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90-3 NOMINATIONS FOR NATIONAL TRANSPORTATION SAFETY BOARD

GOVERNMENT
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HEARING
BEFORE THE
COMMITTEE ON COMMERCE
UNITED STATES SENATE
NINETIETH CONGRESS

FIRST SESSION

ON

NOMINATIONS OF

JOSEPH J. O'CONNELL, JR., CHAIRMAN

FRANCIS H. McADAMS

REAR ADM. LOUIS N. THAYER

JOHN H. REED

OSCAR M. LAUREL

APRIL 17, 1967

Serial No. 90-3

Printed for the use of the Committee on Commerce

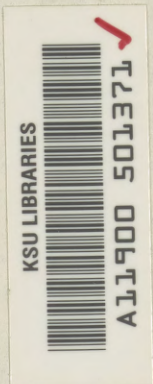


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NOMINATIONS FOR NATIONAL TRANSPORTATION SAFETY BOARD

MONDAY, APRIL 17, 1967

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

The committee met at 10 a.m., in room 5110, New Senate Office Building, Hon. Warren G. Magnuson, chairman of the committee, presiding.

The CHAIRMAN. This morning, we are met to have hearings on the nominations for members of the National Transportation Safety Board. The Chair has a very short opening statement, because this is a new department of Government under the Secretary of Transportation.

The prime objective, as recited by the President, in the creation of the Department of Transportation last year, was the coordination and grouping together of the safety functions of this Government as they relate to transportation.

The regulatory functions of transportation were left in their respective agencies—ICC, CAB, Maritime Administration, et cetera. However, all the functions of Government relating to transportation safety were grouped in the new agency under a Cabinet position which was created recently on April 1.

One of the key provisions of the bill was the creation of the National Transportation Safety Board. This Board—autonomous in nature—really constitutes the “Supreme Court” of transportation safety, and this Board will now carry forward the safety functions, investigations, and determinations heretofore performed by many agencies in their separate capacities.

This Board is to supervise and make determinations and recommendations with relation to the safety of our citizens as they travel on land, in the skies, and over our waters, and their determinations and policies will serve as the precedents and rules for the safety code of the future.

And I think that the administration has given us an outstanding list of nominations, and the committee and I, of course, will be interested in having them before us today to give us their explanations as to how they view their most important functions as members of the Board.

We have five members, and we have the biographies of all of them, which we will put into the record in full.

Staff counsel assigned to this hearing: Frederick J. Lordan.

We have as nominees:

Joseph J. O'Connell, Jr., Maryland, to be the Chairman;
Francis H. McAdams, of the District of Columbia;
Rear Adm. Louis M. Thayer, of Florida;
John H. Reed, of Maine; and
Oscar M. Laurel, of Texas.

(The biographies of the above-named nominees follow:)

JOSEPH J. O'CONNELL, JR.

Joseph J. O'Connell, Jr., is a partner in the law firm of Chapman & O'Connell, with offices in Washington, D.C. The firm is engaged in a general practice of the law with major emphasis on federal aviation and tax work.

He is a native of Saranac Lake, New York, and is a graduate of the University of Vermont (1926) and of Fordham University Law School (1930). He also has an honorary LLB degree from Rider College, Trenton, New Jersey.

He is married (nee Hazel Ashmore) and has two daughters, Sheila and Margaret.

He is a member of the bar of the State of New York and of the District of Columbia. Mr. O'Connell was Chairman of the Civil Aeronautics Board from April of 1948 to July of 1950, having been appointed to that post by President Truman.

Prior to that time he had served in the Federal Government for some years, his most important earlier post having been that of General Counsel for the United States Treasury Department (1944-1947).

He was appointed to that post by President Roosevelt and served as General Counsel for the Department under Secretaries Morgenthau, Vinson and Snyder.

Since resigning his position as Chairman of the Civil Aeronautics Board in July, 1950, Mr. O'Connell has been engaged in the private practice of the law. His practice includes both tax and aviation work, primarily the latter.

In 1951-1952 he acted as a consultant to Secretary of Treasury Snyder on monetary matters, and in 1961 headed a task force created by Secretary Dillon, Treasury, to survey the U.S. Customs Service, with particular attention to the handling of international passengers and their baggage.

Earlier (1939-1941) while in the Treasury, he was a member of the Temporary National Economic Committee, a joint legislative-executive committee set up to study the concentration of economic power in this country.

His major clients include Japan Air Lines (which he has represented since 1953); Western & Southern Life Insurance Co. of Cincinnati (also a director of the company since 1952); Beech-Nut Life Savers Corporation (of which he is also a director); Pneumo-Dynamics Corporation of Cleveland, Ohio (of which he is also a director); and Canal National Bank of Portland, Maine. He was also Chairman of the Board of Lake Central Airlines from 1955 to 1966.

He is a registered Democrat in Montgomery County, Maryland, and was, until 1950, a registered Democrat in New York. His presidential appointments as General Counsel for the Treasury Department and as Chairman of the Civil Aeronautics Board were both made while he was a resident of New York.

He is a member of the Metropolitan Club, Washington, D.C.; National Press Club, Washington, D.C.; National Capitol Democratic Club, Washington, D.C.; National Aviation Club, Washington, D.C.; Kenwood Country Club, Bethesda, Md.; and Queen City Club, Cincinnati, Ohio.

His office address is 1001 Connecticut Avenue, N.W., Washington, D.C. (Phone EX 3-3804) and his home address is 7211 Honeywell Lane, Bethesda, Maryland (Phone OL 4-1863).

FRANCIS H. McADAMS

Employment experience—Legal advisor to the Chairman (1960) and to a Member of the Civil Aeronautics Board (1958-59 and 1961-67). Duties include advice and counsel to the Member on all legal, economic, rate, route, and safety matters for which the Board is responsible, 1958 to Date.

General practice of law with Chicago firm of Mayer, Friedlich, Spiess, Tierney, Brown and Platt. Specialized in aviation matters. Represented United Air Lines in all legal matters involving the Civil Aeronautics Board, 1954-58.

Civil Aeronautics Board. Senior Trial Attorney—Economic Bureau. Charged with the preparation and trial of the Government's case in all types of economic regulatory matters, 1951-54.

Civil Aeronautics Board. Attorney-Trial Examiner—Bureau of Safety. Acted as presiding officer of hearings to determine the probable cause of aircraft accidents, and, in such capacity was solely responsible for drafting the Board's final public report determining probable cause. Also participated in many field investigations of aircraft accidents prior to hearing. 1948-51.

Capital Airlines. General corporate attorney, 1946-48.

U.S. Navy. Pilot and Executive Officer of aircraft carrier Fighter Squadron, 1942-46.

Commanding Officer, U.S. Naval Reserve Fighter Squadron. Flight time: 5,200 hours, 1946-54.

Legal education—technical training—bar affiliation.—Georgetown University, 1932-36 A.B., Georgetown University Law School, 1936-39 LL.B., Georgetown University Law School, 1951-52 LL.M.; 5,200 hours as pilot in command, U.S. Navy, certificated by CAA in 1939 as a commercial pilot. Member of Bar of District of Columbia and Illinois.

Marital status.—Married to former Katharine Egan. Four children: Michael, 22, Hope, 20, Jane, 17, and Peter, 5.

Residence.—5101 Manning Place, N.W., Washington, D.C. 20016.

Voting residence.—Same.

Political affiliation.—Democrat.

REAR ADM. LOUIS M. THAYER, U.S. COAST GUARD

Rear Admiral Louis M. Thayer, USCG, Commander of the Seventh Coast Guard District with headquarters in Miami, is a native of Montana and a veteran of 35 years' service in the Coast Guard. He began his Coast Guard career as a Cadet at the Coast Guard Academy in New London, Conn. and was graduated and commissioned from the Academy in 1933.

Prior to World War II the Admiral served in four Coast Guard cutters, advancing to commanding officer of the cutter UNALGA during the first year of the war.

Wartime service found him serving as Chief, Anti-Submarine Warfare School in St. Augustine, Florida. He assumed command of the destroyer-escort USS POOLE on trans-Atlantic convoy escort duty in 1944. He later became commander of Escort Division 22, which served in both the Atlantic and Pacific war zones. He was awarded the Navy Commendation Medal with Combat Distinguishing Device.

After World War II he was assigned to the Merchant Marine Hearing units in New York and San Francisco. Subsequently graduated from the Armed Forces Staff College in 1948, Admiral Thayer was assigned to Coast Guard Headquarters in Washington, D.C. on the Planning and Control Staff and later as Chief of the Training and Procurement Division.

After undergoing training in the Merchant Marine Indoctrination School he was assigned to the Marine Inspection Office in Portland, Oregon. He became Chief of that office in 1954 with additional duties as Captain of the Port. In June 1958 he was assigned as Commanding Officer of the Reserve Officers Candidate School in New London, Conn. While in this assignment he conducted periodic examinations and training inspections at Maritime Administration Radar Schools in New York, New Orleans and San Francisco. During this period he wrote "Practical Radar Plotting" which book is in use in the Merchant Marine today.

In July 1959 he supervised the transfer of the Reserve Officer's Candidate School of Yorktown and commissioned the expanded facility as its first Commanding Officer. Detached in November 1961, he was assigned to the 5th Coast Guard District in Norfolk, Va., as Operations Officer. He was selected Rear Admiral to rank from 1 March 1963. He was reassigned as Director of the Coast Guard Reserve with headquarters in Washington, D.C.

He was assigned his present command as District Commander, Seventh Coast Guard District with headquarters in Miami, Fla., on 4 February 1965. This Command included South Carolina, Georgia, Florida and the adjacent Atlantic, Caribbean and Gulf waters inclosed by Central America from the Yucatan Peninsula to Northern South America. His tour has been notable for the Cuban Exodus in which approximately 5,000 Cuban refugees were safely escorted across the Florida Straits. The successful conduct of this operation resulted in the award of a Legion of Merit. Equally notable has been a series of sea disasters, the best known being the YARMOUTH CASTLE fire. In addition to directing rescue operations Admiral Thayer was president of the Marine Board investigating the tragedy. The importance of the investigation and findings is evidenced by the more than 50 talks to over 8,000 people Admiral Thayer has made in the past year on this subject.

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Rear Admiral Thayer's wife is the former Mignon B. Rehmann of San Antonio, Texas. They have three daughters, Mrs. Alexander (Karen) Innamorato, of Alexandria, Va., Mrs. Howard T. (Joanna) Rosenberg of New York City, and Mrs. F. D. (Elizabeth) Upchurch Jr., of St. Augustine, Florida. They also have a son, Lieutenant Colonel Raymond E. Thayer, a graduate of West Point, now serving in Germany.

JOHN HATHAWAY REED

Born in Fort Fairfield, Maine, January 5, 1921. Son of Walter M. Sr., and Eva (Seeley) Reed. Married to Cora (Davison) Reed, daughter of John D. Sr., and Ruth Davison, Newport, Rhode Island. Children: Cheryl Reed, Age 22, senior at Colby College, Waterville, Maine, Ruth Ann Reed, age 19, sophomore at University of Maine, Orono, Maine.

Religious affiliations.—Congregational.

Education.—Fort Fairfield High School, graduated 1938, University of Maine, graduated with distinction 1942, B.S. Degree in Agricultural Economics and Farm Management. Harvard Naval Supply School, graduated 1944.

Honorary Degrees.—University of Maine LLD 1960, Ricker College 1960.

Occupation.—Officer, Director, Stockholder (50 Per Cent) Reed Farms, Inc., Fort Fairfield, Maine (seed potato growers and shippers).

Military service.—Lieutenant, JG, United States Naval Reserve; active duty World War II, 1942-1946.

Political and public service.—Republican. Chairman, Fort Fairfield Republican Town Committee, 1956-58. Representative to the Maine Legislature from Fort Fairfield, 1955-57; Committees on Taxation, Ways and Means. State Senator, Aroostook County, 1957-59; Committees on Welfare, Agriculture, Legal Affairs. President of Maine Senate, 1959. Succeeded to Office of Governor, December 30, 1959. Elected Governor of Maine for two-year term, November 7, 1960. Re-elected Governor of Maine for four-year term, November 6, 1962. Chairman, New England Governors' Conference; 1965-1966. Chairman, National Governors' Conference; 1965-1966. Vice-chairman, White House Conference on Education 1965-66. President's Committee for Highway Safety 1965-1966. President, Council of State Governments 1965-1966.

Civic, Business and Fraternal Affiliations.—President, Northern Maine Fair, 1953-59. President, Maine Association of Agricultural Fairs, 1956. President, Aroostook Raceway, Inc., 1958-59. President, Community General Hospital, Fort Fairfield, Maine 1952-54. Member, Advisory Committee, Fort Fairfield Branch, Northern National Bank of Presque Isle, Maine. Trustee, Ricker College, Houlton, Maine. Trustee, Oak Grove School.

Member.—Fort Fairfield Rotary Club, Past President. Eastern Frontier Masonic Lodge, Past Master, Anah Temple Shrine. American Legion, Veterans of Foreign Wars, AMVETS. Grange, Maine Farm Bureau. Knights of Pythias, Elks.

Residence.—Fort Fairfield, Maine.

OSCAR M. LAUREL

Statistics.—Age: 46. Date of Birth: June 8, 1920. Place of Birth: Laredo, Webb County, Texas. Parents: Zaragoza Laurel and Maria Martinez Laurel. Marital status: Married Elsa Gonzalez in 1951; 2 children, Elsa Irma, age 14, and Oscar M. Jr., age 12.

Education.—Attended elementary grades at Ursuline Academy (Catholic) and graduated from Martin High School at Laredo, Texas. Attended Loyola University of the South at New Orleans, La., 1940-41. Attended the University of Texas, Pre-law, 1946-48. Graduated from the South Texas College of Law, Houston, Texas, Law degree, June, 1950. Took Bar Examination and successfully passed it in June, 1950.

Armed service.—Volunteered for service in the Army Air Corps in September, 1941. Was honorably discharged on December 7, 1945, with the grade of Staff Sergeant.

Civic organizations.—Boys' Club of Laredo, Member, Board of Directors. American Legion Post 59, Member. Knights of Columbus, Member. Woodmen of the World, Member. LULAC'S, National President 1955-56. National Foundation of Infantile Paralysis, Chapter Chairman, 1964-65. Optimist Club of Laredo, President, 1966-67.

Political activities.—Appointed Special Investigator for the District Attorney's Office, Laredo, Texas, 1952-56. Elected to the office of State Representative,

80th District, (Webb and Zapata Counties) 1957-60 (2 terms.) Elected District Attorney for the 49th. Judicial District comprised of Dimmit, Zapata, Jim Hogg and Webb Counties in May 1960. Took office on January 1, 1961. Re-elected without opposition in 1964. State Co-ordinator, Viva Johnson Clubs of Texas, 1964. Member of the Democratic Committee of Webb County, Texas. Member of National Advisory Commission on Rural Poverty, 1967.

The CHAIRMAN. We have with us Senator Muskie who has to go to another hearing, and he wishes to make a statement on behalf of John Reed of Maine—as well as Senator Smith.

We will be glad to hear from you now, Senator.

**STATEMENT OF SENATOR EDMUND S. MUSKIE, U.S. SENATOR
FROM THE STATE OF MAINE**

Senator MUSKIE. And Congressman Hathaway is here also.

The CHAIRMAN. Yes. Bring Congressman Hathaway and the Governor up here, too.

We will be glad to hear from them.

Senator MUSKIE. I believe that Senator Smith would like to proceed first.

The CHAIRMAN. Very well, you may proceed.

**STATEMENT OF SENATOR MARGARET CHASE SMITH, U.S. SENATOR
FROM THE STATE OF MAINE**

Senator SMITH. Mr. Chairman and members of the committee, I am in a hurry, because we are having selective service hearings downstairs.

It is my privilege, Mr. Chairman, to accompany Governor Reed here to hear testimony on his nomination and to give you and the committee my complete support of his nomination.

The CHAIRMAN. We appreciate that.

If the members of the committee have no questions of Senator Smith, we will excuse her at this time.

Are there any questions?

We are very glad to have had you here, Senator Smith.

Senator Muskie will add to this, I know.

Senator MUSKIE. Mr. Chairman, thank you very much for this opportunity to appear, which I thought I might not have, because I do have to be in another committee meeting.

Anticipating that, I wrote a letter of endorsement and recommendation to the chairman.

The CHAIRMAN. We will put that in the record in full.

(The letter referred to, dated April 17, 1967, follows:)

UNITED STATES SENATE,
COMMITTEE ON PUBLIC WORKS,
April 17, 1967.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I wish to take this opportunity to endorse the nomination of John H. Reed of Maine to be a Republican member of the National Transportation Safety Board. I am sorry other committee business makes it impossible for me to be present for the hearing on his nomination.

Mr. Reed is a former Governor of our State who served in both the House and Senate of our State legislature prior to becoming governor. Because of his experi-

ence as a legislator and a governor I am sure he can make a positive contribution to the work of the Board. Therefore, I recommend that the Committee approve his nomination.

Sincerely,

EDMUND S. MUSKIE, *U.S. Senator.*

Senator MUSKIE. And I am here to complement that by saying that John Reed and I are on opposite sides of politics, but I have known him for a number of years in private life and in public life and, as my letter indicates, I am confident that he can make positive contribution to the work of this Board, which I know is of much importance to this committee, and on the basis of the importance of the work, and his experience, I heartily support the nomination of Governor Reed at this time.

The CHAIRMAN. Thank you.

Are there any questions?

Senator MONRONEY. I would like to say, Mr. Chairman, that Senator Muskie is a member of the Government Operations Committee which fashioned the law to establish an independent safety board.

We deeply appreciate his efforts.

The CHAIRMAN. Let me ask this question, Senator Muskie:

What is your conception, being one of the architects of this Cabinet post, as to whether or not this Board was to be what we think of as autonomous?

Senator MUSKIE. Indeed, yes, sir.

That was Senator Monroney's expression, because of his great interest in the field of aviation, who impressed us with the need of establishing an autonomous Board. It may be as it develops it will result in some other way, but this is where we thought it ought to start, to develop its own policies across all modes of transportation. I think that Senator Monroney and this committee are to be complimented for overcoming this conflict as between this committee and the Committee on Government Operations.

The CHAIRMAN. It follows the longtime view of the Senator from Oklahoma in the field of aviation that we have to have this autonomous agency, otherwise you would have a great many problems.

You cannot have the people that run the airlines also determine whether they are running them safely or not. And this follows out his policy. It will cut across many lines, because we are dealing with truck transportation, with railroad safety, and with the very important maritime safety.

Senator MUSKIE. And I think that imposes a very responsible situation upon the Board itself in that we will be plowing in new ground in this aspect, trying to cover all transportation from the safety point of view. It is an important function.

The CHAIRMAN. Are there any further questions?

Thank you both very much. We appreciate your coming here.

We will now hear from Congressman Hathaway.

STATEMENT OF HON. WILLIAM D. HATHAWAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

Mr. HATHAWAY. Mr. Chairman and members of the committee, I will make my remarks very brief also, because I have two other committee hearings to attend.

The CHAIRMAN. The House has committee hearings, too?
[Laughter.]

Mr. HATHAWAY. Yes, sir. I take this opportunity to support the President's nomination of Mr. Reed and endorse the remarks of both Senators Smith and Muskie.

I have a letter of recommendation addressed to the chairman which I would like to make a part of the record.

The CHAIRMAN. We will put that in the record in full.
(The letter referred to, dated April 17, 1967, follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 17, 1967.

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

DEAR MR. CHAIRMAN: It is with great pleasure that I endorse the President's nomination of John H. Reed, former Governor of Maine, as a Republican member of the bi-partisan Safety Board of the Department of Transportation.

I am sure that Governor Reed's experience as a legislator and administrator will enable him to make a significant contribution to the Board.

Sincerely,

WILLIAM D. HATHAWAY, U.S. Congressman.

The CHAIRMAN. Let me say, again, for the record, that the other nominees are Mr. Joseph J. O'Connell, Jr., who has been designated as the Chairman; Mr. Oscar M. Laurel, from Texas; Mr. Francis H. McAdams, who has been for a long time on the Civil Aeronautics Board, in the safety field, and Mr. John H. Reed, who has been heretofore mentioned as the Governor of Maine, and Rear Adm. Louis M. Thayer, of Florida, whom we all know very well on this committee because he has given us such great help, particularly, in the maritime field in the *Yarmouth Castle* situation. So, we are familiar with him.

We have several letters that have been written on behalf of the nominees:

By Senator Smathers, in behalf of Admiral Thayer; by Senator Yarborough, in behalf of Mr. Laurel; and by Senator Tydings, in behalf of Mr. O'Connell.

(The letters referred to follow:)

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
April 14, 1967.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It has come to my attention that the nomination of Louis M. Thayer to be a member of the National Transportation Safety Board has been submitted to the Committee on Commerce. I wish to take this opportunity to recommend that Admiral Thayer's nomination be given prompt and favorable consideration by the Committee.

Since February 4, 1965, Rear Admiral Thayer has been Commander of the Seventh Coast Guard District, which is headquartered in Miami, Florida. During this time, the residents of Florida and I have become well acquainted with Admiral Thayer and his qualifications as a leader and as a water safety expert. His tour of duty in Florida has been notable for his direction of the rescue operation and subsequent investigation of the tragic *Yarmouth Castle* fire. Equally notable was the Cuban exodus in which approximately 5,000 Cuban refugees were safely escorted across the Florida Straits. The successful conduct of this operation resulted in the award of a Legion of Merit.

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To the residents of Florida, water safety and the United States Coast Guard go hand in hand. I am confident that the members of the Committee are aware of the importance of the Coast Guard's outstanding performance in water safety instruction, marine accident investigation, vessel inspection, and sea rescue operations.

Admiral Thayer, a veteran of 35 years' service in the Coast Guard, has been responsible for the successful operation of many of these vital safety programs and is eminently qualified as a marine safety expert.

Once again, may I take this opportunity to recommend most highly Rear Admiral Louis M. Thayer to the Committee on Commerce and urge favorable action on his nomination to the National Transportation Safety Board.

Sincerely yours,

GEORGE A. SMATHERS.

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
April 15, 1967.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
United States Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I strongly endorse the confirmation of Oscar M. Laurel to the National Transportation Safety Board, and regret I cannot be present to give my personal testimony in his behalf.

Mr. Laurel has compiled a distinguished record of public service in Texas. His career in public office demonstrates the confidence in which he is held by his community. His proven ability shows that his services will be of great value as a member of the Safety Board.

I highly recommend Mr. Laurel's confirmation to this Committee.

With best wishes,

Sincerely yours,

RALPH W. YARBOROUGH.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
April 11, 1967.

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

DEAR MR. CHAIRMAN: Your kind letter of April 6 informing me that the Committee on Commerce has received the nomination of Joseph J. O'Connell, Jr., of Maryland to be a member of the National Transportation Safety Board in the Department of Transportation is appreciated.

While I do not personally know Mr. O'Connell, I have no objection to his nomination.

Kindest personal regards.

Sincerely,

JOSEPH D. TYDINGS.

The CHAIRMAN. And also we have a statement from Senator John Tower strongly endorsing Mr. Laurel's appointment, which we will make a part of the record at this point.

(The statement referred to follows:)

STATEMENT BY HON. JOHN TOWER, U.S. SENATOR FROM THE STATE OF TEXAS

Mr. Chairman and members of the Committee: I wish to say a few words this morning in support of the nomination of Mr. Oscar Laurel to the National Transportation Safety Board.

Mr. Laurel has served his State and the people of Texas loyally, honestly and conscientiously.

A native of Laredo, he received his education in Texas and was admitted to the Texas Bar in 1950 after serving in the Army Air Corps for four years during the Second World War.

For four years, from 1952 to 1956 he served as Special Investigator in the Laredo District Attorney's Office. He was elected to and served two terms in the Texas House of Representatives as a delegate of the Eightieth District.

In 1960 he was elected District Attorney for the 49th Judicial District, and re-elected to that position in 1964. Mr. Laurel is a member of the National Advisory Commission on Rural Poverty.

I am sure he will exercise, as a member of the Board, the same distinguished ability and service he has exhibited in his other positions. I support his nomination.

The CHAIRMAN. We also have with us Congressman Kazen from Mr. Laurel's district, who would like to make a statement on his behalf. We will be glad to hear from you now.

**STATEMENT OF HON. ABRAHAM KAZEN, JR., A REPRESENTATIVE
IN CONGRESS FROM THE 23D CONGRESSIONAL DISTRICT OF
THE STATE OF TEXAS**

Mr. KAZEN. Mr. Chairman and members of the committee, I will be very brief.

It has been my pleasure to have known Mr. Laurel practically all of his life. He brings a wealth of experience to this board.

I am sure he will make a very fine contribution.

He, of course, has been very active. He was the past national president of the LULACS. He is a past member of the Texas Legislature and is presently serving as a district attorney.

I recommend him to you very highly, Mr. Chairman.

The CHAIRMAN. Thank you.

If you wish to put a letter into the record, we will be glad to keep it open for that purpose.

Mr. KAZEN. I will be very delighted to do so.

(The letter referred to follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 17, 1967.

HON. WARREN G. MAGNUSON,
*Chairman, Commerce Committee,
U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: As you know President Johnson has recommended the appointment of Honorable Oscar M. Laurel of Laredo, Texas, a resident of my District, to be a member of the National Transportation Safety Board. I want to take this means of strongly recommending to you and the Committee the confirmation of this gentleman.

I have known Mr. Laurel for many years. He is a practicing attorney, a past national president of the League of United Latin American Citizens (LULAC), a director of the Laredo Boy's Club, a former president of the Optimist Club and just recently was appointed by President Johnson to serve on the National Advisory Commission on Rural Poverty. He is a former member of the Texas House of Representatives and at present is serving as District Attorney of the 49th Judicial District of Texas. He is a life-long Democrat and has been very active in the Democratic Party in Texas.

I am sure Mr. Laurel will make a very valuable contribution to this country in his capacity as a member of this Board and will serve with dignity and distinction.

Respectfully,

ABRAHAM KAZEN, Jr., *Member of Congress.*

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The CHAIRMAN. Now, Mr. O'Connell, I think that maybe we had better begin.

I understand that Mr. Gilliland, a member of the Civil Aeronautics Board, desires to speak on behalf of Mr. McAdams.

We will be glad to hear from you now.

STATEMENT OF HON. WHITNEY GILLILLAND, MEMBER, CIVIL AERONAUTICS BOARD

Mr. GILLILLAND. Mr. Chairman and members of the committee, I will say that I come here this morning with mixed emotions. Mr. McAdams has been my very capable assistant for the last 7½ years, and this association appears to be coming to an end.

I think this is a matter that is very fine for Mr. McAdams. I also think that it is a splendid thing for the United States, because I cannot conceive of any person who could be better qualified, as I see it, for the new board, than he is.

I know that you have before you his biographical sketch. You know his paper qualifications, but I want to say this, based on my experience of the last 7½ years, there has been no one on the board or at the level of the board staff which Mr. McAdams has occupied who has had the qualifications for dealing with the safety problems that he has.

There has been no case that the Board decided in this field during that length of time that did not meet his very careful scrutiny and study, and he has been of enormous assistance not only to me but to the Board. I think perhaps that he has had more to do with the final form that the safety decisions have taken than anyone else at that level.

I also want to say that I have found him to be an excellent lawyer. He has given special attention to safety work, but this has not detracted in any way from his other work. It has all been done thoroughly. He is an enormous worker; he is a man who comes up with the answers on any case that comes along, and he comes up with them in good shape, even when the time is limited.

I have never known him to fail or to make a mistake, which is a pretty strong statement, but it happens to be accurate in his instance. I would certainly recommend him to this committee very, very highly.

The CHAIRMAN. Are there any questions?

Do you have any questions that you would like to ask?

Senator MONRONEY. No; I have no questions at this point.

The CHAIRMAN. Very well.

Senator MONRONEY. However, I would like to compliment the CAB on the spectacular job they have done for air safety in conducting the investigations, to determine the probable cause of accidents and to prevent their recurrence. It has made a real contribution to an outstanding air safety record, at least that made by our domestic airlines in the past several years.

Mr. GILLILLAND. Thank you.

The CHAIRMAN. Let me ask you this question: I notice in Mr. McAdams' biography that he served as legal adviser for a period of time for the Board; then, he served as Air Safety Examiner from 1948 to 1951, and then prior to that he was the senior trial attorney. What was his relationship to safety during his time with the Board?

Mr. GILLILLAND. Of course, that is ahead of my day, Senator.

The CHAIRMAN. But I would like to have your view.

Mr. GILLILLAND. His recent relationship to safety has come about, I think, because in view of his peculiar competence and experience in that field, he has taken leadership at the Board level in reviewing the cases as they come before us in final form.

The CHAIRMAN. As I have experienced it, the Board has more or less turned to him, as you say, to take the leadership or to pursue many of these safety matters involved because of his prior experience in this field.

Would that be a fair statement?

Mr. GILLILLAND. Yes; this is true. And I think because of his competence and because of his experience and because of his peculiar interest that this became a habit of operation, that he was looked to, to go over these cases thoroughly, not only by me but by other Board members. I am sure that anyone now on the Board would tell you today, or anyone else who has served on the Board during that period of time, that he has taken care of this responsibility very capably.

The CHAIRMAN. Are there any further questions of Mr. Gilliland?

Senator BARTLETT. I did not want to ask any question. I want to compliment Mr. McAdams. I want to say that last Friday night, at the dinner, Mr. Gilliland spent most of his conversation lamenting the fact that he was going to lose him.

The CHAIRMAN. Senator Cotton.

Senator COTTON. I think that we all join Senator Monroney in commending the Board for the excellent work they have already done in this field.

I cannot resist a comment, which is not made in the spirit of sarcasm but simply in a rather friendly attitude, that if it is true that this gentleman never made a mistake, we could use him in even a higher capacity than in this job. [Laughter.]

Mr. GILLILLAND. I realize, of course, that statement sounds like a pretty strong one, but it is just about all true. With the enormous volume of work that goes across our desks and the deadlines we have to meet, to work with a person who comes up with answers that you can depend on is a very fine thing, and that is the way that I found Mr. McAdams.

Senator COTTON. I understand that. You paid him a very fine tribute.

The CHAIRMAN. Are there any further questions?

Senator MONRONEY. I would like to make one more comment.

Now, that the onerous time-consuming task of probable-cause determination has been taken over by the other Board, I suspect that the CAB can expedite the workload of applications pending before the Board so that decisions can be made much earlier than over a 4- or 5-year duration.

Mr. GILLILLAND. I think that is a very reasonable statement.

The CHAIRMAN. Are there any further questions?

If not, Mr. Gilliland.

We will begin with Mr. O'Connell, who has been designated as the Chairman of the new Board, and, generally speaking, I think that Mr. O'Connell might give us briefly what is his conception, under the law as some of the testimony bore out during the hearing on the bill itself, of the exact duties of the Board now?

STATEMENT OF JOSEPH J. O'CONNELL JR., ACCOMPANIED BY FRANCIS H. MCADAMS; REAR ADM. LOUIS M. THAYER; JOHN H. REED, AND OSCAR M. LAUREL, NOMINEES FOR MEMBERS OF THE NATIONAL TRANSPORTATION SAFETY BOARD

Mr. O'CONNELL. I think what you said at the outset of the hearings is probably about as good a statement of the responsibilities of this Board as I could make, but as I understand it, the two keys to our responsibility are these: (1) Our independence and (2) the nature of our responsibility in the field of safety and in all forms of transportation.

With respect to later part, I must confess that there must be, as has been suggested, a plowing of new ground. I think that is true, particularly in certain forms of transportation other than air.

In air transportation, we are inheriting a function of safety investigation, accident investigation, where the Safety Bureau of the Civil Aeronautics Board has been functioning, and our task is fairly well set.

We are required by law to exercise our responsibility independently. We are inheriting the CAB function with respect to the investigation of aircraft accidents and the determination of the probable cause, and it is in those functions that we will exercise the responsibility completely, independent of the Secretary of the Department of Transportation.

With respect to other modes of transportation, our independence is equally clear. What we will do is not too clear, as it is in air transportation, because there, in the other forms of transportation, we will be required to feel our way, but we hope that it will become an important aspect of the modes of transportation as it is in the air.

That is my understanding of our responsibilities.

The CHAIRMAN. Let us suppose that you are all confirmed and are sworn in and that you have a meeting.

Naturally, all of you will look and decide what you think that your responsibilities are under the law. Would you take a look, let us say, at motor vehicle safety which comes to you over from the ICC—would you attempt to review whether their regulations are good or bad or should be modified or should be changed? Just how would you get into this thing?

Mr. O'CONNELL. I can only speak for myself.

In my view, the Board would, first, examine the regulations and the existing techniques, both public and private, for creating safety situations in the field of motor transportation, if you will, and if, as a result of such examination, we found a need for correction, improvement or change, we would make such recommendations.

The CHAIRMAN. And then when you decided that there should be some new recommendations, what do you conceive as your next step?

Mr. O'CONNELL. To formalize those regulations, those recommendations and to submit them to the Secretary of Transportation.

The CHAIRMAN. The Secretary of Transportation?

Mr. O'CONNELL. Yes, sir.

The CHAIRMAN. Who would carry out those recommendations as he saw fit?

Mr. O'CONNELL. As he saw fit; yes, sir.

The CHAIRMAN. He could reject them?

Mr. O'CONNELL. That is right.

The CHAIRMAN. And then, where do you go?

Mr. O'CONNELL. We would go to the court of public opinion, I guess. We have no responsibility or authority, to direct the Secretary of Transportation as to what he does, in response to our recommendations, as I understand the law.

The CHAIRMAN. You feel that the law itself, does not give you sufficient authority, and if you did, you would think, as to the job that should be done, that you would come to us and recommend such changes in the law as necessary?

Mr. O'CONNELL. That is perfectly true. You will recall that under the legislation we are required to report annually to the Congress as to what we have been doing. And that would become a perfectly obvious vehicle for any legislative recommendations that we might feel would be required to be made.

The CHAIRMAN. I can conceive—I hope this will not happen too often, but I can conceive where you folks may agree upon something, in your best judgment, and that the Secretary may not—even the Secretary might agree and you would coordinate your conclusions, and then you would come to an impasse as to how he will carry them out.

Mr. O'CONNELL. That has happened.

The CHAIRMAN. Somebody has to make a decision sooner or later, and so we are, in effect, feeling our way.

Mr. O'CONNELL. That is true.

The CHAIRMAN. As we go into the very controversial subject of safety which I am sure you will have some problems with.

Mr. O'CONNELL. No doubt about that.

The CHAIRMAN. That is the way it looks.

Senator PASTORE. When we passed the auto safety bill, we gave to the Secretary of Commerce the authority to make certain changes with reference to safety. Do I understand that passes away from the Secretary of Commerce and goes over to you?

Mr. O'CONNELL. Not at all.

Senator PASTORE. Not at all?

Mr. O'CONNELL. No.

Senator PASTORE. Does he have the final say as to what they should be?

Mr. O'CONNELL. Yes.

Senator PASTORE. And then with relation to what would be your function: Would it be merely to review it?

Mr. O'CONNELL. Our function in terms of accident investigation?

Senator PASTORE. You mean, as a result of accidents?

Mr. O'CONNELL. No, no; my point is in the field of safety regulation, with reference to automobiles, for example, we have the responsibility to examine and to continue to examine existing techniques, both public and private, for providing safety to the extent that, as a result of our examination, it might be in a given case a public hearing, and we should come to the conclusion some techniques, public and private, are inadequate, then our responsibility is to point that out and to give a reasonable explanation and a recommendation for a change. That is the limit of our responsibility.

Senator PASTORE. How can they promulgate these rules unless they cover the same ground?

What I am talking about at this moment is whether or not we are getting a little bit into duplication. I am not finding any fault with the Safety Board. I am wondering now if we are not becoming now a little bit confused.

Mr. O'CONNELL. In my own view of the duplication, it will depend, really, how well we do our homework, how well we select the areas in which we conduct our safety regulations. We have a general responsibility to concern ourselves with safety in all branches of transportation.

Senator PASTORE. Which means everything.

Mr. O'CONNELL. That is true, but if we try to do everything in my judgment, we will end up by doing nothing. So that, it seems to me, generally speaking, in the field of accident prevention, as in accident investigations in the aircraft business, it is my judgment that this Board can operate most effectively, if we are selective in determining, basically, large and important areas involving safety and pursue them carefully and objectively and come to intelligent conclusions and transmit those to the people who have the responsibility.

Senator PASTORE. Merely to advise and supplement?

Mr. O'CONNELL. That is my view.

The CHAIRMAN. The reason that I bring this up is because we are in a position with this new board where they have great responsibility placed upon them to become definitive about certain things in the field of safety, yet they might get to a point where there is nothing that they can do about it, except recommend. I do not know whether we want to continue that or change it, or maybe have some more experience in the field first.

Senator CORTON. Pursuing the inquiry of the Senator from Rhode Island, I might give my view of the context of these procedures.

If a case has been decided by a lower court, decided upon evidence presented to a lower court, which is carried to the appellate court, under these rules—I am using this as an illustration—that is, the rules in court procedure, the appellate court reviews the decision of the lower court but reviews it in the light of the record of the evidence presented by the lower court. It does not merely decide it *ab initio* and have the trial all over again.

As you review the regulations, the safety regulations, laid down, you mentioned that sometimes it would be with hearings and sometimes without hearings, which leads me to try to decide in my own mind, as to the question of duplication which arises, whether you are going to retrace the steps of the authority to whom we may have conferred, for instance the matter of car safety, who has listened to the story of the automotive manufacturers—they have listened to the story of those interested in safety and public good—whether you are going to consider their conclusions, whether their safety regulation is reasonable and practical, in the light of the record they have heard, or whether you are going to open the thing all up and retrace the steps of having the public in and the automotive manufacturers in and all of the rest.

Mr. O'CONNELL. I can answer that question better by saying, as I said before, our initial action will be to review existing techniques, both public and private, bringing about safety in various forms of transportation. At the end of that process, with respect to any given type of safety problem, we will then decide whether it deserves further and more intensive investigation by us; and if that situation arises, we

will pursue it further, whether it be by virtue of public hearings or otherwise, and I am not at present in a position to say "Yes," because I do not know whether there might be any one of these.

SENATOR COTTON. Your board will be the recipient of all kinds of complaints ranging all the way from extremities to very reasonable ones, and those of doubtful people who are, particularly, interested in public safety—complaints about the decision of the board and of other boards.

From the experience of this committee, if that is any indication, as when we went through the long hearings and had so many witnesses on automotive safety and the like, how do you contemplate meeting that stream of complaints?

Are you going to screen them and in some cases have hearings on the complaints of members of the public, for instance, who feel that the regulation is not applicable or is unjust?

Mr. O'CONNELL. Well, undoubtedly, we will receive a great many complaints. We will examine all of them. I cannot say that we are going to act as an appellate court, as a general matter, in terms of hearing appeals from agency decisions where a particular activity as to a particular thing or regulation is concerned. I think that would be one that would make our operation ineffective and probably confuse our efforts, and we would never get anything done.

I would like to emphasize the proposition as of now, it seems to me that we have to try to be selective in determining the areas in transportation which would be more fruitful in terms of bringing about the result that your committee and the Congress hoped that we would serve, the improvement of safety. We cannot cover the whole field all at once. We have to be reasonably selective. I am speaking primarily in a field other than air transportation, the very fact that we know there what we are going to do, we are going to do that; whereas, with others, we will not be in the same situation. With air transportation, we have very little problem. So far as I can see, we have inherited the C.A.B. function and the Safety Bureau and we intend to follow the path they have set up for us.

The CHAIRMAN. I am sure Senator Monroney wants to ask a few questions about the probable-cause functions.

Senator COTTON. That is all. Thank you.

The CHAIRMAN. Senator Monroney, are there any more questions?

All right. Senator Monroney.

Senator MONRONEY. When the bill to establish the Transportation Department and the National Transportation Safety Board was being considered last year, I was concerned about the effect it might have on aviation safety. As you know, the Bureau of Safety and the Civil Aeronautics Board have done a magnificent job in prevention of aviation accidents and in deciding what causes them. I offered amendments to the bill to make the Safety Board perform the same activities as the C.A.B. and to insure for it the same degree of independence the C.A.B. had. I would like your comments on how you believe matters affecting air safety will be handled by the new safety board and your view as to the relationship between the board and the Secretary of Transportation.

Mr. O'CONNELL. My thought is to have the history of independence that the CAB has maintained and tried to maintain over the years in the investigation of accidents and the determination of probable

cause—probably the best example of such independence that I can think of. It is my intention, and I know that I speak for my colleagues as well as myself to maintain complete independence in the exercise of the responsibility for investigating aircraft accidents and to determine the probable cause thereof. That is the statutory responsibility. We have no idea of doing anything outside.

Senator MONRONEY. However, under the present chairmanship and Secretary, I have no fear that there will be any difficulty. But for the long range, I would like for the committee to be advised as to how that will be arrived at, and as to how it will be submitted to the Congress, by you or through the Secretary of Transportation?

As you know, under the Department of Commerce, with the old CAA, we were under the thumb of the Department officials, because the money came through them.

How will your budget estimate be arrived at and how will it be submitted to the Congress?

Will that be by you or through the Secretary of Transportation? At that time the purse strings are in the hands of people who might be hostile to the matter of the performance of air safety, as to probable-cause factors, and things of that kind.

You would feel free, would you not, as the first chairman of this board to come to the Congress if you felt that your funds were being cut so low as to make it impossible for you to investigate thoroughly the air accidents that might occur?

Mr. O'CONNELL. I certainly would. I appreciate the potential danger of such control to the Department, but I may say that up to this point, since the board has not been in existence, up to this point, a tentative budget for the coming fiscal year has been prepared for us in the Department of Transportation, and I have accepted it as a reasonable one, but I agree that as time goes on the help that we get administratively in the budget control, in the budget office itself, under the Department of Transportation, if it tends to strangle and to affect the independence of our operation, then we will come to you.

Senator MONRONEY. I am satisfied that under the present Secretary at least, on accident investigation, that he would insist upon adequate funding. Here is the place that we can cut down and skeletonize the staff or the experts on air frames or air traffic control systems or whatever may be the causation of accidents.

Mr. O'CONNELL. In 1948, the Department of Commerce which had the CAA in it had some budget control of the CAB and, it was reduced and it caused some difficulties. We did not feel it was completely in the balance. This is somewhat analogous to what might happen in the future here, of course.

Senator MONRONEY. I hope that can be the policy of this Board. I would like to put this on the record now, that where funds are not sufficient to maintain the safety function of the Board you will feel free to come to the chairman, Mr. Magnuson, and the committee and ask for help in that matter.

In addition to the investigation of aviation accidents, you will have additional responsibility in the areas of rail, highways, and pipeline safety. And these are very important. They are areas you will have to get in. Although these others are very important, they are new areas for the Federal Government to get into. I hope that your initial activities in these areas will not be so time-consuming that you cannot devote adequate attention to aviation safety.

Do you have any estimate as to how your time will probably be divided among these other areas?

Mr. O'CONNELL. I do not know. We are rather airminded as a group—I think several of us are. You will recall that about all of the personnel we will inherit will be the aviation people from the Board. So, I could reassure you that we will not be stinting our responsibility in the field of aviation to wander into these other areas which are rather new for us.

Senator MONRONEY. The scheduled airlines carry more passengers than all the trains and buses combined. And we are concerned that there be full attention paid to this, with no weakening in regard to this, as we are apt to experience more problems as the air becomes more congested.

By that means, would you be independent of the Secretary of Transportation, and in what way would there be some degree of control?

Mr. O'CONNELL. Well, the statute requires us to be independent in the performance of our functions. Any activities that we have with respect to examining the safety problem or causes of accidents, we are required to be completely independent of him. That is not to say that we are not in the same area with him. I would say that we would expect that within a general responsibility of independent thought in action, that we would expect to be very cooperative with the Secretary of Transportation. The complete responsibility of safety operations are within our purview. Highway safety and rail safety are all his responsibilities. I do not believe that we are going to be living in different worlds, but we are going to adhere to our responsibility of keeping our action independent of him, because we are going to examine some of his agencies in the process.

Senator MONRONEY. It might be necessary for some investigation of other agencies within his jurisdiction, for example, the growing bit of evidence that certain airports in this country are becoming overcrowded with aircraft beyond the capabilities of the air-traffic controls for landings and takeoffs.

And while it might be, at this point, within his purview, it could still be your duty, could it not, to look into such situations, with the intelligence and the experience of this Board that would be necessary, in that you would have full jurisdiction without restraint from the Secretary of Transportation?

Mr. O'CONNELL. That is true.

Senator MONRONEY. Or if there are signs of lost power in certain engines, although no accident occurs, or malfunctioning of airplanes though no accidents occur, you would feel it would be the responsibility for the Board to effect proper investigation and study of these conditions to prevent any accidents resulting from them.

I think you have a duty to perform beyond the mere investigation of the fact, after the thing has happened, to investigate it before it has happened; would you not so agree?

Mr. O'CONNELL. I would certainly hope so, because, actually, accident investigations are very important—they are really a breakdown one way or the other of the system. What we would like to do as much is the prevention of accidents, as distinguished from learning what we can from an accident which has taken place.

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Senator MONRONEY. I understand from the Bureau of Safety that there has been a significant increase in the aviation accident rate this year over increases in past years.

I believe that the percentage increase is running about 2½ times the usual rate. This could be bad luck or it could be something that would require your immediate attention in terms of finding out why there is such an increase and in getting adequate funds and personnel for the Bureau of Safety to conduct its investigations.

I would like to have a statement from you, to look into this and report back to me within the 3 months your findings and any actions you may have taken.

Mr. O'CONNELL. I will be very happy to do that. I am not familiar with the statistics you have just given. We will take it upon ourselves to go into that.

Senator MONRONEY. Under the bill establishing the Board, you are given some authority to initiate independent studies. There is one area which I believe needs to be studied from an accident prevention standpoint, the growing workload on pilots and air-traffic controllers. In the case of the pilots, I am afraid the machines may be becoming so complicated that they are getting beyond the men who operate them, while, conversely, in the case of the controller, I do not believe we have furnished him with adequate mechanical tools. Also, the stress and strain on pilots and controllers is a human-factor problem which should be studied. Would studies of this nature be within the purview of the Board?

Mr. O'CONNELL. They are, theoretically, yes. I would say that we would, first, examine extensively those matters gone into by the FAA people, including the medical people and the others, because to start from the beginning in an attempt to make a quick determination of the answers in that highly complex area would seem to be beyond the realm of this Board. I believe we would look, first, at what is being done.

Senator MONRONEY. You would have no fear or feeling that you were interfering with someone else's jurisdiction to undertake at any time a study of the workload as to the traffic controllers, for example, whether they are overstaffed or understaffed or overworked, with too long hours, or without proper recognition given to the strain that these men undergo in the high density traffic areas of the country?

Mr. O'CONNELL. I certainly think that we are required to do that.

Senator MONRONEY. Under section 5(m) of the Department of Transportation Act, the board may delegate to the officials of the Department itself certain accident investigations for action. What functions would you contemplate delegating to the Department officials and to which officials?

Mr. O'CONNELL. You mean in all modes of transportation, are you speaking about all of them or just air?

Senator MONRONEY. I am primarily speaking about air transportation.

In other words, in the event of an accident, would you have a policy of allowing or delegating to the Department the responsibility for the investigation of commercial aviation accidents?

Mr. O'CONNELL. No.

Senator MONRONEY. Which would be a function that you would undertake as your principal and prime responsibility?

Mr. O'CONNELL. That is my belief, that we would not delegate that function to the Department of Transportation, nor can we delegate the probable-cause-determination function in any airplane accident.

Senator MONRONEY. And in any other unusual delegation, would it be your intent to advise the committee of the Congress of your intent to so delegate?

Mr. O'CONNELL. We would be very happy—I had not thought of of it. We would do so. We had intended to start with the same type of relationship between us and the FAA that presently exists between the CAB and FAA. It does involve some delegation of certain investigations, and we can continue that.

Senator MONRONEY. You all know the FAA has delegated the investigation of some nonfatal general aviation accidents. It would be impossible for the board to do that in all of these accidents, but certainly, in the public field of transportation I think that might remain with the safety board.

Mr. O'CONNELL. That is the way we view it, yes.

Senator MONRONEY. You have given some thought to your jurisdiction as to the investigation and study of the rules and regulations regarding the control of interstate gas pipelines. Would this require additional facilities and additional experts to be given to your board to help provide the safety codes and other means of the operation in that field?

Mr. O'CONNELL. Frankly, we will have to start to learning about that, but we do have presently under existing law a responsibility for examining the safety features of interstate pipelines now. We can look at the Transportation Act, and that gives us the general responsibility for looking into all forms of transportation. That has nothing to do with legislation that is now pending.

Senator MONRONEY. We are talking about railroad trains running at speeds of 150 miles an hour and are spending a great deal of money on research and development. Do you have any jurisdiction, or do you know of any jurisdiction with respect to health examinations, as such, that we require of airplane pilots for railroad engineers?

Mr. O'CONNELL. Actually, I am not familiar with that field. I am sure that air transportation has the most complete and basic system of safety regulations.

The CHAIRMAN. Including the mechanics.

Mr. O'CONNELL. The mechanics, that is right. So that, in other modes of transportation, the systems, whatever they are, are not really as complete as those of the air system. Frankly, I just do not know the details, to what extent it is. I do not think that there is any Federal agency that has anything to do with respect to the engineers on the trains.

Senator MONRONEY. Will that not be somewhat necessary to pass periodic medical examinations there?

Mr. O'CONNELL. I am sure it will be.

Senator MONRONEY. That is, to qualify. I think we have Federal inspectors for the locomotives, but I do not think that we have any inspectors or any investigations as to the health and capabilities of the engineers.

Mr. O'CONNELL. I am not sure.

The CHAIRMAN. The experience is that that is inherent in the labor-management contract, as to the engineers. In other words, to become an engineer under the contract made between the Railway Labor Board and management, a certain amount of experience is necessary before they are moved up within the organization itself, but I think the Senator from Oklahoma is correct that when we get up to these speeds, we will maybe have to do something about it.

Senator MONRONEY. I am talking about the physical condition of the men who are operating the trains.

The CHAIRMAN. The same is true with the trucking contracts, they are with management and labor. There is a pretty strict regulation as to the physical examination and everything else, before you can become a qualified trucker or the union will allow you to drive a big truck, particularly in the common carrier field. I think that they examine them at least once a year.

Senator MONRONEY. I have no further questions.

Thank you.

Senator COTTON. I must go to another hearing soon.

May I simply say that I had planned to stay with my old friend and neighbor, Governor Reed of Maine. In fact, he will be the only Republican on this board before us; there are three Democrats and one Republican and one admiral.

The CHAIRMAN. That is a proper ratio.

[Laughter.]

Senator COTTON. That is par for the course, but I will hasten to add that so far as I am concerned, I have always found that the Democrats on all of these boards were just as informative and cooperative and as helpful to us poor downtrodden minority party as to their own party people, and sometimes more so, but I do welcome you. I am sorry that I cannot remain.

Senator HARTKE. Let me say that I think that the admiral will perform just as well as the Democrats and Republicans.

Senator COTTON. From my viewpoint no one could do anything but applaud the admiral's selection to the board. It has been my experience that all military, naval personnel, not only should not be in politics but sometimes they even get to be presidents.

The CHAIRMAN. So long as we are on that subject, it is the duty of the Chair to inquire, because of the law, as to the political affiliation of each member proposed, and, accordingly, if there is any question as to this I hope it will be answered:

Mr. O'Connell is a Democrat.

Mr. Laurel is, obviously, a Democrat.

Mr. McAdams is a Democrat.

Of course, the Governor (Reed) is Republican.

There is no listing as to the admiral. Is that correct?

Admiral THAYER. I am registered as a political independent in the State of Florida, Mr. Chairman.

The CHAIRMAN. That is a good place to be independent.

The record will so state, that this is the political affiliation of the nominees, because the law requires that.

Senator COTTON. Just a minute. You have not asked the question of Governor Reed.

I would like to know if he is brave enough to continue as a Republican?

Mr. REED. I will carry on.

The CHAIRMAN. We also under the law are required under a resolution of the Senate—I appreciate that you cannot answer this perhaps, not guarantee it, but at least it is an expression of your intentions if you are confirmed and sworn in to hold this office: Do you intend to complete your term? Is that the intention of all of you?

(Simultaneous response in the affirmative.)

The CHAIRMAN. We have had some experiences where people have accepted these things and then for some reason they have disappeared and gone to some of the people they have been regulating. We know that there may be personal reasons that will require you to resign, but we hope that it is your intention not to; that is, that it is your intention to remain.

Then, as to your financial holdings, we have a list of those which we will put in the files of the committee. I emphasize the files of the committee. We need not clutter up the record with this, but anyone who wishes to look at them in the files, they are available to the public and the press, or anyone else.

And then the fourth matter I wish to point out for the record is this, Mr. O'Connell: We have provided for a term of 5 years in office, but, necessarily, that has to be staggered. Would you point out for the record the terms of these members, so we will have that information?

Mr. O'CONNELL. You understand the problem: One term will expire on the 31st of December of this year. That is Mr. McAdams' term. Admiral Thayer's term will expire on the 31st of December next year—1968. My term will expire on the 31st of December of 1969. Governor Reed's term will expire on December 31, 1970. Mr. Laurel's term will expire on December 31, 1971.

The CHAIRMAN. So that indicates that Mr. McAdams at the end of the year, that term will technically be through and he will have to be reappointed or technically it would be open and we would go on from year to year then.

Also, the law provides that the President shall designate from time to time one member as Chairman and another as Vice Chairman. I do not know, but for the record, who is appointed Vice Chairman?

Mr. O'CONNELL. The President has not designated that as yet.

The CHAIRMAN. He has not done so as yet?

Mr. O'CONNELL. No.

The CHAIRMAN. Senator Hart.

Senator HART. Thank you, Mr. Chairman.

I welcome you all. I have indicated to some that I will be delighted to support them, and those who have not stopped by my office, I would assure them of my support.

The CHAIRMAN. I might continue here with some of the law. It provides that the board shall be appointed with due regard to fitness and experience in the field of safety matters.

Now, looking over the biographies of most of your members, you have had some experience in these matters, as well as can be expected in this field, and despite the fact that it is very difficult to find people of fitness in all of these fields, unless they have been involved with a part of the industry, I think the President has done a good job in this field.

Under the Moore Safety Act, we appointed a broad advisory committee. How do you expect to function with them?

Are you familiar with that?

Mr. O'CONNELL. I am not familiar with that.

The CHAIRMAN. There are 29 members, as I recall, on that.

Mr. O'CONNELL. I really do not know about that.

The CHAIRMAN. If you get into this field, you are going to have to discuss matters with them, as well as members of State legislatures, people who are in this field.

Mr. O'Connell, I would expect we would go into that, as we would with a great many other groups that are interested on one side or another of one aspect or another of safety.

The CHAIRMAN. We have discussed the probable-cause function in the aviation field. I think that is well defined under this law. But do you have any ideas as to how we are going to carry out the probable cause of function in other areas, such as rail, highway, or inland waterways, or the merchant marine?

Mr. O'CONNELL. I have a general idea of what it might be.

Again, I am not speaking for my colleagues.

The CHAIRMAN. We are not trying to nail you down. We know that this is a field that you have got to go into.

Mr. O'CONNELL. I believe, generally speaking, that we will delegate the responsibility for determining probable cause in these other areas of transportation, except in very important catastrophic cases, because I think it would be impossible for us to take the responsibility of making a determination as to the probable cause in those areas which are of lesser importance.

The CHAIRMAN. And you do have within the Department a Federal Highway Administrator and a Federal Rail Administrator, and despite the fact that automobile is off by itself administratively, it would seem to me that that would be where you would have to do some delegation.

Mr. O'CONNELL. Yes, sir; I agree that we would have to do that.

The CHAIRMAN. Now, of course, as to the merchant marine and the inland waterways, that is something that will have to have a further decision made on.

Mr. O'CONNELL. That is true. The Coast Guard, of course, has the investigative function. We intend there, except for catastrophic cases, to initially delegate the determination of the probable cause to them.

The CHAIRMAN. Section 5(b)-2 provides that the board, "reviewing on appeal suspension, amendment, modification, revocation or denial of any certificate or license issued by the Secretary or by an administrator", how do you intend to pursue that if an appeal is made to have a hearing?

Mr. O'CONNELL. There are two areas. One, of course, in the air field where we have the responsibility for the suspension and revocation of licenses for the pilot or the operator or whatever it is. Those normally have been held by the Board, by having a hearing before a hearing examiner, and we intend in that area to pursue exactly the same course that is pursued and has been pursued under the CAB; that is, reviewing all cases which we have been requested to review.

In the maritime field, we will review and intend to review those. There are only two types that I can think of, a license issued by the Coast Guard—and there, I believe we will hold ourselves available as an appellate agency for a person in that category who has been denied

a license, or has been suspended or his license has been revoked, somewhat comparable to the CAB practice.

The CHAIRMAN. It seems to me that this is only a suggestion, but because this is such a broad field, that in that particular case, you would have to have a little delegation within your own board, say, for instance, to Admiral Thayer in the matter of the Coast Guard functions.

Mr. O'CONNELL. Yes; I would certainly believe that we would do that.

The CHAIRMAN. And you for aviation and the like, because there are many cases when I am sure the question will arise.

Senator MONRONEY. In the event it would become necessary to ground a transport aircraft of a certain make, that would be done by the FAA Administrator, but it would be appealable to this Board under this law?

Mr. O'CONNELL. Yes; that is true.

Senator MONRONEY. There would be no change. Anything involving interstate commerce by air would be one of those things that you would not delegate to any other department.

Mr. O'CONNELL. We would not.

The CHAIRMAN. Admiral Thayer, let me ask you this: What will be your military status if you are confirmed?

Admiral THAYER. I must retire at the end of this month.

The CHAIRMAN. You are a retiree, anyway?

Admiral THAYER. No; I should not have to retire until the 1st of July 1968, but in order to take the job, and if I am confirmed, I will retire at the end of this month.

The CHAIRMAN. You will retire about a year early?

Admiral THAYER. Yes; about a year and a couple of months early.

The CHAIRMAN. This committee passed a law a year ago tightening up the inspection of so-called cruise ships.

You have been very familiar with that law, have you not?

Admiral THAYER. Yes; I have.

The CHAIRMAN. If and when that law expires, do you not think you would have some recommendations to make to us up here on behalf of the Board, or what to do about it?

Admiral THAYER. Yes, sir. I think that this Board would, probably, from that standpoint, and that of international interest, because, as a specific example, I think the existence of the *Yarmouth Castle* case was a matter of international rather than national interest.

The CHAIRMAN. Are we making progress in the international conferences that have been held: one in December, I believe, in London; is that correct?

Admiral THAYER. Yes; we are making progress.

The CHAIRMAN. Was some progress made?

Admiral THAYER. Yes, sir.

The CHAIRMAN. As to certification?

Admiral THAYER. Certification, yes; the grandfather clause, so to speak, and standards of safety built into the vessel—general agreement in all areas, and progress has been made.

The CHAIRMAN. We have been either lucky or fortunate, or something, this past season; have we not?

Admiral THAYER. Yes, sir; that is correct.

The CHAIRMAN. That has been made because of the tightening up.

Admiral THAYER. I think that is correct. The cruise vesselsailing out of Florida voluntarily did a great many things to improve their safety as a result of the *Yarmouth Castle* and other cases.

The CHAIRMAN. Sometimes maybe this committee does some good in that field.

Mr. McAdams, of course all of us know. He is not a stranger to the committee. He has done much work in this field.

But Mr. Laurel has not been fortunate enough to appear before us on many occasions.

If you have anything to add to what has been said here, we shall appreciate it.

Mr. LAUREL. Senator, except that I am, of course, very much concerned in the field in which this Board will have its main function. As a district attorney, I am fully aware of the consciousness that the people have in matters of safety. Of course, I feel that it is important, which we will attempt to carry out, with reference to the will of the Congress, and will see to it that it will be carried out in a manner that is consistent with that will, and to see that the people's interest in safety is safeguarded, as well as anything else.

The CHAIRMAN. I have a suggestion for a person of your background. The Board is going to be dealing with these things in a nationwide manner. Sometimes we have a serious problem of different concepts in different States and in different areas. Of course, you might do a great deal of work in encouraging uniformity in many, many fields in safety, and a man of your background could well look into that matter. I am thinking of surface transportation. There is still some conflict in State laws in rail transportation.

Mr. REED. Mr. Chairman, I think I should say that Mr. O'Connell has very ably described our duties as he sees them. I would just mention, however, having been a Governor for a number of years and a former member of the national Governors' conference, and I was a member of the highway safety committee of that group, that it is most important that we work closely with the States and with the local regional groups who have been concerned over the years with highway accidents particularly.

I think that we can do a great deal to serve as a focal point for improving standards in this particular area. I have great interest in it.

I have had programs that I feel have operated as safety standards in our State.

I think that is a great area for us to work in.

Speaking of the general overall category of safety, this Board can help energize safety standards in the entire Department of Transportation.

As I interpret one of the contests of establishing the Board as an independent agency, to act in the capacity in that field, I will cooperate with my colleagues in that particular aspect.

The CHAIRMAN. The Governors' conference still has a committee on highway safety and it has worked very well, in this very difficult task of writing this auto safety bill. As a matter of fact, former Governor Hansen was the chairman the last year. He is now deeply interested in this. It seems to me that you could be a real force in this field, although you do not have any legislative authority directly, but you would be a real force in the broad field of uniformity of law,

driver education, and all of these things that go to make up for highway safety which most Governors try to do in their States and sometimes are handicapped by the fact that they do not have the know-how to handle all of the amount of work and people who are coming in and out of a State.

Mr. REED. There are a lot of legislators who are reluctant to enact programs that will be really effective; I realize that. The Governors guard very zealously their prerogatives in this field. They do not want the Federal to move in too swiftly, but they recognize that if they do not do a better job at the State level that the Federal will have to move in on them. I am sure that there is a balance that we can reach. I feel that it can be fruitful in this respect.

The CHAIRMAN. No one wants to tell the States what to do, but we want to be helpful and encourage them where they have interstate problems, where we can be helpful. I think that this Board will ultimately have to take hold of some of this, because you do not want to go out and say "Pass this law" or "Pass that law." Let us see what we can put together and stop this carnage on the highways.

Mr. REED. We have got to have results.

The CHAIRMAN. Are there any further questions, Senator Hart or Senator Hartke?

Senator HARTKE. I am concerned, as the chairman is, on the question of highway safety.

Do you envision that you will delegate this authority completely to the new agency on highway safety?

Mr. O'CONNELL. I do visualize initially that we will not have the time particularly as to an area that is handled by the agency which has already set up standards. The terms of it are such that it is in the Highway Department, in the Bureau there, and our initial activity, it seems to me, will be to review with them what the programs are, what they intend to do, and on that basis decide how much further we will go into that field. But, as of now, I could not say that we have made a decision as to how far we will go.

Senator HARTKE. As the chairman has indicated, you will go a great deal into this area, as I understood it. They are not being given the authority to do that as thoroughly as under this act, that is, you, the Board, could do it. I thought that you would not be reluctant to move into that field.

Mr. O'CONNELL. We will not be reluctant to move into any place where we think we can effectively be helpful. I can only say that at this stage it is a little difficult, even before we have been confirmed and organized to say how we will move and in what direction in these areas which are new to us. We will perhaps look at them and without any reluctance move into anything which would seem to afford a significant opportunity for constructive help.

Senator HARTKE. I am quite cognizant that you have not yet organized and that, for example, in the Aeronautics Board that possibly one of the reasons that you had no more accidents or no more deaths in aviation than we have had, is because we have had that type of surveillance which the Board has had in the past and has been able to give to that question. If we had that same type of approach on highway accidents, I believe that we would have a gradual reduction in deaths. I am fearful that we may, possibly, lead a lot of people to believe that the Congress has now acted and that the number of the

people who are being killed will be reduced, but at the same time it appears that our highway death toll will go into a high record again this year.

Let me put it this way: I would hope that you would go into these things, such as vehicle inspection, that there will be uniform vehicle inspection, and whether it would be voluntary or mandatory as a system, I do not know. Whether you are going to have uniformity on license revocations of license suspensions or license issuings—the question of driver education, and what you will do as to the question of highway improvements, which could be done now at a much less expense, the building of multilane highways—these are some suggestions I have to offer. I am hopeful that you will not delay too long in organizing some type of an approach on this question.

Mr. O'CONNELL. I realize that it is a problem, and highway accidents is one of the biggest of them all. We will get organized, and when organized we will examine this problem as rapidly as we can and try as well as we can to adjust ourselves to that which we can hope to be most constructive, and this, obviously, is one of them.

Senator HARTKE. Let me emphasize to you, again, my concern and I think the concern of all of us in the Congress that this not be put at the bottom of the stack, so to speak, as one of those items that will not demand immediate attention. I hope that we do not have to have too much emphasis on aviation safety with a lack of attention to that which is at the bottom of the stack.

Mr. O'CONNELL. I hope that we will not.

Senator HARTKE. One other question. In regard to the authority granted to you, one of the items here deals with the initiation on its own motion, of the Board, to conduct rail, highway, or pipeline accident investigations. Have you any comment at all as to the pipeline investigation, in view of the fact that hearings are scheduled on pipeline cases in the committee very soon?

Mr. O'CONNELL. No, I have not. It would be our intention, independent of this investigation which you are speaking of to go into this. We do have the responsibility in that field. It would be our intention initially to examine the present situation in terms of public or private techniques, whatever they may be in the pipeline field, as well as in others, to determine whether to proceed in depth or to go further in examining the techniques as they come up in that field. That is the responsibility that we have now.

I gather that the legislation pending will have to do with economic regulations, including safety investigation possibly, but I do not feel that it pertains to our present responsibility to look into the pipeline situation.

We intend to do that.

Senator HARTKE. In regard to aviation, are all of the functions of the CAB transferred to you?

Mr. O'CONNELL. All of the safety functions.

Senator HARTKE. I am sorry that I did not get quite what you said you intended to do in regard to personnel.

Do you intend to keep basically the same personnel?

Mr. O'CONNELL. The Safety Bureau which is the accident investigation division of the CAB is being literally transferred to us, lock, stock, and barrel, and we intend for them to continue their accident operations as in the past.

We will review, supervise their work—review their accident investigations and participate along the same lines as the Board has been doing for some years and continue to determine the probable cause of accidents.

Senator HARTKE. The reason that I asked that question and stress it to you again is that my concern does go beyond that.

What is the total personnel of your accident investigation team going to be in relation to the total, if you listed all of those who are in the safety part of the CAB?

Mr. O'CONNELL. The Safety Bureau?

Senator HARTKE. Whatever personnel there is in that group. How many more do you anticipate you will have working for you? What is your present situation, especially in the field of accident investigation?

Mr. O'CONNELL. It will be surprisingly small in terms of our initial budget. We will inherit roughly 180 people, I believe it is, in the Air Safety Bureau, and as far as our preliminary estimate of our intention in regard to staffing, our entire staff will not be more than double that.

Senator HARTKE. That would include the administration forces, all of the administrative functions that you will be required to handle?

Mr. O'CONNELL. The administrative functions are both of house-keeping and budget, and so forth. That will be handled by the Department of Transportation. We will have a relatively small staff, probably, there.

Senator HARTKE. I must express my concern again about whether you will move here in the field without the necessary personnel that needs to be done in the field of these other safety features. How will you be able to do this; that is, if you do not delegate some of this authority?

I do not see how you can delegate pipeline cases. Who would you delegate that to?

Mr. O'CONNELL. That is not one that we will delegate. That is, there is not anyone that does that now.

Senator HARTKE. Does it mean that you will employ people for safety purposes for the pipelines?

Mr. O'CONNELL. That is exactly right. We have to employ a group of 38 technical and analytical people whose job it will be to address themselves to the technical problems; that is, basically, pipelines and the like. In maritime, I do not believe that we will expect to employ very many people; that is, initially, because we will expect the military and the Coast Guard to continue their actual investigative functions. We will review their work. We will delegate to them most of the determination of the cause of the accident, to keep our fingers on it, for the purpose of learning and intervening to the extent that it may seem to be desirable.

In pipelines there is nothing to build on in that field. We do not inherit anything. We will devote a number of our analytical people in our own time to examine the pipeline situation for the purpose of seeing what we should do. Possibly, the budget that we have requested will be inadequate, but if it turns out to be we can note that by mid-year, and we can ask for additional funds. We have a preliminary estimate of funds needed for the coming year, which is roughly slightly under \$2 million, more than half of which is for the Safety Bureau of the CAB.

Senator HARTKE. I would like to see the total number of deaths on the highway reduced. The total number of deaths on the highways is out of proportion to those in the area, it seems to me, and I am concerned when you say you will use more people for your air safety, about four or five times as many, or at least four times as many people in air safety as you will for the other safety functions.

Mr. O'CONNELL. There is one difference. We are inheriting the total accident investigation function in aviation safety. The Department of Transportation has a Highway Bureau whose responsibility it is to address itself to safety on the highways. Our requirement in those fields is a much more general assignment as to our concern with all aspects of safety in these fields, but without the responsibility for the specific accident investigation any more than we have had that in the maritime field.

The maritime field the Coast Guard will continue to investigate accidents. We do not have and we do not plan to have an investigation or accident investigation team with respect to other forms of transportation comparable to the Safety Bureau in the air. We do not intend to do that, because those functions of actual investigation and prevention initially are in other agencies. We are to review and to examine their findings, to see if we can improve them and make recommendations and suggest studies and do all we can by direct and indirect action to improve safety in all modes of transportation. It is not contemplated to set up an accident investigation team to investigate other types of accidents.

You will recall we inherited a working operating accident investigating division in aircraft but not in these other fields.

The CHAIRMAN. Senator Hartke, could I put this in the record at this point?

You are familiar, you members who are nominees, with section 5(d)-4, which says:

Initiate on its own motion or conduct rail, highway or pipeline accident investigations as the board deems necessary or appropriate.

You may be called upon to do that, or you may decide in one of your own meetings that is something you have got to move into.

Mr. O'CONNELL. That is true.

The CHAIRMAN. You have ample authority to do it. I would not hesitate a minute, if I were in it, even with no Coast Guard or no FAA or anything else.

Mr. O'CONNELL. That is right.

We have the authority. We intend to use it.

The CHAIRMAN. And you also have in section 7 the authority to arrange for personnel, participation of members or other personnel of the board in accident investigations conducted by the Secretary or other administrators in such cases as you deem appropriate.

Mr. O'CONNELL. That is right.

The CHAIRMAN. You have pretty broad authority.

Mr. O'CONNELL. One of the first things we will do is to participate.

The CHAIRMAN. I just wanted to put that into the record.

Senator HARTKE. Would you add for the record, section 6(a)?

The CHAIRMAN. Yes, sir.

Senator HARTKE. And I would like to have also section 5 which the chairman cited. We still have in law school these cards for legislative

draftsmen, and what happens in the Congress between a bill establishing the transportation department and the auto safety bureau will be an example of how we can meet ourselves going around in a circle. And you are, unfortunately, in the middle of the circle. I think it is very useful that we develop this kind of exchange for the record. Only the passage of time will enable us to see what precisely your relationship with Dr. Haddon, for example, will be. It is unfortunate, but I think it is true.

We will have an opportunity, I hope, in the pipeline safety bill which we are going to start hearings on, I would think in 2 weeks, to make some determinations as to where this particular facet of safety is going to rest.

Mr. O'CONNELL. Yes.

The CHAIRMAN. I have no doubt that after some experience, you folks are going to be required to come up and tell us what modifications of the present act we will have to make. I have no doubt about that, and we will welcome it.

Senator HARTKE. To that same point, I would like to see greater emphasis on highway safety than we have had in the past which was not dealt with by the Congress, and hopefully that we can reduce that death toll on the highways and the injury toll on the highways. I think that is something that we have before us. I do not want to delegate it to the bottom of the stack. I am not trying to pass judgment on you, I just want it clearly understood that you have the authority, as the chairman said, to do an awful lot here. I am hopeful that you will do an awful lot for the good of everybody.

The CHAIRMAN. Senator Scott.

Senator SCOTT. What agencies share responsibility for safety at sea?

Mr. O'CONNELL. Safety at sea, as I understand it, the primary responsibility for investigation is in the Coast Guard.

Senator SCOTT. Do you have any functions in regard to safety at sea?

Mr. O'CONNELL. Yes; we do. We have the responsibility for determining the probable cause of all marine accidents, as we do in other types of transportation. Functionally, the Coast Guard, which now investigates accidents, will continue to investigate accidents, will report the results of those accidents to us, and in cases of real ones we will either participate at the accident level or, in any event, in review of the probable cause of such accidents. I am speaking about major marine accidents, other than those that we will expect that the Coast Guard will continue as heretofore to investigate routinely, the general function, standard inspections, and investigations and the like, without going to them and looking over their shoulders, if you will, and participating in these situations which seem to be of routine size, but in others, which seem to be of sufficient importance for us to go into, we will.

Senator SCOTT. You have investigative authority, as I understand it, over all forms of transportation, except as to space, but to all other forms of transportation; is that correct?

Mr. O'CONNELL. Yes.

Senator SCOTT. With reference to preventive measures, it seems to me that the first time when some immensely tragic accident occurs in

transportation, the question should arise: What should the National Transportation Safety Board do to avoid it?

You will be frequently on the hot seat. What proportion of the energies of your agency will be directed toward the prevention of accidents, rather than the investigatory functions after the event?

Mr. O'CONNELL. Can I give you a precise answer to that?

I would say that most of our efforts will be expended in the direction of what I would call preventive aspects, examining existing techniques by public and private as to what they are doing, what their practices are, what their systems are, for the purpose of seeing whether or not we can turn up something that will help on the preventive side. That is terribly important. That is, basically, the result of the system breaking down and to investigate the accident for the purpose of trying to learn something which will prevent it from happening again.

Senator SCOTT. I would think that a very high percentage of accidents occur because somebody thought that somebody else had been attending to it; is that not right?

Mr. O'CONNELL. I would not know.

Senator SCOTT. Well, you take the Apollo thing—you take an accident at sea or a railroad collision. Often, the investigation turns up the fact that certain people with responsibility assumed that somebody else had taken care of that little detail.

Mr. O'CONNELL. I certainly, would agree in an absolute sense, that every accident is the result of an act of God; they are the result of the failure of someone somewhere along the line—somebody forgot to do something—somebody is careless. There are a myriad of things that can go into it.

Senator SCOTT. Therefore, I would suggest that you consider the desirability in a given area of human beings, in that human area, because of the preventing functions of the agency to go into that?

Mr. O'CONNELL. I say to you that there have been a great many accidents that are the result of human errors. One of the great problems is how can you reduce that amount of human error. The way that you do it is add requirements with respect to how and the capacity of our people to drive vehicles, to reduce the load on the human being, whether in an airplane or in a control tower—a variety of other things, but the human factor will continue to exist, possibly less as we get faster airplanes in the air field and they almost have automation on the airplanes, but the human factor will always be with us. I suppose that doctors and others will continue to study that, but we cannot change human nature. We can try as well as we can to eliminate the cause of it.

Senator SCOTT. I would hope that you would have some work done in that field, rather than to assume that there is not much that we can do about it.

Mr. O'CONNELL. Do not misunderstand me. There will be work done in that field. We will encourage work to be done in that field. We will initiate work in that field, and I will do so myself. I did not mean to be defeatist about it, or to say that work should not be done. There is human engineering and human problems in the field of transportation as well as in other fields.

Senator SCOTT. I think the sooner the board is able to function and the sooner it makes clear to the general public exactly what it understands its duties to be and how it intends to proceed, the better.

That is all I have.

The CHAIRMAN. Where will you be located?

Mr. O'CONNELL. Initially, we will have space in the Universal Building, until the 1st of July, where the C.A.B. is. I understand that, as of June or July, headquarters will be in the Interstate Commerce Building, right across on Constitution. I believe they have space available for us there, as of the 1st of July.

The CHAIRMAN. What is your budget recommendation for the coming year?

Mr. O'CONNELL. For the coming year, just under \$2 million.

It involves more than one-half of it to take care of the Safety Board, of the Air Safety Bureau of the C.A.B. Actually, we are contemplating a staff of—well, five members and their immediate assistants and clerical help—maybe 30 people. We need a General Counsel, and the like. We will have six lawyers, et cetera.

The CHAIRMAN. How do you propose to function between now and July 1?

Mr. O'CONNELL. We are functioning out of the Universal Building. We have space there now.

The CHAIRMAN. Where are you getting your money from?

Mr. O'CONNELL. We have funds transferred to us.

The CHAIRMAN. But your 1968 fiscal budget?

Mr. O'CONNELL. The one I am speaking of is that. Where the funds come from now, I am not too sure, but we have enough funds transferred to us to operate on between now and the 1st of July, so I am informed.

Senator SCOTT. Do you have any curiosity as to where the funds come from?

Mr. O'CONNELL. That seems to me all I need to know.

Senator SCOTT. You will not need a new marble building on the Mall?

Mr. O'CONNELL. It will take a little time before we get to that.

[Laughter.]

Mr. O'CONNELL. And even longer to get.

The CHAIRMAN. If there are no further questions, we appreciate your being here.

Senator MONRONEY. I would just like to say that I have seen many boards established and I have seen many boards selected for their knowledge of the various parts of a job that they will perform. I compliment the President on his wise selection of men of competence and the like in their specialities in all of the lines of endeavor.

The CHAIRMAN. We will, on that happy note, recess the committee, which will have an executive session tomorrow morning.

I wish you well in that session.

(Whereupon, at 11:45 a.m., the hearing was closed.)

