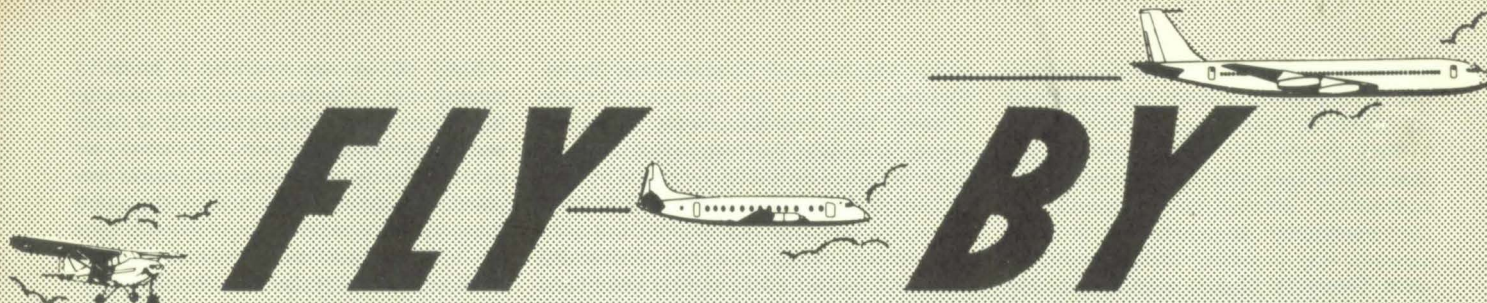




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Administrator Responds to Unfair Attack

The FAA and a number of Agency employees have been treated unfairly in two stories and an editorial in the January 19th issue of the *Saturday Evening Post*.

You are no doubt aware of the number of errors contained in the magazine material, but you may not be aware of the Administrator's reaction to the episode. So you may have a better understanding and be better prepared to respond to inquiries from outside the Agency, there is here reprinted the verbatim remarks of the Administrator made during a press conference last week.

I think you know me well enough to know that I feel this is a very serious and important job, and I am particularly, literally, mad and sad at the same time when I get a letter like this one. It just really burns me up, and I am not supposed to allow myself the luxury of being burned up.

Here is a letter from a man whom, of course, I have never seen. He lives out in California: "Dear Mr. Halaby: I have been thinking of joining the FAA in an electromechanic capacity, but after reading the enclosed article in *The Post*, I am not so sure that a position with your organization leaves anything to be desired."

Now, we can laugh about it, and, as I say, I get mad and laugh, alternatively at a situation like this, but that is the most damaging thing that you can do to the public service.

One of my colleagues, in fact, several of my colleagues, have been slandered and libeled for a very narrow purpose, a very narrow purpose, and doubts have been cast several times when it suited a particular interest, on what we are doing, and the intent of what we are do-

ing. That sort of thing, I guess, burns me up.

Another letter that I received this morning is along the same line: "Mr. Halaby, Re the *Saturday Evening Post* article of January 19, 1963, either you must accuse the author of being an out and out liar or admit that you are a nonsystematic student of the scientific method of investigation, and, in addition, a really disgusting individual."

QUESTION: Would you be more specific about your denials and charges?

MR. HALABY: Fortunately, however, I got one good one: "I would like for you to know that many of you in the Administration have been treated most unfairly with regard to the article in the *Post*."

"I have seen Administrators come and go—" By the way, the average tenure is 20 months, if anyone has been searching for that sad little statistic—"And, in my opinion you have done more for the air traffic service and controller protection than all of the past Administrators put together. It disturbs me to see you receive such unjust criticism."

Now, obviously this article is going to provoke a great deal of, it is provoking a great deal of heat, and what I would like for all of us to do is to produce a great deal of light on it. You can't, in public life, hide, and I hope you will agree that I am the last one who has tried to hide from you, but when an article, and this is the first time out, I gather, in a very complicated area, is written such as this one is written and, it slanders my men, I get mad.

George Prill, Director of the Flight Standards Service, has come into this Agency and worked his heart out on this matter of searching for air safety. Within the past 6 months, to my knowledge,

he has had at least one very flattering financial offer outside this Agency, and he elected to stay in because he felt that sense of challenge and public service.

He and his group in Flight Standards, put over 11,000 man-hours in trying to find the cause of this accident. This is not because we were in competition with any other agency, but he did it in order to search for the truth of this occurrence. This was at a total cost of \$12,000. He worked weekends and nights, all for the sole purpose of finding out what caused that accident and to prevent it happening again.

Within the last 48 hours, I have asked the top people of the Civil Aeronautics Board if they knew of a single thing that should be done in order to prevent a recurrence of such an accident that hadn't already been done. The answer was unequivocally "No." I also asked the industry if there was anything that hadn't been done that should be done about this airplane, because, if there is, it will be done, no matter who it is or whom it hurts.

I would like to read this article from the *Dallas Morning News*. It is dated January 20, 1963, and the headline is, "Halaby Hullabaloo."

The sub-headline is, "Sherrod Defends *Post* From Attack." The article continues, "Robert Sherrod, Editor of *The Saturday Evening Post*, defended his magazine from attack by the Federal Aviation Agency Saturday."

Now, as I say, you go from laughing to crying about this kind of thing. It is a very interesting article about the piece in the *Post*. I think the most interesting thing to me is a couple of remarks when asked about the soft-line, and the Cuban crisis, Sherrod's reaction to the controversial piece was about what

would be expected. Asked if circulation had climbed, he said that newsstand sales were up from 10 to 12 percent.

Well, I guess I would have to say that I feel that this was "Purple prose and yellow journalism." I would like the opportunity to answer this in every and any way possible. For example, we have found 34 factual mistakes in the two articles in the editorial.

Now, if you haven't got that, I wish you would look at it and see whether this is fiction or fact. It is a little bit like a Western. There are only heroes and villains in the piece, and the villains turn out to be one manufacturer and the FAA.

Well, I guess I am fairly good game, but when they attack men like Prill and his associates, I burn up. I will stake my record on what we have done for the traffic controllers and the traffic control system against anyone's.

The two men who were cited in this article, members of the O'Hare Control Tower, I thought of them a great deal after reading this article, so I got their personnel jackets and just looked up to see how the FAA had treated them.

One of them was employed in October 1957, at \$4,000 a year, and he is now a GS-12 Radar Controller at \$9,500 a year, which is a little more than a thousand dollar a year increase. He has a Class Two classification.

The other was employed in June 1957, at \$3,500, and he is now a GS-12 at \$9,500 a year. His physical shows no limitations. In other words, both of these men cited in the article have had an average increase of \$1,000 a year.

At the same time, during these five years, the appropriations for the traffic service have mounted each year, and the total number of personnel has not quite doubled, but it is approaching that, when you include maintenance, which supports the controllers as well.

The research and development expenditures in the last two years, the total new installation expenditures in the last two years, have been the greatest in the history of the airways.

Now, these are facts. You can get these, verify them, ask me about them, and I hope you will.

Finally, I hope, in view of things like this, and in view of the obvious fact that there are special pleading interests involved in any such article as this, I hope that Senator Monroney, as I think he intends to do, will have this investigation, and I have recently written a letter urging that it be expedited, the air safety hearings before his Committee, because there all of the veils, and all of the blinds, are stripped away under

public opinion and Congressional investigation.

Now, Ben Franklin, who, I understand, founded the magazine, I don't know whether he would recognize it now or not, said once that: "Persons of good sense, I have observed, seldom fall into disputation, except lawyers, university men, and men of all sorts that have been 'bred at Edinburgh.'"

QUESTION: I believe you indicated that several of your colleagues were slandered for various purposes? Would you state what that purpose was?

MR. HALABY: Well, there appears to be the broad purpose of creating a sensational, circulation-grabbing type of article and editorial, because the departures from fact are so numerous and so obvious.

Then, there are certain parties, as you know, in any accident like this, where maybe as much as \$50 million worth of law suits are riding on the jury's findings of what caused the accident.

So, there are all of those involved, and each one of them wants, particularly if he has lawyers and university men working on it, to prove that he was blameless.

QUESTION: Do you think the author had the CAB Accident Report?

MR. HALABY: I will refer you to the CAB and the author for that. Because of the fact of the timing, it is hard to believe that it is coincidental. The article appears to be so close to the Board's Report and would have had, of course, to have been filed several weeks before.

Now, I know a little bit about journalism, not very much. I know that the magazine writer has a hard time, because he has to file as long as 6 weeks before, so I don't think it is a crime for any public body to acquaint a periodical writer with sufficient time in order to give him as much of a chance as a daily writer.

I do feel, however, that until this is published, it is a confidential document, and I do feel that the President is entitled to assure the equal treatment. It is my understanding that Mr. Boyd knew nothing of this matter and is trying to determine facts at the present time.

QUESTION: I have two points: First, as a lawyer, with regard to slandering in this business, do you have any plan, or have you already asked for retraction of the statement in there?

MR. HALABY: That is a tough one. You know, I was born in Dallas, Texas.

QUESTION: That's not what I asked.

MR. HALABY: My mother was born in Graham, Texas, my old man was born in what is now Syria. We are fighters by tradition, but when you are in public office you are not hired to fight other people. You are hired to solve problems.

Now, all of my instincts I have to subordinate. I believe, and I am obtaining advice, that there is possibly a defamation of character here. However, as public officials, we are so habitually exposed to public attack, and at the same time we have actively pursued the idea of fair comment as a defense against libel suit, that it is only the most flagrant instance where any suit ever succeeds.

I challenge Mr. Sherrod to a debate, to a television interview, to a discussion. I wish that he and his reporters had given me an opportunity for fair comment on their piece.

Not that I would have had any opportunity to edit it, but truly, they might have checked some of their facts with me.

Mr. Thomas, who knows more about the air traffic service than the *Saturday Evening Post* will ever know, was not offered the opportunity to check on the facts. He was, in fact, given—well, I don't think that is true, but he gave some data and it was completely twisted around to say that there would be 1,000 near-misses, air traffic control error, near-misses, in one year.

I think, Dave, you might indicate, just as an example of how an amateur searches for figures and then takes the facts and twists them. This isn't exactly planned here, but, Dave, I think all of us would appreciate knowing the facts because, when this article says that there are going to be 1,000 incidents this year, it so shakes the truth and the public confidence, and the public perspective in aviation, that the facts should be brought out.

The public had ought to know what the risks are, not just the rosy side. I believe in the line at the head of the article which says we need to know more about air safety, and I also agree with the bottom one which says that we need bolder and more effective leadership. I agree with that.

However, Dave, would you tell us as to how you can guess that he got that 1,000 figure?

MR. THOMAS: We did talk with him and we pointed out that each controller, statistically, would make an error every 14 years of his working life. I was talking about controllers in the tower, statistically, and said that he will run into an error once every four or five years, if he works a lot.

We are working with humans and, therefore, the element of error enters into it, and when I told him that a controller had an error every 14 years, he took the total number of personnel we had, and took 13,000 towers, and decided that that would come out to 1,000 errors.

MR. HALABY: I hope you got the nub of that. Mr. Thomas told the author that, on the basis of statistics, which we have available, and those are not unverified reports that were published last year, but these are the verified air traffic control error situations, and on the basis of these statistics, verified by the Government, it was decided that a controller would approximate an error once every 14 years.

Well, the gentleman simply took that and divided it into the total number of controllers in all categories, stations, centers, and towers, and his homework showed him there would be 1,000 errors involving incidents this year.

Now, that is just absolutely either foolish, or knavish.

QUESTION: I would like to go back to the same question now.

MR. HALABY: You mean you didn't get the answer yet? I thought you would forget about it.

QUESTION: I will rephrase it. Do you expect that this will be the end of this incident as far as the *Saturday Evening Post* is concerned, or will there be something else?

MR. HALABY: Obviously, I don't control the editorial policies of the *Saturday Evening Post*, but if I wanted to, in their next issue of their "New Confidential," incidentally most people refer to this as the "Cassini" issue—aviation types refer to it as to the so-and-so issue—but, a lot of people call it the "Cassini" issue, and I hope this discussion doesn't increase the circulation any more, but in a situation like this, I am torn between facing it head-on, as I have tried to do, and playing it down, and hoping that a piece like this will just go away.

However, it will stand on the beauty shop table, and the barber shop table, and it will stand as an indictment of Federal Aviation Agency, and as an indictment of one company.

All of our research will be available as part of the CAB exhibits, and they indicate grave doubt as to the fault lying there.

QUESTION: Will the company plan any action, do you know?

MR. HALABY: I have no knowledge of what the company will do. I have asked Mr. Swatek to put out a fact sheet, and he has gotten the best facts out of this Agency and made them available to you.

I, here and now, challenge the editor and the reporter to any kind of discussion, private, televised, or any other way, sanitized, because all I am interested in is the facts, and if there is anything we haven't done that should be done, I want to do it now.

I haven't heard a word, yet, that something showed up out of that accident that we can do that we haven't done, and that is the thing that is important.

QUESTION: Mr. Halaby, you started off by introducing Captain Buck, and this brings up the subject of what you are doing now about certain things. This brings up the subject of the new procedures that were sent out originally on the 15th of May under which tower controllers are required to advise civil aircraft as to their minimum with regard to landing, and that a report of any violation will be filed.

Will you give us the facts as to what caused this to be put out? This was very unusual.

MR. HALABY: Do you think it is very unusual? We are simply clarifying, making explicit, what was implicit. There have been accidents, and there have been enough accidents so that a reminder is in order to the pilot who, when he approaches his minimum, may desire, for various reasons other than an emergency, to exceed them, to land despite a ceiling below the public minimum or a visibility less than the public minimum.

We are thinking particularly of the non-airline pilot, and there is an incident in particular at Los Angeles International, that disturbed me and my associates a great deal.

That was where the pilot was only 186 hours, with three passengers, and he insisted, despite repeated advice as to the weather, on landing, and he almost went into the North American factory.

He had a disaster and he killed himself and all the passengers and damaged a considerable amount of aircraft and other property. Therefore, it was felt—

QUESTION: It was felt by whom?

MR. HALABY: I felt that the public interest requires that the pilot be first advised, and second, warned that if he persists against the rules, and against the public interest, he will then be subject to enforcement action.

QUESTION: Mr. Halaby, it has been a little while since I checked this point: Does your controller advise, or does he order, and if so, under what authority?

MR. HALABY: He, at this time, tells the pilot what the conditions are as he has been able to observe them, as he has received reports from the Weather Bureau, that the situation exists in such a way to the best of his knowledge.

The pilot is charged with knowing that he may not approach and land if it is below 300 feet in ceiling or three-quarters of a mile of visibility. If he appears to be in the act of violating

these minimums, this new rule requires the controller to tell him so.

Now, you may say that the pilot knows best, he knows the conditions in front of him and around him better than anyone else. I think that is right, and that is basic to the system of regulations and control of air traffic.

However, you must remember that there are other people next door, there were several hundred men in this factory in Los Angeles, and the Government is there to protect the public as well as the pilot and the passengers.

QUESTION: I am sorry, you have not cleared my point. The point is: What is the authority?

MR. HALABY: Give me a set of facts. Give me some facts.

QUESTION: When a pilot starts to land contrary to orders or advice of the authority, what legal right does the FAA have to saying, "You cannot do this," and having done so, "You are in violation."

MR. HALABY: All he is doing is remind the pilot that he is under the minimum. He is referring to the regulations of the FAA, within the Act. Is it the reminder that you are worried about?

VOICE: No, it is the next step. It is the legal responsibility of the Federal Government in controlling the aircraft and the consequence.

MR. HALABY: You mean never controlling the aircraft, just advising? The only difference here is that the control here has been in a regulation that says, "You may not land below minimum."

That is in the pilot's book and the control tower operator has simply told him what the conditions are. All he is saying now is, "If you proceed and violate the regulations that are in your book, you will be charged with the violation."

That is all it says.

QUESTION: Let's turn it inside out. What happens when the control tower says there isn't ample visibility and he lands and there isn't any crash?

MR. HALABY: What is your point there?

QUESTION: I am trying to establish the responsibility of the Government.

MR. HALABY: The responsibility of the Government is for the pilot's landing or not landing. All we are saying, "You are subject to a charge of violation."

If we can prove it, he is suspended, or revoked, or fined. What does a policeman do when he puts his hand up or motions you to go on through, or turns on the yellow light?

It is an admonition to a person who appears to be violating the law. It is time that we think first of the public

in this matter. I know it is going to irritate and enrage some of my private pilot friends, because they feel they are in command of the situation, and they are, but, in exercising that, they violate the rules, we are telling them in advance that they will be charged with a violation.

I don't think it is anything more than that.

If you are worried that the next step will be that the controller will control the flight of airplanes, the answer is that we have no intention of going any further than we are going.

We are going to alert the fellow, and then, if despite repeated warnings, he

persists in a prima facie fashion in an unlawful act, we are going to protect the people around and in that airplane from the individual.

Well, I guess it is right to end on a positive note. I have been a little critical, I feel, and maybe all of have been a little critical, but I have not resented criticism when it is constructive and clear and based on fact.

I want to have this meeting with you once a month. We live in a fishbowl. There is no possibility of our hiding anything, even if we wanted to. We have made mistakes. We have very serious problems in all-weather landing, very serious problems in air traffic control.

The fact that the average wage of these controllers, who I know in some cases feel neglected, and, of course, they have their own association, and it is a very active one, the fact that their annual wage has gone up each year, and the fact that these two young men, whom we are proud of, have gotten \$1,000 a year increase—all of these facts point in the right direction.

However, this doesn't for a second make us complacent. Nor does the fact that these last two years been two of the safest years in aviation history. However, we are trying for more than that.