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Deregulation Retrospect: Safety Uncompromised



In the 40 years following the passage of the Civil Aeronautics Act of 1938, America's airlines were snug in a non-competitive security blanket designed to foster their growth and stability. A decade ago this fall, it was time for aviation to cut the government umbilical cord.

For those four decades, U.S. flag and interstate air carriers operated under Federal economic controls. In passing the 1938 law, which provided for air carrier route and rate regulation, Congress intended to bring a measure of stability to a young and struggling airline industry.

In the years that followed, the Federal Government's airline economics regulator—the Civil Aeronautics Board (CAB)—pursued stability with a ven-

geance. It regulated the industry in the manner that a state regulatory commission regulated a public utility. Rate competition was forbidden. Applications for route certificates by aspiring entrants were rejected as a matter of course. Although allowing new regional and supplemental carriers to enter the market, the CAB did not certificate one new trunk line over its entire history.

In 1975, economist Alfred E. Kahn, an experienced utility regulator, tried to explain the CAB's actions before a Senate hearing. "Every responsible airline regulator will undoubtedly tell you that he has an enormous responsibility for the continuation of ample, safe and economical air service," Kahn said.

That inevitably produced within the CAB a distrust of competition, Kahn explained, because it was seen as a threat to the financial health of its chosen instruments—the existing trunk lines. In consequence, CAB policies created an airline cartel, something the fathers of airline economic regulation had never intended or envisioned.

The congressional hearings subjected the CAB's policies to thorough public scrutiny. Nothing brought out by the probe was more telling than the superior performance of intrastate carriers, particularly California's Pacific Southwest Airlines and Texas's Southwest Airlines. Unfettered by CAB regulations, these airlines cut frills and sold transportation at a rate that was competitive with trains, buses and other airlines.

In contrast, CAB-regulated carriers

sold transportation at a fixed rate and competed with each other over frills. The result was that the fares of intrastate carriers were between 30 and 50

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Making Tough Jobs More Attractive

By Lorraine A. Harrison

FAA is about to sweeten the pot to attract employees to safety-related jobs in facilities that have been hard to staff.

For some time, members of Congress, the Aviation Safety Commission, the General Accounting Office and the press have been looking at FAA staffing problems and possible solutions to what was seen as an inflexible classification and compensation system.

Last April, the Secretary of Transportation's Task Force on Internal Reforms of FAA noted that the agency had begun a comprehensive study of the air traffic controller pay system because, among other things, "the supervisory pay-compression problem in air traffic control discourages the most-talented employees from seeking supervisory positions." The task force endorsed this study and further recommended that FAA seek approval from the Office of Personnel Management (OPM) for an experimental pay demonstration project at difficult-to-staff facilities.

To be able to recruit and retain experienced and qualified employees in targeted jobs in these tough-to-staff Air Traffic, Airway Facilities and Flight Standards facilities, FAA proposes to pay a quarterly retention allowance of up to 20 percent above base salary. The agency hopes to get a five-year experiment under way next May, with final

OPM regulations issued early in 1989. FAA will continually evaluate the project to determine whether or not the allowances are doing the job of improving the staffing.

A detailed description of the pay demonstration project was published in the *Federal Register* on Nov. 2, 1988. Briefings for employees and regional staffs in each of the affected areas were held in late November and early December. Unions whose members are involved were contacted, and a public hearing was slated for December 14 at Chicago. The hearing will be provided electronically to the public and employees in the affected facilities in the Eastern and Western-Pacific regions.

To start with, 10 difficult-to-staff facilities were selected based on a combination of factors, among which were cost-of-living, location, commuting, prevalent weather, complexity of the work, disparities in workload between equivalent facilities and recruiting competition with private industry. Other locations may be added later.

The 10 include:

- Chicago ARTCC, Aurora, Ill.
- Chicago O'Hare Tower Cab and TRACON
- Coast TRACON, Santa Ana, Calif.
- Farmingdale, N.Y., Flight Standards District Office

- Los Angeles Tower Cab and TRACON
- Los Angeles Flight Standards District Office
- New York ARTCC, Ronkonkoma, N.Y.
- New York TRACON, Westbury, N.Y.
- New York Flight Standards District Office, Valley Stream, N.Y.
- Teterboro, N.J., Flight Standards District Office

Among the 1,959 employees now at these facilities in safety-related positions covered by the project are air traffic control specialists, aviation safety inspectors, computer operators, electronics technicians, engineering technicians, electronics engineers, general engineers and mechanical engineers. Each person covered has been notified by the facility manager.

The ongoing evaluations will include pre- and post-demonstration comparisons of statistics for those facilities. Annual reports will be prepared for FAA management, OPM and the three services involved. In general, those comparisons are being counted on to show full and stable employment at the target facilities, more-experienced employees moving into those safety-related positions, higher numbers of full-performance-level employees and reduced use of overtime. Not all benefits are expected at all facilities because of facility differences, but they are expected to justify the project's \$20 million-a-year cost. ■

Former Administrator Honored



The second annual Glen A. Gilbert Memorial Award was presented to former Administrator Najeeb E. Halaby (standing, left) (1961-1965) by Lawrence Fortier, chairman of the Air Traffic Control Assn., at its annual meeting last month, at which Administrator McArtor was the keynote speaker. From the left is Mrs. Halaby and Quentin Taylor, ATCA chairman-elect and Deputy Associate Administrator for Airports. The award is in memory of a "father of air traffic control" to honor lifelong aviation achievement.

Mrs. Harrison is an aviation safety inspector (operations) in the Training and Technical Standards Division of the Office of Flight Standards.



NBCFAE President Evelyn Washington of the Tulsa, Okla., FSS escorts guest speaker FAA Administrator Allan McArtor to the conference podium.



Re-elected as national officers of the NBCFAE were (from the left) Evelyn J. Washington from the Tulsa, Okla., FSS, president; Gwynolyn L. Pearson, Central Region Accounting, treasurer; John Clayborn, Chicago ARTCC, public affairs officer; and Linda R. Smith, Great Lakes Region Civil Rights, conference coordinator.

Affirmative Action, Training Highlight NBCFAE Conference

By Marcia Adams

“Women and minorities, who historically have been under-represented in the FAA workforce at all levels, must be affirmatively recruited and promoted in all agency occupations,” Administrator Allan McArtor told the National Black Coalition of Federal Aviation Employees.

The Administrator was speaking at the 12th annual conference of the NBCFAE held in New Orleans, September 21-24.

To ensure this happens, he said, “We’re going to do our own recruiting, rather than have it done for us by other agencies.” FAA is expected to hire 32 minority and women professional recruiters. McArtor indicated that he wanted the recruiters to vigorously pursue qualified individuals, instead of waiting for minorities and women to walk through the door. “I want you to become ambassadors of aviation in your communities,” he said.

FAA’s high washout rate, which costs the agency \$14 million a year, and long

Mrs. Adams is an information specialist in the Public Inquiries Center of the Headquarters Office of Public Affairs.

Coalition Is Proactive

It all started in 1965 with five black air traffic controllers discussing their dissatisfaction with the representation of minorities in upper level FAA positions.

Arthur Varnado, Luther Quarles, Stanley Anderson, Frank Storr and Ted Fagan met at the New York TRACON—then the New York Common IFR Room—and formed the Coalition of Black Air Traffic Control Specialists. Although membership from the Eastern Region grew by word of mouth, mobility in the leadership caused the organization to dissolve in the early 1970s.

In May 1976, six black controllers in San Diego made another attempt to organize, calling themselves the Committee for the Organization of Black Controllers. In August of that year, another group met in New York City, renaming the committee The National Controller Coalition and developing an organizational structure that included local and regional chapters. Two months later, the coalition held a national convention in New Orleans, again renaming itself to the National Black Coalition of Federal Aviation Employees

(NBCFAE).

Now with 566 members, the NBCFAE represents blacks, other minorities and women, regardless of career field, in helping to ensure that such individuals receive equal treatment in filling all FAA positions and career development opportunities. Any FAA employee may belong.

Rather than just be reactive, the organization has instituted an education, recruitment and training program for members that provides job-awareness seminars and other career-advancement programs and maintains a skills bank for FAA job referrals.

NBCFAE also convinced the Tuskegee Institute to offer a bachelor's degree in aerospace engineering and a number of minority schools to offer FAA cooperative-education programs.

The coalition sponsors career days in schools around the country and each year selects six outstanding students to receive \$1,000 scholarships.

For membership information, contact Douglas Ewing, P.O. Box 176, Burlington, Mass. 01803. ■



Famed pilot “Chief” C. Alfred Anderson (center), the first black to fly transcontinental and to South America, chats with family members of pioneer pilot and instructor Willa Brown Chuppel who accepted the C. Alfred Anderson Award for her.

training time for controller candidates was another major topic of the conference. McArtor vowed that the FAA Academy curriculum will be revised, training time will be shortened and the washout rate decreased. “That high rate is really an indication that our recruiting system doesn’t work very well,” he said.

Wanda Reyna, manager of the Staff & Policy Division, Office of Personnel and Technical Training, discussed modular applicant testing, examining and screening, which is expected to cut hiring time from 16-18 months down to 45-60 days. ■

Deregulation continued from page 1

percent lower than CAB fares for approximately the same distances in similar markets.

By the time the hearings had closed, they had produced many and diverse converts to the cause of deregulation, including members of both major political parties, consumer advocates and manufacturing associations. The result was the Airline Deregulation Act, which was signed into law on October 24, 1978.

In reintroducing the airline industry to the free market, Congress had no intention of allowing it to escape from all Federal regulation. The Federal Aviation Administration would continue to exercise control over air traffic, as well as to set and enforce the industry's safety standards. Indeed, more than one legislator wanted to ensure that FAA was properly staffed to meet the increased traffic that deregulation was expected to create. The FAA Administrator at the time was confident that FAA could meet its responsibilities.

"I think there is the notion that regulatory reform or some change in the regulatory structure will present a new and unique circumstance to which the FAA will be required to apply radical changes," he told the House Government Operations Committee. "I want to point out to this committee that we have adapted to dynamic circumstances throughout the history of modern civil air transport."

As it turned out, the transition to deregulation proved relatively easy for the FAA. That was because spiraling oil prices, high interest rates and rampaging inflation put a damper on air travel, as did, beginning in 1981, the deepest economic recession of the post-war period. That same year, FAA found itself dealing with a massive air traffic controller strike that forced it to cut back airline schedules at 22 major airports. As a result, hours flown by airlines in scheduled service did not exceed the 1980 level until 1984.

From that year forward, however, air traffic grew by leaps and bounds. In the 10 years since deregulation, aircraft-hours flown by airlines in scheduled service operating under Federal Aviation Regulation Part 121 experienced a 60 percent growth, compared to a growth of 0.05 percent in the previous 10 years.

Every objective measure of accident and fatality rates points to one inescapable conclusion: that FAA and the airline industry did not allow the

dynamic circumstances produced by deregulation to compromise safety. Indeed, as the following table shows, airline safety improved dramatically during the period of deregulation:

	1968-77	1978-87	% Change
aircraft-hours flown	56,742,827	73,656,713	+29.8
total accidents	389	200	-51.4
fatal accidents	57	30	-52.6
fatalities	1,810	1,196	-66.1
accident rate per 100,000 aircraft-hours flown	0.686	0.272	-39.7
fatal accident rate per 100,000 aircraft-hours flown	0.100	0.041	-41.0
fatalities per 100,000 aircraft-hours flown	3.100	1.624	-50.9

It should be pointed out, however, that the improved airline safety record over the last 10 years is part of a long-term trend that began in 1926, when the Federal Government assumed the responsibility of regulating aviation safety. Every decade since that time has shown a marked improvement in airline safety over the previous decade. Nevertheless, it was no small achievement for the airline industry and the FAA to continue this trend during a period that saw route structures altered, a host of new carriers arrive on the scene and passenger enplanements double.

As impressive as these figures are, not everyone is persuaded that they tell the whole story. "I measure safety as exposure to risk," FAA Administrator T. Allan McArthur told Congress in 1987, "not absence of accidents." Though McArthur was not suggesting that airline passengers are now exposed to greater risk, it is fair to ask whether the margin of safety has indeed narrowed during deregulation.

The environment in which air passengers fly has certainly changed since the present air travel boom began in 1984. Today's airways are a great deal more congested. Much of the congestion can be traced to the hub-and-spoke operations adopted by many airlines as a means of better competing in a free market. Airlines say that they could improve their load factors by routing most flights through a central airport and reducing nonstop flights. As air travel picked up, however, airline reserves in airplanes and parts fell—just when such reserves were most needed.

by operations and maintenance personnel because of the rapid turnaround times at hubs.

FAA also felt the pressure. The presence of new hubs caused a major shift

But neither the number of violations nor the record sums collected in fines make a clear case that the margin of safety narrowed. For a variety of reasons, major FAA enforcement actions have come in cycles.

The size of the fines is also distorted by the fact that FAA has traditionally been willing on appeal to cut fines to only a fraction of their original size. That policy was reversed, beginning in 1984, with the FAA considerably less willing to listen to pleas for leniency by violators. The size of fines today are more the product of unilateral FAA action than of negotiation between regulator and violator. Under the circumstances, the size and frequency of today's fines tell us little about how well the margin of safety has been maintained. Indeed, accident statistics would appear to tell us more. It defies the law of averages for safety margins to deteriorate over a period as long as a decade and still not be reflected in the accident rates.

The same thing can be said about near midair collisions (NMACs). Although tentative evidence exists that the number of reported NMACs has increased during deregulation, it is not clear whether the figures reflect a true increase or merely an increase in reports.

Since the 1950s, when the Federal Government began counting near midair collisions, NMAC data has been highly sensitive to the reporting system. For example, between 1968 and 1971, when an immunity system was in place, near midair-collision reports averaged 1,620 annually; but in 1972, when immunity expired, the number fell to 231. Even if it is conceded that there has been an actual increase in the number of these incidents, there is no indication that the rate of NMACs has increased over the last decade. As economists Richard B. McKenzie and William F. Shughart found in a recent study, a high correlation exists between the number of near midair collisions and the number of miles flown. "However," McKenzie and Shughart point out, "deregulation has not altered the historical relationship between miles flown and NMACs."

It should also be observed that near midair collisions between two aircraft flying under instrument flight rules are relatively rare. Approximately 60 percent of reported NMACs involve IFR and VFR aircraft, while 33 percent involve two VFR aircraft. That means that NMACs between two IFR aircraft account for only 6 to 7 percent of such incidents.

More importantly, while the number of near midair collisions has gone up, both the number and the rate of midair

collisions involving airlines has gone down. During the 10-year period prior to deregulation, Part 121 carriers were involved on the average in about one midair collision a year. During the succeeding 10 years, not a single Part 121 operator was involved in a midair collision, despite the collision of a small general aviation aircraft with an Aero-mexico jetliner over Cerritos, Calif., on Aug. 31, 1986. In accordance with the practice of the National Transportation Safety Board, accidents involving foreign airliners in the United States are not included in Part 121 operators' accident statistics.

This record means that the midair collision rate for this category of air transport since the passage of the Airline Deregulation Act is zero—despite the fact that Part 121 carriers now fly



Former Southwest Region Director C.R. Melugin, Jr. (right) presented FAA's highest prize—the Award for Extraordinary Service—to Ing. Roberto Kobeh Gonzalez, director general of SENEAM, Mexico's Air Traffic-Airway Facilities organization.

Mexico's air traffic control system made a quantum leap forward beginning in 1978 with the creation of SENEAM—its current air traffic organization—and the appointment of its director general, Ing. Roberto Kobeh Gonzalez. In 1988, for his leadership in making Mexico's system one of the best, Ing. Kobeh was presented with FAA's highest honor—the Award for Extraordinary Service.

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Mexico's Mazatlan Area Control Center.

60 percent more aircraft-miles, 67 percent more aircraft-hours, and make 41 percent more departures.

Hence, if accident statistics have any validity, deregulation in no way degraded airline safety, even though the feeling lingers that deregulation's competitive pressures may have led some carriers to save on scarce financial resources by cutting corners on maintenance and other costly safety areas. It does not necessarily follow that this is a universal or even natural reaction to competition.

You can argue just as convincingly that the increased availability to travelers of competitive choices along most routes made airlines more safety-conscious than before. ■

Recognition By Meta G. Carstarphen South of the Border

(Aeropuertos y Servicios Auxiliares).

According to C.R. Melugin, Jr., Executive Director, Regulatory Standards & Compliance, Mexico is recognized as having developed "one of the most technologically advanced air traffic control systems in the world."

Melugin, who at the time of the awards ceremonies was Southwest Region director, was asked by Administrator McArthur to present the award in his place—appropriate because it culminated a decade of close cooperation. "We worked closely with Roberto for all this time," he said, "and we have



Mexican air traffic control specialists man automated work stations in the Mazatlan Area Control Center.

Over the past few years, Mexico has upgraded its virtually nonradar system to one that has seven long-range radars (LRRs) and six terminal radar systems. With the commissioning of three more programmed LRR sites, Mexico will have enroute radar coverage above flight level 200 over the entire country.

Updated and computerized area control centers and the introduction of satellite communications are central to today's Mexican airspace management. The centers have automated systems that are expected to accommodate projected traffic growth through the next 20 years.

The first of the country's new centers, Monterrey, opened in 1983, followed closely by one in Mexico City. Mazatlan came on line in 1985 and Merida at the end of 1986.

Hugh Hartley, Southwest Region's international liaison specialist, says that Mexico's system in 1978, already at a high level of quality, "made a quantum leap from what was primarily a manual one to an automated one by 1985."

It was an accomplishment that brought Ing. Kobeh an award shared by only about three dozen aviation notables since it was initiated in 1965. ■

A public affairs specialist in the Southwest Region, Ms. Carstarphen formerly was a feature writer for *Chilton Publications*.

Photos by C.R. Melugin, Jr.

The



From Admiral Columbus to Admiral Peary, it has been hard to do something great for the first time without somebody saying, "No, you didn't." In seeking exceptions to this long, contentious history, one might think of the Wright brothers, Orville and Wilbur, who flew the first successful manned, heavier-than-air plane near Kitty Hawk, N.C., 85 years ago.

But in fact, the Wrights' achievement was questioned, challenged and disparaged for decades by disgruntled scientists, bureaucrats, commercial competitors and that breed of dogged skeptics that seems as indigenous to the American spirit as are genuine home-spun pioneers like the Wrights themselves. In those heady early days of flight, there were fortunes and reputations to be made, and the Wrights—like Edison and Bell and the rest of the U.S. inventors' pantheon—had not only to exercise their genius but defend its authenticity.

For Orville Wright—Wilbur died in 1912—the defense of Kitty Hawk was a bitter, lifetime battle against a small army of high-powered counter-claimants. At his death, the *Flyer* was displayed not in the United States but at a British museum, where Orville had placed it to spite the Smithsonian Institution. Its secretary, Charles D. Walcott, and his successors had waged a long attack on the originality of the Wrights' design. Having been formally unveiled on its return to the United States on December 17th 40 years ago, the *Flyer* now reposes at the Smithsonian, but it was a near thing.

The Smithsonian dispute was only the



Because of a dispute with the Smithsonian Institution, the original Wright Flyer was displayed in England's Science Museum in South Kensington, London, for 23 years.

Photos courtesy of Smithsonian Institution

most nettlesome component of a massed challenge to the Wrights' achievement. Not many doubted that the brothers had conducted four successful flights on Dec. 17, 1903, even though the few actual witnesses were overwhelmed by what they saw. After all, the *Flyer* never traveled more than 852 feet, nor rose more than a few feet above the ground, nor stayed aloft for more than 59 seconds, nor flew faster than 30 miles per hour. Nor was the occasion a media event. Largely uninformed reporters, what few there were, had to put the story together after the event. The feat was not generally acknowledged until 1908, after subsequent, better publicized flights.

Nevertheless, the deed was done and recorded. No one could deny the Wrights their moment in the air. The controversy that soon developed came not over the flight but over what had actually been accomplished by it and who should get credit for the breakthrough.

There was bound to be disputation during those frantic years of attempted flight. Visionaries and engineers since the days of da Vinci (if not Icarus) had designed flying machines, convinced

Exile of the Wright Flyer

By Dupre Jones

Mr. Jones is a free-lance writer living in Arlington, Va.



A U.S. Navy honor guard stands before one of three crates containing the Flyer, offloaded from the aircraft carrier USS Palau (rear) in Bayonne, N.J.

that their system would be "go" with the properly built aircraft. By the late 19th Century, competition to build and fly the first heavier-than-air, machine-driven airplane had become intense. The scientific establishment had unofficially made manned flight the early equivalent of a Manhattan or Apollo project, and several inventors seemed on the verge of success.

When the feat was accomplished by two unheralded midwestern bicycle makers, many within that establishment simply couldn't believe it. They must have had help with the design, the reasoning went.

French aeronautical circles, for example, promoted one of their own, the late Louis Pierre Mouillard, a glider specialist whose writings had inspired, though not taught, the Wrights. Other aeronautical theorists whose work was cited as influential included the Englishmen William Henson, Hiram Maxim and Sir

George Cayley; the German Otto Lilienthal; and Samuel Pierpont Langley of the United States. It was the specter of Langley—after his death and through no real fault of his own—that was most to bedevil the heroes of Kitty Hawk.

The smart money in those days was riding on Langley to be aviation's pioneer. Langley was secretary of the

Langley felt he was ready. His prototype—a huge craft with a 50-foot wingspan and a 52-horsepower engine—was poised on a catapult on the Potomac River, into which it immediately sank upon takeoff. Corrections were made, or so it was thought.

That December 8—just nine days before the Wright Flyer flew—Langley

The controversy might have ended there but for the persistence of Charles D. Walcott. As chief of the U.S. Geological Survey, Walcott had been an important backer of Langley's Aerodrome subsidies, then succeeded his friend as secretary of the Smithsonian. Walcott was quick to take up the fallen inventor's standard, saturating the

tious as usual, the Smithsonian's annual report stated that the plane "demonstrated that with its original structure and power, it is capable of flying with a pilot and several hundred pounds of useful load. It is the first aeroplane in the history of the world of which this can truthfully be said." (Emphasis added.)

The trouble was that the machine flown that day was in many important respects not the original Langley Aerodrome. Experts determined that the original construction had been modified in numerous ways. And if this was not the original plane, then the tests meant nothing. Still, the apparent success of the test—fueled by misleading data and self-serving conclusions by the Langleyites—seemed to many in the press and the public to vindicate the Walcott-Curtiss claim for Langley and served to perpetuate the dispute for decades.

It also reopened the patent controversy, as Curtiss had hoped. (The patent dispute was settled by a general aviation manufacturers' agreement in 1917, with Curtiss getting a piece of the action.)

While Orville Wright saw in all this an unprincipled vendetta on the part of Walcott, he largely maintained a gentlemanly reticence on the matter until 1921, when the controversy resurfaced in an article—favorable to the Wrights' claim of aviation primacy—that appeared in a U.S. aeronautical journal. But after unsuccessful negotiations with the Smithsonian to have the matter decided by a neutral panel and further slights by the relentless Walcott, Orville in 1925 dropped his bombshell. Since the Smithsonian thought so little of the *Flyer's* flight, he would send the historic machine to England, where it would be appreciated.

This was something the public could understand: a national treasure being sent abroad because of disrespect at home. A public outcry ensued. Secretary Walcott, with public opinion now running against him, nonetheless maintained his crusade against the Wrights until his death in 1927.

In an effort to placate Wright and restore the sagging image of the Smithsonian, his successor, Charles Greeley Abbot, made some amelioratory moves that were largely cosmetic. Orville called them a "hollow gesture," and they were too little, too late: The *Flyer* was now on display in London, not Washington.

Abbot—whose institutional loyalty seemed stronger than his objectivity—found himself defending not only



Smithsonian Curator Paul Garber (right) is greeted by the president of the Wright Aeronautical Corp., in Woodbridge, N.J., who requested that the Flyer stop-off on the way to the Smithsonian Institution in Washington so he could salute the returning treasure.

and his pilot, Charles Manly, tried again and failed even more spectacularly as the "Great Aerodrome" collapsed and self-destructed before it reached the end of the catapult runway.

Unlike the Wrights' unheralded exploits, the Langley-Manly attempt was discussed in the press and on the floor of Congress. Langley—by all accounts a decent man and now a broken one—died three years later, devastated by the collapse of his plane and his dream. Meanwhile, the Wrights had made history the quiet way and proceeded—pretty much out of the limelight—to develop their own inchoate but demonstrable dream into a fully realized, commercial reality.

By 1910, the Wrights had garnered huge national renown, leadership in the burgeoning aviation industry, a patent on their designs and a patent-infringement lawsuit against entrepreneur/aviator Glenn Hammond Curtiss. Curtiss—with the backing of Henry Ford, no less—contended that the Wright patent was so broadly drawn that it restricted any commercial application of the principles of flight. But on Jan. 14, 1914, Judge John R. Hazel of the U.S. Court of Appeals upheld the liberal interpretation of the Wright patent and restrained the Curtiss company from infringing on it.

Smithsonian with Langley memorabilia and launching a crusade to restore the reputation of his predecessor, his airplane and the Institution. Behind this campaign was the notion that Langley's efforts—and the Aerodrome in particular—represented the true conceptual breakthrough in manned flight.

Walcott's defense of Langley went beyond symbolism. With the support of Alexander Graham Bell, Walcott next took sides with Curtiss, who was taking a never-say-die stance, despite his defeat in court. What if, they wondered, the original Aerodrome were reconstructed, tested and—this time—actually flew? That would ostensibly restore the disgraced Langley's reputation, impugn the Wrights' sweeping patent mandate and possibly lead to another, happier day in court for Curtiss. To that end, Walcott provided Curtiss with funds, resources and the prestige of the Smithsonian to rebuild the Langley machine.

On May 28, 1914, the reconstructed Aerodrome, piloted by Curtiss, was tested near the Curtiss plant at Keuka Lake, N.Y. This time it flew. Tenden-

(Continued on page 10)

People

Aeronautical Center

- **Billy R.C. Addington**, unit supervisor, Storage and Transportation Branch, FAA Depot, promotion made permanent.
- **Loran W. Macy**, section supervisor, Sacramento, Calif., Flight Inspection Field Office (FIPO).
- **Frederick F. Nakamitsu**, unit supervisor, Line Maintenance Section, Tokyo, Japan, FIFO, from the Finegayan, Guam, Airway Facilities Sector Field Office.

- **Billy R. Rhodes**, supervisor, Line Maintenance Section, Frankfurt, West Germany, FIFO, from the Aeronautical Center.

- **David I. Yount**, supervisor, Environmental Support Services Section, Academy Maintenance Support Branch, Facility Support Division, promotion made permanent.

Alaskan Region

- **Gary E. Childers**, unit supervisor, Anchorage Flight Standards District Office (FSDO), promotion made permanent.
- **Larry E. Dalrymple**, unit supervisor, Fairbanks FSDO, promotion made permanent.
- **Orlando E. Sanchez**, area manager, Anchorage ARTCC, from the Albuquerque, N.M., ARTCC.
- **Pamela Uedelhoven**, manager, Juneau Tower, from the Fairbanks Tower.
- **Johnnie L. Wallace**, unit supervisor, Anchorage FSDO, promotion made permanent.

Central Region

- **George G. Benner**, manager, Employee Development Branch, Human Resource Management Division, promotion made permanent.

- **Hal E. Foland**, supervisor, Policy and Guidance Section, Standards Office, Aircraft Certification Division, promotion made permanent.
- **Kevin L. Harrington**, area supervisor, Columbus, Neb., Automated Flight Service Station (AFSS), promotion made permanent.
- **Wallace D. Pfaff**, manager, Des Moines, Iowa, Tower, from the Air Traffic Division.

Eastern Region

- **Gary M. Chittum**, assistant manager for technical support, Norfolk, Va., Airway Facilities Sector (AFS), from Headquarters Systems Engineering Service.
- **George M. Cronin**, area supervisor, Milville, N.J., Automated Flight Service Station, from the Poughkeepsie, N.Y., FSS.
- **Walter Drelich**, operations inspector, New York Flight Standards District Office.
- **Renard A. Gaddi**, unit supervisor, Construction Engineering Branch, Airway Facilities Division.
- **William G. Garrett**, area supervisor, Charleston, W.Va., Tower, promotion made permanent.
- **Roderick L. Harrison**, area supervisor, Trenton, N.J., Tower, from the Newark, N.J., Tower.

- **James J. McGhee III**, area supervisor, Philadelphia Tower, from the North Philadelphia Tower.
- **James C. Mel**, unit supervisor, Construction Engineering Branch, AF Div, Fairbanks FSDO, promotion made permanent.
- **John E. Stephens**, area supervisor, Huntington, W. Va., Tower, from the Charleston Tower.

- **James J. McGhee III**, area supervisor, Philadelphia Tower, from the North Philadelphia Tower.
- **James C. Mel**, unit supervisor, Construction Engineering Branch, AF Div, Fairbanks FSDO, promotion made permanent.

- **John E. Stephens**, area supervisor, Huntington, W. Va., Tower, from the Charleston Tower.

Great Lakes Region

- **Arthur G. Benzle**, area supervisor, Cleveland, Ohio, ARTCC, promotion made permanent.

- **Gregory S. Collins**, area supervisor, Indianapolis, Ind., ARTCC.
- **Holly W. Geiger**, unit supervisor, Indianapolis General Aviation District Office.
- **Timothy R. Gress**, area supervisor, Cleveland ARTCC.

- **Charles A. Kaufmann**, area supervisor, Cleveland ARTCC, promotion made permanent.
- **Wilbur L. Kutter**, area supervisor, Huron, S.D., Automated Flight Service Station (AFSS), promotion made permanent.
- **David R. Malueg**, area manager, Kankakee, Ill., AFSS, from the Decatur, Ill., FSS.

- **Richard K. Olson**, assistant manager, programs, Mitchell Field Tower, Milwaukee, Wis.
- **Patricia A. Pearson**, area supervisor, Indianapolis ARTCC.

- **James Shaddock**, area supervisor, Rochester, Minn., Tower, from the Minneapolis-St. Paul Int'l. Airport Tower.
- **Vera E. Stewart**, assistant manager, plans and procedures, Cleveland AFSS, from the Kankakee AFSS.

- **William L. Bedford**, unit supervisor in the Pensacola, Fla., Airway Facilities Sector Field Office (AFSFO), Montgomery, Ala., AF Sector, from the Tampa, Fla., AF Sector.
- **Fred J. Belk**, manager, Maintenance Program Branch, AF Division, from the Jackson, Miss., AF Sector.
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Division Manager Feted



Western-Pacific Region's Air Traffic Division manager Jacqueline L. Smith (second from left), the first woman to hold such a position in the FAA, was one of the special guests at the National Aviation Club's Fourth Annual Luncheon Honoring Women in Aviation, held in Arlington, Va., on October 20. The guest speaker was Deputy Administrator Barbara McConnell Barrett (fourth from left).

The information in this feature is extracted from the Personnel Management Information System (PMIS) computer. Space permitting, all actions of a change of position and/or facility in the first supervisory level and to branch manager in offices are published. Other changes usually cannot be accommodated because there are thousands each month.

- **Dennis M. Poff**, manager, Hickory, N.C., AFSSO, Charlotte, N.C., AF Sector, from the AF Division.

- **Ruben Gonzalez**, manager, Lubbock Flight Standards District Office (FSDO), from the Albuquerque FSDO.
- **Loyd M. Halliburton**, manager, Baton Rouge, La., FSDO, from the Flight Standards Division.

- **Michael J. Keyworth**, area supervisor, Shreveport, La., Tower, from the Corpus Christi, Texas, Tower.
- **Jerry E. Pankonen**, team supervisor, Dallas-Forth Worth, Texas, FSDO.
- **Clarence C. Ransom**, assistant manager, programs, Oklahoma City Tower, from the Fortbes Air Force Base, Topeka, Kan.
- **Joseph D. Smith**, unit supervisor, Baton Rouge FSDO.
- **Grandville W. Sprayberry**, unit supervisor, Oklahoma City AF Sector, from the Houston, Texas, ARTCC AFS.
- **Ronald L. Staley**, supervisor, Financial Management Section, Airports Programming Branch, Airports Division.
- **Bobby G. Swanner**, area supervisor, Monro, La., Tower, from Hobby Regional Airport Tower, Houston.
- **Robert S. Ward**, area supervisor, De Ridder, La., Automated Flight Service Station, from the Monroe FSS.

- **John L. Simpson**, crew chief, Miami ARTCC AF Sector, promotion made permanent.
- **Alfred J. Zappi**, unit supervisor, Daytona Beach, Fla., AFSSO, Jacksonville, Fla., AF Sector.
- **Charles B. Siedloff, Jr.**, manager, Miami FSDO.
- **Edwin K. Zerbe**, area supervisor, Fayetteville, N.C., Tower, promotion made permanent.
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- **Rene A. Matos**, supervisor, Simulation Operations Section, ATC Facilities Operations Branch, Technical Facilities Division, promotion made permanent.

- **Richard P. Arnold**, manager, F&E Program Management Branch, Resource Management Staff, Associate Administrator for Development and Logistics.
- **Avalon R. Berghelm**, manager, Program Management Division, Office of Program and Regulations Management.
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Professionalism and Eternity

By Ed Ray

It was every terminal air traffic controller's worst nightmare.

An unmanned F-14 Tomcat jet fighter was on a collision course with the control tower at Gillespie Airport in El Cajon, Calif. There was no place to run and no place to hide.

Then the miracle happened. (There was still time to pray.)

About 500 feet short of the tower, the F-14 dipped a wing (God only knows why), slipped off to the side, missing the tower by some 400 feet and crashed about 800 feet south of the tower. An intense fire with several secondary explosions ensued, taking about an hour to bring under control. The two-man crew had been talking to approach control about four or five miles out when they lost control of the aircraft and bailed out.

This event, which occurred on Sept. 12, 1988, has caused me to do considerable thinking about my 37 years of service in air traffic control and about the exceptionally high quality of people I have met along the way.

Dealing with aircraft in emergency situations becomes almost routine for experienced air traffic controllers. We take it for granted that they will do their jobs in a professional manner even under the most adverse circumstances. I'm not quite sure how we train controllers to do this, but I did it in the past and I see our younger controllers still doing it.

I know these efforts are greatly appre-

ciated, not only by FAA but also by the aviation community. Many pilots call or write to say that it was the controller's calm, confident voice that encouraged them to hang in there and salvage a deteriorating situation.

Here, the deteriorating situation was the controllers', Rita Carstens, Ben Johnson, Del Kestner and Gary Wentz that morning had every reason to think they were "history" as they watched the F-14 slowly turn on to a collision course with the tower less than 30 seconds from impact. When the jet finally veered away from the tower, they were only about five seconds from eternity.

Their first inclination had been to run, but it was immediately obvious that there was no place to go and no time to get there. As Johnson later recalled, "I said a prayer for my widow and orphans and decided I would look straight in the face of whatever was going to take me out."

In the meantime, they continued to do their job like true professionals. They activated the crash phone to make sure that the emergency crews responded as quickly as possible to care for what seemed like certain casualties. They also transmitted warnings on radio frequencies to accelerate the response of the sheriff's helicopters and airport management vehicles to evacuate injured and to institute crowd control measures. It was



Debris of hangars and aircraft mark the crash of the Air Force F-14, which narrowly missed the El Cajon, Calif., Airport control tower in the background.

devotion to duty that gives well above and beyond the routine.

After missing the tower, the F-14 crashed into several hangars and destroyed 13 airplanes, three helicopters and several cars. There were two serious injuries on the ground. The aircraft's radar officer, who had ejected, later died.

When team supervisor Art Perry and I listened to the tape recording of the radio and interphone contacts which immediately preceded and followed the crash, the hair stood up on the back of my neck. The sounds of shock and horror in their voices, even while they continued to do their jobs, is something I shall probably never forget. Moreover, after the accident, they remained on duty, shook off the trauma of that terrible event and coordinated a very complex crash/rescue effort without even closing a runway.

Even as Art and I admired the spirit and expertise of these people, we agreed that we could pick any four names off our personnel roster and know they would perform in much the same manner in the same circumstances. I believe the same could be said of those who staff any of the FAA's air traffic control facilities.

Since this is my farewell message to the air traffic control work force, I want to say how highly I esteem the magnificent job they do every day. I salute you all; you are the greatest! ■

The manager of the Gillespie Field Tower in El Cajon, Calif., near San Diego, Mr. Ray is retiring this month.

Exile of the 'Flyer'

continued from page 7

Langley but Walcott and the Institution as well in the face of increasingly pro-Wright public sentiment. To that end, he proposed in 1933 a blue-ribbon committee to settle the dispute. It would be led by Charles Lindbergh, whose own historic flight, for a change, appeared beyond dispute. But Wright was contemptuous both of the proposed focus of the inquiry and of the composition of the panel: the Secretaries of Commerce, War and the Navy, hardly a disinterested, non-establishment trio.

Lindbergh continued during the next few years to make fitful efforts to bring the warring parties together. At Lindbergh's suggestion, the catalyst proved to be aviation writer Fred C.

Kelly, who had been working for years on a biography of the Wrights and seemed acceptable to Wright as a disinterested historian.

Diplomatically enlisting the cooperation of Abbot, Kelly in 1942 helped the secretary write a paper, published in the Smithsonian annual report, that contained what Wright had always sought: an itemized comparison of the differences between the 1903 Langley Aerodrome and its new, improved 1914 reincarnation, as well as an admission that the 1914 flight "did not warrant the statements published by the Smithsonian Institution that these tests proved that the large Langley machine of 1903 was capable of sustained flight carrying a man."

In other words, one flies, the other doesn't. Wright was right and the

Smithsonian chiefs were wrong. A 39-year feud had been won, hands down, by the proud and persistent father of flight. That meant, surely, that the *Flyer* would be returning to its appropriate national shrine.

Or did it? President Roosevelt was to have announced the imminent event at a 40th anniversary celebration of Kitty Hawk in 1943 but could not attend. Orville Wright himself maintained silence on the matter until his death at 76 on January 30, 1948, when posthumously released papers mandated approval of the return of the *Flyer* to the United States.

The final occasion in this saga occurred that year, when on December

17th—the 45th anniversary of the first flight—the *Flyer* was belatedly unveiled by its once-so-reluctant host, the Smithsonian Institution—the same night that Chuck Yeager won the Collier Trophy for his epochal flight in the X-1.

The plaque on the *Flyer* exhibit reads, in part, "the world's first power-driven, heavier-than-air machine in which man made free, controlled and sustained flight, invented and built by Wilbur and Orville Wright."

Vindication was a long time coming. But Orville Wright, after death, had achieved a second great victory beyond his mastery of flight: victory over the American passion to debunk the achievements of its native geniuses. The first achievement was the greater; the second may well have been the tougher. ■

The 72,750 forest fires of the rainless summer of '88 consumed more than five million acres of American wilderness. Federal agencies combined forces in a valiant effort to stem the disaster. As always, the FAA had a hand in helping them to reach safely into the remote areas struck by fire.

One-third of the forest destruction occurred in Alaska, where 1,255 fires devastated over 1.6 million acres of forest.

In the Northwest Mountain Region, the Resource Management Branch of the Air Traffic Division is called upon an average of a dozen times annually.

Between May and October in normal years to provide temporary tower service to support firefighting efforts. Since fires are no respecter of business hours, one specialist is on call at all times during the season to provide swift response.

As each of the many calls were received last summer, employees in the Airway Facilities Support Section located transceiver equipment and had it shipped to the FAA facility closest to the firefighting command post. Personnel in the Nav/Comm Section then researched and assigned non-conflicting radio frequencies to the temporary towers.



A temporary air traffic control tower protected by a lean-to in the wilderness of Beaver, Alaska, and the controllers' dormitory at the right sit near a gravel runway. (Photo by Chuck Hubin)

Temporary Towers for a Dirty Job

By Tom Davidson and Mary Lou Dordán-Wojtalik



Chatting with Sam Brice, foreman of Brice Construction, is ATCS Tom Riadal (right), who is manning the Beaver Tower during the emergency. (Photo by Chuck Hubin)

Air Traffic Division for a temporary tower.

Air Traffic arranged for the detail of two air traffic control specialists from Fairbanks Tower and four U.S. Army controllers from Fort Wainwright in Fairbanks and for a portable tower to be flown in from Fort Lewis, Wash. Within 24 hours of reaching the village, the temporary tower had been commissioned and 49 operations completed.

Such a detail is not a respite for the controllers in either location, although some welcome the change of pace. Usually heat, smoke and sweat are their lot. Most controllers bring a sleeping bag, get their food catch-as-catch-can in the firefighters' chow line and, when they must, seek out creeks and lakes for bathing.

The Alaskan controllers' accommodations consisted of canvas lean-to's over the tower equipment and dining area and Army tents and combat rationnaires. All water had to be brought in with the other supplies.

Mr. Davidson is a facility management specialist in the Resource Management Branch, Northwest Mountain Air Traffic Division; Ms. Wojtalik is a public information specialist in the Alaskan Region.



FAA's temporary tower for directing fire-fighting traffic against the blaze in Yellowstone National Park in Montana and Wyoming sits atop the Yellowstone Airport terminal in West Yellowstone, Mont.

Since runways usually are nonexistent in the middle of a forest, air traffic control is, to say the least, nonstandard and unusual. Helicopter operations abound for shuttling personnel, equipment and supplies. Fixed-wing aircraft are mainly "bombers" for dispensing water and fire retardants. News media aircraft are ever present circling above.


When the BLM freighters in Alaska had finally completed the fires, one of which had burned more than 309,000 acres of forest, and the temporary tower was decommissioned, the al fresco controllers had conducted a respectable total of 735 operations in their 10 days.

The controllers who take a turn at manual controlling in this hectic and dirty business, however, take pride in being part of a major-league team effort that helps save America's natural resources. ■

Flight Service Stations Honored



Alaska Gov. Steve Couper (center) presented Ketchikan FSS manager Richard Knoffman (left) and Sika FSS manager Herb Hlman the annual Alaskan Safety Advisory Council Community Service Award. Ketchikan was recognized for its work with FBOs in developing new runways that reduced air traffic congestion and noise. Sika was honored for its exceptional and consistent flight safety service record.



Federal Notebook

WHISTLEBLOWING CAN PAY

Although the Whistleblower Protection Act was vetoed, a two-year reauthorization was enacted that allows inspectors general to make awards of up to \$10,000 to federal employees who save the government money by disclosing waste, fraud or mismanagement. It also recognizes employees for their suggestions and achievements under the Superior Accomplishments Awards Program. The law has been little used.

JUSTICE ON TAXES

Under a new law, if the Internal Revenue Service (IRS) gives you bad advice in writing and you follow it, IRS can't say "sorry, but..." and hit you with interest or tax penalties. Among the worst cases were those where the IRS told federal retirees who had taken the lump sum from their annuities that they could rollover the lump sums into Individual Retirement Accounts (IRAs) or use five-year income averaging to reduce their tax liability. The ploys were disallowed on the tax returns and penalties were assessed.

UNFINISHED BUSINESS

In addition to those cited last month, there were other pieces of legislation of interest to federal employees that failed to make the grade in the 100th Congress. Those bills that have a substantial cost are likely to have just as much trouble in the 101st, considering the need to deal with the persistent budget deficit.

More than half a dozen bills were introduced in the last session to provide equity between the mostly untaxed Social Security benefits and the mostly taxed federal annuities. Such equity would cut tax revenues, however.

Under the Federal Employees Benefit Improvement Act of 1986, unmarried or widowed retirees who wish to provide a survivor annuity for a new spouse must not only take the standard reduced annuity for themselves but also pay back the difference for all the time since retirement, plus interest. Often this means the spouses must remain unprotected because the redeposit would be thousands of dollars. Legislation to require reduction only for the period of marriage will likely resurface.

Long-term home health care and nursing home care legislation probably also will resurface, but the cost probably will prevent its passage.

Catastrophic health insurance is not something that federal retirees needed, nor is the cost something they can afford, despite the improvement in the financing mechanism. A new look at the law is expected.

Vetoed was a bill that would have required top agency officials, upper members of the Senior Executive Service, GS grades 17 and 18, members of Congress and some Congressional staffers to wait at least one year after leaving the government before making business contact with their former agencies.

MOBILITY ENHANCED

The General Services Administration has boosted the maximum allowable reimbursement for expenses in buying and selling real estate for employees getting a permanent change of station. The limit for selling is 10 percent of the selling price or \$17,813, whichever is less; for buying, five percent or \$8,907, whichever is less.

THRIFT PLAN BREAK PROPOSED

The Federal Retirement Thrift Investment Board is considering a proposal to permit employees under the Civil Service retirement system to invest thrift plan funds in common stock (C) and fixed-income funds (F). At present, such employees are limited to investment in government securities (G). Although the G fund is now earning 8.72 percent and the F fund only a 3.64 percent return, the C fund is making 11.45 percent.

WHAT IS OFFSETTING DISABILITY INCOME?

Reversing itself, the Merit Systems Protection Board has ruled that undistributed profits from a federal disability retiree's wholly or partly owned company does not count toward his or her outside earnings. Retirees on disability are allowed to earn only up to 80 percent of their federal salaries to retain their disability annuities.

BEING OWN LAWYER DOESN'T PAY

The Merit Systems Protection Board has ruled that attorney fees cannot be awarded to non-attorneys and that an employee who represents himself or herself successfully against an adverse action is not entitled to compensatory time off in lieu of attorney fees for time spent preparing and arguing the case.

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