
The Federal Power Bar Association is a serious-minded, dedicated group. I note from the program that you have been attentive to weighty matters all day today. This morning, you discussed "The Proper Role of the Federal Power Commission in Planning Decisions of Regulated Companies" subtitled, "If you know so damned much about running our companies, why aren't you rich?"

This afternoon you've discussed producer rate regulation after the Permian Decision--how the hell you know escapes me--subtitled "Have you read the decision?" Or, "Now that we've got area rates, we can start worrying about getting gas." Or, for you who are practicing on both the electric and gas side, "Will the real Justice Douglas please stand up."

Your program shows you have been listening to Drexel D. Journey, John F. O'Leary, David J. Bardin, and Morton L. Simons. Those were wise choices; these four men are the real powers in the Federal Power Commission.

Tonight is different. Tonight you have a Commissioner --a real, live, Presidentially-appointed Commissioner. You are like a Labor Parliament, gathered to listen to the message from the Crown--all very ceremonial, but woe betide the monarch who would depart from the script!

You didn't quite write the script, but the protocol accompanying your "invitation" was very precise. First, be funny. Second, if you can't be very funny, at least be brief. Third, even if you can be neither funny nor brief, for heaven's sake, don't be serious. You know what a bunch of drunks can do to a serious speech.

In the manner of coaxing a backward child, you took pains to be sure I understood. You sent emissaries. One came to tell me that Lee White made a great speech just two days after joining the Commission. I took that to mean he couldn't have known anything serious, but later I found out he had presented the Commission's budget to the House Appropriations Committee the same day. Very versatile, our Chairman--do you suppose he got the two
scripts mixed? We've been pretty short of money lately.

Then they told me about Dave Black. He made a really funny speech. Can't remember anything else about it, but it was funny.

Carl Bagge sang--in Swedish yet!

And Ross. Charley pretended to be serious, but he was really being satirical. His regulatory proposals were so outrageous that he had us rolling on the floor. Come to think of it, maybe that wasn't satire.

And then there was O'Connor--poor old Larry. He thought we wanted to hear about regulation, if you can imagine!

Well, Chairman Morley and members of the committee, I got the message. I'm supposed to make like Art Buchwald for the Federal Power Bar Association. It's my title, not my speech, which is supposed to make this a tax deductible contribution to your continuing legal education.

Speaking of Art Buchwald, he speaks at some of these affairs, for a fee, I'm told. Recently my colleagues and I were invited to a big trade association affair where he was featured. I didn't get there, but I understand he talked about the political scene most engagingly.

Since some members or lawyers for that association are here, I shan't name it -- probably a lot of you heard Buchwald. I imagine that after tonight you'll think of him for your program next year, no matter how much he costs.

At least I'm cheap. I thought until I got here that I was only singing for my own supper; a $20 speech ought to cover it. Now that I look around, and see all the Commissioners and all, and study the wording on your program, something tells me I'm singing for more suppers; if I'm singing for all the FPC people I see here -- well, Buchwald is probably cheaper, and leave the FPC home.

I was going to tell you about what happens in a typical FPC meeting. But I had to throw that idea out, because everybody knows that you fellows always know
everything that we do in those meetings, and it wouldn't be right to bore you.

Seriously, the rumor that there are leaks from our meeting room had some good effects. I started writing my statements in advance. Charley Ross cleaned up his language. Carl Bagge thought it possible we might be televised, so he took to wearing that oral argument judicial look right in our meetings. Larry O'Connor started wearing blue shirts.

You all know what a taut ship our Chairman, Lee White, runs. In the finest tradition of Joe Swidler. The part I like best about the way our meetings run is the deferentially respectful way the General Counsel and the rest of the staff always listen so attentively to anything a commissioner says.

Just the other day we were discussing a dissent I was working on. I asked Chairman White if I might inquire of Bob Russell as to what his view was of the points I was presenting.

"Certainly, Commissioner. State your question."

I did so, and there was a respectful pause.

Then: "Mr. Commissioner, your style is lucid, with some excellent phrasing. You have captured the essence of the problem admirably. I wish your colleagues could be as eloquent."

This was followed by polite applause, and murmurs of agreement.

Well, on to the next fairytale.

As I was saying, Chairman White runs a taut ship. He is also a generous man, not only with his own talents but with the talents of others. For example, how many of you realized that he sent a picked crew of our top lawyers on a special errand the other day. It was at Augusta, Georgia, on the occasion of the Masters Golf Tournament. Who but FPC-trained personnel could have come up with that truly Solomonic decision about Mr. diVicenzo's golf score?
Speaking of Solomon, we have a genuine one. Dick Solomon. He is, next to the Chairman, the key man in our meetings. He is capable of resolving all problems. Just to give you an idea, I recall one time when a bitterly divided Commission decided to leave the whole question to the General Counsel—for that case, he had all five votes. And do you know how he was doing with that case at last report? At last report, it was three-to-two, but we couldn't get him to say which way.

I was discussing how you fellows seem always to know so much about what goes on in our meetings. I don't see any mystery about it. After just a few months, I'm beginning to feel like Charley Ross or Larry O'Connor—that I've heard every conceivable argument at least once before. The Federal Power Bar Association has in its ranks veterans with hundreds of meetings behind them—Bill Harkaway, Jack Berry, Howard Wahrenbrock, Joe Swidler, John Mason. Not a one of these men, but could write a plausible scenario, complete with Ross's colorful language, for any given subject.

Indeed, we're as stylized as a Japanese kabuki play, or a Greek tragedy. Come to think of it, we resemble a Greek tragedy in several ways.

We have a Greek chorus. It fills up the back row of the meeting room—chanting and wailing. These are the Commissioners' assistants. They skulk down in imagined invisibility behind the row of senior staff, and conduct their own private meeting. They make book on Commissioners' votes; they make comic comments on each other's Commissioner's utterances; they plan cocktail and other parties.

Occasionally the two meetings may merge briefly. This generally happens when we are about to vote. At that time, the Commission's only practicing democrat (small D), Commissioner Carl Bagge, may call for a caucus with his assistants, and then they take a vote. Not even a secret ballot.

A Commission like ours has to have some steadying influence. Gordon Grant inherited this responsibility from Joe Gutridge. He takes it somewhat less seriously than Joe did.
Grant is an imperturbable Scotsman; I sit between him and Charley Ross. It's nice to have Gordon there.

Not that Charley isn't pleasant, too -- but somehow it's different. Gordon doesn't interrupt my filibusters, or challenge me to intellectual duel. He doesn't tell me to quit wasting the Commission's time -- imagine Charley telling me that.

Gordon keeps his cool. Joe Gutride had a phone installed at the Secretary's desk -- handy for keeping interested members of the bar informed how things are going. Joe used to use that telephone so you couldn't hear a sound -- Gordon uses it like Alexander Graham Bell must have.

Throws the Chairman off-stride, even -- but Gordon pays no mind.

Another steady old veteran sits on Gordon Grant's left. Don Young consumes coffee like I do, and lifesavers the same way the Chairman consumes cigars. I used to gauge the meeting by the Chairman's cigars -- a five-cigar morning was about par. Now I go by Young's mints. If not as reliable, they smell better.

Young writes things for the Chairman's agenda book -- descriptions of the cases, and brief comments about where he thinks the hang-up may come, or by whom. The Chairman reads part and keeps the rest to himself, but when the Vice-Chairman takes over the Chairman's book, you ought to see Young, frantically signalling, "Don't read that!"

I think most of you don't realize just how close we feel to you members of the bar. In one meeting I recall, one of our lawyers kept referring to the protagonists not by company name, or even by lawyer's name, but by the lawyers' first names. Finally one of us asked, "Who is this 'George'?" As I said, the Chairman runs a taut ship.

Some of you may think we have one meeting a week; the truth is that we have two, both on the same day. The Commissioners and the Greek chorus are the same, and the Commission's officers, but we get a separate cast of lawyers and engineers to practice each others professions, and then gang up on the economists.
Our economist is Haskell Wald -- you know how some people bring out the best in people; that isn't exactly the way it is for the lawyers, the engineers, or Haskell. Any combination. But Haskell is unworried. He is comforted by the assurance that the laws of economics will prevail, as impervious to the lawyers as the tide was to King Canute.

Of course, it isn't good psychology to have nobody to kick at, and our wise Chairman, psychologist that he is, has supplied everyone with an all-purpose whipping boy, otherwise known as the Executive Director. In our Commission, the Executive Director isn't a person -- more an institution. Head Honcho Murray Comarow hasn't been seen for months -- it's rumored he's lost in the automated Post Office in Providence, Rhode Island. Dick Johnson disappeared recently into the Pentagon to practice some esoteric brand of contract law. Gerry Garvey is still working on an electric typewriter that can spell automatically. Eventually, I'm told, they'll all be back. But last week Marsh Moy sat in the Executive Director's high chair.

Gas or electric, our General Counsel's troops are a phalanx of cumulative comfortable certainty. Joe Hobbs on electric matters, and Bob Russell on gas matters, dispense ultimate verities. If you ask one of them for a memorandum on a legal point, he sends you a copy of the brief he wrote to the court -- never mind how the court decided it. Drex Journey, your morning speaker, displays Byzantine virtuosity -- a kind of Cardinal Richelieu or Prince Metternich of the electric industry -- on all phases of electric regulation, particularly finance and engineering. Some say he's a lawyer, too. Abe Spalter's nod is a much more valuable commodity in the regulatory business than a Commission decision. Ask anybody.

Our accountants live in a private world. Strange as it may seem, the top men in this part of the Commission's work, Art Litke and John Utley are certified intellectuals.

Once in a great while, something can crack their Olympian detachment, and that adds zest -- you should have heard John Utley explain "above the line, below the line"
to the Commission. He went to our blackboard, and drew a line. "That", he said, "is a line". "That is above, and this is below." Honest.

As you all know, the serious and scholarly Ted French has an elite corps of shock troops, known as "special assistants". He platoons them into the meeting.

I've never been able to figure out how Ted assigns people for this thankless task of independence and detachment, but surely he has men equal to it. Tom Howe is an expert on "extraordinary circumstances"; Maynard Ugol is infinitely patient, and Stan Levy is infinitely impatient. You think that sweet old Ernie Eisenberg is in full agreement with you, but somehow the opinion draft always comes out his way.

Perhaps I've overemphasized the lawyers in my roll-call. The grey eminence, Stew Brown, the brilliant Jack O'Leary, the rock-solid George Tomlinson, the delightful Frank Thomas, the wry Bill Drescher and the calm Bill Lindsay -- these non-lawyers and their professional colleagues like Jim Stout, Ed McManus, and George Bonner enter into the give-and-take of the every-Thursday torture session. They give as good as they get.

I mustn't forget our face to the outside world, our best-foot-forward Bill Webb. What he could do to us, if he became estranged.

So, my friends of the bar, I've pulled back the curtain of our meetings. They can be intense, and uproariously funny; they can be deadly dull, and they can scintillate with brilliance; they can be God-awful long.

Let me close by being serious for just one sentence--I think the process serves the public interest.