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Recent Addresses

RECENT ADDRESSES

"SOME PERSONAL REFLECTIONS AFTER EIGHT MONTHS AS CHAIRMAN OF THE CIVIL AERONAUTICS BOARD"*

By Ross Rizley

Chairman, Civil Aeronautics Board

When I became Chairman of the Civil Aeronautics Board in March, 1955, I made the firm resolve to study the Board and its operations and to try to size up a bit its problems before making any speeches about my new-found activity. Indeed, I could hardly do otherwise. Until five days before my appointment to the Board was sent up for Senate confirmation, I had never thought of myself as being concerned with the regulation of air transportation. It was a straight White House assignment, and the only briefing I ever got — the only instructions I ever got — were to apply the Adminstration's basic policy — a little common sense and sound judgment. This I have done to the very best of my ability.

While 8 months is not a very long period of incubation, I feel that I now am ready to give you some of my personal reactions to air transportation and its governing body, the Civil Aeronautics Board. I certainly make no pretense of being an expert on all the varied aspects of the civil aviation picture. However, I have been with the Board sufficiently long so that I think I am pretty well aware of its major problems. On the other hand, I am still sufficiently new so that I can retain an outsider's viewpoint and basic reactions to what is taking place in the aviation picture. Four months ago I could not have made this speech, since I would not have had sufficient insight into the Board's operations to make it; and if I had had several years' experience on the Board I might have become so accustomed to the familiar way of doing things and the established pattern that the freshness of approach would be obscured. What I am going to talk to you about are my personal reactions as an 8-months Chairman of the Civil Aeronautics Board.

When I came with the Board my first problem, like that of any new member, was to familiarize myself with the statutory functions and responsibilities of the agency — then to discover the major problems which confronted it — what has been done in the past to solve them — and how the Board is currently going about solving them. Finally, and as a result of wrestling with the day-today problems, I began to think of ways and means of possible improvements which could be made in current Board procedures. Since this is a personal appraisal, I would like to discuss these same points with you in about the order which I encountered them.

In the beginning I am frank to say I knew very little about the Board in particular or civil aviation in general. Like the majority of Americans these days I had used the airlines and admired the splendid technical progress which we had made in the field of civil aviation. As for the Board itself, I knew that it was a quasi-judicial and quasi-legislative agency, created as an arm of Congress and endowed with certain executive responsibilities. But what exactly these responsibilities were, how the Board discharged them, and how it was related to the Civil Aeronautics Administration, I had little, if any, knowledge.

* Delivered at the Enid Chamber of Commerce, Enid, Oklahoma, November 18, 1955.

I learned that the Board was one of the smallest independent regulatory agencies in Washington, with its staff and five Board members totaling only around 600 persons. It was created by the Civil Aeronautics Act of 1938 to perform regulatory duties in the aviation field in many respects similar to those performed by the Interstate Commerce Commission with respect to railroads and motor carriers. Thus, as an arm of the Congress, the Board is charged with the responsibility for awarding routes to common carriers by air through the medium of certificates of public convenience and necessity. Air carrier tariffs are under our control, and the rates, fares and charges with respect to domestic transportation are subject to our jurisdiction.

The Board determines mail pay and fixes subsidy rates. It prescribes accounting practices of air carriers, and passes upon intercarrier relationships, such as mergers, consolidations, and acquisitions of control. Interlocking directorates and other similar relationships are subject to Board scrutiny, and contracts between air carriers relating to matters affecting air transportation are within its jurisdicion.

In addition to its economic functions, the Board has a strong safety role. It is charged by Congress with the quasi-legislative duty of promulgating Civil Air Regulations applicable to airlines, corporate users, industrial operators and private flyers alike. We are also charged with the duty of conducting investigations into the causes of aircraft accidents, in order to determine the facts, conditions, and circumstances of the accident and its probable cause. The importance of this function cannot be overstressed, since by finding out exactly what has caused an accident the Board and others concerned may take measures to avoid future accidents of the same or similar nature.

The Board has some quasi-judicial duties which are almost similar to those of a court. For example, the function of suspending or revoking safety certificates after hearing is a matter that comes within the Board's jurisdiction. In this we share responsibility with the Administrator, the Board or one of its examiners sitting as the court, and the Administrator, through his enforcement attorneys, prosecuting the case against the offending airman.

Unlike the other quasi-legislative agencies of the Government, the Board has certain well-defined executive duties, which are wholly new to the American system of government. Among these is the function of advising the Secretary of State as to the bilateral air transport agreements which are entered into between the United States and foreign countries, and the function of recommending to the President those foreign air carriers which should be granted permits to operate into the United States.

One of the questions most frequently asked me is: What is the difference between the CAB and the CAA? It certainly is true that the relationship between the two agencies is a great deal better understood by them than it is by the general public. Part of the confusion undoubtedly arises from the fact that the Civil Aeronautics Act originally provided that the Administrator and his staff would be part of the Civil Aeronautics Board, which was then called the Civil Aeronautics Authority. While this organizational set up was changed in 1940 by Reorganization Plan IV, and the Administrator transferred to the Department of Commerce, the initials of the Civil Aeronautics Administration—CAA—are the same as those formerly applicable to the Board, when it was the "Authority."

The Civil Aeronautics Administration, unlike the Board, is wholly and completely an executive agency. Its functions are many and varied, but the principal ones are the building, maintenance and operation of the Federal airways, the control of air traffic, the administration of the Federal Airport

Act, and the enforcement of the Civil Air Regulations which have been promulgated by the Board. Agents of the Administrator check all applicants for airman certificates, study the aircraft designs of new aircraft to see whether they comply with the Board's standards, and issue type certificates to the manufacturer, and other types of air agency certificates.

If I were to make an analogy to more familiar fields, I would say that the Board is aviation's Legislature and Supreme Court, while the Administrator is the Department of Highways, Department of Education, Police Department and State's Attorneys Office, all combined in one.

As I became better acquainted with the day-to-day workings of the Board, I began to realize that the major problems of the Board fall into three broad classes—service, subsidy, and safety. Of these, the most complex is service, the least complex is safety, and because I prefer to start with the simple things, I will deal with these topics in inverse order.

The main reason that safety is a relatively simple problem for the Board is that air transportation today is safe. Notwithstanding recent terrible disasters, it is far safer for the passengers than our most customary form of transport—the automobile. Last year the number of fatalities per hundred million passenger miles was about the same for railroads, buses and air carriers. As an industry—and this is really quite startling—the scheduled carrier system is far safer than any other transportation industry per unit of transportation furnished. In other words, fewer Americans are killed by transport aircraft per passenger mile than by any other form of transport.

In spite of the excellence of our safety record, neither we on the Board nor anyone in industry is satisfied. Our common objective is absolute safety, and the problem which confronts the Board therefore is one of degree. How many restrictions of a safety nature should we place on air transportation? It's an old saw in aviation circles that the only safe airplane is one that's locked up in the barn. None of us want that. Consequently, the objective of the Board is to achieve the maximum degree of safety that is reasonably attainable. This requires constant study on the part of a sizeable number of our staff, consultations with all branches of the industry, consideration of accident and incident reports, reexamination of old rules in the light of new developments and procedures—all to the end that our regulations be continuously kept up to date with what is possible of achievement.

Turning now to the matter of subsidy, that is the type of problem it is really a pleasure to deal with. The reason for this is that all of us at the Board feel we are making great strides forward in reducing the need for subsidy. Just over a month ago we were able to revise our estimate of total airline subsidy requirements for the fiscal year and effect a decrease of over 20% from the estimate made just last February, and nearly one-third less than the amount required in fiscal year 1954.

The progressive reduction is most heartening from many standpoints. It is an indication of the increasingly widespread acceptance of air transportation, since costs once made up by subsidy are now being made up by fare-paying passengers who find aviation meets their transportation needs. It is also encouraging to note that our national flag lines who fly overseas are beginning to make money without need for subsidy support.

Of the principal carrier groups only the local service carriers as a class will continue to require financial aid from the government in the form of subsidy for some time. But in my opinion the prospects for the local service carriers are exceedingly bright. Indicative of this is the fact that during the first six months of this year the total passengers carried on local service airlines increased by nearly 300,000 passengers, or over 27% compared with the first six months of 1954. Load factors, which for the 12-month period

ended September 30, 1954, were 40.4%, jumped to 45.2% for the similar period ended September 30, 1955.

From time to time I have been made aware that there is some feeling within the local lines that the Board may have been a little too tough in its administration of the mail rate and subsidy programs as it concerns them. I, for one, have the feeling that to get the most benefit out of subsidy in achieving the ultimate goal of self-sufficiency, the program must be administered with a certain degree of toughness. I think we all can agree that subsidy is an instrument to teethe on, not a soft pillow. However, there is no doubt that an inadequate award of subsidy can retard a carrier's growth, and for this reason, if the industry has any suggestions for revision of the Board's subsidy policies, the Board will give them thorough and careful consideration. No promises, you understand, other than that we will discharge the duty imposed on us by the Civil Aeronautics Act in the best way we know how.

Now let us look at the matter of air service. As I said before, it is an extremely complex problem having many aspects. The first of these that comes to mind is the usual type of new route case. But it has other sides too. The problem of the irregular carriers is one of its aspects. The negotiation of bilateral agreements for the exchange of foreign routes is another, and policies with respect to route patterns of the local service carriers is a third.

Interwoven throughout these aspects of the problem, and the thing that produces many an ill for the Board and industry alike is the cumbersome, time-consuming procedures, the delays which seem to make each matter drag on interminably, the reams upon reams of minor and frequently irrelevant facts which enterprising counsel have succeeded in introducing in evidence. All these make the decisional process in these extremely complicated cases a great deal harder. You know, one of the things I learned when I was studying law was that the old common law forms of pleading—declaration — plea — replication — rejoinder — all were for the purpose of narrowing down the issues to a single issue or at least to as few as possible. Present-day administrative practice seems to me to have the opposite objective—that of making every case as complicated as possible!

Notwithstanding these difficulties, the Board has disposed of a great number of matters, and I am proud to say that this year promises to be its most productive. On January 1, 1955, the Board was faced with 558 dockets in various stages of proceeding, and 557 dockets still to be heard, some of them dating back as far as 1945. By November 1st, another 510 dockets had been added to the total, representing applications and petitions filed with us since the first of the year. By November 1, decisions involving a total of 324 dockets had been made and announced. Cases involving 163 dockets had been set for action, and 133 petitions had been dismissed from the dockets as no longer pertinent.

One of the major matters announced recently by the Board was its decision in the Large Irregular case. This decision, which we released November 15th, 1955, is designed to establish a framework within which the former irregular carriers can operate. Although procedurally it is an interim order—since the issue of fitness, willingness, and ability has still to be determined for each carrier—we hope that it will constitute a solid foundation for future regulation. What we have sought to do essentially is to make a more workable regulation, without changing the essential character of the service or its relationship to the over-all air transportation picture. In some respects the authorization is more liberal, but in others it is more restrictive. You will note that what we have tried to do is to keep the growth of this segment of the industry within predictable chan-

nels—performing its allocated role in the air transportation business. This role will be mainly charter work, with the additional right to conduct not in excess of ten individual service flights per month in the same direction between any pair of points. We have taken care, we believe, of any substantial threat to the certificated system through detailed controls against direct or indirect pooling of services and mergers of operators.

By the end of the year we hope that we shall have completed all the permanent certification cases of the local service airlines.

Thus, in my opinion the Board can be justly proud of what it is accomplishing. I like to feel that I can claim credit for some of this accomplishment, but much credit must also be given to my colleagues of the Board. As could be expected, differences of opinion between the Board members as to how a given problem should be solved frequently arise. However, I say with conviction that each Board member is doing his level best in accordance with his own views to discharge his responsibilities under the Civil Aeronautics Act.

Now I want to talk a little bit of what I as an 8-month Chairman feel is wrong with the present situation and make some suggestions which I think might be helpful.

As I see it, the central and overriding principle established by the Civil Aeronautics Act is public convenience and necessity. These words have no hidden and mystic significance. They only mean that the Board is vested with the power and duty to see to it that the public of this country gets the best, most efficient, reasonably priced and safe air service that is possible for man to devise in the present state of the art. The Act created a public service industry, and in so doing gave the Board a number of controls to attain this objective. Public convenience and necessity was to be the criterion for the award of a route. Air carriers were subjected to severe safety controls and measures. Competition was to be encouraged to the extent necessary to promote a sound air transportation system. And subsidy, through the mail pay provisions, was provided to take care of the developmental period. Finally, detailed provisions, permitting the Board to govern intercorporate relationships, were included to police the competition and see to it that competitive practices were constructive and not destructive, real and not fictitious.

I could not be more wholeheartedly in accord with the basic objectives of the Act. However, it has seemed to me as I have listened to cases presented during my tenure as Chairman that this basic objective is being gradually obscured by matters which are of a subsidiary interest to the traveling public. The true issue of public convenience and necessity—that is, whether the public needs more service or more competitive service between any two points—is submerged in the question of who shall render a service which everyone agrees is necessary. Proceedings drag on before examiners for weeks on end on the issue of choice of carriers.

The courts, through the *Ashbacker* doctrine, have added further difficulties and confusion. By emphasizing the private rights of carriers in connection with applications for new routes or new services, with a consequent de-emphasis on the public need for the new service, they have not left the Board free to decide whether communities need additional service unless it also before final award gives comparative consideration to all applicants who desire to perform the service.

Since in most cases no two applicants desire to perform an exactly similar service, it is necessary to extend the proceedings so as to encompass all applicants whose petitions might require comparative consideration under that doctrine. As this extension grows, like a ripple in a pond, it tends to enlarge to a wider and wider extent the scope of the proceeding. Finally,

the record and the issues reach such gigantic proportions that it becomes impossible to arrive at a fully reasoned and integrated decision.

The effect of this doctrine over the long run is to give an advantage to the large carriers, since they are far better able to support the costs of a drawn-out and complicated proceeding. Legal fees and payments to high-priced economists mount very rapidly.

Another aspect of the Board's difficulties and problems in connection with making findings of public convenience and necessity—and which again indicates the extent to which the private motivations of the carriers have begun to take predominance over the broad questions of public interest—is the matter of *pressures*. Pressures, in my way of thinking—and *by pressures I mean extrajudicial efforts to promote or defeat a certain decision*—are detrimental to everybody concerned. First of all they are detrimental to applicants generally, because even if an applicant is not desirous of using pressure, he may feel compelled to do so to counteract the pressures created by his opponent.

Pressures are bad for the Board, not because the Board will yield to pressure—certainly so long as I am with the Board I will use every effort I can to resist such pressures—but principally because of the harrassing influence on the Board members in arriving at their decision, caused by the introduction of extraneous issues and political considerations which distort the evidence of record. Again the Board may over-react to pressures and, in the attempt to resist them, lean over backward to achieve a result which they otherwise might not have reached.

Lastly, I believe it is detrimental to the individuals through whom the pressure is exerted. In this regard I am thinking particularly of Congressional pressures, to which the Board has in recent times been particularly subject. As a former member of Congress I know that the objective each Congressman is seeking in all government agencies is that they be manned by competent administrators who will impartially decide each case on its merits against the background of law. This assurance is a guarantee that my own constituents will be properly taken care of, and their interests will not be subordinated to those which some other person or pressure group might desire to see promoted. I think it wholly within the bounds of propriety for any Congressman to inquire of an agency as to the progress his constituent's case is making, and to assure himself that the case has not become mired down in red tape. However, when Congressional interest passes this point, in my opinion it becomes something that jeopardizes the integrity of the whole independent agency system.

Summarizing this aspect of what I have to say, I feel that *there has been an undue shift of emphasis from public convenience and necessity to the seeking and protection of private carrier rights.* No one is a stronger believer than I in the free enterprise system, but air transportation under the Civil Aeronautics Act is not free enterprise—it is regulated competition, and the only excuse for limiting competition at all is the public good. Private rights must be respected, but when protection of private interest reaches such a point that, for any case of reasonable size to reach decision, it takes months and months of hearing, and reams of irrelevant, repetitive, and frequently incompetent evidence; when it takes time, energy, and money spent on pressures to override the evidence introduced; when proceedings grow like cancer because of the need for protecting peripheral private rights under the doctrine of the *Ashbacker* case—when all these elements combine, we lose sight of the basic reason for our existence, which is to assure to the public of the United States—to the small communities, the medium size communities and the large cities, an adequate, safe and successful air transportation system.

I therefore believe that the Congress should give this situation a pretty thorough review to see whether the Civil Aeronautics Act cannot be revised to cure some of these difficulties. Certainly the doctrine of the *Ashbacker* case can be given a more restricted application. And there may well be certain issues in new route cases—like fitness, willingness, and ability—which can be handled in *ex parte* proceedings without destroying the basic foundation of a hearing on public convenience and necessity. Rules of evidence can also be tightened.

Another suggestion I would like to make is one for increasing the practical knowledge of the Board and its staff of air transport matters. I am very strongly of the opinion that greater knowledge of the inudstry would benefit the industry. This "educational" suggestion has three aspects.

First, I think the Board members and the staff should get out more and visit industry installations. Such a program cannot, however, be made effective in the light of the Board's budget without the cooperation of industry. I am pleased to say that I have taken the lead in approving a principle which would permit those carriers, who so desired, to provide transportation without cost to the government to Board personnel enabling them to study the industry at close range.

Secondly, I think there ought to be provided greater opportunities for industry discussion with the Board of matters affecting individual carriers in negotiations for bilateral air transport agreements. Personally, I would like to see an industry advisor named on every delegation taking part in bilateral discussions. However, that is basically a matter for the Department of State to decide, since the composition of U. S. delegations to take part in foreign negotiations is that Department's ultimate responsibility.

However, I believe that we in the Board should spare no pains to obtain the views of the particular carriers who will be affected before giving our advice to the State Department in connection with these international negotiations.

The *third* educational suggestion I want to make is the formation of an *Advisory Assembly on Civil Aviation.* What I have in mind is the creation of a group of outstanding citizens representing different classes of airlines, pilots, other labor groups, manufacturers, freight forwarders, shippers associations, corporate owners, private pilots and all other elements of our great and progressive industry. I think there should also be included representatives of the National Council of Mayors, the U. S. Chamber of Commerce, the Aviation Writers Association, and other representatives of the trade press. This Assembly would meet with the Board once or possibly twice a year, and would make recommendations to the Board for its guidance in the administration of the Act. Naturally any consideration of cases pending before the Board would be barred from discussion, but Board procedures, general policies, regulations, and the like would all be fair game. I think it would work!

Let me repeat these recommendations again:

1. I believe the Act should be revised to restrict, although not entirely eliminate, the *Ashbacker* doctrine in connection with Board certificate proceedings.

2. I believe the Civil Aeronautics Act should be amended so as to permit the Board to find fitness, willingness, and ability in *ex parte* proceedings.

3. I also believe that the Congress should reexamine other provisions of section 401 of the Act so as to focus these proceedings on the *public* convenience and necessity in fact as well as theory.

4. I believe that Board members and Board staff should become more familiar with the actual operations of the industry—and if this end can

be accomplished better by Board acceptance of free transportation for its staff voluntarily offered by the airlines—I am for it.

5. I believe there should be closer collaboration by the Government with the industry in bilateral negotiations.

6. I believe that an Annual Assembly composed of representatives from all segments of industry and those served by it should be created by the Board to meet periodically with and advise the Board in respect of current aviation problems.

In conclusion I would like to add one more reflection of an 8-month Chairman. I think air transportation is a wonderful industry. On the whole it is an industry dedicated to public service. It is an industry which appeals to the imagination of all Americans. With the continued growth of low cost service and with the great expansion of the local airlines, it is an industry not limited to any class or section. It is here to serve us all everywhere in our broad land and its future has all the shining lustre of American inventiveness and pioneer spirit.

"FURTHER REFLECTIONS—AIRCRAFT ACCIDENT INVESTIGATION BY THE CIVIL AERONAUTICS BOARD"*

By Ross Rizley

Chairman, Civil Aeronautics Board

I have recently returned from my home State of Oklahoma, where on November 18th I delivered my first major speech as Chairman of the Civil Aeronautics Board, a position I have held for a little more than eight months. I was careful to explain to my friends in Oklahoma, and to my acquaintances in the aviation industry, that this length of time was certainly not a very long period of incubation. I explained to them that I make no pretense of being an expert on the varied aspects of civil aviation.

Now I find myself—only four days later—addressing the membership of the Aero Club of Washington, which, I am told, is an aviation audience both erudite and cynical. However, I believe that because you know more about the problems of civil aviation than most audiences, you will perhaps better understand some of the problems that have faced me during my tenure as Chairman.

As a Washington audience generally familiar with the Federal Government's interest and activity in the development of civil aviation, I wonder if you fully realize the enormity of the problems that are faced by the CAB almost daily. Your very closeness to Federal Government operations here in Washington might alter the focus of your understanding of just *what* the Board does—*how* it does it—and *why* it does it.

But first I should like to point out that the Board, which is one of the smallest independent regulatory agencies of the Federal Government—employing five Board Members and a staff of approximately 570 people—is dealing with a dynamic, expanding industry that is changing the transportation life of this nation—and of the world. Indeed, the domestic airline network of 13 trunk air carriers and 13 local service air carriers in 1955 employed a total of 89,721 people, and these 26 air carriers together have a corporate wealth today of more than one billion dollars! To regulate the air transport industry part of American civil aviation alone is a monumental task.

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* Delivered before the Aero Club of Washington, Washington, D. C., November 22, 1955.

I am confident that I need not explain to you folks here today *what* the Board does as the top-level judicial agency over all American civil aviation. I recognize many faces in this audience who have appeared before the Board in public hearing seeking to obtain new or additional air carrier routes for their clients. The authority to operate an airline to specific cities and over a specific route is one of the powers vested in the Civil Aeronautics Board by the Civil Aeronautics Act passed by the Congress in 1938. As you know, we are also responsible for the fixing of tariffs and for the setting of rates of pay for the transportation of mail—and of course for setting the rate of subsidy and for paying that subsidy when it is required by certain certificated carriers who have not yet attained the ability to fly without such Federal assistance.

I am sure most of you are familiar also with the fact that it is the Board which promulgates the Civil Air Regulations under which all civil aviation in America operates. And finally, I am confident that all of you know that it is the Board that is responsible for the investigation of civil aircraft accidents in order that we may determine the cause of such accidents—and then apply corrective measures to prevent additional accidents from the same cause.

This responsibility of the Board in connection with civil aircraft accident investigation is a function that is not widely known or understood. I should like to tell you briefly something about air safety in general and the function of accident investigation in particular, because it is relatively unknown by the public as a whole—even the aviation public. It is a function of our operations that has contributed a great deal to the world safety record in air transportation that is held today by our American air carriers.

The Civil Aeronautics Act charges the Board with the responsibility for investigating civil aircraft accidents to determine the cause. It was the intention of the Congress—and it is definitely the intention of this Board—to remove any mystery as to the reasons for civil aircraft accidents. We are dealing today with the fastest growing transportation utility the world has ever known. Just as much as any other vehicle of transportation, it is subject to accidents. Nevertheless, the record of American commercial air transportation, based on the ratio of insurance coverage required and passenger mileage operated, shows that air travel is far safer than the private automobile.

I have pointed out that the scheduled air carrier industry is far safer than any other transportation industry per unit of transportation furnished, because the record shows that fewer Americans are killed by air carrier aircraft per passenger mile than by any other form of transportation. In spite of these facts, which the Board and the airline industry usually rush into print following any major aircraft disaster, the full story of air safety is not always revealed. Within minutes of notification of an airline accident safety investigators of the CAB are enroute to the scene. Immediately after their arrival, the wreckage is impounded in the name of the Board for the Federal Government; and State police, local police, and if necessary, detectives hired by the Board, are placed on 24-hour guard duty to prevent the public from disturbing the wreckage.

The Board's accident investigators move in on the scene in much the same way that police detectives move into a room in which a murder had been committed. Every piece of evidence involved in the wreckage is a potential clue as to the cause of the accident. Through the years we have developed a system of accident investigation which is perhaps one of the best examples of group endeavor I know of.

The Board names an investigator-in-charge of each accident. He, in turn, appoints two or three or four working groups, under his direction,

with each group headed by a CAB investigator. For instance, if an engine or propeller failure is under suspicion, the No. 1 accident investigation team will be the Power Plant Group headed by a CAB investigator, and will usually comprise a representative of the engine manufacturer, the propeller manufacturer, a member of the Air Line Pilots Union, representatives from the airlines maintenance shop, and perhaps a power-plant specialist from the Board's Washington office. A second investigation team might be the Witness Interrogation Group, again headed by a CAB man and composed of a representative from the airline involved in the accident, a member of the Pilots Union, and perhaps a member of the State or local police. The work of this group is devoted to interrogation of all eye witnesses of the accident, the pinpointing of the physical position of each witness on an area map, and then the gradual weeding out of these witnesses until a sound nucleus is developed.

The same type of group operations holds for a Structures Group, again headed by a CAB investigator specializing in aircraft structures, who will be assisted by a representative of the aircraft manufacturer, the company flying the airplane, a Pilot Union representative, and probably an additional structures expert from the Board.

These men who compose each of these working groups in accident investigation all have a common goal: to determine the specific cause of the accident. It is obvious that it is to the benefit of all aviation that the Board find the cause and consequently these men pool their combined knowledge and background to bear on the problem.

Following the investigation on the accident scene with the compilation of facts obtained by the engine and propeller group, the witness interrogation group and the structures group, the Board then sets up a public hearing to enter all these facts in a public record for technical evaluation by the Board and the subsequent public announcement of the cause of the accident. I should like to point out here that when any fact is disclosed in an investigation that might have a bearing on current flight operations, it is followed up immediately so that even before a public hearing is completed, the Board many times has been able to take corrective action to prevent accidents.

I must say here that from time to time the Board has been criticized for the length of time consumed before it issues the final accident findings and reports to the public. Now, I am a great exponent of speeding up the efficient processes of our Federal Government in all its varied operations. However, in the field of civil aircraft accident investigation, many times before a public hearing can be held, the Board must, if it is to develop technical evidence accurately, resort to metallurgical, chemical and X-ray analyses of aircraft parts involved in an air carrier disaster.

Many of these reports, including also the results of physiological analysis, are time-consuming and must be adequately verified before they can become a positive finding of fact. I cite these items so you will have some further understanding of the detail necessary to bring forth the probable cause of any accident, and I do so with the hope that you will understand why many of our investigations cover a period of several months rather than several days or weeks.

While I am on this subject, I should like to mention briefly the most recent tragedy involving one of our scheduled air carriers. The destruction of a DC-6B aircraft of United Air Lines over Longmont, Colorado, by a time-bomb placed in a passenger's luggage is the first time in American transportation history that sabotage has been the cause of a fatal accident.

I am told that in the early days of American air transportation, public discussion by industry people of any airline accident was not only con-

sidered economically dangerous but was unofficially forbidden. We have come a long way since those early days. Indeed, the investigation of aircraft accidents through the medium of a public hearing held by the Board, and the subsequent issuance of a public report containing the Board's findings as to the cause of an accident, represent an example of uncensored, democratic government at its best. That is why I have not been able to worry or mentally wring my hands over all of the publicity devoted to the air tragedy at Longmont and the subsequent arrest of the perpetrator of this crime.

I say this not as a result of my eight months' incubation as Board Chairman but because over the years that I have used air transportation as a layman, I came to accept the economic and technical facts of air transportation without question—and in the same way and with the same faith that I accept the facts of highway, rail and ocean transportation.

I have heard the whispered fear that the Longmont sabotage disaster might serve to inspire a similar attempt in the future. Such whispers as these are the things that destroy man's faith in man. The faith and confidence I had in air transportation prior to coming with the Board—and the even greater confidence I have now as Chairman of the Board—has not been shaken by the isolated Longmont tragedy. I shall fly more in the future than I have in the past.

I am proud to report to you today that this faith and this confidence—this belief in my fellowman—has been borne out since the Longmont case by the continuing safe operation of our great air transport industry whose passenger load factors are steadily increasing.

The Federal Bureau of Investigation, one of the law enforcement agencies of your government, working closely with the safety investigation forces of the Civil Aeronautics Board, were responsible for the quick solution of the Longmont case. And over the years since the Board's beginning in 1938, we have achieved an enviable record in determining the cause of civil air accidents—and quickly applying corrective measures whenever possible. Indeed, since 1938, the Board's accident investigation record discloses that it has successfullly solved nearly 97 percent of all air carrier accidents—and this is a record that has contributed much to the built-in safety of our great American air transportation system.

Perhaps I have devoted somewhat more time to air safety than I originally intended, but it is a subject currently in the public mind—and for that reason I thought that even before such an aviation-educated audience as this it would be appropriate.[1]

In conclusion, Mr. President, I should like to emphasize that the airline industry of the United States, in a short period of 30 years, has developed into a powerful instrument of American international policy and an equally powerful national transportation utility. It has cut the barriers of time and distance, and made possible increases in trade and travel never before enjoyed by man. It is an industry that appeals to the pioneer imagination of all Americans.

With the continued growth of low-cost passenger service, and with our local airlines improving service between the smaller cities and towns of our nation, American air transportation is reaching its maturity as an industry, not limited to any special class or area, either financial or geographic. It is here permanently to serve all in this broad land of ours and across all the continents of the world—and its future is as inspiring and boundless as the far horizon.

[1] Sections of address omitted as largely repeating Enid, Oklahoma address.