

U. S. DEPARTMENT OF TRANSPORTATION
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REMARKS BY THE HONORABLE ALAN S. BOYD
SECRETARY OF TRANSPORTATION
ON THE OCCASION OF 'ALAN BOYD DAY' IN OKLAHOMA
AND THE 20TH ANNIVERSARY OF THE DOWNTOWN AIRPARK
AT THE DOWNTOWN AIRPARK, OKLAHOMA CITY, OKLAHOMA,
THURSDAY, JUNE 29, 1967, 12:30 P.M.

I am delighted to be here today in a city that ranks, in so many respects, as one of the most remarkable in America.

It is, for one thing, the home of Senator Mike Monroney -- and there just isn't a more able and effective advocate of aviation progress or of the interests of his home state and his country.

As you know, the Federal Aviation Administration, which is the largest unit within the Department of Transportation, has been charged by Congress with the responsibility for air safety. I know of no Senator or Member of Congress who is more responsible for the great air safety record we have had in the last decade than Mike Monroney. I know he will continue to advocate the reforms and the dollars that will make air travel even safer in the future. The FAA also is responsible for airport construction. There are literally hundreds of communities in the United States that can thank Mike Monroney that they now enjoy either scheduled airline service where they did not have it before or enjoy a far better scheduled service because of the great support that this senator has given to the airport construction program.

Mike's interest in progress hasn't stopped with aviation.

For twenty years, he has been a champion of efforts to strengthen the voice of the people in their government through Congress. This year, that effort is producing a new program of computer research that will give Congress faster access to the facts they need to make judgments on what government must do and how well it is doing it.

He is leading the campaign to take postmasters out of politics and to put the Post Office on a sound, businesslike footing.

This is a great Senator and a good friend of mine and this country.

I understand that Oklahoma City spreads out over more square miles of land than any other city in the country. Having just come from one of the more cramped and crowded corners of the nation -- the so-called Northeast Corridor that runs from Boston to Richmond -- I can't tell you how good it feels to enjoy all the breathing space, the elbow room -- and the generous hospitality -- that you offer.

I would not be surprised to find out that you've carved out for yourselves -- on a proportional basis -- more square miles of air than any other city in the country. You have, besides this Airpark, three municipal airports. You house the Aeronautical Center of the Federal Aviation Administration. You make airplanes and airplane parts. You offer a variety of excellent aviation services. Nearby Tripp Air Force Base couldn't ask for a better neighbor. And an

out-of-stater and Federal bureaucrat like myself couldn't ask for a better host.

I much appreciate your considerable kindness in giving me a "Day," but I have at least one lingering doubt. Most "Days" I've heard about have been held for some illustrious athlete or other whose day is almost, if not already, done. I'm afraid I'm neither so illustrious or so old -- and in recent years I haven't had much time for athletics.

As a matter of fact, let's explore my "day."

The editor of one of the country's leading transportation magazines recently spent some time reviewing the records on transportation of the last five presidents of the United States. And this is what he found:

President Johnson, he wrote, "has made more public utterances -- and more incisive and analytical ones -- about transportation than any other president of this nation."

The President has not only said more, he has done more. And the Department of Transportation is just one result of his concern that we respond to the challenges of growth and mobility with "new institutions, new programs of research, new efforts to make our vehicles safe as well as swift."

That is why -- for the first time in its history -- the United States is making a coordinated effort to maintain its total system of transportation as the best in the world.

And that is why I am here today.

I join you in honoring the industry and imagination that not only built this Airpark when its chances of survival seemed slim, but stayed with it year after year and have made it, on this the threshold of its twentieth anniversary, a strong and stable enterprise.

That basically, is the story of this Airpark -- a story which Mr. Amis has so concisely and cogently recounted. But it is not the whole story. For this Airpark is an outstanding -- but not isolated -- example of the great role that private investment and private effort are playing in the continued growth of American aviation.

At the end of last year the nation had 9,673 airports. Over three-fifths of these were privately owned.

Last year the 300 airports with FAA traffic towers handled a total of about forty-five million operations -- a 19 percent increase over 1965. These are impressive figures. Far more impressive is the fact that general aviation aircraft accounted for 75 percent of these operations -- and that total general aviation operations at these fields grew by 27 percent over the year before.

And we have every reason to expect that general aviation will exhibit this same kind of growth in the decade ahead. Today, we have about 100,000 general aviation aircraft. Our current estimate is that ten years from now we will have 180,000 of these aircraft -- and that 8,000 of them will be turbine-powered.

But judging by the way we have to keep revising our forecasts upwards -- so great has been our aviation growth -- the actual figures may very well be far higher than these.

These figures make one simple and important point: private flying and private aviation investment will continue to occupy a prominent place -- indeed, a more and more prominent place -- in our aviation picture.

And that is the way we want it. But, at the same time, we cannot forget that general aviation does not account for the whole aviation picture -- which includes our fleet of great commercial airliners, the great cities and the vast public they serve, and the extensive facilities they require to accommodate them as well as the people and products they carry.

In our large metropolitan areas, airport congestion has become a serious -- sometimes an acute -- problem. Crowded airports, runways, airlines, access and exit routes -- these mean delay, often intolerable delay, for passengers and products, and greater danger for pilots and passengers.

Already, the so-called "stretched" jets are entering the airlines. In a few years, the "jumbo" jets will join our commercial fleet. And in eight years the Supersonic Transport will begin service.

So it doesn't take an expert to understand that we will have our hands full over the next ten years -- even if we try to do nothing more than to keep things from getting worse. And I'm sure there isn't one of who wouldn't insist that we do a lot more than that.

Sometimes, when we talk about the potential for aviation growth, we like to say the sky is the limit. But the sky is not the limit. The ground is.

The human world may seem small and insignificant from an altitude of, say, 20,000 feet, but it is the people below -- their desires and needs, their cities and communities -- that air travel, like any other form of transportation, serves. Air flights begin and end on the ground -- and their main purpose is to move people and products more swiftly than any other means from one point on the ground to another.

I emphasize this obvious point because I think we can no longer afford to overlook or ignore it -- as sometimes we have in the past.

We can no longer become so absorbed by the awesome aircraft we build that we forget to build the airports that must accommodate them and the people and the products they carry.

And when we build airports we can no longer afford to get so involved in trying to accommodate the planes that we forget that airports, like planes and roads and houses, are mainly supposed to accommodate people -- people who need adequate access roads that

will take them to and from the airport without undue delay, and who need nothing less than a home incessantly serenaded by the sound of aircraft overhead.

I do not mean, for a second, to diminish the truly phenomenal accomplishments we have made in aviation over recent years. They have earned us the envy and admiration of the world.

But in the years ahead our margin for error will be far less, and the price of failure far greater, than in the past.

The basic pattern of air travel will not radically alter. Our large urban areas will grow larger, and the volume of air traffic between these areas will grow greater and more complex. That means it is going to be more and more difficult, and more and more important, to provide adequate ground facilities.

No ground facilities will be adequate that ignore the needs of the people and communities they serve.

One of our biggest needs in the decade ahead will be for more and better airports to handle the large growth we expect in general aviation. Undoubtedly in some of our major urban areas Federal funds will be required to help build some of these airports.

But I very much hope that the vast majority of these airports will be the product of the same kind of private enterprise in the public interest that has made this Airpark possible.

In aviation, as in all other forms of transportation, a major part of my job is to encourage private effort and private initiative in meeting the nation's needs. I intend to do so everywhere and anywhere I can.

In the meantime, I join with you in celebrating the Twentieth Anniversary of this Downtown Airpark -- to the vision and the courage that started it, sustained it, and made it succeed.

REMARKS OF ALAN S. BOYD, SECRETARY OF TRANSPORTATION, PREPARED FOR DELIVERY AT THE BANQUET OF THE ANNUAL MEETING OF THE VIRGINIA STATE BAR ASSOCIATION, AT THE HOMESTEAD, HOT SPRINGS, VIRGINIA, NOON, JULY 8, 1967

"LEGISLATIVE LANDMARKS IN U. S. SOCIETY"

I want to talk to you this afternoon about one of the curiously unfilled needs of our profession. For I have long felt that there is something missing in our governmental and legal careers, something that is possessed by every decent tailor or detective or disc jockey.

It is a system of popular ratings.

Tailors can show you the Ten Best Dressed Gentlemen. The FBI has its Ten Most Wanted Criminals. Announcers inform you of the Top Ten hit tunes.

But in law-making we seem to have overlooked such possibilities. We make no effort to dramatize the great legal acts of our time. I think our basic mistake is in allowing legislative history itself to become a dull and esoteric subject.

It's something we wouldn't let happen in sports. Just ask any real baseball fan to assemble the all-time greatest team, and see how alive the past becomes! His lineup of heroes probably includes players who retired from the game before the fan was even born.

Who but a law student gets a thrill out of an old statute? But what American does not owe his present and future happiness to many old statutes?

As I see it, our immediate task is to inject a sense of living presence in the history of Federal law. We have to find some way of giving those great old enactments of Congress the luster of heroes. We want the general public to begin asking, "Which were the champions? Which were the greatest?"

What I propose to do, this afternoon, is answer the question before it has been asked. I am going to present my personal nominations for the Top Ten legislative acts in American history.

And if the idea has a certain whimsicality, I assure you I have taken the assignment seriously. And if my

rating system seems a little bit nebulous, you will all appreciate that when one faces as many distinguished judges as I'm looking at, here and now, it is better to be vaguely right than precisely wrong.

I have another apology to make, before I begin, and that is to the memory of my favorite old law professor. I know that he would never forgive me for making a speech to a group of practicing lawyers on a subject which is not directly related to the making of a legal fee.

The only rewards that can come out of this are perhaps some friendly arguments with men I professionally and personally admire. Let me emphasize that the legislative acts I am about to discuss are my own personal choices, as of this moment. If you should happen to invite me back here in September or October of next year, it is possible I might present an altogether different list.

Here are the criteria I have used. I have selected ten acts of Congress, from the period immediately after the Constitution and Bill of Rights, up to the end of World War Two. I have made 1945 my close-out date because a totally new era began after the war. And I think you need at least twenty-five years before you really know what a law has accomplished, or not accomplished.

Within those time-limits, I have chosen ten legislative landmarks which I consider to have had the most important positive influence in molding the unique character of the American people.

I make the point of "positive influence" because we can all think of some legislation that has been very influential in a negative or detrimental way. For example, the Alien and Sedition Acts of 1798, and the Volstead Act in 1919, both of which had ruinous effects on the country.

We can also remember some big Acts surrounded by great expectations that had very little effect, that changed almost nothing in the long run. For example, the first Civil Rights Act of April 9, 1866, was interpreted to death.

To take an altogether different kind of example--the Louisiana Purchase was an Act of momentous importance for the political future of the United States, but it was not a legislative landmark. Like other land acquisitions in our history, it was a neutral action, without any intrinsic social implications.

Then I think of another group of important laws that were certainly not evil in their effects, and certainly did not fail in achieving their objectives. These were the major regulatory or standard-setting Acts, such as Pure Food and Drug, FTC, Pendleton, and Sherman Anti-Trust.

But while I agree that these have had a welcome civilizing effect on society, they have not, in my opinion, had a positive, creative impact. By my criteria, the real landmarks are those laws which represent permanent breakthroughs, opening up new and wider possibilities, adding to personal fulfillment and happiness, accelerating progress, liberating the creativity of our people, as well as improving the quality of life in the United States.

Here are my choices for the Top Ten, arranged in chronological order and not in any implied order of rank or merit. My first selection is the

PATENTS ACT, April 10, 1790

I regard the Patents Act as one of the truly great ideas of Washington's Administration. The unique feature of this law "to promote the progress of useful Arts" was that it assumed, ~~for~~ probably the first time in the history of nations, that the inventor had an inherent right to his invention.

Previously, there was no assurance that a government or a ruler would recognize an inventor's valid claims. This could be a matter of royal favor, or the result of an official's value-judgment on the usefulness of the idea. Our Patents Act established that an inventor not only owned his original idea and was entitled to derive whatever benefit he could from its exploitation, but that inventions were a form of property, enjoying the protections of property.

Yet it was a form of property that could be improved upon by the ingenuity of others. Information about the

invention, which had to be published in order to obtain patent protection, helped other inventors to refine the original idea, hastening progress and multiplying the benefits to society.

To date, this law and its successors have resulted in the award of 3-1/3 million patents. The best of these ideas have shaped the U. S. industrial character and produced the highest standard of living in the world. This great measure stimulated the creativity of Americans by holding forth a new opportunity of rewards for ingenuity and imagination.

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For my next legislative landmark we must go forward seventy-two years, to the

HOMESTEAD ACT, May 20, 1862

This measure answered the longing of masses of workers in eastern cities for free farmland and a fresh start in the western territories. The Homestead Act, one of the great strokes of national policy arising in Lincoln's Administration, gave Americans a "sweat equity" in the prairies.

You needed no money; you needed only the ability to survive and make improvements on the land. And after five years it was yours forever.

Congress offered this incentive to drain off discontent in one part of the country and speed up settlement in the other. Under the Homestead Act, nearly 250 million acres were transferred from public to private ownership. In other words Homestead titles now represent almost 11 percent of U. S. land area! Altogether, about 1-1/2 million homesteads were carried to completion.

Of course, Congress had passed several earlier land acts. And, in the aggregate, those accounted for a larger amount of land. But they involved purchase rather than homesteading.

Scholars seem to agree that despite all of its publicized shortcomings [many individual failures, numerous frauds, much land west of the 100th meridian unsuited to farming] despite all that, the Homestead Act had a profoundly beneficial influence on the character of American Society.

For this law was more than a means by which people of no means could acquire a stake; it was a means of peopling the wilderness with a new generation of self-sufficient citizens

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The next piece of landmark legislation was passed only ten days afterwards, although it didn't really gather momentum until a revised version was enacted two years later. I refer to the

UNION PACIFIC RAILROAD ACT, July 1, 1862

I see this as the greatest joint venture of public and private capital in the 19th Century. In my opinion, it set the pattern for Federal use of the profit incentive to achieve national goals.

In this well-known example, a rail line from the Missouri river to the Pacific coast was urgently desired on political and military as well as commercial grounds. Under a different philosophy, our Federal government would have built the line itself. In the established American tradition, our government did what was required to interest private investors in the huge undertaking.

By this Act, we created the instrument for a quasi-business project that was beyond the resources of the business community alone. Through a combination of grants, subsidies, franchises and guarantees, our government harnessed the great creative energies of private enterprise.

The Union Pacific Railroad Act may be regarded as the prototype of Comsat, the Supersonic Transport, and other joint public/private undertakings of our own generation.

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The next law on my list of the Top Ten was enacted about twenty-four hours later. This was the

MORRILL LAND GRANT COLLEGES ACT, July 2, 1862

This measure gave each State at least one nominally free public institution of higher learning.

Congress, looking beyond the trials and disasters of the second year of the Civil War, performed what I would regard as a remarkable act of faith, fortitude and vision. It passed a law "donating Public Lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts."

Altogether, about 118 million acres of land were given for the purpose--an area about 4-1/2 times the size of Virginia. As we now see, these land grants provided the dowry for, eventually, some 70 State colleges.

If higher education is indispensable to a modern nation, [and I doubt if there's any disagreement on that point] then the Morrill Land Grant Act must be regarded as one of the foundations of America's greatness.

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In appraising not only this piece of legislation but the next on my list, I am reminded of Mr. Jefferson's observation [in 1786] that "The most important bill in our whole code is that for the diffusion of knowledge among the people." This is clearly the intention of the

POST OFFICE ACT, March 3, 1863

The innovation that gives this law its lasting significance is the provision [in Sec. 35] of a special "rate of postage upon mailable matter of the second class."

I feel, the creation of a Second Class mail category was an important policy decision of the Federal government. It was aimed at speeding our national development in every conceivable way--social, political, technical, cultural and economic. In effect, it subsidized the flow of printed information. This Act provided a very cheap postal rate for regular periodicals and newspapers. In fact, the original law gave weekly newspapers free distribution within home counties.

At the time, less than two-thirds of our national territory had been organized into States, and ^{the} center of population stood in south-central Ohio. With Second Class mail, 29,000 local post offices were given an expanded mission in total U. S. progress.

I might add that in those days, Second Class mail averaged less than one pound per person per year. By last year it had risen to over 16 pounds per capita. In stimulating the growth of mass communication and diffusion of knowledge, this little-known Act has, I believe, greatly promoted the unity, the literacy and the enlightenment of our entire society. It remains an economic bulwark of the modern publishing industry as well.

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For my next legislative landmark, I have to go forward a full half-century, to the

ACT OF OCTOBER 3, 1913 [FEDERAL INCOME TAX]

I choose this as one of the Top Ten because it simply cannot be ignored. The Federal Income Tax has had a momentous effect on our central government and society as a whole, more so than Woodrow Wilson himself could have foreseen.

The structure of the income tax favors marriage and large families. It also is biased in favor of home ownership, medical care, professional self-improvement, investment in securities, business hospitality and philanthropy.

In addition, the income tax has been a great social equalizer; it redistributes wealth; it assigns the burden of supporting our government equitably--according to means.

Incidentally, fifty years ago, personal income taxes represented only 22.3% of total Federal internal revenue; last year they were 51.4% of Federal receipts. It is largely this that has permitted the growth and development of a strong central government, a government having the means to deal with great and complex problems beyond the capacity of the individual States.

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My next nomination for the Top Ten was enacted less than three months later, as the

FEDERAL RESERVE ACT, December 23, 1913

This complex Act of the Wilson Administration is, as you know, the foundation of present monetary policies and the

pioneer of the great anti-depression measures in U. S. history. It was designed to prevent financial panics of the kind that had triggered the crashes of 1873, 1893 and 1907, with their immense business losses and human deprivation. Within reasonable limits, it has succeeded.

To me, the Federal Reserve System represents the first really scientific approach to solution of the technical problems of banking and currency. Problems having a direct personal impact, like the sudden scarcity of money in circulation, and disappearing credit.

The Act gave this country an elastic currency. It provided needed facilities for discounting commercial paper. And it much improved the supervision of banking.

But the broader purposes implicit in the Federal Reserve Act are what excite our imagination today. It was the first building block in economic measures to counteract inflationary and deflationary movements. This, and companion measures, have helped to create conditions favorable to everyday life: a stable dollar, a sustained, high level of employment, a growing economy, and a rising level of consumption.

Above all, the Fed has greatly increased public confidence in our money and banking system. Without such

confidence, it is questionable if America could have achieved its great social and economic advances.

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About three years later, came the

RURAL POST ROADS ACT, July 11, 1916

This was the historic break-through which accelerated the automotive era in America. Here was the birth of the Federal-aid highway program. This Act laid the necessary foundation for the technology that was destined to transform every aspect of our national life.

For many years previous, Federal aid to the State highway departments had been resisted on Constitutional grounds. The rationale of this Act was that the central government should share with the States the responsibility for building and maintaining public roads over which U. S. mail was transported. In a few years, this rather narrow justification was no longer needed. The Federal Government was allowed to become the partner of States and municipalities in expanding the means of commerce and mobility.

The Rural Post Roads Act marked the beginning of the greatest construction task in American history--the creation of over 2-1/2 million miles of modern streets and highways. To me, it stands as the "Continental divide" in the psychology of the American people. In a true sense, the Rural Post Roads Act changed the face of our nation.

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For my next choice, we move ahead another nineteen years, to the

SOCIAL SECURITY ACT, August 14, 1935

This Act is the beacon of the years of the Great Depression. It encompasses the humane instincts of our society on behalf of disabled or disadvantaged people. Since any or all citizens can fall in this category, by time or misfortune, it is humanly the broadest law we have ever enacted.

In the beginning, Social Security covered 33 million citizens or about 26 percent of the population. Today, almost 87 percent of our citizens enjoy its protections and benefits.

In its original form, the measure did more than set up a system of old-age benefits and unemployment compensation, plus provisions for blind persons, dependent and crippled children, and maternal and child welfare. This Act was a way of asserting the minimum standards for life in America. It testified to the quality of our civilization--which is revealed as much by the treatment afforded the weak and vulnerable as by achievements of the strong and fortunate.

Let me mention that over 170 million people are now enrolled under Social Security. And some 23 million are receiving a Social Security check every week in our great and compassionate society. Obviously, by relieving so many of the basic anxieties, as well as the wants themselves, this historic measure of the Franklin Roosevelt era has contributed immeasurably to the American way of life.

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My final selection is the

SERVICEMAN'S READJUSTMENT ACT OF 1944

This is the original "G. I. Bill," enacted as our troops were fighting in the Normandy beachhead. The Act bestowed

a wide range of benefits on returning veterans of World War II. But the historically great part of the measure is Title II, granting the veteran free education and training, along with adequate financial support while he remained a student.

In previous wars, America had rewarded its servicemen with cash bonuses or land grants. The G. I. Bill was a recognition that in the 20th Century education could represent a greater asset than money or property. It was a quantum leap for the nation as a whole, doubling our output of college graduates in less than five years. All told, over 7.8 million veterans took advantage of these educational benefits. [Over 10 million, including Korean war veterans.]

In fact, when President Johnson signed a new G. I. Bill, last year, he observed that 116 members of the House of Representatives had received training under the original law, as had 11 U. S. Senators, 12 State governors, 3 Cabinet members and one Justice of the Supreme Court.

This Act expressed a new dimension in public policy, a new perception of what is in the national interest. We have all seen how its influence has broadened, over the past two decades, into the many different programs of Federal aid to education that are now in effect.

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These are the legislative landmarks which I would place in the Top Ten. It wouldn't surprise me to discover that there were differences of opinion on this subject. I think it might be interesting to conduct a survey within the bar association and compare our respective lists.

One of the values of looking at history in this way is that we can sometimes see patterns, or traits of character in our national life, that are more or less hidden in the profusion. We can see, for example, that the G.I. Bill belongs to--not one, but two great traditions.

On the one hand, it continues our national trend of investment in human resources: the trend of the land grant colleges. On the other hand, it strikes me as being very much in the spirit of homesteading.

Our country did not make an out-and-out gift to either the settler or the veteran. Both were offered something of no value unless combined with personal effort.

I think we can also see two traditions at work in the Union Pacific Railroad Act. It illustrates our preferred pattern of national development, blending public and private investment. This we see throughout all aspects of transportation: the private sector pays for the vehicles and equipment; the public sector pays for the right-of-way and the maintenance of routes.

At the same time, the builders of the railroad were given a land grant that had little value unless ^{pieces of} it could be sold to individual purchasers. And the States which received public lands under the Morrill Act could end up having colleges only through

similar private sales.

In these and other examples, the grand political strategy has been to achieve our national goals by harnessing the power of private enterprise.

There is another pattern that intrigues me. When we look at these legislative landmarks, and inquire in whose administrations they were enacted, we identify these four Presidents:

Washington, Lincoln, Wilson, Roosevelt.

Is this a coincidence? I would be surprised if it were. Surely, one of the best ways of measuring the worth of a leader is by the quality of law enacted in his term of office.

Naturally, it is a temptation for me [probably for you, as well] to examine the output of recent years, to try to get a preview of how the administrations after World War Two will be judged by future historians.

It would not be a very judicious act on my part to undertake such a review. But I am inclined to think that laws having the scope and the impact and purposes of the Full Employment Act of 1946, the Civil Rights Act of 1964, and the Equal Opportunity Act of 1964, will someday be found in the lineup of champions.