

Aides to FPC Chief Open Hill Mail to Staff

25-73

By Morton Mintz

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Congressional mail addressed to key staff members of the Federal Power Commission is opened by aides to Commission Chairman John N. Nassikas "when there is no indication that the contents of the envelope are personal or confidential," he has acknowledged.

"I have required that all incoming congressional correspondence be routed through my office where it is promptly sent on to the appropriate addressee," Nassikas said in a letter Wednesday to Sen. Henry M. Jackson (D-Wash.).

"With their knowledge and concurrence, we do open the congressional mail of certain key staff personnel when the information on the envelope reveals that it was addressed to the staff member in his official capacity with this commission," the chairmen continued.

"Mail so opened that relates to a matter pending before this commission is referred immediately to the secretary of the commission by the ste-



JOHN N. NASSIKAS

... set FPC mail policy

nographer in charge of mail in my office," Nassikas said.

He told Jackson that he has a different policy for the Office of Economics, where there has been open opposition to decontrol of prices for new natural gas intended for interstate customers, as advocated by President Nixon, and to a

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recent FPC decision giving three producers a 73 per cent increase.

Nassikas, the dissenter in the 2-to-1 price-increase decision, said, "As to the Office of Economics, my policy has been to refer congressional inquiries unopened to the addressee. Inadvertently, some correspondence addressed to an economist has been opened by my stenographic staff but not read.

"If any other employee's mail has been opened in my office or if mail has been opened under circumstances other than those I have outlined in this letter, it has occurred strictly as a matter of inadvertence," he said.

Soon after President Nixon appointed him in 1969, Nassikas said, he became aware that important inquiries from Capitol Hill "were sometimes lost or delayed for inordinate periods of time in the course of internal processing."

Nassikas said he ordered mail routed through his office in order to end the previous inconvenience and dissatisfaction.

Jackson inquired about Nassikas' mail policies in a letter on June 29. He wrote as chairman of the Senate Interior Committee. Its staff is inquiring into the authenticity of the claimed shortage of natural gas reserves, which is the basis for the President's ap-

peal to Congress for decontrol and for such administrative actions as the 73 per cent price increase.

The Jackson letter dealt mainly with "a very disturbing matter": the restrictions he said have been placed by Nassikas on the access of congressional committees to the expertise of selected FPC staff members.

Jackson's protest developed from a phone request by Interior Committee counsel William Van Ness to Dr. David S. Schwartz, assistant chief of the Office of Economics, to meet with the committee staff to review a report it was preparing on the natural gas situation.

The senator said Schwartz told Van Ness that any contact between FPC staff members and members or committees

of Congress would have to be reported to Nassikas' office and that the chairman would have to clear any meetings or discussions.

Van Ness told an aide to Nassikas last Thursday that he wished to have Schwartz meet with the committee staff the next morning. But Schwartz then told Van Ness he had been told by Nassikas not to come to Capitol Hill until the FPC chief had received and approved a formal request from Jackson "specifying the nature and purpose of the meeting," Jackson said.

The senator conceded that it may be "entirely proper" for the commission chairman to be fully informed and to maintain a veto over contacts with FPC staff members.

However, Jackson charged, the FPC has implemented such a policy "in a discriminatory manner for the purpose of monitoring the views of those staff members whose views on factual, legislative and policy matters differ from your views or the views of the commission as a whole."

Nassikas, in reply, insisted that the case of Schwartz is unique, because it involved the first known request by a congressional committee's staff to have a member of the FPC staff review a proposed report "relating to policies affecting our jurisdictional responsibilities."

Consequently, Nassikas said, he asked that the request for Schwartz's services be made "officially" and publicly to make it clear that the participation of "an economist with divergent views from the policies of this commission" could not be misconstrued to constitute commission or staff participation.

Nassikas said that "no restrictions have been placed on the access of congressional committees to the expertise" of any FPC staff members. Neither has he ever vetoed a request by a congressional committee for aid from the FPC staff, the FPC chairman said.