

INTERVIEW III

DATE: April 1969

INTERVIEWEE: LAWRENCE E. LEVINSON

INTERVIEWER: Paige E. Mulhollan

PLACE: Mr. Levinson's office, New York City

Tape 1 of 1

L: Let me take the auto safety first. The auto safety legislation was part of a larger comprehensive package dealing with transportation in this country. When the transportation program was put together it had a number of components in it, including getting the country organized to handle the transportation problem which was the Transportation Department in the form of a new cabinet department and also to place within the Transportation Department the kinds of functions that would be necessary to rationalize the transportation network of this country. Auto safety was an ideal candidate for inclusion in the new Transportation Department, and I would assume that not having a Transportation Department would have meant that that function would have had to have been lodged in either the Commerce Department or some other entity of the government which might not have had an independent transportation view.

Also, placing the auto safety function in Commerce might have raised questions as to the objectivity of the programs since Commerce was generally regarded as a department that was the spokesman for American business, just as the Labor Department was regarded as the department that was supposed to be the spokesman for American labor. So that as an organizational matter first, it was believed that the auto safety bill, the auto safety

Levinson -- III -- 2

legislation, should be a function of the Department of Transportation. The auto safety measure was, as I recall it, a long time in development and it was not until our task force, our legislative task force of September 1965, that we really began to focus in great depth on auto safety. At about that time Nader had come out with a book called Unsafe at Any Speed. I personally had read Nader's book in October or November as we were putting together the details of the program.

M: 1965?

L: Of 1965. And as we moved to develop the whole transportation program of which auto safety would be a part, there was a great conflict within the government as to just what the auto safety program should be composed of. I believe that the Commerce Department--that is, when I say the Commerce Department, I don't mean Alan Boyd and the Under Secretary of Transportation's office, but the Commerce Department really had the general responsibility for developing that legislation.

M: Do you mean the Transportation Department? You said Commerce.

L: Well, there was an under secretary--

M: Oh, at that time.

L: Right. That was the existing organization we had to deal with. There was a lot of thought in the Commerce Department, and particularly from Secretary Connor at that time, that the Secretary of Commerce and/or Transportation, if there was to be a Transportation Department, ought to have discretionary authority on the issuance of standards. That is, that the Secretary could issue standards but that he was not required to, whereas the other school of thought was of the view that this should be mandatory, the Secretary should have no discretion but within a particular time period should be required to issue standards.

Levinson -- III -- 3

M: That was the White House staff position?

L: That was the White House staff position. It all revolved over the words "should" or "will," and I must say this in all candor, that our whole view of auto safety as it matured led us to believe that there were a lot of problems involved, not only the design of cars but also we were amazed at the fact that we had so little data about what caused accidents, what caused automobile accidents. We knew there were a lot of variables at work.

The first variable was the design and shape of highways. The second variable was the quality of the driver. The third variable was the automobile and its ability to withstand collisions and accidents. We were then concerned that unless we approached the problem of auto safety on a comprehensive basis dealing with state practices, highways, licensing, driver education, as well as safety standards, that we would only maybe have been strengthening one link of a network but without a total approach, we never would have come to grips with the problem. So our auto safety bill, parts of which have been largely ignored by the general public and by those who have been writing on the subject, really dealt not only with questions of automobile design which it did in its way, it also dealt with it on a more comprehensive basis, which is that we would provide a program of grants to states to improve their automobile inspection procedures and to improve their licensing procedures and to make studies about the age at which licenses should be granted and the age at which possibly licenses might even be revoked, the conditions and the effects of alcoholism on accidents, the effects of automobiles on approach roads at the major highways that were not well lit.

So in short we wanted to approach this on a total basis. We did not want to design the automobile. That was always Detroit's province. What we wanted to do as far as the

Levinson -- III -- 4

automobile safety was concerned was to set certain performance standards by which the safety features would be judged. Now, in submitting the legislation we also submitted it at the time that the tide really began to rise against automobile manufacturers. Had, I believe, the automobile manufacturers accepted the initial draft of the bill that the administration sent up, it would have been much less onerous at least as far as they were concerned as against the bill that finally emerged when the Congress finished with it.

In the course of the passage of that bill with Nader taking on the big giant and with that unfortunate episode about having Nader trailed by General Motors detectives, the whole climate and mood of the country, as the congressman began to realize it, was such that even though the automobile manufacturers did a tremendous lobbying campaign and had all of their franchise dealers [do so, too]. As you know, in America there is always a Chevrolet dealer in every town and that represented an amazingly potent political force. Well, the letter-writing campaign, of course, was generated by the automobile companies to try to tell the congressmen that government regulations of automobile design would be fatal to the automobile industry, it would take American initiative and enterprise away. So they embarked on a very strenuous lobbying effort whereas at the same time people like Nader were capturing the headlines everyday and new revelations were coming out every day and new lawsuits were being filed every day against the Corvair.

So that given that climate the Auto Safety bill had given the leadership in Congress of people like Senator Ribicoff and Senator Magnuson, the time for that issue had clearly arrived. And the administration--President Johnson in his message of February 1966--in our moving through, working with the committee staffs as the legislation evolved, I don't believe that our legislative proposal that we submitted was a good one in terms of how it

Levinson -- III -- 5

later emerged. Because as the bill was going through the hearings, we did a lot of second thinking about the quality of that proposal, and we worked with the committee staff in making a number of changes. Specifically, of course, we went to changes that had to do with mandatory issuance of standards. We supported changes that would permit standards to be issued almost immediately which would adopt existing safety standards such as we had been following with the purchase of government automobiles. We also decided to go for more stringent penalties when there were knowing and willful violations of the safety standards. We also believed then in much more comprehensive recall programs for the automobiles.

M: Did the Commerce Department leadership change right in the midst of this?

L: No, during most of this time Connor was still the secretary of commerce.

M: Until the end of 1966?

L: That's right. I remember very vividly while the bill was up there and there was great discussion of the criminal penalties for the auto executives, Connor had called me one day and was really very furious at how we let something like that go. We had a long discussion about the philosophy of that, as I recall. In any event, the Auto Safety bill--it was certainly time, its time had come. It had gotten to be a great consumer issue. The automobile companies, I thought, did a bad job of handling the issue despite all of their power, and the bill was obviously passed. I recall that at the time that the bill was signed, we also wanted to announce on that very day the fact that we had selected Dr. Haddon to run the National Transportation Safety Bureau, the Highway Bureau, or the Traffic Bureau that would handle this bill and handle the administration and the legislation. At the signing ceremony which

Levinson -- III -- 6

was held in the Rose Garden I remember that sunny afternoon, I recall that Bobby Kennedy was there in line with a bunch of other dignitaries including Nader.

At that point in time there was a great sidelight issue which was whether Ralph Nader ever got a signing pen from President Johnson. If you recall back, Bob Pierpont from CBS did a special, saying he had been at the White House that morning when the President had signed the Highway Safety and Traffic Safety bills, and that Ralph Nader was there but did not get a pen from the President. I recall that night it was about ten o'clock or ten-thirty and I was working alone, and the President called and said he had just heard earlier on the Pierpont show that somehow the President had been discourteous to Nader in not giving him a pen. And I described [the incident], because I had watched this very closely. It was very amusing that Nader by nature is a very retiring fellow, very shy fellow, and with a big ceremony being held in the Rose Garden, he got a seat way in the back. When it came time for handing out the pens, there were probably more people than pens. So a line formed, and I must say the line was at least a forty-five minute long line so that gives you an idea of how long the line was. I stood in the middle of the Rose Garden watching people go on and taking their handshakes, and I noticed that Nader was way back by his own choice. By the time the President got to Nader they had either run out of pens because so many more people were there or--Nader did get a handshake but didn't get a pen. And I don't think it was an act of discourtesy in any event. It was just a question and point of where Nader was standing in the line.

M: I want to get this clear. You said, I believe, the task force that you had which included the study of auto safety was working prior to the publication of Nader's book.

Levinson -- III -- 7

L: Yes. As a matter of fact, I think the record will show that as early as 1964 and probably even in 1963 there were various program proposals within the government dealing with the problem of highway safety and automobile safety. They ranged from the study of the program to something much more comprehensive in terms of detailed regulations. I think the record will also show that the rudiments of that program began in the late part of the Kennedy Administration when Myer Feldman, then the deputy special counsel, was collecting a lot of material from the Bureau of the Budget on what the shape of the highway safety program would be. But it really wasn't until September 1965 when we were putting together the Transportation Department and we were looking for things to put into the Transportation Department that it seemed all the more relevant to go forward with a comprehensive auto safety bill because you have the organization to put it into. You also recall at that time there was something called the President's Committee on Traffic Safety, which was a committee that some people in the government believed was so dominated by automobile interests and state highway bureaus to make it virtually useless to the consumer. I don't say that in a demeaning way. But the main emphasis of the President's committee at that point was to really talk about the people who drove cars rather than the cars themselves. In other words, that committee tried to keep the attention off the problems of Detroit and onto the problems of people. I think we realized that it was really a problem of people and also the problem of Detroit. One of the things that was later accomplished--of course, once the Transportation Department was set up and the Highway Safety Bureau was organized--was that the President's Committee on Traffic and Safety was just folded out of existence, and another group whose time had come--

M: The other way--

Levinson -- III -- 8

L: The other way to be folded up. I think that the earlier recommendations that we had seen were to get rid of that committee on the grounds that it was not really approaching the problems the right way and was leading people into a sense of false security. I might also say that at the time, while something like forty to forty-five thousand Americans were being killed on the roads every year and whereas every holiday the National Safety Council would come up with dire predictions, still the fancy of the public or the imagination of the public or the desire of the public for corrective legislation had not been captured.

M: That was Nader's role.

L: And Nader did a tremendous job of mobilizing the climate and the opinion and the editorials. To a large extent Bobby Kennedy did also, and he confronted General Motors with the question, "How much money do you spend for research? You spend so much-- how much on safety research? You spend billions of dollars in the development of automobiles and the machine tools that go with them, and you spend a very small fraction of your budget for safety and research," which was another telling figure that was brought out in the hearings. So there were enough circumstances where the Congress aided and abetted by the administration, because there was a proposal before it and the President, as things went on later on, began to mobilize public opinion, too. I recall on the National Transportation Safety Day--

(Interruption)

In any event, I was talking about Nader being last in line and so forth which is in a memorandum I think you will find reflecting this and [it] will be in the documents of the Johnson Library.

Levinson -- III -- 9

As far as the Transportation Department is concerned, it is so well documented in terms of the background and the need, I might make one other--I know where I was at.

On the National Transportation Safety Day, which was an annual proclamation which presidents had been putting out for many years as one of the ceremonial proclamations, this year however the President in that year 1966, while the Auto Safety bill and the Transportation bill were going through Congress, President Johnson wanted to make more than a ceremonial occasion out of it. So he invited to the White House leaders of the transportation industry in this country including all of the automobile manufacturers, and at that point went into a very vivid speech about death on the highways and that we must stop it and that we ought to try to get everybody working together on legislation which will help the American people. That very strong statement made in front of all of the automobile executives was one of the great turning points, I think, of their attitude toward this. Many students of the subject ought to look back in April, I believe, of 1966, at the President's statement on national transportation.

M: They didn't react angrily.

L: They did not. They did not act angrily at all, and the President did some awfully straight talking at that point about yielding a little bit and giving up a little bit because that would be for the good of the people. To convert what was ordinarily a routine ceremonial proclamation into that kind of push for one of the legislative proposals on the Hill was probably typical of the President's using various opportunities that he had available to him as president to move forward and urge passage of his legislative program. I cite that as one example on some highly controversial legislation at the time. The Nader influence on a lot of this, I think, has been over emphasized in two respects. One is that there is no question

Levinson -- III -- 10

that Nader had a great climate-shaping influence, but he did not really have that much influence on the shaping of the proposal as such. I think we ought to be careful to distinguish the fact that Nader's crusade helped to generate the proper climate for the passage of the legislation among many other things, whereas the tough job of drafting the bill and making the proposal and at least having something sent up to the Congress that the Congress could consider was done quite independently of Nader.

M: He was not called in?

L: He was not called in by the White House. However, I do believe he was called in by the committee staff of the Senate and consulted by them frequently as this bill moved along in the course of--

Another great turning point, I might say, on the Auto Safety bill was that the auto companies were trying every which way to squiggle out of the bill. At one point they had proposed that the secretary of transportation be advised in the formulation of regulations by something called the VESC, which is called the Vehicle Equipment Safety Council, which was a group of activities operating in practically every state, also dominated by the automobile companies. The Justice Department at that time was asked to comment on the VESC. Not only did they vehemently oppose the VESC as a policy-formulating guide in the issuance of standards--

(Interruption)

The Justice Department took an absolutely vehement position against it that not only would it be very bad policy but it might well violate the anti-trust laws. At that point the whole VESC argument collapsed with the Justice Department being so much against it in addition to the Bureau of the Budget and everybody else in the government. So the one last attempt

Levinson -- III -- 11

by the auto companies to try to get at least--if they were going to be effected by regulations to have those regulations shaped by a body under their control, met disaster.

Now, as far as the Transportation Department itself is concerned, as I mentioned before, I thought that was very well documented in all the files.

M: On one other occasion, didn't he mention that Patrick Anderson's account of that was pretty complete?

L: I think it's accurate as far as some of the surface events, the major events, were concerned. The real problem was that one of the things that you won't find in the documents is that the fear of the Congress in a sense expressed itself in that with the transportation effort focused or diffused among many agencies of the government, some thirty or forty decision-making units of the government affecting transportation, somehow it made it easier for the Congress because the Congress will always be in a position of superior information or superior power. The minute, however, they had to deal with one entity such as a large Department of Transportation with many experts in the field, somehow the power of the Congress itself would be diluted, not to mention the elimination of some of the committee jurisdictions. So aside from the normal constituency arguments about the FAA would no longer be a separate entity or maritime or what have you, the Congress itself I think inherently grew suspicious of it because it meant less of a role for them, less of a committee jurisdictions for them, less ability to deal with the problems in the face of a larger cabinet department with a lot of expertise on the side. But notwithstanding that, the President there again used every opportunity he had to urge passage of the bill and it certainly did enlarge one of his greatest government reorganization triumphs to have that cabinet department created.

Levinson -- III -- 12

M: How many agencies that you originally wanted in did you have to give up, like the Maritime Administration?

L: The Maritime Administration we wanted in, and we fought for that very, very bitterly in the face of huge opposition from the maritime interests who then mobilized all of the labor movement against us. In the face of that opposition, we didn't want that to jeopardize the whole concept of the department. We yielded on that, though be it reluctantly, with the hope that eventually we would get maritime into the Department of Transportation. But on the other hand, we would also give the secretary of transportation a primary role in the formulation of a new maritime policy so that even if maritime were not in DOT, the secretary would still carry a major policy role in the government on that matter.

M: But that was the only one of that kind, significant agency, that had to be left out?

L: That's right, in terms of the major agencies that was the only one. There were many smaller functions that we may have yielded on because they weren't worth fighting about, but by and large we got mostly all we wanted with that one disappointment of not having a Maritime Administration included in the Transportation Department. There was a lot, also, of legislative craftsmanship on what the powers of the secretary would be vis-a-vis the components of the modes, the various modes of the Department of Transportation, such as the secretary's relationship to the FAA and the secretary's relationship to the National Transportation Safety Board, and the secretary's relationship to the Highway Administration and the Railroad Administration. Our theory was that having lived through the Pentagon and knowing the way the Pentagon was reorganized in successive ways, what we wanted to do was to establish enough of a firm footing for the secretary to get launched, to get started, knowing that like any other department, you pass through a process of

Levinson -- III -- 13

evolution and given several years up the road, you probably will want to make some changes. But our first concern was not to inhibit the power of the secretary unduly with language that was in general in some places and stricter in other places. I think we carved out an important role for the secretary.

Of course, obviously as always in these things, a good administrator can do a good job with a bad law but a bad administrator can do a lousy job with even the best law. So that led us, of course, to the choice of an administrator for the first head of the Transportation Department, and the natural leader and the man who was really Mr. Transportation, who helped get that bill through Congress and lived with it, was Alan Boyd, who was selected by the President to be the first cabinet secretary of transportation.

I think what I would really like to do is to cut off now, because I really have so much to do.

M: Okay.

End of Tape 1 of 1 and Interview III

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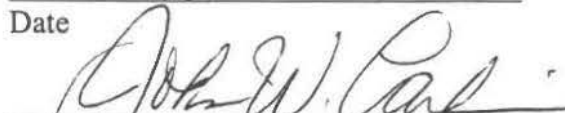
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