

Epilogue: The Changing Federal Role

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Epilogue: The Changing Federal Role

A New President

A new



After the November 1960 election, President Eisenhower had a cordial meeting with his successor, Senator John F. Kennedy (D-Ma.), in the White House.

President, former Senator John F. Kennedy became President of the United States on January 20, 1961. He continued the President's Committee for Traffic Safety and asked Hearst to continue as chairman, thanking him for his effort "to help solve one of the most pressing problems facing the nation today-the high percent of traffic fatalities." The decline in fatalities continued in 1961 (38,091).

On February 21, 1961, the new President sent a message to Congress on "Our Federal Pay-As-You-Go Highway Program." The message addressed the funding problems that had plagued the Interstate Construction Program in the last years of the Eisenhower Administration. Congress had addressed the problem by temporarily increasing the gas tax to 4 cents through June 30, 1961, leaving a permanent solution until the new President took office.

President Kennedy's message began:

President Dwight D. Eisenhower and the Federal Role in Highway Safety

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Our Federal pay-as-you-go highway program is in peril. It is a peril that justifies a special message because of the vital contribution this program makes to our security, our safety, and our economic growth. Timely completion of the full program authorized in 1956 is essential to a national defense that will always depend, regardless of new weapon developments, on quick motor transportation of men and material from one site to another.

American lives are also dependent on this program in a more direct sense. Better, more modern highways-with less congestion, fewer dangerous curves and intersections, more careful grades and all the rest-mean greater highway safety. It has been estimated that more fatalities will be suffered in traffic accidents between now and 1975, when the new system is fully operative, than were suffered by American troops in every conflict from the Civil War through Korea. Last year witnessed 38,000 traffic fatalities and 1.4 million personal injuries. But on our new expressways the ratio of accidents and deaths per mile driven is only a fraction of what it is on ordinary roads. The Interstate System when completed, it is estimated, will save at least 4,000 lives a year.

On June 29, 1961, the 5th anniversary of the Interstate Construction Program, President Kennedy signed the Federal-Aid Highway Act of 1961. It revised the schedule of highway user excise taxes, including continuation of the 4-cent per gallon gas tax through October 1, 1972. The 1961 Act also adjusted authorizations through 1971 to match the latest estimate of the cost of completing the Interstate System (\$41 billion, with a Federal share of \$37 billion). Based on the 1961 estimate and projections of Highway Trust Fund revenue, the legislation appeared to put the Interstate System on a sound fiscal path.

On January 12, 1962, President Kennedy approved Executive Order 10986 amending President Eisenhower's Executive Order 10986 on Establishing the Interdepartmental Highway Safety Board. The only change was in the membership, which now included the Department of Labor.

The Board held its organizational meeting on June 28, 1962. Commerce Secretary Hodges, the former Governor of North Carolina, was Chairman. Each member provided a report on his Department's safety activities. The group identified principal needs, such as a more precise definition of Federal resources and improved collaboration in meeting objectives and programs. C. W. Prisk, the Deputy Director of the BPR's Office of Highway Safety, was designated Executive Officer of the Board.

At Secretary Hodges' suggestion, the Board agreed to establish a Working Committee on selected staff from the seven Board agencies. The Executive Officer organized the Working Committee. Its first assignment was to evaluate the agency resources with the view of preparing a report on the status of Federal highway safety programs and recommendations for legislative or administrative action, where appropriate.

The fatality toll reached a record of 41,000 in 1962. Motor vehicle travel was at a record high level, as were the number of vehicles and drivers, but the fatality rate had increased to 5.3 from 5.2. *Traffic Safety* said the "death explosion on our highways . . . shattered hopes of holding the toll below the 40,000 level." National Safety Council statistician Miller explained, "The reversal in the death rate in 1962 stands as evidence that the increase in travel, and in the problems of safety which accompany such an increase, are outrunning the street and highway facilities and control programs."

Governor Pyle said of the record fatalities:

We have witnessed the most disastrous toll of traffic fatalities this nation has ever known. Words are simply incapable of expressing this tragic and wasteful loss.

In past years, a small rise in the number of deaths was usually outweighed by a reduction in the rate of deaths per miles of travel. But last year, the mileage rate increased as well.

This gives every indication that this nation is at a critical turning point in traffic safety.

Highway fatalities continued to increase. For 1963, the total was 43,564 (fatality rate: 5.4). In 1964, the total increased to 47,700 (5.6).

The Roberts Bill

President Johnson approved Public Law 88-515 on August 30, 1964, "to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain passenger safety standards." Chairman Roberts' bill had finally become law. It stated:

That no motor vehicle manufactured on or after the effective date of this section shall be acquired by purchase by the Federal Government for use by the Federal Government unless such motor vehicle is equipped with such reasonable passenger safety devices as the Administrator of General Services shall require which conform with standards prescribed by him in accordance with section 2.

Section 2 stated that the General Services Administrator shall develop commercial standards "for such passenger safety devices as he may require" and that the first standards shall be prescribed "not later than one year from the date of enactment of this Act."

As the GSA had pointed out during consideration of the Roberts Bill, the agency had authority under Section 206(a) of the Federal Property and Administrative Services Act of 1949 to prescribe Federal standard purchase specifications. In practice, the GSA had limited itself to safety and other accessories the manufacturers provided as standard or optional equipment. On June 30, 1965, under the 1949 and 1964 Acts, the GSA published its first set of standards in the *Federal Register* for purchase of 1967 model sedans, carryalls, station wagons, buses, and light trucks up to 10,000 pounds. The standards provided for the following devices:

1. Anchorage for seat belt assemblies.
2. Padded dash and visors.
3. ;Recessed dash instruments and control devices.
4. Impact-absorbing steering wheel and column displacement.
5. Safety door latches and hinges.
6. Anchorage of seats.
7. Four-way flasher.
8. Safety glass.
9. Dual operation of braking system.
10. Standard bumper heights.
11. Standard gear quadrant, P-R-N-D-L, automatic transmission.
12. Sweep design of windshield wipers-washers.
13. Glare reduction surfaces.
14. Exhaust emission control system.
15. Tire and safety rim.
16. Backup lights.
17. Outside rear view mirror.

On November 3, 1964, the United States reelected President Johnson by a landslide margin over Senator Barry Goldwater (R-Az.). The President's political "coattails" also elected enough Democrats to create the biggest Democratic majority in the U.S. House of Representatives since 1936. However, Senator Goldwater carried five States, all in the Deep South where his vote against the Civil Rights Bill was popular. In Alabama, his coattails swept five incumbent Democrats out of office, including Chairman Kenneth Roberts.

Roberts' service in the House, which began on January 3, 1951, ended on January 3, 1965. After leaving office, he resumed the practice of law until his retirement in 1979, but he retained his longstanding interest in highway safety. He served as counsel to the Vehicle Equipment Safety Commission (1965-1972) and as a member of the National Highway Safety Advisory Committee (1966-1970).

The former Congressman died on May 9, 1989, and is buried at Arlington National Cemetery.

The Baldwin Amendment

In 1963, fatalities on the Nation's highways totaled 43,600, compared with 40,804 in 1962. In a letter on March 23, 1964, President Johnson wrote to Secretary Hodges. Citing the death of 43,400 American in 1963, the President said, "As a Nation, we cannot continue to tolerate this drain on our resources and, as human beings, we cannot continue to tolerate this terrible pain, suffering and loss of life." He called on the Secretary to launch an accelerated attack on highway accidents through the Federal-aid highway program:

Because of the responsibilities of your Department's Bureau of Public Roads in this area, I am designating you to undertake immediately an accelerated attack on traffic accidents in this country. State and local governments should be encouraged and assisted in developing priority safety programs giving special attention to hazards on highways with high-accident experience.

I understand such a safety priority program can be undertaken within the present Federal-Aid program and the resources of the Highway Trust Fund without cost to the general taxpayer.

In a society such as ours where human life and health is valued so highly, there is a special obligation to use our scientific abilities to bring this problem of highway traffic safety under control.

Within 2 weeks, the Commerce Department announced plans for encouraging the States to use a substantial portion of their available Federal-aid funds (\$975 million apportioned for the Federal-aid primary and secondary systems and urban extensions) to eliminate high-hazard locations on the highways. Because the Federal-aid highway program is based on State selection of projects, State cooperation would be essential.

To encourage the States to adopt safety priorities, Federal Highway Administrator Rex Whitton issued an Instructional Memorandum (the standard BPR guidance document) changing review procedures to make it easier for the State highway agencies to receive BPR concurrence in safety projects. The goal was to move safety projects to construction in advance of other projects scheduled "on the basis of general route improvement." He asked the States to select projects "on the basis of need as indicated by accident frequency markedly above the average." Using funds for safety projects would divert

resources from other needs, but he believed the safety program would "provide sizeable and immediate benefits to the public through the reduction of accidents."

Whitton referred to safety as "our first priority." In urging the States to cooperate with the President's spot improvement program, Whitton said "faced with the alternative of another traffic toll in 1964 or 1965 like that in 1963, I believe we must rivet our attention on safety as a primary objective in our over-all highway program." The Office of Highway Safety would help States develop criteria for identifying high-accident locations-those with accident frequency markedly above the average-and collect before-and-after data. Typical spot safety projects would include:

Widening of narrow traffic lanes.
Construction of stable shoulders of adequate width
Flattening of side slopes and/or removal of roadside curbs and fixed obstructions.
Reconstruction to increase sight distances on horizontal or vertical curves.
Widening of narrow bridges or other structures.
Installation of protective devices at railroad crossings.
Installation of traffic control devices in conformity with the MUTCD.
Construction/reconstruction of intersections, including channelization.
Installation of guardrails, guide posts, and delineators.
Installation of highway lighting.
Construction of fencing.
Construction of service roads, entrances and exits, and curbs.

Recognizing that this new step might create some apprehensions regarding the role of the Federal Government, Whitton said:

It is a normal development when we realize that the fundamental problem of highway accidents cannot be resolved within the boundaries of any city or county, or entirely within any state. The problem simply does not respect any political or geographical boundary lines.

During the first year of the program, 33 States programmed 182 safety improvement projects on highways included in the Federal-aid systems at a cost of nearly \$42 million. At the standard Federal-State matching ratio of 50-50 for projects off the Interstate System, the Federal share came to \$21 million. Whitton summarized the conclusions from the initial spot safety projects:

1. substantial reductions in the nation's traffic death and injury rates can be realized through highway and traffic engineering;
2. the greatest and most rapid dividends in reduced accidents can be realized by eliminating accident-inducing features of high-accident locations;
3. the cost per improvement need not be large, but the total number of improvements urgently needed will require large expenditures of public funds.

On September 10, 1964, after receiving a report from the President's Committee for Traffic Safety on State and local adoption of the Action Program, President Johnson issued a statement:

The record-breaking motor vehicle travel accompanying the nation's high level of prosperity has increased the need for stepped-up activity to curb traffic accidents. It is self-evident that we must expand and intensify our efforts to prevent these accidents.

Toward that end, it is indispensable that we initiate greater research into the causes and means of preventing accidents. We need the active participation of the best minds in the colleges and universities in all of our states. We need to enlist researchers in all of the sciences: medicine, law, engineering, psychology, public information-every field that can help us to learn more about human behavior, and to develop new means of increasing the safety of highways and vehicles. I am asking the committee to report back to me as soon as it can as to the current status of traffic safety research in these fields, and what should be done to stimulate broader activity.

This is not to say that our present efforts have been fruitless. With the explosive traffic growth, our plight would be far worse had it not been for diligent safety activities.

Primary responsibility rests in our states, counties and municipalities; and the committee's report makes evident that improved performance, overall, has been attained.

The federal government and the Congress have cooperated, also, in many ways. A notable example is the National System of Interstate and Defense Highways, with its many safety features.

The Committee for Traffic Safety has given leadership in stimulating state and community application of the tested and proved accident prevention measures of the Action Program. Greater understanding of this program has been developed through national and regional conferences of legislators, public officials, and citizen leaders-both men and women. The committee's projects are conducted through its advisory council of national, non-profit organizations of public officials and private interests, and federal agencies.

Nevertheless, our combined efforts clearly fall far short of our requirements. There is urgent need to apply the entire Action Program more vigorously through day-after-day cooperation of private citizens and public officials. There is need for more technical assistance to these officials from national traffic safety service organizations.

These and many other needs must be met so we may deal more effectively with our critical traffic accident problem. We cannot accept the intolerable drain on our human and economic resources that these accidents are causing.

Congress took another step with adoption of the Baldwin Amendment, part of a one-page bill amending the Federal-Aid Highway Act of 1956, primarily to authorize Interstate funds for Fiscal Year 1967, and call for a Commerce Department report on estimates of future highway needs of the Nation. The President signed the bill on August 28, 1965, as Public Law 89-139. In Section 4, the bill included a provision introduced by Representative John F. Baldwin (R-Ca.) that added Section 135 to Title 23, United States Code. It stated:

After December 31, 1967, each State should have a highway safety program, approved by the Secretary of Commerce, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom, on highways on the Federal-aid system. Such highway safety program should be in accordance with uniform standards approved by the Secretary and should include, but not be limited to, provisions for an effective accident records system, and measures calculated to improve driver performance, vehicle safety, highway design, and maintenance, traffic control, and surveillance of traffic for detection and correction of potentially high accident locations.

The original Baldwin Amendment, as approved by the House, provided that the Secretary of Commerce could not apportion Federal-aid highway funds to a State that did not have a highway safety program that met the requirements of the law. Funds withheld from a State were to be reapportioned to other States. The Conference Committee to resolve differences between the House and Senate versions of the bill deleted the fund provision. In the Conference Report, the Statement of the Managers on the Part of the House explained that the change had been made and added:

It is the expectation of the conferees that the Committee on Public Works will examine from time to time the extent of voluntary compliance by the States with this new section of title 23 with a view of determining whether any further legislative action is necessary.

In a statement released on August 28, President Johnson praised the new law's other provisions, then added:

This legislation also provides the tools for a coordinated national attack on highway accidents. It provides that the Secretary of Commerce shall develop uniform standards for State highway safety programs. The death of over 48,000 persons on our highways last year and the prospect of an even greater total this year give urgency to a national safety effort. The approach provided for by this legislation is in keeping with the traditional Federal-State relationship through which the Federal aid highway program has operated so successfully. It recognizes the primary responsibility of the States for highway safety and at the same time acknowledges the Federal Government's responsibility to lead and coordinate.

Shortly after enactment of the law, the BPR's Office of Highway Safety began working with State officials to develop the standards. However, the Baldwin Amendment would soon be overtaken by events.

Unsafe at Any Speed

On March 22, 1965, the Subcommittee on Executive Reorganization, Committee on Government Operations, United States Senate, began a long-range series of hearings on the Federal Role in Traffic Safety. The Subcommittee Chairman was Senator Abraham Ribicoff, the former Governor of Connecticut (1955-1961), Chairman of the Governor's Conference Special Committee on Highway Safety, and Secretary of Health, Education and Welfare (1961-1962). He had taken office as a Senator on January 3, 1963 (and would serve until January 3, 1981).

Chairman Ribicoff explained that the goal was to review "from top to bottom" the Federal, State, and local agencies involved in highway safety. He also intended to hear from the automobile industry and safety advocates. Two points stood out, he said. First was "the vast

extent of the so-called traffic safety establishment." The establishment "extends from the local police station to community safety councils to State traffic safety commissions and to the White House itself." He had identified 16 agencies of the Federal Government with at least some traffic safety involvement. On this first point, Chairman Ribicoff said:

We will endeavor to establish exactly what the present Federal role in traffic safety is, how much is expended to support it, how it might duplicate and overlap, and how it might be improved.

The second point was that, "despite the efforts of the past-despite massive safety campaigns both public and private-the awful carnage on our roads and streets continues and worsens." Using National Safety Council statistics, he described the grim reality:

As a result of traffic accidents which occurred in 1964, 47,800 people have already died, and before the records are closed the total is expected to exceed 48,000 which is 10 percent more than 1963 fatalities which numbered 43,400. What is even more significant is that the deaths per 100 million miles traveled rose from 5.3 in 1962 to 5.5 in 1963 to 5.7 in 1964. If the current increase in the traffic fatality rate continues, deaths will rise to 100,000 a year by 1975.

Having stated the traffic safety problem, the question becomes, first, what are we doing about it, and second, what can we do about it?

The hearings, taking place from March 22, 1965, to March 22, 1966, covered 1,592 pages of printed testimony.

On March 25, one of the witnesses was Daniel Patrick Moynihan, author of the April 1959 article "Epidemic on the Highways" in *The Reporter*. In 1961, President Kennedy had appointed Moynihan to the post of Assistant Secretary of Labor for Policy Planning and Research. In this position, Moynihan had continued working on highway safety because Secretary of Labor Willard Wirtz was an *ex officio* member of the President's Committee for Traffic Safety and, after January 12, 1962, a member of the Interdepartmental Highway Safety Board.

Representing Secretary Wirtz before the subcommittee, Moynihan summarized his biography, including his years in New York, and his continuing interest in highway safety after Governor Harriman had lost his reelection bid:

Thereafter I maintained my interest in the field, published occasional articles, and involved myself with a group of epidemiologists, engineers, lawyers and political scientists in an effort to learn whether our respective disciplines when combined could not, in Paul Appleby's phrase, somehow make a mesh of things.

Making "a mesh of things" was one of Moynihan's several gifts that served him throughout his life. He was a synthesizer who had no fear of reaching conclusions that might be controversial. His 1959 article, while not the first to blame the auto industry for highway deaths and injuries, was typical of a career in which Moynihan was often ahead of the consensus, sometimes at his own peril. Moynihan's testimony on March 25 largely followed the themes in his article.

Moynihan also had a gift for picking aides. At the Labor Department, he hired a part-time consultant in 1964 for \$50 a day. The consultant, a young lawyer named Ralph Nader, had published an article, "The

Safe Car You Can't Buy," in *The Nation* in April 1959 that tracked Moynihan's thinking. Nader's point was:

It is clear Detroit today is designing automobiles for style, cost, performance and calculated obsolescence, but not -- despite the 5,000,000 reported accidents, nearly 40,000 fatalities, 110,000 permanent disabilities and 1,500,000 injuries yearly -- for safety.

Working odd hours from the middle of 1964 to the spring of 1965, often arriving at his office after midnight, Nader compiled a Labor Department report called *Context, Condition and Recommended Direction of Federal Activity in Highway Safety*. Nader biographer Justin Martin observed, "Meant for background use only, the report failed to make a ripple, let alone a splash." (*Nader: Crusader Spoiler Icon*, Perseus Publishing, 2002, p. 40).

The young lawyer came to the attention of a publisher who was interested in releasing a book on highway safety. Nader had begun work on a book in the early 1960's, and now finished it in early 1965. The result was *Unsafe at Any Speed: The Designed-in Dangers of the American Automobile* (released by Grossman Publishers on November 30, 1965). The book reflected Nader's view that the culprit in highway safety was not the "nut behind the wheel," but the makers of vehicles that were inherently unsafe. He said:

A great problem of contemporary life is how to control the power of economic interests which ignore the harmful effects of their applied science and technology. The automobile tragedy is one of the most serious of these man-made assaults on the human body Our society's obligation to protect the "body rights" of its citizens with vigorous resolve and ample resources requires the precise, authoritative articulation and front-rank support which is being devoted to civil rights.

To illustrate the idea, the book's first chapter highlighted safety defects in the 1960-1963 Chevrolet Corvair, GM's popular response to the invasion of Germany's Volkswagen Beetle and other small foreign cars into the American market. As described in Nader's book, the Corvair had a tendency for rear-end breakaway behavior that led to uncontrollability and rollovers. The chapter began by quoting John F. Gordon, GM's President. In a speech to the National Safety Congress on October 17, 1961, Gordon spoke about the "diversionary forces" that were undermining safety progress:

The traffic safety field has in recent years been particularly beset by self-styled experts with radical and ill-conceived proposals The general thesis of these amateur engineers is that cars could be made virtually foolproof and crashproof, that this is the only practical route to greater safety and that federal regulation of vehicle design is needed. This thesis is, of course, wholly unrealistic. It also is a serious threat to a balanced approach to traffic safety The suggestion that we abandon hope of teaching drivers to avoid traffic accidents and concentrate on designing cars that will make collisions harmless is a perplexing combination of defeatism and wishful thinking.

That was, however, precisely what Nader had in mind. The tragic story of the Corvair made up only the first chapter in a book that constituted a broad attack on virtually every aspect of the nationwide effort to reduce fatalities and injuries on the road, from its start to the present.

Nader derided the 1924 and 1926 highway safety conferences sponsored by Commerce Secretary Herbert Hoover:

Out of these conferences, sponsored and financed by private funds, came a number of recommendations dealing with statistics, education, public relations, traffic control, and a model uniform vehicle code. Underlying all these efforts was the view that highways and vehicles were built about as well as could be expected under existing technology, and that traffic accidents were therefore traceable to willful, careless, irresponsible, or incompetent drivers "The three E's"-Enforcement, Education, and Engineering-became the slogan for a "balanced" traffic safety program. It was not long before the public was given to understand that "Enforcement" and "Education" meant the motorist, while "Engineering" meant the highway.

Nader was particularly critical of the highway safety "establishment" groups that he indicated were financed mainly by the automotive and insurance industries as a cheap alternative to building safer vehicles. He reserved special contempt for the President's Committee for Traffic Safety and the National Safety Council. The automobile industry, Nader said, had shown "considerable ingenuity" in developing the idea for the President's Committee. "It was created in 1954 simply by a letter from President Eisenhower to Mr. Harlow Curtice, head of General Motors and chairman of the then Business Advisory Committee on Highway Safety." The President indicated he wanted to follow up on the enthusiasm generated by the White House Conference on Traffic Safety ("sponsored by private industry," Nader noted) as well as "the fine work begun by the business group."

Two weeks later, according to Nader, the organizational meeting took place in room 4426 of the Treasury Building, where Curtice told the Committee's other members that the group was intended to organize local communities for the safety effort based on the Action Plan and serve in an advisory capacity to the President. They agreed that Admiral Miller, upon approval of his current employer, the American Petroleum Institute, would be the volunteer director; that Light Yost of GM would be the secretary, and that "President" should be included in the Committee's name.

William Bethea, the Committee's Executive Director from 1954 to 1961, would be paid by private contributions. Nader quoted Bethea as saying he left the Committee when he realized that "nothing effective could be done." Bethea said the members were "completely hostile to the federal government They never want to talk about the vehicle, which is the primary bugaboo." He did not consider the members to be "safety professionals"; they were "organization and public relations men."

His successor, William Foulis, was, in Nader's words "a former radio broadcaster and a genuinely talented practitioner of the art of double-talk." Foulis' assistant, Richard Tossell, "is an unpretentious holder of a doctorate in safety education."

The President's Committee for Traffic Safety was "quite without parallel in the history of American government." It had been "created by and then leased back outright to private enterprise" at a cost of about \$50,000 a year. "Foulis and Tossell labor in government office space and give instructions to civil servants under their authority, but on pay day their checks carry the name of a private, tax-exempt organization called the President's Action Committee for Traffic Safety." Most of the salary came from the Automotive Safety Foundation (ASF) and the Insurance Institute for Highway Safety (IIHS). "The President's Committee is composed of eighteen patronage positions filled by fairly prominent individuals, most of whom know nothing whatever about traffic safety."

Nader reported that in recent years, high officials in the Department of Commerce had tried to dissolve or curb the Committee:

A host of arguments was advanced to support their case: the untenable fiscal and administrative practices resulting from the mixing of private funds and staff with public funds and staff; the inherent inability of the committee to be adequately responsive to the public interest when its direction comes from private groups; the obstruction, duplication, and complications it poses for the Office of Highway Safety [in BPR]; the false impression it gives to the public that the federal government is playing an important role in highway safety when the committee is actually being used to make sure that precisely the opposite is the case; the use of the committee's Presidential prestige to preserve the status quo in safety policy at the state and community level; the superfluous nature of the committee in light of the creation of the Office of Highway Safety, the Division of Accident Prevention, and the Interdepartmental Highway Safety Board in the years since the committee was organized; and the more efficient and more appropriate exercise by the Office of Highway Safety of whatever useful endeavors the committee is supposed to perform as outlined in its executive order.

The assassination of President Kennedy on November 22, 1963, occurred before the Commerce officials had a chance to discuss their concerns with the President. By the time Secretary Luther Hodges submitted a proposed Executive Order to the White House on the subject in January 1964, Hearst had convinced President Johnson to retain the Committee.

The President's Committee for Traffic Safety and the Advisory Council that provided guidance to it had, Nader concluded, an "essentially negative mission to see that the federal government stays out of traffic safety and that the entrenched view of accidents and injuries as being due to driver behavior is not disturbed."

The National Safety Council, he said, "remains the unswerving keeper of the traditional faith." Nader conceded that virtually everyone in America was aware of the Council's promotional material, including its holiday fatality projections. ("Should the prediction be exceeded, it shows how important are the council's warnings against carelessness; if the prediction exceeded the actual toll, then the council concludes that its warnings made people drive more carefully.") Nader explained:

Since its founding . . . the council has saturated the country with slogans, printed material, and broadcasted exhortations for safer driving. It has helped to form state and local safety councils, accrediting seventy-two of them as council affiliates, all devoted to persuading the public to drive carefully.

While he considered this effort "useless," he did not consider it harmless:

What seems to fill a need in form succeeds very well in excluding alternative methods that could fill it in fact Stripped to its fundamentals, the council view is that man must be the element adapted to the accident and injury risks of automobile driving, not that the automobile must be designed for maximum possible adaptation to man's requirements.

The Council, Nader said, conducted no research, and had "an unblemished record of never differing with the automobile industry."

Nader also compared the Council's goals with its achievements. The effectiveness of the Action Program promoted by the Council and the President's Committee for Traffic Safety "has never been determined." No comparison had ever been published of traffic safety in communities that had and had not adopted the Action Program, although Nader stated that unpublished correlations by Council staff "have shown negative or inconclusive results." After quoting former Governor Pyle as saying the Action Program represented "the best of fifty years of ideas, experience and research findings in traffic safety," Nader stated that since the Action Program had been unchanged since 1949, it hardly reflected 50 years of experience.

He considered the reliance on the Council for traffic accident statistics "a rather unusual delegation of a public function to a private organization." He added, "The council has not failed to abuse the privilege." It did not attempt to differentiate among the accident experience of different makes and models of automobile. It also was a "staunch adherent" of relying on the fatality rate to measure traffic safety progress. Nader explained his objections to the concept:

There are many questions that can be raised about the consistency of methods in calculating vehicle miles traveled, but the pertinent factor here is that any claim of a reduced death rate per vehicle miles traveled gives an illusion of progress which is definitely misleading. The fatality rate per hundred million vehicle miles traveled had gone down steadily from 11.4 in 1940 to 5.2 in 1962, then began rising again in 1963 and registered 5.7 in 1964. But fatality rates have remained basically unchanged when the total population of the United States is used as a base. For example, traffic deaths per 100,000 population totaled 26.1 in 1940, 23.0 in 1950 and 24.9 in 1964. What this means is that a motorist can expect to drive farther in any given year without being killed, but he is just as likely as in previous years to be killed within that year.

The fatality rate also obscured the "tremendous injury totals and rates." He explained:

National injury statistics are arrived at only by sample, but evidence in various states indicates a sharp increase in injury rates during the postwar years, reflecting in part a greater density of vehicles in urban areas and more rapid modern medical care that is saving lives.

Nader was critical of other highway safety groups as well. For example, the ASF had been founded in 1937 by four automobile executives, and was supported by contributions from the automobile industry:

Contrary to what its name might imply, the Automotive Safety Foundation has no concern for the automobile *per se*; except that it be driven better, maintained properly, and provided with more highways and off-street parking.

Early on, the ASF promoted Standard Highway Safety Programs for the States based on "two cornerstones" that Nader described as a "balanced program" for accident prevention, and "the necessity for official responsibility by state and local officials backed with organized citizen support groups." He added:

With refinement and expansion by ASF and other automobile representatives, this program in 1946 was changed to the Action Program for Traffic Safety, which continued to be the blueprint for concerted activity.

Nader stated that the ASF and the National Safety Council had received a draft version of the BPR's report *The Federal Role in Highway Safety* "which may help explain why by the time the study was published the government's role in vehicle safety was never defined."

The traffic safety attitude of the IIHS, founded in 1959, "closely parallels the ASF." IIHS President Russell Brown had called for an additional \$500 million of State and local funds annually "to support existing programs on a greater scale and to augment the private budgets of the national service organizations." But, Nader added, "neither he nor his organization's literature mentions vehicle design":

The issue which appears to motivate the programs financed by IIHS and which makes it so cooperative with automobile industry interests is the threat of federal incursions into state jurisdiction over traffic safety.

Nader quoted a comment that Brown made in "almost every address":

In the management of our vast highway transportation system, public policy must be based on the premise that sovereignty rests with state governments, and that federal and local governments only have those rights that are given to them by sovereign states. Therefore, the focal point for all highway traffic control and safety activities is the State.

The IIHS backed up its position by providing grants for State traffic safety programs. Nader explained that the policy of the IIHS was "to encourage formation of these citizen units in all states to 'influence personal behavior in traffic and create and express public support for official programs.'"

What particularly disturbed Nader, he said, was that the insurance industry had known about unsafe vehicle design for years and had even received compensation from automobile manufacturers for claims on a confidential basis. The industry had not, however, reported this vehicle design data to the public:

[Information] of life-saving import, which connects vehicle features with statistically or clinically significant accident and injury experience is being denied to the public, to the companies' own policy-holders, and to the industry's actuaries who could devise a vehicle-rating policy aimed at loss reduction.

Of course, the automobile industry was a chief target of *Unsafe at Any Speed*. On the 1956 Ford safety car the public would not buy:

Ford terminated its safety campaign in the spring of 1956 after an internal policy struggle won by those who agreed with the General Motors analysis of the probably unsettling consequences of a vehicle safety campaign. The 1956 Ford finished second to Chevrolet in sales, but its failure to be number one had nothing to do with the Ford safety campaign. Even so, it has since been cited to prove that "safety doesn't sell."

A footnote to this paragraph explained:

That was not the only year that Ford failed to exceed Chevrolet in sales. Moreover, the 1956 Ford, in contrast to the Chevrolet and the Plymouth, was barely changed from the previous year. Ford's Robert McNamara released publicly in early 1957 detailed figures on safety option sales and market surveys showing the marked success of the safety features in attracting purchasers. But to the delight of the industry the saying that in 1956 "Ford sold safety and Chevy sold cars" caught hold and became a standard response to critics of the automobiles companies.

Similarly, Nader referred to American Motors' experience with seat belts in the 1949 Nash. The episode had been cited repeatedly by industry representatives as evidence of a lack of public interest in seat belts. Nader said:

Some facts seem continually to be obscured in the industry's interpretation. Nash provided a belt to hold a reclining passenger in place against the shifting and stopping that would ordinarily be experienced in a moving car. Billboards showed a grandmother sleeping peacefully, held snugly by the belt. It was not constructed, offered or advertised as a belt for collision protection. What are now known as seat belts were not offered by American Motors until the mid-fifties. This reclining-seat "seat belt" was not emphasized in Nash's promotion of the reclining seat option; in fact the belt was completely hidden underneath the seat, and many customers did not even know it was there. There was nothing in the owner's manual about the belt. Nash dropped the feature because it considered it a needless expense. As Ralph Isbrandt, vice president of American Motors, told the Roberts' House subcommittee on Traffic Safety in a 1957 hearing on seat belts, "As we gained experience with the reclining seat, it appeared that this feature actually did not create an increased need for a restraining device."

To illustrate how the industry preferred to highlight any aspect of the driving experience except the vehicle, Nader discussed GM's interest in improved highway design. He quoted Kenneth A. Stonex, a chief research official and spokesman for the company:

My interest in improved highway design will probably contribute more to highway safety than anything else I can do.

Stonex had explored highway safety features by implementing his ideas at the 65-mile private road system at the GM proving grounds in Milford, Michigan. He believed that the key safety features were control of access, one-way traffic, and fewer roadside obstacles. He focused particularly on the latter, removing all fixed objects within 100 feet from the pavement and replacing guardrails with, in Nader's words, "designs made safe for collision." With this design, Stonex said, "It would be pretty hard to commit suicide on proving ground roadsides."

Recognizing that many of these safety features were being incorporated into the Interstate System, Stonex wanted to include them in the Nation's other roads as well:

This is the real transportation problem that remains to be approached. What we must do is to operate the 90% or more of our surface streets just as we do our freeways [converting] the surface highway and street network to freeway and Proving Ground road and roadside conditions.

Nader claimed that GM's focus on highway design rather than vehicle design was based on two factors. First, the initiative on highway design was "extraordinarily cheap." Three or four engineers at the proving ground could do all the work, such as staging crashes for visiting delegations and giving repetitive speeches on highway design at technical meetings. Second, the cost of highway safety improvements was "paid for by the public, not by General Motors."

Nader singled out Liberty Mutual Insurance Company for praise for its 10-year, \$250,000 project with the Cornell Aeronautical Laboratory, including development of Survival Car I (1957) and II (1961). The 1961 version included 24 major design features, such as "capsule seats," a safer steering assembly and fail-safe braking system, a rollover bar, and a smooth hood to reduce the severity of pedestrian injuries. "That an insurance company," Nader said, "had to produce the first prototype safety car itself constituted a stinging rebuke to the automobile makers." The auto industry was hostile to Survival Cars; Nader reported that the experimental Mustang (1963) included eight of the safety features, but all were dropped by the time the car went into production.

The insurance industry's reaction "was one of indifference." After all, Nader pointed out, "the profits of the casualty industry now come much more from investment income than from earned premiums."

He was no easier on the GSA. In Nader's view, the GSA was victimized by industry advisors as it attempted to comply with the Roberts Bill, Public Law 88-515. Although Chairman Roberts' bill had passed in the House in 1959 and 1962 by a large majority, the automobile industry, he said, had blocked passage in the Senate. Nader cited the Automobile Manufacturers Association' testimony that "nationally recognized performance standards already are available" and that the bill would lead to duplication and unnecessary expense. Those standards had been developed, he said, by the AMA's associates in the American Standards Association and the Society of Automotive Engineers. AAMVA had opposed the bill because it "would probably result in serious injury to the economy of this Nation . . . and would create stagnation among automotive engineers and designers."

Chairman Roberts worked out a deal with Chairman Magnuson of the Senate Commerce Committee in 1964 involving support for the Senator's bill on medical care for commercial fishermen, leading to enactment of P.L. 88-515. Nader reported that the GSA began to implement the law "with sincerity and showed a determination to explore available knowledge from a variety of sources." It formed two advisory committees, one with representatives of Federal agencies, the other composed of automobile industry representatives. Industry officials consistently argued for limiting the standards to existing "proven" optional safety features.

The preliminary 17 standards were published in January 1965, with Nader noting the expectation within GSA that the final standards would be "substantially toughened." Instead, the final standards published on June 30, 1965, "were watered down" and "even more accommodating to the industry" than the preliminary standards. Nader explained:

[GSA] permitted company engineers to see and comment on the final draft of the standards, right up to the time when the draft had to be sent to the printers. The final standards in general represented quite a triumph for the automobile makers. They obtained a government endorsement of existing optional safety devices and approval, by and large, of existing levels of safety. GSA was directed toward the "gadget" approach to safety and away from the much more fundamental structural approach.

In Nader's view, the GSA's "dismal performance . . . does not provide much ground for optimism over standards the agency is committed to develop in succeeding years."

Nader, nevertheless, was supportive of Chairman Roberts' work. He "performed some important services for the cause of traffic safety," not the least of which was providing "the first public forum for presentations on the vehicle safety issue by industry representatives and by physicians, engineers, and other specialists in crash injury research."

Roberts, Nader said, had been most disturbed by the attitude of Federal officials, for whom "the automobile was a taboo subject." In "a rare flush of anger," Roberts had expressed his frustration during testimony by the BPR's Prisk on H.R. 2446, a 1961 bill calling on the Department of Commerce to develop standards for hydraulic brake fluid. When the Commerce Department expressed the view that the States could best exercise regulatory authority in this area, Roberts told Prisk:

I am getting tired of introducing bills and holding hearings on safety matters. This is certainly not a far-reaching bill. But it is a bill that can save a lot of lives. And when the Department continually comes up here and recommends against a very small step in the direction of the safety of our people on the highways, roads, and streets of this country, it seems to me that certainly we ought to investigate and find out what is wrong with the Department of Commerce . . . They constantly opposed every effort the Congress made for safety in that field. I am not going to be satisfied until we find out what is happening at the Department level.

On The Hill

With fatalities estimated to exceed 49,000 in 1965, President Johnson's State-of-the-Union Address indicated that he intended to propose national highway safety legislation, an idea that was widely supported. An editorial in *The New York Times* on January 28, 1966, supported more research into "this baffling, stubborn and deadly killer." It added that "while research is intensified, safer cars and highways, better-trained drivers and relentless way on violators of the law can help reduce the death toll." *The Washington Post* adopted a similar theme in an editorial on February 1, 1966, that endorsed Federal legislation to establish minimum standards for automotive design as well as uniformity in driver licensing. The editorial said, "We think the time has come for Congress to take a hand in this campaign against slaughter on the highways."

On January 24, 1966, Secretary Connor addressed the Economic Club of Detroit. Connor, a former GM director before becoming Secretary, warned the automobile industry executives in attendance:

To the extent that the automobile industry exercises responsible leadership in matters of public concern, there will be correspondingly less pressure for government action, particularly for Federal Government action. The judgment in matters such as these is ultimately based on public confidence, confidence among the general public that the industry is acting in a responsible manner.

He praised the industry for its \$10 million commitment to a recently announced Highway Safety Research Institute at the University of Michigan in Ann Arbor. It was, he said, "one more dramatic example of a responsible industry helping to meet the challenge of highway safety." He encouraged the industry to "make your story known." He said:

In this less than perfect world, it is not enough merely to do the right thing. People must know that you are doing the right thing.

However, the "great stir of interest in action on highway safety [would] accelerate during the coming session."

On February 10, 1966, Senator Ribicoff summoned Nader to testify as part of the continuing hearings on the Federal Role in Traffic Safety. The Chairman called *Unsafe at Any Speed* a "provocative book" that "has some very serious things to say about the design and manufacture of motor vehicles now operating on the Nation's highways." He added that the book "raises serious questions about current public policy in regard to traffic safety."

Nader lived up to this advance billing, providing a scathing description of the safety establishment and the automobile industry, as in the following comments:

The motor vehicle: The motor vehicle performs as the greatest environmental hazard in this country And year after year, our scientific, technological, and organizational know-how and potential, to literally "invent the future" of motor vehicle safety expand exponentially and thereby expose the shocking, shameful gap between what can be done and what is being done.

The auto industry: There is an old Roman adage which says: "Whatever touches all should be decided by all." The safety the motorist gets when he buys his car should not be determined solely by manufacturers-especially a tightly knit few-whose interests are necessarily one of profit-parochialism. A democratic policy should not permit an industry to unilaterally decide how many years it wishes to hold back the installation of superior braking systems, safer tires, fuel tanks that do not rupture and incinerate passengers in otherwise survivable accidents -collapsible steering columns, safer instrument panels, steering assemblies, seat structures and frame strengths, or to engage in a stylistic orgy of vehicle-induced glare, chrome eyebrow bumpers and pedestrian impalers-to take only a few examples of many.

Annual model changes: The car buyer pays over \$700, according to a study by MIT, Harvard, and University of Chicago economists, when he buys a new car for the cost of the annual model change, which is mostly stylistic in content. Consider how much safer today's automobile would be if over the past few decades the car buyer received annually a substantial safety advance, both in the operational and crash worthy aspects of the automobile, for that \$700 payment.

Industry groups: In recent months, the auto companies, moving as a coalition through their trade body, the Automobile Manufacturers Association and their technical servant, the Society of Automotive Engineers, are forging new institutions and new industrywide unanimities to stall or fight off the increasing focused expression of the motorist's need for greater vehicle safety. One such institution heavily promoted and influenced by the industry and its tax-exempt agent, the Automotive Safety Foundation, is the Vehicle Equipment Safety Commission-presently adhered to by a majority of States on the urging of State motor vehicle administrators. The VESC is a wholly unnecessary interlayer between the States and the Federal Government that torpedoes the very meaning of federalism and distorts out of all proportion the utility of regional State compacts It is no coincidence that the AAMVA is presently housing the VESC in its office in Washington and that the Automotive Safety Foundation has granted funds to the AAMVA for VESC promotion.

The Federal role: The Federal role has been held to the barest minimum through the efforts of the automobile industry whose overriding objective is to preserve complete control over the design of automobiles and the manner in which they are merchandized.

The President's Committee for Traffic Safety: This Committee is an executive agency employing civil servants over whom stand Mr. William Foulis, the executive director, and Dr. Richard Tossell, his assistant. These two men are privately paid by the automobile and insurance industries. The President's Committee really functions only through the Administrative Committee (of the Advisory Council to the President's Committee) which sets the policy. The

President's Committee is composed of 16 private citizens and its chairman, William Randolph Hearst, Jr. As a Government agency controlled outright by private automotive interest groups, the President's Committee occupies a place unique in the history of American government. Never before have private business groups established themselves within Government in order to exploit the prestige of the President and his Office. Officials in the Department of Commerce and other Government agencies have repeatedly urged that this anomalous condition be terminated, William Randolph Hearst, Jr., notwithstanding.

General Services Administration: GSA trundles along conceding prearranged industry positions, ignoring outside advice by acknowledged specialists . . . in a headlong thrust toward making a mockery out of the legislative intent of the Roberts bill, Public Law 88-515 [In early 1965] we began to see an attitude by GSA of steering away from the independent and quite competent specialists, and concentrating their receipt of advice and parameters for their standards from the automobile industry I would say, and I detail it in a book, that the first-year performance by GSA was more a ratification of existing vehicle levels, and could be used and has been used as a promotional device for certain automotive options.

The State role: Against such a background and foreground of industry practice and policy, the Federal Government must take a decisive role in highway safety No longer can we afford to repeat the general invocation-so beloved by the traffic safety establishment-that "the primary responsibility for traffic safety is vested in the States." In questioning the fervent advocates of this article of faith, I have never been able to derive any revealed justification other than that it was so in the days of William Howard Taft [27th President of the United States (1909-1913)].

The safety establishment: As far as the traffic safety establishment is concerned, it is impressive the way it reaches down into local areas, reaches down in many ways. If a local group suddenly gets interested, for example, in traffic safety, it goes to the institutions which hold themselves out as professionals in traffic safety, and it goes to such institutions, such as the National Safety Council or the Automotive Safety Foundation, and it gets an approach to traffic safety which is highly prejudicial to any substantial advance. It is an approach that thinks only in terms largely of the driver's attitude and behavior, and not in terms of the vehicle's role. And so the literature that comes flowing throughout the country is this type of literature. In addition, these institutions advise many State safety councils and even State governments; the Automotive Safety Foundation and the Insurance Institute [for Highway Safety] advise these governments, and also vector away any initiative from the vehicle I contend that we don't want aviation safety in the hands of people like the National Safety Council and we shouldn't have automotive safety in the hands of what are, in effect, public relations people.

Accident records: The Nation can no longer rely on a private organization-the National Safety Council-for its traffic accident-injury statistics. In no other area of mortality and morbidity statistics has the Government relied on a private organization.

The fatality rate: [The increasing number of deaths, estimated at just under 50,000 in 1965] touches on an important point, when the measure of progress so-called in traffic safety is measured exclusively on the basis of the fatality rate per 100 million miles of vehicles traveled. That fatality rate, besides many other problems that it raises flowing from its inherent limitation as a reliable unit of exposure, does not take into account the seriously injured and overall injury totals, and as modern medical science and care permit people who ordinarily would have been killed on the highway to live today in a crippled condition, that serious injury rate becomes all the more important It is a biased type of measure, in other words.

The nut behind the wheel: Yet instead of a rigorous analysis of priorities so as to get the fastest and most efficient safety output from given inputs we hear the incantations about "balanced traffic safety programs" or that it is really all "the nut behind the wheel." The best that can be said about such thinking is that it is primitive. A civilized society should want to protect even the nut behind the wheel from paying the ultimate penalty for a moment's carelessness, not to mention protecting the innocent people who get in his way. These and other similar handy mottos are part of a self-serving ideology-there is no better word for it-of traffic safety strongly developed and perpetuated by the automobile industry in order to divert the public's gaze from the role of vehicle design.

Nader singled out one Federal agency for praise:

I view the task of the Federal Government as one of implementing a public policy for automotive safety that brings into operation the scientific and engineering talents and resources of the Nation. It is encouraging to note that, at long last, the thinking and research done by a tiny group of bright, dedicated civil servants in the Bureau of Public Roads' Office of Research and Development is beginning to find verbal receptiveness among the Department of Commerce's top policymakers.

As an example, he quoted Under Secretary of Commerce for Transportation Alan S. Boyd:

Probably the most promising approach to significant, tangible improvements in highway safety in the immediate future lies in the application of modern technology Its application, in essence, means that we must understand the capabilities and limitations of the driver and then design improvements in the vehicle-highway system to make his driving more reliable and more effective. It means we can prevent accidents or mitigate their consequences by additions or modifications to the vehicle and the roadway.

(Boyd became the first U.S. Secretary of Transportation when the U.S. Department of Transportation, authorized by the Department of Transportation Act of 1966, Public Law 89-670, approved October 15, 1966, began operation on April 1, 1967.)

Nader also praised Secretary of Commerce John T. Connor for drawing on the BPR's findings. Connor had said:

So the Interstate System is getting results. And it is getting them because highway engineers relied on facts and rejected the emotionally and widely held, but fallacious, belief that almost all accidents are somehow caused by driver error or failure, through carelessness or irresponsibility.

This belief stems naturally enough from our system of accident reporting, which tends to be in terms of traffic violations, and from our concept of legal liability, and it has been reinforced by well-publicized "safe driving" campaigns. It leads, of course, to the assumption that, if almost all accidents are caused by driver error, the way to eliminate them is to make all drivers drive better.

And since most motorists consider themselves good drivers, it leads further to the assumption that most accidents are caused by a small group of dangerous accident-prone drivers. Therefore, if we could get them off the road we would not have accidents.

Unfortunately, these assumptions are not supported by the facts. An analysis by the Bureau of Public Roads just last summer showed that almost an entirely different group of drivers is involved in accidents each year, and removing the repeaters-those who have two or more accidents in any one year-would have virtually no effect on the following year's accidents. The facts are that the great bulk of accidents involve average, normally responsible drivers. No one is immune. It is the accumulation of rare accidents, occurring to all too many generally good drivers, that principally account for our annual traffic toll.

The fact is that most drivers, most of the time, are driving near the limits of their ability-considering the complexity of the traffic situation and of the driving task In our pursuit of safety the emphasis on remedial engineering rather than reprimand represents an important breakthrough.

In response to a question from Senator Robert Kennedy (D-NY.), Nader summarized the thrust of his thinking:

My point, my principal point, is . . . [that] even if people have accidents, even if they make mistakes, even if they are looking out the window, or they are drunk, we should have a second line of defense for these people and for the innocent people that are coming down the road that will be struck by them. It is the second line of defense, via the crash-worthy automobile, that should be our first priority because it is the one that is the most under our control and the one that is most enduring.

With his main point in mind, Nader offered an agenda for highway safety that he said was founded on two operating principles:

4. Safety measures that do not rely on or require people's voluntary and repeated cooperation are more effective and more reliable than those that do
5. The sequence of events that leads to an accident injury can be broken by engineering measures even before there is a complete understanding of the causal chain.

He added:

The plain fact is that it is faster, cheaper, and more enduring to build operationally safe and crashworthy automobiles that will prevent death and injury than to build a policy around the impossible goal of having drivers behave perfectly at all times under all conditions in the operation of a basically unsafe vehicle and often treacherous highway conditions.

He recommended five Federal functions to obtain safer automobile design and construction:

1. *Standards and inspection function.*-The establishment of carefully administered dynamic standards for automobile safety performance to get faster application of known technology and override the barriers to innovation now rampant in the huge bureaucratic structures known as American automobile companies.
2. *Research and development function.*-A Federal facility for research into automobile design safety will serve to advance sharply the state of knowledge and will also encourage and support independent centers of such work around the country and break the near monopoly of automotive engineering presently held by the automobile industry.
3. *Federal support function.*-Financial and technical assistance to the States for the establishment of proficient accident-injury investigative teams to collect the data for future preventive policies and to provide the facts for the just adjudication of legal responsibility instead of the automatic bias of blaming the driver in lieu of an investigation.
4. *Statistical and data processing function.*-With the immense potential offered by the computer for fast, complex, and meaningful data processing and with the forthcoming implementation of the Baldwin amendment pressing the States for more explicit, more uniform, and more adequate highway safety standards, it is all the more incumbent upon the Federal Government to establish a complete statistical facility.
5. *Education and alert function.*-This should involve a governmental contribution to the improved working of the marketplace.

National Safety Council Responds

Howard Pyle and other officials of the National Safety Council had testified before the subcommittee on February 2. When Pyle completed his statement, Chairman Ribicoff began the questioning, clearly with Nader's book in mind. The Chairman pointed out that the statement talked about a Federal role, but he said, "you seem to be reluctant to have the Federal Government play a major role." Pyle replied:

I urge only that the States be given this perhaps one last opportunity to step up to this task.

The Chairman stated that the Action Program "leaves this up to the States and the localities." Pyle said that his understanding was that "there is a solid legal responsibility on the part of local and State governments to take care of most of these problems." The Action Program, therefore, follows "the line of legal obligation." To illustrate how State initiatives can work, he cited the States that approved mandatory seat belt laws as being the primary reason why the automobile industry had adopted seat belts.

Asked about Federal legislation relating to vehicle design, Pyle said he did not see a need for additional legislation in view of the Roberts Bill. When Pyle asserted that the GSA standards for government vehicles were prompting changes in all vehicles, Ribicoff flatly disagreed:

Well, it hasn't. Do you think if they hadn't been brought in here to testify that the automobile industry would have gone along with some of the items on the GSA list?

Ribicoff noted Pyle's early opposition to the Baldwin Amendment (Pyle had said, "Arbitrary traffic engineering requirements are creeping into Federal laws financing our national highway network."). Pyle indicated his early opposition was based on funding sanctions in the original version of the amendment. Removing the sanctions, the Chairman said, had left the amendment little more than "a pious statement." When Pyle replied that he thought the final measure was acceptable, Ribicoff was dismissive of the Commerce Secretary's efforts to implement the amendment. He asked Pyle, "Do you know anything that the Secretary of Commerce has achieved?" Pyle said he could not speak for the Secretary, but knew the Department was working on the standards.

Ribicoff asked if the 1946 Action Program was an outgrowth of the ASF's program. Pyle, not having been present at the time, was unsure, but said:

In any event, going up to the 1946 White House Conference, it was clear that a basic policy statement in each of the various disciplines that go to make up the program was required. Committees worked many, many months to develop the reports before the White House Conference. The ASF program and the action program were each but a chapter in a sequence of events that began with the Hoover Conference in 1924 at which time ASF could not have been involved because it did not exist.

Chairman Ribicoff also questioned the validity of measuring deaths by fatalities per one hundred million vehicles miles traveled rather than using population as a base. Pyle asked statistician Gene Miller to respond:

The mileage death rate is one way of looking at the frequency of deaths in relation to the exposure to death That is exactly what it does measure, the number of deaths in relation to exposure to death.

Miller acknowledged the criticism that the fatality rate does not measure the total accident problem:

But experts through the years have searched for a better way of measuring the accident problem, and all of the experts, including people from the Federal Establishment, have not been able to find a better method.

The Council submitted a statement that acknowledged that using the population rate would allow comparisons with accidents from other causes. However, because the population rate "completely disregards the sharp rise which has taken place through the years in the number of motor vehicles, which is the agent of death, it has limited use as a measure of the motor vehicle problem."

Following Nader's appearance on February 10, the Council wanted to respond to his comments about the organization. On March 3, Pyle submitted a letter to Chairman Ribicoff, noting that the council could not permit Nader's statements questioning the Council's motives to stand in the record without refutation. Because Nader's "so-called facts and his opinions," as expressed in his testimony, were based on his book, Pyle enclosed a statement on *Unsafe at Any Speed* that he

said "will suffice to show that his questions about the council's motives are based on inaccurate and erroneous information." The correspondence was included in the record of the hearings.

Pyle summarized the three primary allegations against the Council:

1. We have ignored vehicle engineering as an important aspect of accident control.
2. We concentrate on the driver chiefly to divert attention from the vehicle.
3. We have adopted this course because of financial support we have received from the auto and related industries.

In response, the statement listed articles, speeches, testimony, and other material expressing concerns about the vehicle, dating to 1924. The Council was, the statement indicated, one of the organizations that sponsored the Hoover Conference that produced a report on "Motor Vehicles" which contained "26 recommendations on design for safety and 3 recommendations on regulation of design."

The statement also contradicted Nader's claim that the Action Program had not been updated since 1949:

He's wrong. It was thoroughly revised in 1960, and two new sections were added, in 1963 and 1965. A strong role was played by the council in the 1960 revision of the action program for highway safety, adding a vehicle engineering section which remains the best single policy guide today.

As for industry support, the statement responded:

The "powerful support" that is supposed to effectively gag the council's criticism of auto industry safety performance consists of a little more than 14 percent of the \$2,960,000 the council spent in 1965 for programs aimed at traffic accidents and about 6 percent of its total income Vital as this money is to the council's activities in field services, the traffic inventory, accident data and research correlation, and driver education in schools, credulity is taxed when it is described as powerful support that could stifle criticism, and the amount is paltry in the light of traffic safety's needs.

The statement also disputed Nader's claim that the industry was heavily represented on the Council's Board of Directors:

Of the 201 members of the board, 13 are directly employed by auto manufacturers. Six of the thirteen are engaged in employee safety programs for their companies, and one is a farm equipment engineer. Another group of 14 might be described as auto related if you include tire and oil people, a trailer manufacturer, a Georgia auto finance company, and two men from Du Pont because their company once controlled GM and undoubtedly still sells them things such as paint and glass laminates.

In addition, the statement denied that the Council reviewed a draft of the 1959 report on *The Federal Role in Highway Safety* and disputed Nader's claims about accident statistics by referring to a statement at the time of the Council's earlier testimony responding to Assistant Secretary Moynihan's similar claims. (Of Moynihan's testimony, the Council had said that he tended "to be rather freewheeling in his rhetoric, his testimony is internally inconsistent, it includes some serious errors, and it is at variance with other testimony at the hearings.")

As for Nader's questioning of the validity of the Action Program, the statement said, "The degree of proof of the validity of action program recommendations varies widely from section to section." The engineering section was heavily support by research, while other sections, such as those on education and public information, were based on "the pertinent sciences but need additional research." The statement added that a "multiple correlation study" relating program and nonprogram factors to accident rates was nearing completing.

A "misleading and major flaw" in Nader's book and testimony was "his failure to discuss actual use of seat belts as a vital precondition for full effectiveness of vehicle design improvements." The Council would, the statement said, continue to promote seat belt use.

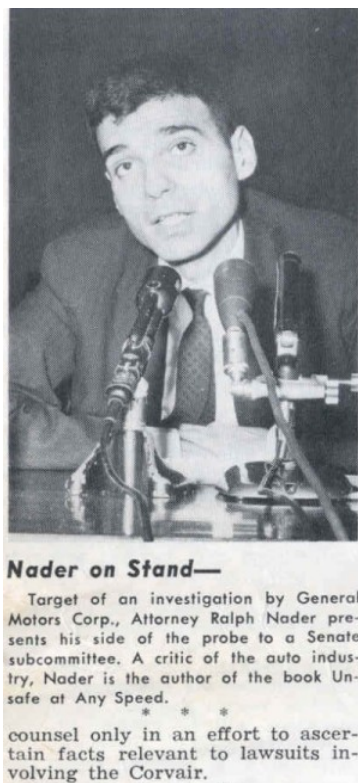
The statement also denied that the council "blames the driver rather than the vehicle." It pointed out that "the driver must cope with vehicle or road conditions as he finds them." Moreover, "There is a difference between short-range and long-range goals in public education."

The March 1996 issue of *Traffic Safety* contained a similar rebuttal, "Unfair at Any Rate," to Nader's book by the Council's Publications Director, Jack Horner. Although referring to *Unsafe at Any Speed* as "unquestionably the most devastating public attack ever made against the auto industry and the organized safety movement," Horner considered the book "an expert and provocative demonstration of the prosecution tactic of presenting only one side to the jury." Horner said he wanted to speak for the "people who *are* the National Safety Council" because they deserve to have the allegations refuted "for most of the accusations are distorted or untrue, and all of them are unfair at any rate." After going through many of the arguments included in the statement Pyle placed in the hearing record, Horner concluded:

Any who is inclined to apply to this book the old adage that "where there's smoke, there's fire," should also remember that a fire smokes the most when the fuel is all wet.

An Investigation Backfires





On March 22, 1966,
Chairman Abraham
Ribicoff held a hearing to
investigate charges that
General Motors had
investigated and
attempted to harass Ralph
Nader following
publication of *Unsafe at
Any Speed*. (Photos from
Automotive News, March
28, 1966)

In early March 1966, articles in *The New Republic*, *The New York Times*, and other publications reported that GM had hired a private investigator shortly before publication of *Unsafe at Any Speed* to find evidence that could be used to discredit the young author and undercut his attacks on the corporation and the Corvair. The articles indicated that GM, through its investigators, had employed women to proposition Nader in apparent attempt to blackmail him. Because Nader's parents had been born in Lebanon, the investigators repeatedly asked acquaintances about possible anti-Semitism on his part.

When news of the GM investigation became public, GM President James Roche issued a press release on March 9 acknowledging that GM had initiated a "routine investigation through a reputable law firm to determine whether Ralph Nader was acting on behalf of litigants or their attorneys in Corvair design cases." The statement explained that the investigation had been "limited only to Mr. Nader's qualifications, background, expertise and association with such attorneys." The investigation, moreover, "did not include any of the alleged harassment or intimidation recently reported in the press."

Chairman Ribicoff, concerned that the GM investigation suggested an attempt to intimidate a witness before the subcommittee, summoned Roche to testify on March 22. The publicity surrounding the investigation led to a standing room only crowd and a national television audience for the hearing.

In his opening statement, Roche took responsibility for the investigation and disavowed it:

Let me make clear at the outset that I deplore the kind of harassment to which Mr. Nader has apparently been subjected. I am just as shocked and outraged by some of the incidents which Mr. Nader has reported as the members of this committee.

As president of General Motors, I hold myself fully responsible for any action authorized or initiated by any officer of the corporation which may have had any bearing on the incidents related to our investigation of Mr. Nader.

He had not known of the investigation, he said, but added in the fourth paragraph:

I am not here to excuse, condone, or justify in any way our investigating Mr. Nader. To the extent that General Motors bears responsibility, I want to apologize here and now to the members of this subcommittee and Mr. Nader. I sincerely hope that these apologies will be accepted. Certainly I bear Mr. Nader no ill will.

While taking responsibility, Roche indicated he had not known of the investigation while it was underway or when he approved the March 9 press release:

To say that I wish I had known about it earlier is an understatement-and I intend to make certain that we are informed of similar problems of this magnitude in the future.

He was particularly concerned that the episode might appear to confirm the allegation that GM was not interested in traffic safety:

We know that any automobile is subject to accident and that we must be constantly devising and improving ways to protect the occupants and others. If our concern for safety has not always come through with sufficient clarity and vigor in previous statements, including our statement before this subcommittee last summer, then I can assure you that we regret that failure.

He added:

I do want to stress that General Motors is expanding its research, engineering and testing in all areas of safety, including that of the second collision and the causes of both accidents and injuries We are, in short, in all our plans and calculations, giving safety a priority second to none. And we consider this to be our duty.

After extensive and skeptical questioning of Roche and top GM officials involved in the investigation, the committee recalled Nader. He told the subcommittee:

It is not easy for me to convey in words what I had to endure and what my family has had to endure, as anyone subjected to such an exposure can appreciate . . . I should be the last to expect that after General Motors tripped over my book, it would respond as one chastened. Any critic must expect a focused interest in his doings, as they pertain to the subject, by the object of his criticism. But certainly there should be, in all decency, an economy to be observed in the exercise of such corporate curiosity. Surely the questioning by private detectives of people who know and have worked with me (including the crippled and pained person to whom my book is dedicated) as to my personal life in an attempt to obtain lurid details and grist for the invidious use and metastasis of slurs and slanders goes well beyond affront and becomes generalizable as an encroachment upon a more public interest.

Nader admitted to feeling some intimidation:

I am not particularly sensitive to criticism at all. In fact I probably have an armor like a turtle when it comes to that. I like to give and take. As an attorney one is used to it. I don't intimidate easily, but I must confess that one begins to have second thoughts of the penalties and the pain which must be incurred in working in this area.

He was, however, determined to continue on the same path:

I think the thing that has persuaded me to continue in this area is that I cannot accept a climate in this country where one has to have an ascetic existence and steely determination in order to speak truthfully, candidly and critically of American industry, and the auto industry.

Chairman Ribicoff told Nader:

I want to say to you, Mr. Nader, also for the sake of you and your family, that . . . I have read copies of all the investigatory reports. In all fairness to you, you have come out with a complete clean bill of health and character, with nothing derogatory having been adduced. While you have suffered as a result of this, for whatever it is worth, you do have the satisfaction of knowing that the detective agencies, at the rate of \$6,700, haven't been able to find a thing on you.

The resulting publicity made *Unsafe at Any Speed* a bestseller and helped focus the highway safety debate on the auto industry.

Moving Out of the Stone Age of Ignorance

In 1966, the BPR's National Driver Register logged its 20 millionth search. The 20 millionth search caught an Iowa driver license applicant who had a Texas conviction for drunk driving. The register included about 860,000 drivers by then, and conducted about 900,000 checks a month. About 120,000 checks had identified applicants whose license had been revoked in another State for driving while intoxicated or who had been convicted for a violation involving a fatality.

Fatalities on the Nation's highways exceeded 49,000 in 1965. President Johnson said, "The gravest problem before this nation-next to war in Vietnam-is the death and destruction, the shocking and senseless

carnage that strikes daily on our highways." Under Secretary of Commerce for Transportation Boyd called for "revolutionary, not evolutionary progress" on highway safety.

On March 2, 1966, the President responded to the crisis by submitting major proposals on motor vehicle safety standards and highway safety standards. After describing the growth in vehicles (31 million motor vehicles 20 years earlier, 90 million the mid-1960's, 120 million expected by 1975) and paved roads (1.5 million 20 years earlier, almost double that in the 1960's), he explained that America's highway system "is not good enough when it builds superhighways for supercharged automobiles and yet cannot find a way to prevent 50,000 highway deaths this year." He predicted that unless something is done, 100,000 lives would be lost in 1975.

Before outlining his proposals, he commented:

Neither private industry nor Government officials concerned with automotive transportation have made safety first among their priorities. Yet we know that expensive freeways, powerful engines, and smooth exteriors will not stop the massacre on our roads.

State and local resources are insufficient to bring about swift reduction in the highway death rate. The Federal Government must provide additional resources. Existing programs must be expanded. Pioneer work must begin in neglected areas The people of America deserve an aggressive highway safety program.

In addition to his safety proposals, the President submitted a proposal to create a U.S. Department of Transportation that would unite the Federal Government's modal agencies in a Cabinet-level department.

Senator Magnuson predicted that the second session of the 89th Congress would be known as "the automobile safety Congress."

The Administration and the Senate rejected amendments proposed by the automobile industry. The Department of Justice informed Senator Magnuson's Commerce Committee that "the industry proposal suffers from at least six basic shortcomings." For example, the industry proposed to amend the bill to require the Federal Government to work through the Vehicle Equipment Safety Commission, a change that "would in practice delay the introduction of new safety devices and leave the timing on introduction of new devices largely in the hands of the industry."

When a delegation of Governors met with the President, he urged them to work with their congressional delegations to speed approval of the bills. Governor Clifford P. Hansen of Wyoming, speaking to reporters for the delegation after the meeting, urged passage, especially of the new safety standards for automobiles. He told reporters, "We find it difficult to see where the states could set these new car standards." Governor George P. Romney of Michigan, the industry's home State, recommended giving the States a major role in devising the safety standards, as well as final authority in enforcing them. The President said, "I cannot stress too strongly the need" for Federal standards:

The only alternative is unthinkable-50 different standards for 50 different states. This will breed chaos.

In July, the Senate passed S. 3005 (the motor vehicle safety act) and S. 3052 (the highway safety act), both strengthening the President's proposals. President Johnson said:

This is landmark legislation. It will move us out of the Stone Age of ignorance and inaction. For the first time in our history, we can mount a truly comprehensive attack on the rising toll of death and destruction on the nation's highways.

Senator Ribicoff, who had closed his hearings on the Federal Role in Highway Safety after the May 22 hearing on GM's harassment of Ralph Nader, was "very pleased" with the bill.

In the House of Representatives, the Committee on Interstate Commerce (which had jurisdiction over the motor vehicle bill) and the Committee on Public Works (which had jurisdiction over the highway safety bill) were responsible for the bills. During floor debate on the motor vehicle law, Chairman Harley O. Staggers (D-WV) of the Commerce Committee said, "the slaughter on the highways will not be materially reduced without the active and formal participation of the federal government" in regulating the motor vehicle. Chairman Fallon of the Public Works Committee said his Highway Safety Act of 1966 emphasized the traditional Federal-State relationship under the Federal-aid highway program. It "places responsibility for action on highway safety in the states, where it properly belongs."

The House bills were viewed as stronger than their Senate counterparts. Following House approval of the bills, a Conference Committee was formed to consider differences in the Senate and House versions. On August 30, the Conference Report was released, with the stronger House version generally prevailing.

On September 9, 1966, President Johnson signed the two safety bills during a ceremony in the Rose Garden at the White House. In remarks before signing the bills, the President began by pointing out that over the Labor Day weekend, 29 Americans died in Vietnam. During that same weekend, 614 Americans died on the Nation's highways. In the 20th century, he said, nearly three times as many Americans died in traffic accidents as died "in all our wars." Every day, 9,000 were killed or injured:

It makes auto accidents the biggest cause of death and injury among Americans under 35. And if our accident rate continues, one out of every two Americans can look forward to being injured by a car during his lifetime—one out of every two!

He knew this wasn't a new problem. He recalled that 10 years earlier in the United States Senate he had warned that "the deadly toll of highway accidents demands our prompt action." This was a responsibility, he said, Congress would someday have to face. "Now, finally, we are facing it."

He described the two bills:

The first act we sign into law is the Traffic Safety Act
Starting with our 1968 models, American and foreign,

--We are going to assure our citizens that every new car they buy is as safe as modern knowledge knows how to build it.
--We are going to protect drivers against confusing and misleading tire standards.

He cited the Federal research and testing centers that would be established under the law:

For years now, we have spent millions of dollars to understand and to fight polio and other childhood diseases. Yet up until now we have tolerated a raging epidemic of highway death-which has killed more of our youth than all other diseases combined.

With the Highway Safety Act, he said, we would learn more about highway disease "and we are going to find out how to cure it." He said:

In this age of space, we are getting plenty of information about how to send men into space and how to bring them home. Yet we don't know for certain whether more auto accidents are caused by faulty brakes, or by soft shoulders, or by drunk drivers, or even by deer crossing the highway . . . The Highway Safety Act will create a Federal-State partnership for learning these facts:

- We are going to establish a National Driver Register to protect all of our citizens against drivers whose licenses have been suspended or revoked.
- We are going to support better programs of driver education and better programs for licensing and auto inspection.
- We are going to ask every State to participate in safety programs and to conform to uniform driver and pedestrian safety performance standards.

He added that "there is nothing new or radical about all this." As he explained:

Every other form of transportation is already covered by Federal safety standards. The food we buy, the food we eat, has been under Federal safety standards since way back before I was born-1906.

But the automobile industry has been one of our Nation's most dynamic and inventive industries. I hope, and I believe, that its skill and imagination will somehow be able to build in more safety-without building on more costs.

He concluded:

I am especially proud at this moment to sign these bills which I believe promise, in the years to come, to cure the highway disease: to end the years of horror and to give us, instead, years of hope.

The National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89-563, contained the following provisions, as summarized by Harry N. Rosenfield in *Traffic Safety*:

Mandatory initial federal motor vehicle safety standards for new motor vehicles to be issued by Jan. 31, 1967, and new and revised federal standards on or before Jan. 31, 1968.

"Motor vehicle safety standards" are defined to include "performance . . . in such a manner that the public is protected against unreasonable risk of accidents occurring as a result of the design, construction, or performance . . . and included nonoperational safety."

"Uniform" federal performance standards (to be issued no later than two years after enactment of law) "applicable to all used motor vehicles."

National Motor Vehicle Safety Advisory Council of members appointed by the secretary (with a majority to represent the general public including state and local governments, and the remainder to represent motor vehicle and equipment manufacturers and motor vehicle dealers). The secretary "shall consult with the advisory council on motor vehicle safety standards under this act" for both new and used car standards" and he must also consult with the VESC in prescribing new car standards.

The ICC must conform its safety regulations over buses and trucks to those of the secretary, except that the ICC may prescribe higher standards subsequent to manufacture of the vehicles.

Administration of the law is to be through a National Traffic Safety Agency within the Department of Commerce by a Presidentially appointed administrator.

Vehicle manufacturers shall furnish notice of safety defects (a) to purchasers and also to subsequent purchasers to whom the warranty was transferred; (b) to dealers, and (c) to the secretary, who may order a manufacturer to make further notification.

The secretary shall require that new cars be equipped with tires that have labels including (a) identification of the manufacturer or retreader; (b) composition and number of plies; (c) "the maximum permissible load for the tire;" (d) recital of conformity with federal standards In order to assist the consumer, the secretary shall issue standards, within two years after enactment, establishing "a uniform quality grading system" for tires.

The secretary shall develop and test experimental and demonstration motor vehicles and motor vehicle systems and equipment

Violations are subject to civil penalty, not to exceed \$1,000 per violation, with \$400,000 maximum for any related series of violations.

The secretary is authorized to study the need for facilities for research, development and testing in traffic safety and testing relating to the safety of all machinery used on, or in connection with maintenance of, highways with particular reference to tractor safety, and report by Dec. 31, 1967.

[Patents] resulting from federally supported research shall be freely and fully available to the public.

The Highway Safety Act, Public Law 89-564, required each State to implement a safety program, subject to Federal-aid highway funding penalties. The Secretary of Commerce was given responsibility for the program. (Responsibility would be shifted to the Secretary of

Transportation when the U.S. Department of Transportation was established on April 1, 1967.) The bill spelled out minimum standards for the State programs, but the Secretary was to consult with States and localities on standards. The act was to be administered by an agency within the Department under an Administrator appointed by the President. The bill called for establishment of a National Highway Safety Advisory Committee to be composed of 30 members appointed by the President. In addition, the bill required detailed reports to Congress, priority for safety projects on the Federal-aid systems, a study on alcoholism, and a research program.

To serve as Director of the National Traffic Safety Agency and the National Highway Safety Agency, President Johnson nominated a single individual: Dr. William Haddon, Jr., M.D. A graduate of the Harvard Medical School and the Harvard School of Public Health, Haddon had served as Director of the Driver Research Center of the New York State Department of Health and the State Department of Motor vehicles from 1957 to 1961. At the time of his nomination, he was Acting Assistant Commissioner, Public Health Research, Development and Evaluation, and Director, Epidemiology Residency Program for the New York State Department of Health.

Haddon has been affiliated with many groups, including the Advisory Council of the President's Committee for Traffic Safety, the National Safety Council, and Consumers Union. In October 1963, the National Safety Council had presented its Metropolitan Life Award of Merit to Haddon for research in accident prevention. Among Haddon's many publications was the book *Accident Research: Approaches and Methods* (cowritten with Edward A. Suchman and published by Harper and Row, 1964).

During his work in New York, Haddon had been an associate of Assistant Secretary Moynihan on the New York State Traffic Safety Policy Coordinating Committee. Moynihan, in fact, had discussed Haddon's ideas while testifying before Senator Ribicoff's subcommittee. He praised *Accident Research: Methods and Approaches* as a "brilliant study." He told the subcommittee:

The main thesis of the book, which is a systematic collection of the work of many men is that the etiology of accidents is not different from that of other insults to the body: they are a health problem to be investigated and controlled by fundamentally the same methods that have worked with other health problems.

Moynihan also quoted from a private communication he had received from Dr. Haddon:

Accidents are the only remaining major source of human morbidity and mortality still substantially viewed by educated and uneducated alike in extra-rational terms (this includes, to a substantial extent, the present motor vehicle related power structure, with its exhortatory approach.) This is a carryover from the time when all of the other hazards to man's health and well-being-for example, the infections, plagues, famines, and hazards of childbirth-were similarly viewed. If this extra-rational approach is justified, this area becomes a major point of departure for theologians and philosophers. If not, at least the educated and especially those responsible for public policy in relation to motor vehicle and many other kinds of accidents, including those among the elderly and the very young, should understand this area in rational terms and act accordingly, that we may terminate our present, annual, blood sacrifice to official, professional, and public ignorance and lack of the professionalization required.

Moynihan also provided, for the record, his review of the book for *The Reporter* on December 31, 1964. At one point, the review said:

From now on any student of accident prevention must begin with this book. To read it is to be present at the occasions, one after the other, on which someone for the first time has asked, "Why?"

Upon his nomination as dual Director of highway and motor vehicle safety, Dr. Haddon issued a statement:

The President has identified our present highway casualty rate of over 9,000 injured per day as the nation's second most important problem after Viet Nam. He has also pointed out quite clearly, as have Governor Pyle and many others, that the complexity and difficulty of this problem will require a long and difficult effort. We neither can nor shall attempt its solution alone. It is essential that there be a truly dedicated and cooperative national effort. Our emphasis from here will be to make certain that all of the bases are covered. In this the maximum participation of the National Safety Council will surely be needed if we are to accomplish our goals.

Former Governor Pyle attended the signing ceremony for the twin safety bills and received one of the pens the President used to sign them. Pyle saw the new laws as "the beginning of a new era in traffic accident prevention." It was hard, however, to adjust to the changing times. He warned against complacency:

The acts do not replace a single force that has been at work on traffic safety, but instead lend a much-needed hand to all of them. Indeed, the new acts to a great extent make clear where the primary responsibilities for traffic safety lie—with auto manufacturers, with state and local governments, with the many safety councils and other private groups that have been working to develop and support better safety programs, and with every individual motorist and citizen in the nation.

Despite all the important provisions of the new laws, he said that success in the war on accidents "depends on all of us." He concluded his statement by saying:

Each of us must become safer drivers and pedestrians and give our elected and appointed officials our full support as they take those steps that will secure fit drivers in fit vehicles, on good roads, through such programs as driver education in the schools, public education, more effective licensing procedures, periodic vehicle inspection, improved traffic supervision, expanded traffic engineering efforts, and improved emergency services.

The headline in the September 5 edition of *Automotive News* reflected the industry's view of the National Traffic and Motor Vehicle Safety Act of 1966:

TOUGH SAFETY LAW STRIPS
AUTO INDUSTRY OF FREEDOM

The accompanying article by Washington Bureau Chief Helen Kahn explained that the law emerged from the Conference Committee "as much stronger than anyone could have imagined 15 months ago

when the factories first tangled with Senator Abraham Ribicoff, Connecticut Democrat."

She described Chairman Ribicoff's proposal as "mild" and the Administration's proposal as "somewhat stronger, fed as it had been by the public awareness brought about largely by a relatively unknown lawyer named Ralph Nader." The Senate version had been "tough," but the House had strengthened its version, Kahn said, to avoid the appearance that it had "sold out" to the industry. "Instead of a weakening, the conferees chose the strongest sections of both bills."

Kahn summarized the evolving position of the industry on the legislation:

After starting from the position of "no bill at all," the industry shifted to a bill that would permit them and the states through the Vehicle Equipment Safety Commission to set standards and give the Commerce Secretary "discretionary" authority.

After considerable unfavorable publicity, involving splashing headlines about General Motors-hired detectives and Ralph Nader and defect notification, the auto industry came to the House hearings asking for mandatory standards, but still wanting a major role for the VESC.

In the end, John Bugas, the Vice President of Ford Motor Company who represented the Automobile Manufacturers Association at the hearings, called the bill "constructive legislation."

On November 9, 1966, Dr. Haddon became Director of the BPR's twin National Traffic Safety Bureau and the National Highway Safety Bureau. With the April 1967 creation of the U.S. Department of Transportation, the new Federal Highway Administration (FHWA) became the Nation's highway agency and incorporated the two safety bureaus. They were consolidated by Executive Order into the National Highway Safety Bureau (NHSB) under Dr. Haddon on June 6, 1967. He resigned on February 14, 1969, and became President of the IIHS. (In April 1970, Secretary of Transportation John A. Volpe removed the NHSB from the FHWA so it could report directly to him. Under Section 202 of the Highway Safety Act of 1970 (Title II of the Federal-Aid Highway Act of 1970, which President Nixon signed on December 31, 1970), the NHSB became the National Highway Traffic Safety Administration, as it is still called.)

(Moynihan served Presidents Kennedy, Lyndon B. Johnson, Nixon, and Gerald Ford before winning election to the United States Senate in 1976. When he retired in December 2000, he was hailed as a scholar-politician who often expressed controversial views that eventually become policy. In his work on the Senate Committee on Environment and Public Works, he would influence highway and transit legislation for years, culminating in the landmark Intermodal Surface Transportation Efficiency Act of 1991, which established the framework of the post-Interstate era.)

Overtaken By Events

Section 102(a) of the Highway Safety Act of 1966 repealed the Baldwin Amendment adopted in 1965 (Section 135 of Title 23, United States Code). Its purpose had been supplanted by a much stronger provision, Section 402 of Title 23. Section 402(a) read:

Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs shall be in accordance with uniform standards promulgated by the Secretary. Such uniform standards shall be expressed in terms of performance criteria. Such uniform standards shall be promulgated by the Secretary so as to improve driver performance (including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance. In addition such uniform standards shall include, but not be limited to, provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (in-vehicle lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, and emergency services. Such standards as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations. The Secretary shall be authorized to amend or waive standards on a temporary basis for the purpose of evaluating new or different highway safety programs instituted on an experimental, pilot, or demonstration basis by one or more States, where the Secretary finds that the public interest would be served by such amendment or waiver.

Section 402(b) prohibited the Secretary from approving a State highway safety program under certain circumstances. For example, a program could not be approved if the Governor was responsible for its administration or it did not authorize political subdivisions to carry out local highway safety programs as part of the State program. Additional subsections provided additional guidance on the programs. (Section 402 remains in Title 23 today, expanded around the core of the 1966 language.)

The Highway Safety Act of 1966 authorized \$67 million to carry out Section 402 in Fiscal Year 1967, and \$100 million for the following 2 years.

Despite this strengthened program, the Committee on Public Works was not happy about the fate of Section 135 of Title 23. Its report on the House version (House Report No. 1700, dated July 15, 1966) was organized as a discussion on the Baldwin Amendment. After reprinting the original amendment, with its requirement for funding sanctions, and the House report language accompanying it, the discussion pointed out that the version that became law "had been reduced to a simple expression of belief that the States should have highway safety programs."

The Public Works Committee had "fought bitterly to hold section 135 as the House had passed it." In the end, Committee members had to yield:

But the basic and urgent purpose of Senate Joint Resolution 81, was to provide interim approval of apportionment of funds for the Interstate System. The managers on the part of the House accepted the amended version of what it had reported as the Baldwin amendment. Even hortatory language was better than nothing in the face of the shocking highway safety situation about which the committee, legislatively responsible for the Nation's highways, was [so] deeply concerned.

Following enactment of the watered-down Baldwin Amendment, the Committee "maintained diligent contact with the Department of Commerce, anxious to learn what progress the Secretary was making" in developing voluntary standards. "There was no real progress."

The discussion recounted the events leading to passage of the Highway Safety Act of 1966, including the President's message, hearings by the Committee, and introduction of his proposals in the form of a House bill on March 3, 1966. The President's proposals were "highly desirable," but the discussion pointed out that all had been "incorporated in the original Baldwin amendment."

Following hearings, the Committee had revised the bill to incorporate the best of the Administration's recommendations while correcting what the Committee considered their weaknesses. After thanking participants in the hearings, the discussion explained:

Millions upon millions of words have been written about safety. We have had the automobile for more than 60 years, and for almost all of that time many of the States and their political subdivisions have had programs of some kind designed to regulate the use of the automobile in the interest of public safety. For 40 years the various safety-related organizations, both public and private, have been trying to persuade the several State legislatures to adopt at least minimum uniform regulatory statutes, with lamentable lack of success.

All State have some statutes; a few States have fairly extensive statutes; only a handful of States have undertaken comprehensive highway safety programs and even these are handicapped by gaps and deficiencies and inadequate financing. The committee applauds the efforts the States have made. It recognizes the paramount role the States must play in any future program, for it is, after all, the States who must register the automobiles, license the drivers, educate the children, police the traffic, and enforce the laws.

It is undeniable that to the extent there has been governmental leadership in highway safety, it has come from the States. Nevertheless, admirable as the progressive programs in a few States are, they are insufficient and there are far too few of them. If the facts were otherwise, the House would not have passed the Baldwin amendment last year and the present legislation would not now be under consideration.

The Public Works Committee is as jealous of the prerogatives of the States as any committee of the Congress, perhaps more so than most But we learn from experience, and experience in this field clearly demonstrates that if we continue to rely on voluntary action in highway safety, a larger percentage of the citizens of these United States is going to wind up in a smashup. Mandatory compliance with broad Federal highway safety standards could be made to seem very unpopular (and the committee realizes that there will be those who will attempt to accomplish exactly that), simply because to the average motorist, the prospect of accident, injury, or death does not apply to him

While recognizing that Section 402 was stronger than the Baldwin Amendment, the Committee wanted to make a few points:

The Baldwin amendment has been law for almost a year. No meaningful progress has been made in the development of standards under that legislation.

For that reason, the Committee had been more specific in Section 402(a), set a deadline for development of the standards, and added other provisions to ensure action will take place:

The Federal Government can and must assume a position of leadership in this field. The actual working programs must remain in the hands of the States. Surely all of these safeguards are sufficient to ensure that the Federal program, working through the Secretary of Commerce, will enhance, not impair, the responsibilities of the States.

In recommending passage of the Highway Safety Act of 1966, the Committee added:

In doing so, we pause to express a debt of gratitude. John Baldwin, the author of the Baldwin amendment upon which this Highway Safety Act is based, served on the Public Works Committee from the time he came to the Congress from California in January 1955. His death on March 9, 1966, one week after the President's safety message was received by the House, saddened every member of this committee. But even in death, as he had so often done in life, he strengthened us. However it may become known, whoever may wear the mantle of credit for it, for the members of the Public Works Committee this legislation will always evoke the image of John Baldwin. We would be less than the men we would like to be if we failed here to acknowledge our debt to him for his leadership in meeting the Federal responsibility in highway safety. No man worked harder-nor left behind him a committee of colleagues more determined to see his task completed and his goal achieved.

In this statement, the Committee made clear its expectation of the prospects for reducing fatalities and injuries on the Nation's highways:

Safety has become this year's most popular crusade, which is all to the good, but accident reduction is quite another matter As the National Safety Council has so realistically remarked, the real test is how much safety will actually emerge from all this talk. The answer, for the immediate future, is what it has been for 50 years-only so much as the individual citizen is determined it shall be. The cold-blooded fact is that it may be too late to do anything about the 50,000 people who are going to die this year, and probably those who may die next year, and perhaps even the year after.

But, if we insist now upon a mandatory program, we may be able to keep more and more of our parents, and our husbands and wives, and our children, and our friends, and ourselves, alive in the years after that.

The Aftermath

Each year after 1966, fatalities increased, while the fatality rate declined. Fatalities reached an all-time high in 1972, when 54,589 people died on the highways (a rate of 4.3). In 1973, the number of fatalities declined slightly to 54,052 (4.1).

On October 17, 1973, the Organization of Petroleum Exporting Countries, acting at the request of Middle East nations upset by American policy on Israel, announced a boycott on shipments of oil to the United States. In the midst of the energy crisis touched off by the boycott, President Richard M. Nixon signed the Emergency Highway Energy Conservation Act on January 2, 1974. Under the new law, the FHWA could not approve highway projects in any State having a maximum speed limit over 55 m.p.h. President Nixon estimated the new speed limit would save nearly 200,000 barrels of fuel a day.

Whether because of the reduced speed, increased energy consciousness on the part of the American people, or a combination of these and other factors, the disruption in oil supplies resulted in the first significant reduction in the number of fatalities since World War II. Fatalities declined to 45,196 in 1974.

The number of fatalities would climb to over 51,000 again in 1979 and 1980, before beginning a gradual decline to 39,230 in 1992 (1.7). For 2002, NHTSA announced on July 17, 2003, that highway fatalities had reached the highest level since 1990 at 42,815. The fatality rate of 1.51 was a historic low.

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