heavy construction machinery in the civilian market. It was an outgrowth of my work as a naval officer in the heavy equipment division of the Bureau of Yards and Docks (U.S.N.) during the war. The object was to acquire capital and transfer it to long-term investment in a livestock ranch. It was successful.			
3 DATES OF EMPLOYMENT (month, year) FROM Nov. 1942 to Feb. 1946 PLACE OF EMPLOYMENT (city and State) Wash., D.C., Miami, Honolulu, T. H.		EXACT TITLE OF YOUR POSITION Naval officer	
NAME AND ADDRESS OF EMPLOYER (firm, organization, or person, if Federal, name department, bureau or establishment, and division) U. S. Navy		CLASSIFICATION GRADE (if in Federal service) One to Lieut.	
NUMBER AND KIND OF EMPLOYEES SUPERVISED BY YOU 15 to 500		SALARY OR EARNINGS (starting and final) STARTING \$ 3000 PER YEAR FINAL \$ 5800 PER YEAR	
KIND OF BUSINESS OR ORGANIZATION (e. g., wholesale and insurance agency, manufacture of books, etc.) Bureau of Yards and Docks, Wash., D.C. Naval Air Transport Service, Atlantic & Pacific Wings			
REASON FOR LEAVING End of war			
DESCRIPTION OF YOUR WORK Was section head, heavy equipment division, Bu. Yds. & Docks, specializing in surface transport problems. Then transferred to Naval Air Transport Service. After duty in So. Atlantic expediting air cargo supply of Mediterranean fleet during invasion of Sicily and Italy, was transferred to Pacific wing. By end of the war I was assistant operations officer for entire Pacific Ocean area, N.A.T.S. My assignment was to analyze and improve transoceanic air transport operations on a large scale, and to help plan the constant expansion of these operations in co-ordination with overall war plans.			
4 DATES OF EMPLOYMENT (month, year) FROM Jan 1942 to Nov. 1942 PLACE OF EMPLOYMENT (city and State) Washington, D.C.		EXACT TITLE OF YOUR POSITION Transport specialist	
NAME AND ADDRESS OF EMPLOYER (firm, organization, or person, if Federal, name department, bureau or establishment, and division) Office of Defense Transportation, Motor Transport Division		CLASSIFICATION GRADE (if in Federal service) GS-5	
NUMBER AND KIND OF EMPLOYEES SUPERVISED BY YOU 5		SALARY OR EARNINGS (starting and final) STARTING \$ 2600 PER YEAR FINAL \$ 2600 PER YEAR	
KIND OF BUSINESS OR ORGANIZATION (e. g., wholesale and insurance agency, manufacture of books, etc.) U. S. Bureau, Civilian Control, Freight Operations section, Motor Transport Div., Office Defense Transportation			
REASON FOR LEAVING Was commissioned by the Navy to work on various transport problems.			
DESCRIPTION OF YOUR WORK My task was to assist the chief of the Motor Freight Operations Section in the following matters: Analysis of critical defense transport problems, preparation of orders designed to conserve transport facilities, liaison with Congressional spokesmen concerning these problems and orders, assistance to field offices all over the U.S. in the administration of O.D.T orders, handling of appeals from orders, etc.			

NOMINATION OF HOWARD MORGAN

(S) DATES OF EMPLOYMENT (month, year) FROM TO		EXACT TITLE OF YOUR POSITION	CLASSIFICATION GRADE (If Armed Forces)	SALARY OR EARNING STARTING \$ PER FINNL 2	PER PER
PLACE OF EMPLOYMENT (city and State)			NAME AND TITLE OF IMMEDIATE SUPERVISOR		
NAME AND ADDRESS OF EMPLOYER (firm, organization, or person; if Federal, name department, bureau or establishment, and division)			KIND OF BUSINESS OR ORGANIZATION (e. g., wholesale and insurance agency, manufacture of tools, etc.)		
NUMBER AND KIND OF EMPLOYEES SUPERVISED BY YOU			REASON FOR LEAVING		
DESCRIPTION OF YOUR WORK					
If more space is required, use a continuation sheet (Standard Form No. 507 or a sheet of paper the same size as this page. Write on each sheet your name, address, date of birth, and commission title. Attach to inside of this application.					
17. MILITARY TRAINING In the space below, describe any training received in the Armed Forces (not already listed under item 15) that would assist appointing officers in placing you most effectively. Indicate actual amount of training received, such as hours per week. Detailed information regarding any special service courses you attended is especially important. (Other pages may be used to give full descriptions.)					
DATES		LOCATION		DESCRIPTION OF TRAINING	
FROM	TO				
In 1948 the Navy requested me to		take the following refresher course which I			
completed under the auspices of a field staff of the Armed Forces Industrial College					
1 Dec. 48	6 Dec. 49	Portland, Oregon	"Economic Mobilization of the Nation's Resources for War."		
18. EDUCATION. (Circle highest grade completed): 1 2 3 4 5 6 7 8 9 10 11 12					
MARKED (X) THE APPROPRIATE BOX TO INDICATE SATISFACTORY COMPLETION OF: <input type="checkbox"/> GRADUARY SCHOOL <input type="checkbox"/> JUNIOR HIGH SCHOOL <input type="checkbox"/> SENIOR HIGH SCHOOL					
(A) NAME AND LOCATION OF COLLEGE OR UNIVERSITY			(B) NAME AND LOCATION OF LAST HIGH SCHOOL ATTENDED		
Univ. of Oregon, Eugene, Oreg. Reed College, Portland, Oregon Univ. of Calif. Graduate Div., Transp.			Jefferson Portland, Oregon		
(C) LIST YOUR CHIEF UNDERGRADUATE COLLEGE SUBJECTS					
Economics Political Sci. MA Thesis: Econ. of Motor Transp.		(D) LIST YOUR CHIEF GRADUATE COLLEGE SUBJECTS		TRANSPORTATION LEGISLATION	
(E) OTHER TRAINING, SUCH AS OCCASIONAL BUSINESS STUDY COURSES GIVEN THROUGH THE ARMED FORCES SERVICE (show name and location of school) OR "ON-SERVICE" TRAINING IN PUBLIC OR PRIVATE EMPLOYMENT		SUBJECTS STUDIED		DATES ATTENDED FROM TO DAY WEEK	
19. INDICATE YOUR EXPERIENCE OF FOREIGN LANGUAGES		READING SPEAKING UNDERSTANDING (See back for instructions)		22. ARE YOU NOW OR HAVE YOU EVER BEEN A LICENSED OR CERTIFIED MEMBER OF ANY TRADE OR PROFESSIONAL GROUP (such as pilot, electrician, radio operator, teacher, lawyer, CPA, etc.)?	
German		X		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO GIVE KIND OF LICENSE AND STATE	
20. IF YOU HAVE TRAVELED OR RESIDED IN ANY FOREIGN COUNTRY, INDICATE (1) NUMBER OF COUNTRIES, (2) DATES AND LENGTH OF TIME SPENT THERE, AND (3) REASON OR PURPOSE (e. g., military service, business, education, pleasure, etc.)		23. HAVE ANY SPECIAL QUALIFICATIONS NOT COVERED ELSEWHERE IN YOUR APPLICATION SUCH AS: (A) TRADE HOME INDUSTRY PUBLICATIONS (do not countly copies unless registered) (B) YOUR PATENTS OR INVENTIONS (C) PUBLIC SPEAKING AND PUBLIC RELATIONS EXPERIENCE (D) MEMBERSHIP IN PROFESSIONAL OR BUSINESS SOCIETIES, ETC. (E) HONORS AND FELLOWSHIPS RECEIVED.		FIRST LICENSE OR CERTIFICATE (YEAR) LATEST LICENSE OR CERTIFICATE (YEAR)	
Brazil 6 mo., Philippines 3 mo. Naval service		Member, House of Representatives, Oregon Legislature, 1948-1950		Member, House of Representatives, Oregon Legislature, 1948-1950	
21. LIST ANY SPECIAL SIGNALS YOU POSSESS AND MACHINES AND EQUIPMENT YOU CAN USE, SUCH AS OPERATOR OF SHORT WAVE RADIO, MULTITAP, COMMUNICATIONS, REPAIRMAN, TURBO-LAUNCH, SCIENTIFIC OR PROFESSIONAL SERVICE					
APPROXIMATE NUMBER OF WORDS PER MINUTE IN TYPE _____ SHORTHAND _____					

1293

16-5000-4

INSTRUCTIONS: List those agencies... Do not repeat names of agencies listed under Item 16 (EXPERIENCE).

1. FULL NAME: Judge Gen. J. Solomon; FEDERAL BUSINESS OR HOME ADDRESS: Federal Building, Portland, Oregon; BUSINESS OR OCCUPATION: Judge Federal District Ct.

2. NAME AND ADDRESS OF PERSON WHO KNOWS YOU BEST: Frank E. Landsburg, District Director, Bureau of Motor Carriers, I.C.C., Pittock Block, Portland, Oregon.

3. NAME AND ADDRESS OF PERSON WHO KNOWS YOU BEST: Thomas J. White, Jackson Tower, Portland, Oregon; Transportation attorney.

4. HONORARY TITLE OR POSITION: YES NO; 5. ARE YOU AN OFFICIAL OR EMPLOYEE OF ANY STATE, TERRITORY, COUNTY, OR MUNICIPALITY? YES NO.

6. DOES THE UNITED STATES GOVERNMENT EMPLOY IN A CIVILIAN CAPACITY ANY RELATIVE OF YOURS BY BLOOD OR MARRIAGE WITH WHOM YOU LIVE OR HAVE LIVED WITHIN THE PAST 10 YEARS? YES NO.

7. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF THE COMMUNIST PARTY, U. S. A. OR ANY COMMUNIST ORGANIZATION? YES NO.

8. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF A FASCIST ORGANIZATION? YES NO.

9. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF ANY ORGANIZATION, CIRCULAR, SOCIETY, GROUP, OR COMBINATION OF PERSONS WHICH ADVOCATES THE OVERTHROW OF OUR CONSTITUTIONAL FORM OF GOVERNMENT?

10. HAVE YOU EVER BEEN ARRESTED, INDICTED, OR PROSECUTED IN COURT AS A DEPENDENT OR PLACED OR PROSECUTED OR HAVE YOU EVER BEEN OBLIGED TO POST BAIL OR COLLATERAL FOR THE VIOLATION OF ANY LAW, PLACE REGULATION OR ORDINANCE?

11. HAVE YOU EVER BEEN DISCHARGED, OR FORCED TO RESIGN, FOR MISCONDUCT OR UNSATISFACTORY SERVICE FROM ANY POSITION?

12. HAVE YOU EVER BEEN BARRED BY THE U. S. CIVIL SERVICE COMMISSION FROM TAKING EXAMINATIONS OR ACCEPTING CIVIL SERVICE APPOINTMENTS?

13. HAVE YOU ANY PHYSICAL HANDICAP, DISEASE, OR OTHER DISABILITY WHICH SHOULD BE CONSIDERED IN ASSIGNING YOU TO WORK?

14. DO YOU RECEIVE AN ANNUITY FROM THE UNITED STATES OR DISTRICT OF COLUMBIA GOVERNMENT UNDER ANY RETIREMENT ACT OR ANY PENSION OR OTHER COMPENSATION FOR MILITARY OR NAVAL SERVICE?

15. SPACE FOR DETAILED ANSWERS TO OTHER QUESTIONS (indicate item numbers to which answers apply).

16. SPACE FOR DETAILED ANSWERS TO OTHER QUESTIONS (indicate item numbers to which answers apply).

17. SPACE FOR DETAILED ANSWERS TO OTHER QUESTIONS (indicate item numbers to which answers apply).

18. SPACE FOR DETAILED ANSWERS TO OTHER QUESTIONS (indicate item numbers to which answers apply).

If more space is required, use paper the same size as this page. Write on each about your name, address, date of birth, and examination date. Attach to inside of the application.

Before signing this application check back over it to make sure that you have answered ALL questions correctly, and believe, and are made in good faith.

Signature of Applicant: Howard Morgan; (Sign your name in INK (last name, first name, middle initial or initials, and surname). If female, prefix Miss or Mrs, and if married, give your own first name as "Mrs. Mary L. Doe.")

U. S. GOVERNMENT PRINTING OFFICE: 1940 O. 3339 18-55440-1

Mr. MORGAN. That is correct, except that I believe in that case the papers were not sent to me until after I had completed the mission assigned me by the Government.

Senator SCOTT. Well, Mr. Morgan, I am just as aware as you are of the President's recent message on conflicts of interest, integrity in Government. I am not a bit happy in having to ask you these questions. I ask you to believe this.

I have been a district attorney when my sympathy has been with the other side more than once, and my sympathy is with you in this instance. I regret very much that I have had to bring these things out. In private conversations with members of the committee earlier, members of my side of the aisle here expressed the hope that all of this could be disposed of and all explained in an executive session. I also take some risk in that the far from reluctant dragons of the press will be in full cry against me as usual whenever I feel it necessary to speak out, and assume any of the political risks, as they are called, that accompany that.

So that I want to ask you, have I given you the fullest opportunity to explain the questions I have asked you? Or if not, is there anything further that you want to say about it?

Mr. MORGAN. There is one thing I would like to say in addition to what has been said already.

Comment reached me that some people in the committee—

Senator SCHOEPEL. I couldn't hear you. What were you saying, please? A little louder, please.

Mr. MORGAN. The comment has reached me that some people in the committee felt that something had happened to the files and you yourself, Mr. Scott, referred to certain files being routinely destroyed by the State police.

Senator SCOTT. I was careful to say "routinely destroyed" on this statement. I have no charge to the contrary.

Mr. MORGAN. I would like to tell you that I was shown some of the documents that your committee received from the Portland Police Department which also bear the notation that they had been removed from the files at one time and word had reached me that it was the feeling of some people in the committee that in some way I was responsible for this.

I would like to tell you what happened to those files and perhaps this will throw some light on the background of this case that you don't presently have.

Senator SCOTT. Go right ahead.

Mr. MORGAN. After these incidents, and they are the only incidents of their kind in my life and completely out of context with everything else in my life before and since, I entered Reed College in Portland, which, as you probably know, has the highest scholastic rating, or certainly one of the half dozen highest scholastic ratings, in the United States. It is a great honor to be allowed to enter that college.

After I graduated, having served as student body president of the college, I was called one day in 1941, while working in industry in Portland, by Mr. Harry Niles, the chief of police of Portland, who asked me to come down and talk to him. I did, and was surprised when he offered me the job as administrative assistant to him. He had been referred to me through the college which thought there might be a chance I would be interested in it, and I was.

I considered the matter for a week or so. It was a flattering opportunity, but I finally told him that I had already had overtures and some correspondence from Mr. Eastman, Joseph Eastman, and the probability was that I would be going to Washington in the not distant future and, in the meantime, I thought I would enter the University of California Graduate School at Berkeley.

Mr. Niles then said that he had a record regarding me in the Portland police files and that he had investigated the matter and found, in his opinion, that a miscarriage of justice had occurred. He felt somewhat responsible for it as the head of the police force there, and said that while there was nothing in the files that would prevent me from working for the Government, they might result in some delay and possibly embarrassment to me and that the normal way of having those files expunged from the record would be to go through court procedure and ask that they be withdrawn everywhere that they might appear.

I told him I hadn't the funds to do that, and he then said there was another method whereby they could be expunged permanently from the record; that he could do it as the head of the police department which originated those records, and asked me if I had any objection to his doing so. I told him that I did not. I thanked him for it.

Two weeks later, or thereabouts, he called me to tell me that he had withdrawn them from his files, from the files of the State police at Salem, and from the FBI files in Washington. He agreed with me that those records were improperly made in the first instance—shouldn't have been made.

Senator PASTORE. Now, Mr. Morgan, before you go any further, is that man living now?

Mr. MORGAN. No, sir; he is not.

Senator PASTORE. Was this statement ever made by you at a time when he was living?

Mr. MORGAN. He died in 1946, I believe.

Senator PASTORE. Nineteen what?

Mr. MORGAN. 1946 or 1947.

Senator PASTORE. 1946 or 1947?

Mr. MORGAN. Yes, sir.

Senator PASTORE. How old were you at this time when you had this conversation with this chief?

Mr. MORGAN. Twenty-seven.

Senator PASTORE. Twenty-seven?

Mr. MORGAN. Yes, sir.

Senator PASTORE. And that would be about 5 years after this incident?

Mr. MORGAN. Yes, sir.

Senator PASTORE. By what period of time are these two charges separated? I mean, how old were you on the fugitive charge?

Mr. MORGAN. Twenty-three.

Senator PASTORE. Or the fugitive incident?

Mr. MORGAN. Twenty-three, I believe.

Senator PASTORE. How old were you on the assault incident?

Mr. MORGAN. That was a few months before that.

Senator PASTORE. Two months before?

Mr. MORGAN. Few months; I would say 6 or 8 months before.

Senator PASTORE. I think you said to me in my office, together with Mr. Morton, the first time you appeared that you invited the newspapers to make a complete exposé of this situation?

Mr. MORGAN. I did, sir.

Senator PASTORE. In Oregon?

Mr. MORGAN. I did, sir, and I am coming to that.

Senator PASTORE. I see, all right; I don't want to anticipate you in any way. I think it will do well for the record if you do tell the story of your life since then, because a lot of things have happened to you. You have had positions of trust and I would hope that you would carry it right down chronologically for purposes of the record.

Mr. MORGAN. Chief Niles died, as I said, in 1946 or 1947, very suddenly. I later discovered something I am going to put in the record now so that it will be understood, but I didn't discover this until years later. When his desk was cleared out these files which he had volunteered to remove from various jurisdictions were found in a desk drawer. He had neglected to destroy them, and not knowing anything about them his men returned them to the files in Portland. What was done about the other two jurisdictions I don't know and I have never inquired.

In 1948 I was elected to the legislature, and while that legislature was in session in 1949 I was approached by a man I had never seen before or since and threatened with reprisals involving these records if I did not vote for a slot machine bill that was on the floor.

I didn't realize at the time that this was my first inkling that these records had been returned to the files. I told the newspapers then of the threat I had received and told them of the incident that had taken place years before and asked them to check on it so that if I should be accused the newspapers would know about it, and they did so, at my request.

Senator PASTORE. Name the newspapers, please.

Mr. MORGAN. The Portland (Oreg.) Journal and the Portland Oregonian.

In 1952 I became chairman of the Democratic Party in Oregon, which since the Civil War had been a very small, minor party in a one-party State. There were many reasons for that and I set about to try to cure them. What I did involved a housecleaning and a renovation of my own party and I had help, Dick Neuberger and others were in on the project. We recruited good candidates and we began to win elections, but we made bitter enemies in both parties by the methods that we chose.

The first evidence of this was in the 1952 election. In 1953, before the 1954 election, while it was in the near future, an attempt was made to drive me clear out of politics through the use of documents which I then realized could only have come from police files.

I went to the Portland Police Department and checked their files and found that they had been returned to the files. How long they had been there I did not know.

In the fall of 1953 I was told by Bill Tugman, the editor of the Eugene Register Guard, that this card which Senator Scott has, was being circulated through the mails by the thousands to every responsible and prominent person in the State. Mr. Tugman asked me to make a statement about it. I wrote him a letter, included a copy of

the affidavit—that was the occasion for preparing the affidavit—sent it to him and sent it to every other newspaper in the State. In other words, I published it on as widespread a basis as possible.

The Oregonian had a story on this matter that covered a half a page. I continued for 3 more years, 2 more elections, as chairman of the Democratic Party. I was reelected unanimously without opposition. Then I served 2 years as the only one-man public utility commission in the United States, handling all the rate cases, all utilities, all forms of transportation, all without a breath of scandal, or a single breath of reproach to my honesty or integrity.

This story is an old story in the State of Oregon. There are men in both parties out there whom I am very proud to claim as my enemies, and they have undoubtedly insisted on the circulation of this story in Washington where it is not an old story.

Before I finish testifying about this I want to say one thing lest I have given the impression that I condoned the removal or feeling that it is an excuse that these records were removed for a period of years.

Merely removing the record does not remove the incident and I do not feel that this justified me in ignoring the matter when I filled out form 57's. What Chief Niles did was a gesture on his part which I appreciated, but that is not the reason why I did not acknowledge this incident when I filled out the form 57. I did it for the reasons I have told you about before.

Senator SCOTT. But, Mr. Morgan, when you did fill out these three forms and deny that you had ever been arrested you were at that time under the impression, were you not, that these things had been removed from the record by a police chief and therefore they could not be discovered and brought up against you, isn't that true, factually, even though you say that wasn't your motivation?

Mr. MORGAN. You can say that, yes, sir. But that was not the motivation.

Senator SCOTT. May I ask you one other question?

Mr. MORGAN. Yes, sir.

Senator SCOTT. And that is do you feel that what you did represented some deviation from let us say irreproachable standards of behavior?

Mr. MORGAN. I think that I can be and probably should be reprimanded or admonished for an infraction of the rules. There is no question about it. But I have served as a decisionmaking official and handed out punishment for violation of rules to businessmen and I think they and I or anyone else who violates a rule is entitled to reasonableness in viewing what was done, by what sort of person it was done, by how much the public interest was damaged, if at all. I think that in this case while what I did was something I cannot defend as absolutely right it was not seriously damaging to anyone and I would not have done it if it had been.

Senator SCOTT. The Senate Committee on Post Office and Civil Service in July 1958 in another matter refused to recommend favorably, as I recall it, the nominee because the statement was made by him in the form 57 that he had a college degree, where as, in fact, he had the necessary college credits and did, in fact, have a law degree; he claimed two degrees.

That was one degree too much in the opinion of the committee and they refused to recommend him for confirmation.

Mr. CHAIRMAN. I will close my questioning by reading from the message from the President on yesterday or —

Mr. MORGAN. Mr. Scott, may I at this point—I am sorry to interrupt you.

Senator SCOTT. That is all right, go ahead.

Mr. MORGAN. I think it is only fair to you to tell you that because mention was made within the committee of this *Flanagan* case. I have read the Flanagan transcript and the cases are not parallel. Mr. Flanagan conferred 47 units of study on himself and a university degree which he did not, in fact, have. He didn't have a law degree either. He had been thrown out of law school for bad scholarship, and the falsifications which he made in his form 57, far from being related only to a possible short delay, were crucial, absolutely crucial, to his successful appointment to the position he sought.

Senator SCOTT. I understand. You may be right on the law degree. I had that impression from reading it, but Mr. Flanagan also stated at the time that he filed a separate or later form in which I assume from his testimony he corrected some of these statements which were in controversy.

But I would like to conclude by asking the witness if he agrees with the statement in the message from the President of April 27 on conflict of interest which reads in its conclusion:

Ultimately, high ethical standards can be maintained only if the leaders of Government provide a personal example of dedication to the public service—and exercise their leadership to develop in all Government employees an increasing sensitivity to the ethical and moral conditions imposed by public service.

And later on:

No President can excuse or pardon the slightest deviation from irreproachable standards of behavior on the part of any member of the executive branch.

Do you think that is a fair statement of the standards which should govern us?

Mr. MORGAN. I do, sir.

Senator SCOTT. That is all I have, Mr. Chairman.

Senator PASTORE. Mr. Schoeppel?

Senator SCHOEPPEL. Mr. Morgan, apropos to what Senator Scott has said about certain newspaper articles appearing at least in their own way indicating the connections which Senators might have who are on committees, I do appreciate your explanation as to how possibly some of that information got into that type of a columnist's approach.

I want to assure you so far as this Senator from Kansas is concerned that doesn't make the slightest difference to me. The thing I am concerned about is when information is brought to some of us, and in our instance here we like to think responsible members of the committee, about certain matters that ought to be looked into, that when we look into them and when we call for the files and we find these things that we have been hearing this afternoon and you are testifying to, and some of your positions that you take are laudable in my books, some I would question whether I would handle them that way or not, although I am not casting any aspersions at you or anybody else at this moment.

But there is a duty that devolves upon us to clean up this record. Some of us definitely thought that, and I for one, I care not who might know it, suggested that it be handled in an executive session of the committee. Some executive sessions of the committee are public sessions of the committee, apparently. It wouldn't be so bad if the facts or the truth that actually happened would get out. Sometimes they do not. Hence one of the reasons why, and I will say to you, sir, I think it is commendable when you wrote the chairman of this committee suggesting that either at an executive session or a public session, leaving it to his discretion, the discretion of the committee, I think was very splendid of you.

But there were certain things that were brought out here, and these form 57's and with the Civil Service Commission, predicating or in a position to predicate actions for punishment on violations or on erroneous or shall I say false answers given to some of these, presents to some of us on this committee a situation which we felt ought to be cleared up.

I hope you will take it in that spirit when we move into these, giving you as well as the committee an opportunity to explain why some of these answers were given not only once, not only twice, not only three times, but on the fourth time on an affidavit that you made saying that the answers which you gave were true and correct, so I assume that you had all of these facts before you.

But you have given your reasons for your explanations for them. I would like to ask you one other question.

Mr. MORGAN. May I interrupt just one moment?

Senator SCHOEPEL. Surely, sir.

Mr. MORGAN. I want to make it very clear that while I cannot recall with accuracy what my feelings may have been about the so-called assault case, I think it is extremely probable that I did not remember that on any of those occasions. I don't make that as a claim because I cannot remember with precision. My memory is good enough so that I know when I remember and I know when I don't, and in this case I do not remember. But I think the probability is that I had forgotten it.

Certainly that was the case a few weeks ago when I made every effort to think of everything the President ought to know before allowing my nomination to go forward.

The matter which I have chosen to ignore is the other matter and I agree with you, it has put me under heavy obligation, both to explain my reasons for so doing and also to conduct my life and my affairs in such manner as to justify the liberties I have taken, and this, sir, I have done.

Senator SCHOEPEL. Mr. Morgan, if you are confirmed in this responsible position you probably will have, or those in the appointive power and position, you may have it if you are designated and confirmed in this responsible position, the opportunity and the right to pass on what applicant for jobs or applicants for positions put in their form 57's. How do you think you could react to it if you should later find out that they answered questions "No," when the facts were "Yes," and later brought out?

Do you think that would prove embarrassing to you in any way if you are confirmed in this position?

Mr. MORGAN. I don't think so, sir.

I would say this, that if a person of dishonest record and dishonest habits and a dishonest past were to conceal those facts and by such concealment were to secure a Government job in which he continued to behave dishonestly, I would show him no mercy, absolutely none.

But if, on the other hand, an informer were to come to me and tell me that a trusted employee who had worked in an agency for 10 years should be fired because he had failed to note on his form 57 that he once had been arrested for murder and then was released because it was found that the murder charge was totally without foundation, I would tell that employee to forget it. And I would tell the informer never to bother me again.

I think there are standards of reasonableness to handle rule violations of that kind and I think that those standards of reasonableness should be followed.

Senator SCHOEPEL. Mr. Morgan, there has been some reference made here, and I think it's commendable, perfectly proper, that you consulted some of the Senators in explaining or discussing your situation with them. You will recall that you came to my office and you were welcome at my office, and that two responsible individuals asked for you to see me. They didn't really have to do that; you could have done that yourself, but you did come up there, and I asked you a number of questions. Frankly, I would have felt better, I'm just being honest with you this afternoon, this hearing, if you had given me some indication of these things here, which I assure you I did not know.

Mr. MORGAN. I did not know they were going to come up, sir.

Senator SCHOEPEL. Thank you, sir.

Senator PASTORE. Senator Morton, do you care to ask any questions?

Senator MORTON. No, sir.

Senator PASTORE. Mr. Monroney?

Senator MONRONEY. No, sir.

Senator PASTORE. Mr. Yarborough?

Senator YARBOROUGH. No, sir.

Senator PASTORE. Mr. Engle?

Senator ENGLE. I think not.

Senator PASTORE. Mr. Bartlett?

Senator BARTLETT. Just a couple, Mr. Chairman.

How did gasoline and oil get into that one charge?

Mr. MORGAN. I have no knowledge of that whatever, sir.

Senator BARTLETT. Mr. Morgan, I want to refer to something that has been called to my attention in the last 24 hours, not by you—it may have been covered while I was absent from the room.

It has no bearing on this matter, in my opinion, except in one way.

Is it true that one time you risked your life to save a child in Oregon?

Mr. MORGAN. Yes, sir.

Senator PASTORE. Say that again, I didn't get that now.

Senator BARTLETT. I asked Mr. Morgan is it true that on one occasion he risked his life to save a child in Oregon, and I asked him, he said, "Yes," and I asked him to explain the circumstances.

Senator PASTORE. Go ahead, Mr. Morgan.

Mr. MORGAN. Well, I should say after my hasty answer that I don't really believe there was much risk to my life. I was once a competi-

tive swimmer and even when I'm not in good shape I'm still a good swimmer.

This child had fallen into a deep lake behind Reed College while riding a bicycle. He had catapulted from the bicycle into the lake. One of his friends ran and summoned me. He had already been on the bottom of the lake for something over 5 minutes. It was a very deep lake and a very dark lake, and one couldn't see below the surface.

After I had dived and groped for him until I was completely exhausted and knew that I had to get out of the water and rest, that I simply couldn't dive again, just as I was giving up and pushing off from the bottom my hand closed over his hand and I was able to bring him to surface and to shore.

Senator BARTLETT. Mr. Morgan, the person who told me about this didn't give me any of the particulars which you have just related but said, this is the part I'm curious about particularly because the episode itself, although it does credit to you and has nothing to do with your capacity to serve in this position, mentioned that this was incorporated in a police record.

How did that come to pass?

Mr. MORGAN. Yes, and now I think I know what you are talking about, Senator.

The child was so nearly dead that the inhalator squad from the police department had to be summoned and it took, oh, half an hour of effort on the part of the squad to revive the child. A report of this incident was included in the police files. When I was elected to the legislature a friend of mine with whom I had played football, who worked in the Portland Police Department, called me one day to tell me that the—well, I would say some political operators—had been in the police station all afternoon looking for information damaging to me and that they had stolen from the files the account of my rescuing the child and destroyed it because it was creditable to me. Is that what you were told, sir?

Senator BARTLETT. Was that record irrevocably destroyed, do you know, or was any account of it later restated and placed in the files?

Mr. MORGAN. I hadn't even known it was in the files, but the person who told me about it knew enough details to convince me that such a record had been in the files. He had no way of knowing about the incident except through such a record. I have not heard about a record of that kind since and I assume that it's irrevocably destroyed; yes, sir. They play politics rough in Oregon, just like everywhere else.

Senator BARTLETT. No further questions, Mr. Chairman.

The CHAIRMAN (presiding). I don't know who hasn't asked questions, but the Senator from Kansas has a question.

Senator SCHOEPEL. Mr. Morgan, two final questions for the benefit of the record.

I would like to ask you did you fill out any form or forms 57 after the story of the larceny matter or charge was printed in the Oregon newspapers and after you knew that the files were back in place?

Mr. MORGAN. No, sir; and I would like to say at this point that on every occasion on which I have filled out a form 57 it was because I was asked by some agency of the U.S. Government to take a position with that agency. I never have gone to the U.S. Government seeking

a job. And this possibly might have had something to do with my attitude about not wanting to get wound up in an indeterminate amount of redtape in getting onto a job and getting it done after the Government had asked me to take on a specific assignment.

Now, there's one slight exception to that, and that is the census job that I was asked to take in 1949. I was talked into taking that job by an official of the Democratic Party who was desperate at having to fill it with a competent person and had a terrific number of people on his hands all squabbling for the job, and he persuaded me to take the thing partly in order to rescue him. I believe it was for the direction of the entire State census, although it may have been for half the State, I can't remember. I took the job and went to Seattle for 3 days of indoctrination and it was such unimportant and deadily dull work that I simply couldn't stand it; I called up my friend and told him he certainly could find somebody to do a job like that, and quit.

That is the only time that I have never accepted a position with the U.S. Government except at the request of a Government agency, and on no occasion since 1953 until the present has the United States, any agency of the Government asked me to do anything for the Government.

Senator SCHOEPEL. For the benefit of this record, since you testified to it, in order that we might have it into the record as to the dates, can you supply for the record here, I don't ask you to do it if you don't recall it right now, the dates when your story was told in the Oregon papers? If you know it now we might get it into the record; if not, I would like to have that supplied for the record. In fairness to you—

Mr. MORGAN. I can give you the approximate date within a very few days, sir, in just a moment.

Senator SCHOEPEL. That's all the questions I have, Mr. Chairman.

The CHAIRMAN. Mr. Morgan, I wasn't here for the original meeting but I presume that the members of the committee did ask you some questions about the Federal Power Commission policy and so on, and so forth.

They may be repetitious, but the Federal Power Commission at the instance of this committee or at the recommendation of this committee has sent to the Congress certain legislative recommendations. They are quite a few in number, some that deal with the Gas Act—several dealing with the Gas Act, some 15 in number, and then about 5 dealing with the Federal Power Act, and then 1 dealing with the delegation of Commission functions under both acts.

Are you familiar at all with those recommendations or have you not yet looked at them?

Mr. MORGAN. I read them all last January, Senator, and not since then. I'm afraid I can't say at this moment I am familiar with them.

The CHAIRMAN. The committee was hopeful that we could get at these matters as soon as possible because so many of them relate to the real problem that always confronts us up here, the administration of these independent agencies as to some seemingly lack of efficiency and regulatory lag in getting at the cases, and in the Federal Power Commission in particular because of the tremendous backlog of gas cases. I wanted to ask you if you are familiar with that backlog, it has been

pointed out by this committee on many occasions and then highlighted again by Judge Landis in his report to the President.

If you have any opinions as to how that backlog can be gotten at or how we can get these cases decided and whether or not these legislative recommendations will do that, that if you are appointed to the Federal Power Commission you wouldn't hesitate to suggest to this committee what further might be done to do this job.

Mr. MORGAN. That's correct, sir.

The CHAIRMAN. Also, there can be a lot done in the Commission regulations themselves, and to expedite these cases and get at them, and I'm hopeful that you will answer "Yes" to the fact that you will take a long look at that because you have had some experience in regulatory bodies.

Mr. MORGAN. Yes, sir.

The CHAIRMAN. You are going to be dealing, however, with some other Commissioners while in the State of Oregon you were the only commissioner. It's a little different out there. You could issue an order and see that it was carried out. Here you have to deal with other minds, other ideas.

Senator YARBOROUGH. Mr. Chairman, may I ask a question here?

The CHAIRMAN. Yes.

Senator YARBOROUGH. Mr. Morgan, when you were appointed by the Governor as public service commissioner, were you confirmed by the Senate of the State of Oregon?

Mr. MORGAN. No, sir; there are a few positions in Oregon that require confirmation by the State senate but that is not one of them.

The CHAIRMAN. I think leaving out the decision and policy matters, one of the biggest jobs you have down there, you and Mr. Swidler, if you are confirmed down there, is to expedite these cases.

Mr. MORGAN. Yes, I heartily agree.

The CHAIRMAN. I want to ask you another question, and this is by an old frontiersman and not a new one. If the budget doesn't give you enough money to do this job, would you have any hesitancy in telling the Senate Appropriations Committee on Independent Agencies that in order to do some of these things that should be done in the interest of the public, you need a little extra money?

Mr. MORGAN. Well, sir, I don't believe in spending public money loosely or extravagantly.

The CHAIRMAN. Neither do we.

Mr. MORGAN. But I think money spent for that purpose is about as well spent as any money that the Government can put into use right now.

The CHAIRMAN. Those are all the questions that I have.

Do you have anything else that you want to put in the record other than what has been put in the record?

Mr. MORGAN. No, sir; the date that Senator Schoepfel was inquiring about was November 10, 1953.

Senator SCHOEPEL. Thank you.

Mr. MORGAN. I would like, with your permission, Mr. Chairman, to put in the record a list of positions I have held since these incidents occurred that we have been talking about here today, which involved elements of public trust. I have held other positions, of course, involving private responsibility, and so on, but this is a list of positions

that I have held covering I would say 23 of the 25 years since 1936 that involve elements, sometimes very heavy elements, of public trust and I would like to list those with the committee.

POSITIONS OF TRUST HELD BY HOWARD MORGAN, 1938-61

- 1938-39: Elected member student council, Reed College.
 1939-40: Elected president of the student body, Reed College.
 1941-42: Appointed staff member under the late Joseph Eastman, Chairman of Interstate Commerce Commission and Chief of the Office of Defense Transportation, Washington, D.C.
 1942-46: Commissioned officer U.S. naval forces, occupying responsible and sensitive positions in Washington, D.C., the South Atlantic, and South Pacific.
 1947: Elected chairman, Portland Area Council, American Veteran's Committee.
 1948: Elected chairman, Young Democrats of Multnomah County.
 1949-51: Elected member of the Oregon Legislature.
 1947-53: Appointed transport consultant, Oregon State Grange.
 1951-52: Elected member, executive board, Oregon Farmers Union.
 1952-53: Appointed by Commissioner James K. Knudson (ICC) to be transport consultant, Defense Transport Administration, U.S. Government.
 1952-56: Elected chairman, Democratic Party of Oregon.
 1956: Selected by Adlai E. Stevenson as a staff member, National Stevenson-for-President campaign.
 1957-59: Appointed by Gov. Robert D. Holmes to be public utility commissioner, State of Oregon.
 1961: Nominated by President Kennedy to be a member of the Federal Power Commission.

The CHAIRMAN. And further, I want to suggest to you that you do not go away from this stand with any conception that this committee, because of the matters being discussed here today or any other matters of policy, did not expedite this nomination. We have lots of work up here, we have lots of nominations, and we have to prepare for many of them, and I think that the testimony in this case has gone through just about as fast as any I have seen up here in many, many years.

Mr. MORGAN. I would like to say, Mr. Chairman, just one thing in conclusion, and it repeats slightly what I said before, that I quite understand that my attitude toward this misadventure of many years ago has led me to make reports to the Federal Government which are very hard to defend and I am willing to be admonished and reprimanded for having done so. I am not willing, however, to accept the statement or the theory that such an episode renders me incapable and ineligible to hold positions of public trust because I have been holding such positions steadily almost ever since then.

The CHAIRMAN. If there are no further questions, thank you, Mr. Morgan.

(The following letters were subsequently received for the record:)

REED COLLEGE,
 Portland, Oreg., April 30, 1961.

HON. WARREN G. MAGNUSON,
 U. S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: In view of the impending reopening of hearings about the confirmation of Howard Morgan to the FPC, I wish to convey to you my conviction about the high moral character and principles of Mr. Morgan.

As one who has known him since his student days at Reed College I regard him as one of the most honest, reliable, and public-spirited men I have come across.

I vividly recall an incident, when Morgan saved the life of a young boy at the risk of his own life by jumping after him when the boy fell into a body of water on the college campus.

Like most of my fellow Oregonians, I heartily endorse Mr. Morgan's nomination and hope he will be confirmed without undue delay.

Very truly,

FRANK MUNK,
Professor of Political Science.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 28, 1961.

The PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I have noted in the press developments concerning Howard Morgan, of Oregon, your nominee for the Federal Power Commission, who is being considered by the Senate for confirmation.

I do not know Mr. Morgan, but I am alarmed at the implications of this nomination, if press reports are accurate. The issue is not public versus private power. It is not Morgan's alleged youthful indiscretions.

The issue is simply this: Do we have two classes of citizens in the United States?

Postal workers in my district have been discharged for identical omissions on a form 57. Yet here we have a man who, on three separate occasions falsified his application to work for the Government. Under your nomination, if approved, he would assume high and responsible public trust and office.

In view of your message to Congress yesterday setting forth commendably high standards for ethics in Government service, I urge you to reconsider the nomination of Mr. Morgan. If you decide to continue to request Senate confirmation of Mr. Morgan, may we assume that all former Government employees and applicants for Federal service who have been denied employment on grounds similar to Mr. Morgan's case will be given a review and reinstatement?

Sincerely yours,

BOB WILSON,
Member of Congress.

(The following material was ordered by the committee to be printed with the hearings of May 2, 1961:)

MEMORANDUM

To: Senator Warren G. Magnuson.
From: Harold I. Baynton.
Date: May 9, 1961.
Re: 1958 Flanagan case (Form 57).

Flanagan made numerous claims, all false on various Government forms in establishing his qualifications for positions he had applied for in the Federal service. For example, he claimed a degree from Norwich College, and later claimed he had enough credits for a degree though not the degree itself. A degree from Norwich requires 120 credits; Flanagan had 73 (transcript, pp. 29-33).

Flanagan reported 3 years' attendance at Columbus University, whereas he had actually completed two quarters of 1 year (transcript, pp. 34-35). In explaining, this Flanagan said he had included time spent at George Washington University but had not indicated it specifically, or the fact that he had been dropped from George Washington University for poor scholarship (transcript, p. 35).

Flanagan had actually spent a total of 52 semester hours at Columbus and George Washington University, many of them not creditable because of poor scholarship. He claimed 75 semester hours, all fully creditable (transcript, p. 40). On another occasion Flanagan claimed a degree from Columbus University Law School with 90 semester hours of study (transcript, p. 45).

On still another occasion he claimed he had completed the necessary work for a degree from Norwich College and had petitioned the college for a degree, issuance of which was pending. The president of Norwich denied all of this in a signed letter (transcript, pp. 47-48).

SPECIAL INFORMATION SERVICE OF DUN & BRADSTREET, INC.

(This report consists of 6 pages on Morgan, Howard Vincent, Sisters, Oreg.)

May 2, 1961

SUMMARY

This investigation has developed no information to reflect unfavorably upon the character and reputation of Morgan. A wide search of police records has produced no information contrary to that which has already been known.

Morgan's political and civil activities have involved him in conflict with those holding different views from his own, but there has been no criticism of his character or integrity by those who have been in opposition to his political views or decisions made while in positions of public trust.

SCOPE OF INVESTIGATION

Your request for a report on Howard Morgan through the Special Information Service asked for a check of police records at four locations, and placed emphasis on investigation into character and reputation. Our investigation has included search of police records at various locations in four counties; interviews with five individuals who have known Morgan through varied contacts at different points in his career; and a search of the "morgue" of a leading Oregon newspaper.

While the emphasis has been placed upon character and the police check, additional background information is presented as an aid to clarity and continuity, even though it is felt you already have this information.

PERSONAL HISTORY AND BACKGROUND

Howard Vincent Morgan was born at Tillamook, Oreg., January 22, 1914. He moved to Portland at an early age, grew up and attended school in Portland and spent his early working experience in Portland. He attended and graduated from Jefferson High School in Portland and then attended the University of Oregon at Eugene for 1 year. He then obtained the remainder of his college education at Reed College in Portland, graduating in 1940 with a bachelor's degree in economics. While at Reed, he served as president of the student body.

During 1940 he was married to Rosina Corbett, daughter of Henry L. Corbett. The Corbetts are a prominent pioneer family in Portland and represent substantial means through various investments and holdings, some of which are represented by the Corbett Investment Co., Inc., a real estate holding and investment company which owns, among other investments, the Corbett Building, a large downtown office building.

From 1940 to 1942, Morgan was employed as assistant to Joseph Eastman, Chairman of the Interstate Commerce Commission and Chief of the Office of Defense Transportation. From 1942 to 1946, he served as an officer in the U.S. Navy in various locations, active chiefly in transportation work. During 1946-48 was engaged in buying and selling war surplus and construction and industrial machinery in association with Jack R. Eatch, in Portland. In 1948, he was elected to the Oregon State Legislature from Multnomah County.

About 1948, or 1949, exact date not known, he acquired a ranch near Monmouth, Oreg., and continued to devote at least a part of his attention to the operation of that venture until about a year or two ago, interrupted by his service as Oregon public utilities commissioner and various other activities. He was appointed as public utilities commissioner in January 1957 by Gov. Robert Holmes and served until submitting his resignation effective January 12, 1959, upon the inauguration of a new State administration. After leaving that post, devoted attention to the operation of his ranch near Sisers, Oreg.

POLITICAL ACTIVITIES

Morgan has had an active interest in politics since his college days and during 1947 (and possibly before and after) was active as an officer in the Young Democratic organization in Multnomah County. In July 1947, he was elected chairman of the Multnomah County chapter of the American Veterans Committee. He was a successful candidate to the State house of representatives from Multnomah County in 1948.

From February 1952 to July 1956 he served as State chairman of the Democratic Party. He resigned from that position to serve on the Stevenson-for-President Committee, this being a full-time appointment to the national campaign staff and involved considerable travel.

With the inauguration of the Holmes administration in January 1957 Morgan was appointed State public utilities commissioner as previously outlined.

BUSINESS ACTIVITIES

While attending college, Morgan was employed from time to time by Jack R. Eatch, who was engaged in various contracting activities. It was during this time that both the "stolen tire" and "fist fight" episodes which are outlined later in this report, took place. Following his release from naval service he was engaged in business as outlined in the background information, and association with Jack Eatch. The exact nature of their financial and business arrangement has not been learned.

The ranch which Morgan purchased in Polk County is of several hundred acres and said to have been engaged primarily in the raising of sheep. The amount of investment in this venture and the method of financing its purchase and development were not learned during the current investigation. About a year ago, there were some negotiations for the sale of the ranch by Morgan, but it was not learned whether the transaction was consummated. This venture was actively operated by Morgan until his appointment as public utilities commissioner.

In January 1957, Howard and Rosina Morgan purchased the Black Butte Ranch, a 577-acre stock ranch near Sisters, Oreg., from the estate of Stewart S. Lowery. The price indicated by the revenue stamps was \$81,000. At the time of the purchase, the ranch was not stocked and according to a quote by Morgan at the time, the family then living on the ranch would continue there. According to Morgan, the ranch was to be used in conjunction with their present acreage 6 miles southwest of Monmouth where they were engaged in raising sheep.

With the exception of his time spent in civil and political activities, Morgan has devoted his attention to development and operation of the Black Butte Ranch. Outside sources consulted have expressed the opinion that an excellent buy was made by the Morgans in obtaining this property and that the present value would be well in excess of the original purchase price, not including the cattle herd which is now maintained. It is noted here that the Corbett family has for many years owned a property located nearby and that Mrs. Rosina Morgan is well acquainted in this area and had been very familiar with the Black Butte property.

In this investigation no attempt was made to develop detailed information concerning the net worth and financial condition of the subject.

POLICE RECORD SEARCH

Police records were checked in Deschutes, Marion, Polk, and Wasco Counties. Deschutes County courthouse records were checked for any police record or court action involving Howard Morgan. Check was also made with the Bend city police, Deschutes County sheriff's office, and the Bend office of the Oregon State Police. There was no record of any criminal or civil actions involving Howard Morgan.

Marion County: Salem city police records were checked but disclosed no record of any civil or criminal actions with the exception of traffic violations. A request for search of the records of the Oregon State Police was denied. However, according to an authoritative source in the office of the State police, a previous similar check made by the Federal Bureau of Investigation had produced no derogatory information concerning Morgan.

Polk County investigation included a check with the Dallas city police and the Polk County sheriff's office. There was no record.

Wasco County: A check with the Wasco County sheriff's office and The Dalles city police disclosed no record.

In past years, the stolen-tire episode has received considerable newspaper publicity as has recently the story concerning the fight in which Morgan was engaged while in college and for which he was fined. A complete story on the alleged tire theft was contained in the Oregonian, Portland, Oreg., November 12, 1953.

Morgan was arrested in Portland in 1937 for questioning about theft of a tire from a Maupin, Oreg., service station. This involved a tire which had been given to Morgan by his employer, Jack R. Eatch, as part payment for back wages.

Eatch subsequently signed an affidavit relieving Morgan of any responsibility and explaining the circumstances. There was no complaint filed against Morgan nor any court action.

While a check with the Wasco County sheriff's office disclosed no record of any arrest or convictions, according to newspaper publicity, Morgan was fined \$25 for his participation in an altercation that occurred during Morgan's summer employment while attending college.

Morgan's employer at that time was also Jack R. Eatch and the newspaper accounts have been substantiated by outside sources with firsthand knowledge of the circumstances.

Through a number of interviews with principals who have been acquainted with Morgan in a wide range of circumstances, none stated having any knowledge of criminal or civil actions in which Morgan had been involved other than the two aforementioned situations.

During the investigation it was learned that the Federal Bureau of Investigation had conducted a similar check early this year but no information has been made available from that quarter.

NEWSPAPER SEARCH

A detailed check was made of the back newspaper files of the Oregonian, Portland, with articles concerning Morgan dating to 1947. There was no indication of criminal or civil actions other than traffic violations and the two situations previously mentioned.

CHARACTER AND REPUTATION

Interviews were held with five individuals who have been acquainted with Morgan on the basis of business relationship, political activity, personal friendship, and through public life.

(1) A personal friend who has known Morgan through a close personal relationship for many years spoke very highly of the subject. He described Morgan as being of complete and absolute honesty. This quality was said to have been demonstrated in numerous business and personal relationships.

(2) A reference who has known Morgan through political association for about 10 years described the subject's character and reputation as excellent. He is said to have demonstrated the highest integrity in all circumstances. This source is presently a deputy district attorney for Multnomah County, Oreg.

(3) A source who has known Morgan since about 1951 through business and social contact, described his character and reputation as excellent. The source is a businessman at Monmouth, Oreg. and has had some business dealings with Morgan and social contact through joint membership in the American Legion post at that point. Source knew of no unfavorable or derogatory information of any kind.

(4) A source who occupies a prominent position with a newspaper of the opposite political view to that of Morgan reports having known the subject on a public contact basis for some years. Morgan was described as a strong partisan but there was no question indicated as to his integrity. Source stated he knew of nothing unfavorable in Morgan's background and indications are that such information would have come to his attention if such were available.

(5) A bank official who has known Morgan for some years and with whom Morgan has had business dealings expressed a high regard for his character and reputation. This source had no knowledge of any derogatory information. All business dealings reported handled in a satisfactory manner.

In the course of his political activities and during his service as public utilities commissioner, Morgan has been subject to public disagreement on various matters of partisan politics and Government policy. In March 1957, he testified before the Senate Select Committee on Racketeering in Management or Labor in the course of that committee's investigations.

May 3, 1961

The following information is forwarded to you to supplement the data contained in the report of May 2, 1961.

POLICE CHECK, MULTNOMAH COUNTY

On a check with the Criminal Investigation Bureau, Multnomah County, there was no record for Howard Vincent Morgan. The bureau's records date to 1928 and include all felony charges and most misdemeanors.

BUSINESS INTEREST

Howard Morgan holds the office of secretary-treasurer of Pioneer Construction Co., Inc. The other officers are Jack R. Eatch, president; Lena Eatch, vice president; and the directors are composed of the officers and Alfred Corbett. Howard Morgan and his brother-in-law, Alfred Corbett, jointly hold one-third of the outstanding capital stock of Pioneer Construction. Morgan and Corbett are reported to have acquired their interests in the company March 1, 1960, but the amount of money they invested has not been disclosed.

Pioneer Construction Co. is an Oregon corporation chartered December 9, 1959, with authorized capital stock of \$50,000 comprised of no par value common stock. Corporation is engaged in rock-crushing work and as a demolition contractor. Headquarters are at Portland, Oreg.

Morgan is said to have never been active in the operations of the company other than in an advisory capacity.

May 5, 1961

POLICE CHECK, CITY OF PORTLAND

On May 5, 1961, the superintendent of the identification bureau of the Portland Police Department was contacted and was asked whether there is at present any record on file for Howard Vincent Morgan. He said that the record files were closed to any civil agency and said that he could neither confirm nor deny whether there is a record on file.

CLARIFICATION OF BUSINESS INTEREST

On May 4, 1961, Mrs. Ruth Eatch, of Pioneer Construction Co., called and requested that we contact their attorney, Pat Dooley, to secure more complete details concerning Howard Morgan's interest in Pioneer Construction Co. This was done, and on May 5 Dooley reported that the original authorized capital of Pioneer Construction was \$50,000, increased shortly thereafter to \$75,000. This additional \$25,000 of authorized capital was said to have been subscribed in the name of Alfred Corbett and Howard Morgan but according to Dooley, no stock has ever been issued to either of them, although the stock has been paid for.

The only stock of this corporation which is reported to have been issued was issued to the late Mrs. Lena Eatch, the mother of Jack Eatch.

While Howard did at one time hold the office of secretary-treasurer of that corporation, it was stated he no longer holds that office and has not been active in the company.

 MINORITY STAFF MEMORANDUM RE OFFICIAL PERSONNEL FOLDER OF HOWARD MORGAN

To: Senator Andrew F. Schoepfel.
 From: John M. McElroy, Assistant Chief Counsel.

Through the Office of Records Management of Archives, the committee obtained the official personnel folder covering Federal employment of Howard Vincent Morgan. A close examination of the folder reveals a number of documents related to testimony given by Mr. Morgan during his hearing as a nominee to the Federal Power Commission.

During his testimony, Mr. Morgan stated that he had never been arrested, or summoned into court as a defendant, on three forms 57, in appointment affidavit form 8-7003, and in his application for commission in the Navy. In addition, the file indicates like statements on the following documents:

1. "Application for Employment Under Civil Service Rules" filed January 28, 1942, with the Board of Investigation and Research under the Transportation Act of 1940, Dupont Circle Building, Washington, D.C. The specific question asked and the answer are as follows: "Have you ever been arrested, or fined, or convicted of any offense other than minor traffic violation? If so, give details here: 'No.'"

2. Under date of March 8, 1942, Mr. Morgan executed an "Application and Personal History Statement" on form No. OEM-2 which he filed with the Office for Emergency Management Personnel Office, Washington, D.C. Question 24 on the form reads "Have you ever been arrested, indicted, or convicted for any violation of law other than a minor traffic violation?" Mr. Morgan marked an

"X" in the box following the word "No." The text in the same block continued: "If 'Yes' state name of court, nature of offense, and disposition of your case."

Mr. Morgan testified that shortly after his graduation by Reed College, Chief Harry Niles of the Portland police notified Morgan that the chief had removed all references to Morgan from the Portland Police Department files, and had withdrawn his file from the FBI and from the Oregon State Police. He also said that while he was a member of the Oregon State Legislature he was approached by someone he did not know who sought to use information from the police file as a means of pressuring Morgan to support a slot machine bill. Mr. Morgan testified that Police Chief Harry Niles had kept the removed files in his desk until his death and that then the files were restored to their proper position, but that Morgan did not know of their return until some years after. Mr. Morgan, in answer to a question, stated that when he denied having been arrested or summoned into court as a defendant in various documents filed with the Federal Government, he believed that his name was not listed in the Portland police files, but he added that this was no motivation.

Mr. Morgan's personnel folder reveals that while the files were missing he received two appointments to Federal employment that were made expressly "subject to investigation." This was true of his first employment as a junior research assistant with the Board of Investigation and Research. A notation on Civil Service Commission Form 1744, a filecard entitled "Temporary Employment, Not Through Certification" contains notations from which the following is extracted: "1-20-42—subject to character investigation."

Under date of March 27, 1942, a Civil Service Form No. 3876, which was authority for transfer under regulation 9 of section 3, authorized the transfer of Mr. Morgan from the Board of Investigation and Research to the Office for Emergency Management where he was to serve as an assistant business specialist at \$2,600 per annum. The form contains this language: "Subject to the following condition: investigation."

The first indication in the file of action to initiate an investigation appears as a letter under date of April 4, 1942, to the Director of the FBI. The letter states:

"DEAR MR. HOOVER: It is requested that a complete investigation be made of the above-named employee for the Office of Emergency Management and constituent agencies. The application form filled out by the employee is attached."

The employee is identified as "Howard Vincent Morgan, 1541 Key Boulevard, Arlington, Va., assistant business specialist, Transfer 9067, Office of Defense Transportation."

On December 18, 1949, which was after the death of Chief Niles (1946 or 1947) and restoration of the Portland police files, Mr. Morgan was appointed district supervisor for the Salem, Ore., office for U.S. Census. The notification of personnel action on form 50 on this date states that the appointment is "subject to investigation." An investigation was initiated under this employment by the 12th U.S. Civil Service Regional Loyalty Board but it was discontinued when Mr. Morgan resigned from this post 5 days after his appointment. This is shown by letter dated March 31, 1950, from the secretary of the regional loyalty board to the Chief, Personnel Division, Bureau of the Census, Washington, D.C. Possibly related to the discontinuance of the investigation was Mr. Morgan's testimony, in answer to a question from Senator Bartlett, that he had a friend in the Portland Police Department, a man with whom he used to play football, who phoned him on another occasion while he was in the legislature and told him that political operators were going through the police department's files looking for information damaging to him.

In his testimony before the committee, Mr. Morgan stated that his employer in 1936 was Jack R. Eatch. In his various applications for employment with the Federal Government, Mr. Morgan had never indicated Mr. Eatch as his employer in 1936 nor did he tell until questioned that he had been in business with Mr. Eatch. In his application and personal history statement on form OEM-2, under date of March 8, 1932, previously referred to, Mr. Morgan stated that his employment from the summer of 1931 to June 15, 1940, was with "various construction companies in various sections of the Pacific Northwest, in several capacities in connection with the operation of heavy duty dump trucks. I followed this work steadily for 9 years while attending school, full time in the summers and part time in the school year. See attached note for a more complete explanation." The note reads as follows:

"NOTE CONCERNING EXPERIENCE"

"During the period from 1931 until my graduation from college in 1940 I worked for a very great many companies engaged in heavy construction on Bonneville and other large dams, and on highway projects throughout the Pacific Northwest. This work was in connection with the operation of heavy-duty dump trucks, and the capacities in which I served ranged from driver and mechanic to timekeeper, foreman, and superintendent. Due to the temporary nature of this work, and the number of companies by which I was employed (as many as 16 in a single period of 3 months), it would be quite impracticable for me to try to give a complete record, with names and dates, of my employment during this period. Many of the companies for which I worked were formed for only the one job, and are no longer in existence; some have moved to new localities and I do not know their present addresses; many of the men under whom I worked are now with other companies and cannot be located without considerable effort; for some of the men I worked such a short period that they would not remember me, nor I them.

"These practical difficulties attendant upon the itinerant nature of the occupation explain the vagueness of my fourth item under 'Article 31: Experience.' If this information is absolutely necessary, please let me know and I will attempt to gather it. However, I hope this explanation of the situation will suffice to cover the period."

On no other form was it necessary for Mr. Morgan to refer to his employment during 1936.

Mr. Morgan stated in his testimony that whenever employed by the Federal Government, he had been sought out by the Government for employment. His official personnel file has indications to the contrary.

His first employment by the Board of Investigation and Research appears to have arisen from a recommendation by Prof. Stuart Daggett, of the University of California, in a letter dated October 23, 1941, which is cross-indexed in the Howard Morgan file. However, Mr. Morgan's letter to Mr. Burton N. Behling, Director of Research—Public Aids for the Board of Investigation and Research, under date of January 17, 1942, expressed eagerness to undertake the work. It reads in part "I am very much interested in the research position with the Board of Investigation and Research, about which you wrote to me on January 14. There will be no hesitation on my part about accepting any such post * * *. I should welcome the opportunity to engage in the original research. * * *". Thereafter, the file indicates that Mr. Morgan started driving to Washington even before the appointment was approved.

In a letter dated April 16, 1942, written by Howard V. Morgan to Mr. Joseph B. Eastman, Director, Office of Defense Transportation, Mr. Morgan stated in part as follows:

"I am the young man whose thesis you were kind enough to read and comment upon a year or so ago. About 3 months ago, you will recall, I wrote you a letter of application for employment in ODT. The letter was passed on, with a memorandum from you, to Mr. Turney and then to Mr. Rogers for consideration, and the result is that I am now employed as an assistant to Mr. Ray G. Atherton in the Motor Transport Division."

In this connection, it should be pointed out that Mr. Morgan referred in his testimony to his employment with Mr. Eastman in language implying that he was closely associated with him. The official personnel file indicates that his association may have been closer to someone else in the agency. For example, when he was interviewed for appointment as district supervisor, Salem, Oreg., Office of the 1950 Census, the report of the interview by Russell Westberg, assistant area supervisor, Seattle, dated November 21, 1949, contains, in part, this language: "He was employed for a few months in the Office of Defense Transportation in 1942 as Assistant to the Chief of Freight Operations."

Furthermore, the form 57, which Mr. Morgan testified he filed after he had completed his consultant work in Alaska, states that from January 1942 to November 1942 he was a transport economist with the Office of Defense Transportation and that his immediate supervisor was E. J. Buhner, Chief, Freight Operations Section, Motor Transportation Division, Office of Defense Transportation. His description of his work was this: "My task was to assist the Chief of the Motor Freight Operation Section in the following matters: Analysis of critical defense transportation problems, preparation of orders designed to conserve transport facilities, liaison with congressional spokesmen concerning those problems and orders; assisted the field offices all over the United States in adminis-

tration of ODT orders, handling of appeals from orders, etc." (This form 57 is incorrect in stating that Mr. Morgan began his employment with the Office of Defense Transportation in January 1942. As previously shown he did not start work with the Office of Defense Transportation until March 30, 1942.)

Of incidental interest is the fact that his efficiency rating for his work with the Office of Defense Transportation during the period of his employment March 30, 1942, until his release on military furlough November 2, 1942, was "Good." The available choices for the rating official were "Unsatisfactory," "Fair," "Good," "Very Good," and "Excellent."

Mr. Morgan's testimony contained some allusion to his commissioned service in the Navy. It would appear from his official personnel folder that his efforts to obtain employment in Washington began with Professor Daggett's letter, which was written some 2 months before Pearl Harbor. His employment in Washington, after he transferred to the Office of Defense Transportation, gave him a vantage point from which to seek his naval commission. While he was still employed by the Office of Defense Transportation, the Navy requested that he be relieved as assistant business specialist, Office of Defense Transportation, and assigned to the Bureau of Yards and Docks for the same services and at the same salary on a reimbursable basis. This loan of services was effective from September 22, 1942, until November 1. On November 2, 1942, Mr. Morgan was commissioned an ensign in the U.S. Naval Reserve and immediately proceeded to Cornell University at Ithaca, N.Y., for a 1-month indoctrination course. He was with the Bureau of Yards and Docks, U.S. Navy, until his transfer to the Naval Air Transport Service. By the end of his active duty in October 1945 he had been promoted to lieutenant, USNR. He was on terminal leave until February 1946.

Although Mr. Howard Morgan has a fairly thick personnel file, one which contains six forms (for civilian service) on which he stated that he had never been arrested or summoned into court, his civilian Federal service totals less than a year. The dates are shown in the following table:

SUMMARY OF HOWARD V. MORGAN'S FEDERAL EMPLOYMENT

February 9, 1942-March 30, 1942: Junior research assistant, Board of Investigation and Research, CAF-5, \$2,000 per annum.

March 30, 1942-September 22, 1942: Assistant business specialist, Office of Defense Transportation, CAF-7, \$2,600 per annum.

September 22, 1942-November 1, 1942: Bureau of Yards and Docks, USN, assistant business specialist, CAF-7, \$2,600 per annum. (On reimbursable loan from ODT.)

December 18, 1949-December 23, 1949: Administrative assistant (district supervisor, Salem, Oreg., office) Bureau of the Census, Field Division, GS-301-9 \$17.68 per day when actually employed (\$4,600 per annum).

November 29, 1952-December 31, 1952: Consultant, Office of Administrator, Defense Transport Administration, \$41.52 per day. Intermittent.

MINORITY STAFF MEMORANDUM RE BIOGRAPHICAL INFORMATION SUBMITTED TO THE COMMITTEE BY HOWARD MORGAN

To: Senator Andrew F. Schoeppel.

From: John M. McElroy, Assistant Chief Counsel.

During his hearing on April 11, 1961, Mr. Howard Morgan stated, in response to a question by Senator Pastore, who was presiding, that he was familiar with the biographical statement submitted in his behalf and that he had nothing to add to it.

Morgan's statement

Referring to the nominee, the statement says: " * * * he served under the direction of the late Joseph B. Eastman in the Office of Defense Transportation during 1941-42."

Facts

Mr. Morgan's official personnel folder contains documents showing that he served in the Office of Defense Transportation from March 30, 1942, until September 22, 1942. His superior was E. J. Buhner, Chief, Freight Operations Section, Motor Transport Division, where as a \$2,600 per year assistant business

specialist (CAF-7) he assisted Mr. Ray G. Atherton. He remained on the payroll of the Office of Defense Transportation until November 1, 1942, but he was on duty with the Navy Bureau of Yards and Docks from September 22, until November 1.

Morgan's statement

Mr. Morgan's biographical statement further says: "After the war, he engaged in practice as transportation consultant, and in 1948 purchased a large livestock ranch. He has remained in this occupation since that time."

Facts

The form 57 which Mr. Morgan filed in connection with his employment as a consultant on the Alcan Highway in 1952 states that from February 1946 until November 1948 he was self-employed as a merchant or broker. He described the kind of business as "Purchase and sale of heavy construction machinery (tractors, shovels, cranes, etc.)" and described the nature of his work in these words: "This was a strictly temporary postwar operation based on sale of war-surplus equipment during the period of acute shortage of heavy construction machinery in the civilian market. It was an outgrowth of my work as a naval officer in the heavy-equipment division of the Bureau of Yards and Docks (USN) during the war. The object was to acquire capital and transfer it to long-term investment in a livestock ranch. It was successful."

From November 1948 until the time of filing the form in 1952, Mr. Morgan said he was self-employed and that the kind of business was a "700-acre livestock, grain and cover-crop seed producing farm." He described the nature of his work in these words: "I am responsible for all planning and direction of work on a large, diversified (but primarily livestock ranch) and I perform a major part of the year-round work myself. In addition, I serve in a voluntary capacity as transportation consultant to the Oregon State Grange, representing that organization before various commissions and in the Oregon Legislature, of which I have been a member (1948-50)."

The report received by the committee from special information service of Dun & Bradstreet, Inc., referring to Mr. Morgan, states:

"During 1946 to 1948 was engaged in buying and selling war surplus and construction and industrial machinery in association with Jack R. Eatch in Portland."

Morgan's omissions

The nominee appears to have avoided giving to the committee any information which could lead the committee to know of his association with Jack R. Eatch, possibly because any check of the relationship would have led to knowledge of Mr. Morgan's two arrests. Mr. Eatch was connected with the larceny charge as the signer of the affidavit published in Oregon and presented to committee members to explain the charge away. The affidavit was shown to Senators Pastore and Morton on April 11, 1961, and was put into the hearing record on May 2, 1961, after Mr. Morgan had been queried about the matter.

Mr. Morgan also submitted to committee members under date of May 1, 1961, in mimeographed form, his account of the assault incident in the following language:

"As many people in Oregon know, I worked my way through college in the construction camps of the Northwest. In 1936, when I was 22 years old and working in one such camp during college vacation, there was a fist fight between two contractors, one of whom was my employer. After this fight had been underway for some 10 minutes, a truckdriver working for the other contractor jumped on my employer's back and began choking him. I pulled the man off and dumped him on the ground so the fight could continue, which it did. This incident didn't attract much attention at the time, but later the third man in the fight brought a complaint against me before a local justice of the peace.

"I was summoned to a hearing before the justice of the peace where I described the incident and maintained that all I had done was to protect a man from unfair and unreasonable attack and that my efforts had ceased as soon as the third man ceased attacking a man unable to defend himself against two assailants.

"Other witnesses verified my statements.

"The justice of the peace, who seemed more familiar with the complainant than with the law or commonsense, then asked me whether my employer had requested me to remove the truckdriver from his back and I replied that he had

been too busy defending himself against two attackers to hold a conference with me. The J.P. then announced that under the law I should have waited for such a request and that my failure to do so would cost me \$25.

"That was a lot of money in 1936, especially to a college student, but I paid it cheerfully, marked it up to experience, and forgot the matter except to resolve to stay away from justices of the peace which I have done religiously since."

It is notable that neither in the foregoing statement nor in his testimony to the committee on May 2 did Mr. Morgan name the contractor whom he said he tried to help in the fight. The Dun & Bradstreet report above mentioned states " * * * Morgan was fined \$25 for his participation in an altercation that occurred during Morgan's summer employment while attending college. Morgan's employer at that time was also Jack R. Eatch. * * * "

In answer to a direct question during the May 2 hearing, Mr. Morgan stated that his employer in 1936 was Jack R. Eatch. In this connection it should be recalled, as pointed out in the staff memorandum relating to Mr. Morgan's official personnel folder, that Mr. Morgan also avoided identifying his relationship with Jack R. Eatch in any of the personnel forms filed with the Government.

Neither in his biographical statement nor in his letter to the committee purporting to list his financial holdings did Mr. Morgan reveal that he is currently associated in business with Jack R. Eatch. When it was called to his attention during the May 2 hearing that the Portland City Directory lists Eatch as president of Pioneer Construction Co. and Morgan as secretary-treasurer, Morgan said he had not mentioned the matter because the money invested was his wife's. However, in a supplemental report dated May 3, 1961, Dun & Bradstreet states the following:

"Howard Morgan holds the office of secretary-treasurer of Pioneer Construction Co. (Inc.). The other officers are Jack R. Eatch, president; Lena Eatch, vice president; and the directors are composed of the officers and Alfred Corbett. Howard Morgan and his brother-in-law, Alfred Corbett, jointly hold one-third of the outstanding capital stock of Pioneer Construction. Morgan and Corbett are reported to have acquired their interests in the company March 1, 1960, but the amount of money they invested has not been disclosed.

"Pioneer Construction Co. is an Oregon corporation chartered December 9, 1959, with authorized capital stock of \$50,000 comprised of no-par-value common stock. Corporation is engaged in rock crushing work and as a demolition contractor. Headquarters are at Portland, Oreg.

"Morgan is said to have never been active in the operations of the company other than in an advisory capacity."

APPENDIX

THE DALLES, OREG., April 25, 1961.

JOHN M. McELROY,
Assistant Chief Counsel,
U.S. Senate Committee on Commerce, Washington, D.C.:

Repeat on wire of April 21, 1961, search of The Dalles Police Department records reflects only the following which appears in Dalles City Police Register "No. A392, name: Howard Vincent Morgan, age 22, height 6, weight 165, build medium, hair brown, eyes brown, complexion dark, born at Tillamook, Ore. Date received February 9, 1936, should be 1937; crime committed, hold for State police; released to State police on February 10, 1937, by municipal judge, J. H. Steers," now deceased. No further charges or disposition noted in police files, and court is not a court of record. FBI, Portland, Ore., have above information also.

R. W. BROWER, *Chief of Police.*

I certify that this is a true copy of the original form in the files of the Portland Police Bureau.

Scott
Notary Public for Oregon
My Commission Expires
October 1, 1961

Form 5-276

10
Pay

CITY OF PORTLAND, OREGON
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF POLICE

No 15624

IDENTIFICATION SHEET

Name Howard Vincent Morgan Alias _____
Residence Larabe Hotel, City
Age 23 App. Age _____ Hgt. 5-11 $\frac{1}{2}$ Wgt. 162 Eyes Brn Hair Brn curly
Complex. Med Build M sl Nativ. Oregon Occu. Construction wkr.

III -----

FPC 20 6 U OIO 12
3 W I (15)

Arrested Feb., 7, 37 by McMeekan-Peterson

Charge Fug. Maupin, Ore.

Dispo. Released to State Police on 2-9-37

History Accused of stealing tires and oil from a service station in Maupin, Ore.

Richards-Harms 2-8-37

STATE OF OREGON)
) SS
COUNTY OF MULTNOMAH)

I hereby certify that the foregoing copy of page 114, of the Criminal Docket of the Municipal Court, City of Portland, State of Oregon, dated February 8, 1937, sheet #3 has been compared by me with the original, and it is a true, full and complete copy of the original.

Dated this 6th day of February A.D. 1961.

Wayne L. Sullivan
Wayne L. Sullivan
Notary Public, State of Oregon
My commission expires Oct. 3, 1964.

I hereby certify that the foregoing copy of three (3) separate file cards from the files of the Records Division, Bureau of Police, Portland, Oregon, has been compared by me with the originals, and it is a true, full and complete copy of the originals of said file index cards.

Dated this 6th day of February A.D. 1961.

Wayne L. Sullivan
Wayne L. Sullivan
Notary Public, State of Oregon
My commission expires Oct, 3, 1964.

2-7-37	348	FUGITIVE MAUPIN OREGON
<u>MORGAN, Howard V Jr.</u> NE Holladay & Larrabee		
23	Amer	Labr
McLesken & Peterson	88-63	

Area for Maupin

Morgan, Howard Vincent

#15624

20 6 U OIO 12
3 W I (15)

Order of Release F-8-41
Order Chief

IN THE MUNICIPAL COURT OF THE CITY OF PORTLAND
MULTNOMAH COUNTY, STATE OF OREGON

Sheet #3

FEBRUARY 8, 1937

JUDGE OF THE MUNICIPAL COURT OF PORTLAND, ORISON AND EX-OFFICIO JUSTICE OF THE PEACE

DATE

ACCIDENT

ART. OF
FINE

PLEA

AMT. OF
BAIL

CHARGED WITH CRIME OF

COMPLAINT

OFFICER MAKING
ARREST

DEFENDANT

ORIGINAL RECORD

COMPLAINT
NUMBER

DOCKET
NUMBER

1

2

3

4

5

6

7

8

9

10

X1787

X1948

X649

X1723

X1722

X1745

X1797

Daniel D. Owens

Leo DeLaney

Frank McKinnon

Edith Kyle (W)

Albert Dorfman

Wade F. Hampton

Wm. McFall @ Kenneth

Wm. Klaus

Nelson Gay

Howard V. Morgan

Delmar Robinson

Jerry Anderson

1/25

12/28

F.H.

Todd-Hall

Griffith

Kennedy

L.K. Evens

Roberts-Ferguson-Nelson-Keegin

Sgt. Schum-Budholtz-Foots-Michols-Etal

Turner-Reed-Sparrer-Cariton

McKeeken

" Goitz

" "

*****STATE*****

Brown

Otto Payne

Griffith

Trout

C.R. Miller
Callaway

Roberts-Ferguson-Nelson-Keegin Lar. of auto. (Rebook)

Sgt. Schum-Budholtz-Foots-Michols-Etal Assault with a dang. weapon

McKeeken Peterson

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" " " "

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EXCERPT FROM UNITED STATES CODE RELATING TO FALSE STATEMENTS

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both (18 U.S.C. 1001).



When the student has completed the course, he will be able to understand the principles of the subject and to apply them to the solution of problems. The course is designed for students who have completed the first two years of college and who are interested in the study of the subject.





