
THE “ROCK”: THE ROLE OF THE PRESS IN BRINGING ABOUT CHANGE IN AIRCRAFT ACCIDENT POLICY

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ABSTRACT

From 1926 to 1938, the Aeronautics Branch, forerunner of the Federal Aviation Administration (FAA), had been charged with aircraft accident investigation. While the Branch had been investigating accidents since its inception, it had, early in its tenure, put into place a policy making its findings secret. Media and political pressure began to mount in late 1928 over its policy of non-disclosure and the debate brought pressure to bear on the young Aeronautics Branch to reverse its policy and make its findings public. The focusing event for the Branch's policy reversal was the death of Knute Rockne, the famous Notre Dame football coach, in a Transcontinental and Western Airways (TWA) airliner on March 31, 1931. This paper will examine the role of print media in bringing about a significant, and lasting, change in aircraft accident public-disclosure policy.

INTRODUCTION

“Its motors still roaring, the Fokker disappeared behind a hill. There was a splintering thud and the motors ceased.”¹ His mother learned of her son's death from a radio news bulletin, as did one of his four sisters, Martha Stiles, as she listened to WGN in Chicago. Mrs. Stiles telephoned the radio station, where a staff member explained that while it was known that her brother, Knute Rockne, the legendary Notre Dame football coach, had booked passage on the Transcontinental and Western Airways (TWA) airliner, his body had not been identified. Confirmation came quickly, however, and his mother

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cabled Rockne's wife, Bonnie, who had been vacationing in Florida with their children.²

Rockne had left his family in Florida in order to attend the opening of spring training at Notre Dame and then visit his mother in Chicago before beginning a business trip to Los Angeles. He boarded the TWA Fokker Trimotor airliner in Kansas City with five other passengers on March 31, 1931. At 9:15 a.m., the Fokker departed Kansas City for a scheduled mail and passenger stop in Wichita. After approximately ninety minutes in the air, witnesses near Bazaar, Kansas heard the airplane's engines above the clouds. One of the observers, Mr. Blackburn, described to a coroner's jury what followed:³

I heard the plane flying above the clouds hanging low over the ground. The motor was sputtering. Suddenly the plane shot out from the clouds. It was tipping to one side and headed straight toward the earth. A moment later I saw a part of the wing floating down to the earth.

I heard a terrific crash and started for the scene. Every man was dead when I arrived. Four of them were in the crushed cabin. Four others had been thrown clear of the plane. They were scattered over an area of about 20 feet from the wreckage. Every body was mutilated and broken.⁴

The "Rock" had now gone the way of the Gipper, and a nation mourned. President Hoover cabled his condolences to Rockne's wife: "I know that every American grieves with you...his passing is a national loss." "We share with Notre Dame the inspiration of his gallantry, his vigor and his skill," wrote General Douglas MacArthur, "The army will cherish his memory." Charles Lindberg praised him for "his character and influence" that "were felt even by those far removed from his field." Sportswriters and coaches such as Bill Roper of Princeton, Ted Jones of Yale, Lou Little of Columbia and John Law, the captain of Rockne's 1929 football team, remembered the Rock during a special April 3 broadcast on WOR in Chicago.⁵

He was admired for his sportsmanship and contribution to collegiate football. "He was so considerate of everyone, so great a man, football will never know another like him"—John Meechan, President, American College Football Coaches Association. "I can't believe it"—Major Frank Cavanaugh, Fordham. "The most colorful figure of all football history has made his last touchdown"—Major Ralph I. Sasse, West Point. "Rockne was a master coach and a great leader"—Alonzo Stagg, University of Chicago. "He was held in great esteem by all our citizens for his manly character, his high sense of sportsmanship and his splendid influence on the youth of our country"—Joseph V. McKee, Acting Mayor, New York City.⁶

In an editorial, the *Chicago Daily Tribune* stated his death brought grief to tens of thousands, while both Notre Dame and Purdue universities flew their flags at half-staff. From Rockne's Norwegian homeland, King Haakon post-

humously knighted him. This consummate strategist, coach of the Four Horsemen, developer of the forward pass, possessor of a thirteen-season record that included 105 wins and only 12 losses for the Irish, was gone.⁷

An Issue of Policy

What had caused the Fokker to crash? There were eyewitnesses, but few facts were known. Within the Department of Commerce, the Aeronautics Branch, forerunner of the Federal Aviation Administration (FAA), was charged with accident investigation under the Air Commerce Act of 1926.⁸ Investigators soon arrived from Kansas City and Wichita. The Branch had been investigating accidents since its inception and, early in its tenure, had put into place a policy making its findings secret. Media pressure, however, was mounting, and the accident coverage and commentary brought pressure to bear on the young Aeronautics Branch to reverse its policy and make its findings public.⁹ This paper will examine the role of the print media in bringing about a significant and lasting change in aircraft accident public disclosure policy.

Methodology

Four newspapers, as well as periodicals from 1929 through the summer of 1931, were analyzed. This period was chosen because it encompassed the public disclosure debate leading up to the TWA crash that killed Knute Rockne and the subsequent public release of the causes of the accident.

Newspapers included *The New York Times*, recognized as the “newspaper of record” and the “foremost exponent of aviation advancement” according to Meyer Berger, in his book, *The Story of the New York Times 1851-1951*.¹⁰ Two Washington, D.C. newspapers were also chosen. *The Washington Post* was chosen because, in the words of Chalmers Roberts, it “has paid more attention to government and those who compose it than to anything else”.¹¹ *The Washington News* was chosen because, in 1928, it had begun one of the first daily columns devoted to aviation. The column’s creator and author, Ernie Pyle, had developed an affinity for aviation and those who engaged in its practice. As Amelia Earhart said, “Not to know Ernie Pyle is to admit that you yourself are unknown in aviation.”¹² *The Chicago Daily Tribune* was also selected because it offered a unique perspective since Rockne had grown up in Chicago and his sisters and mother still lived there. Chicago also became the last stop for the train that bore his body to its resting place in South Bend, Indiana.¹³

Two methods were employed in determining which issues of the newspapers were to be examined. First, *The New York Times* index was used to locate subjects, events and persons directly involved in the political and public

debate. Second, dates surrounding congressional debates, documented in the *Congressional Record*, also determined the selection of newspaper issues.

Periodicals were also examined. These were chosen using the *Readers Guide to Periodical Literature*, *The United States Works Progress Administration Bibliography of Aeronautics* and the *National Advisory Committee for Aeronautics Bibliography*. The time period selected corresponds to that of the newspapers.

Historical Perspective

When Congress created the Aeronautics Branch in 1926, charging it, in part, "To encourage and regulate the use of aircraft in commerce," Senator Hiram Bingham (R-Vermont.), an architect of the new law, argued its purpose was one of industry "promotion" not just regulation.¹⁴ This placed the Aeronautics Branch in a delicate position. On one hand they were to encourage this fledgling industry, and on the other attempt to create a safe and economically healthy environment by regulating it. It was a complex task often requiring the Wisdom of Solomon to balance the seemingly contradictory roles. As FAA historian Nick Kommons noted:

In the years to come, it would be no easy task to keep the broad interests of the public and the parochial interests of the aviation industry in balance. The two interests, though not wholly incompatible, often clashed. In short, the framers of the Air Commerce Act, by entrusting to a single agency both promotional and regulatory powers, had created a potential and permanent source of conflict.¹⁵

It was in this context that newly appointed bureaucrats began their education in the ways of aviation regulation. They, the early industry stakeholders and the public, had much to learn.

The Air Commerce Act of 1929 left little doubt as to the Branch's responsibility in the reporting of aircraft accidents. Section 2 (e)¹⁶ required the Department of Commerce "to investigate, record, and make public the causes of accidents in civil air navigation in the United States." William MacCracken,¹⁷ the first Assistant Secretary for Aeronautics under the new law, at first released detailed accident reports. However, the aviation industry recoiled, and the Branch, faced with one of its first tests of promote versus regulate, decided aviation interests and the congressional mandate could both be served by publishing a compilation of accident statistics on a semi-annual basis.¹⁸ In its June 30, 1928, report, the Director of Aeronautics, Col. Clarence Young¹⁹ explained: "A careful analysis of accidents is made and a percentage valuation assigned to contributory causes. This method will provide statistics that will show the exact cause of accidents and point the way toward their elimination."²⁰

The Press

In September 1929, the Branch began facing mounting pressure from both the Senate and public debates in the press calling on it to make public detailed results of its investigations. The political agenda was set when Senator Bratton (D-New Mexico)²¹ introduced Senate Resolution 119, which, in part, required the Department of Commerce to provide the Senate with details of all prior aircraft accidents involved in interstate commerce. Of special interest to Senator Bratton was the fatal crash of a Transcontinental Air Transport (TAT)²² aircraft, the *City of San Francisco*, which had occurred on September 3 near Mt. Taylor in his home state.²³

Two other provisions in his resolution proved to be controversial, obscuring the public disclosure debate. The first directed the Senate Committee on Interstate Commerce to investigate all previous fatal interstate air crashes, and the second authorized the committee to study the feasibility and draft legislation that would transfer oversight of commercial interstate aviation to the Interstate Commerce Commission (ICC). Senator Bratton argued that airlines were already engaged in interstate commerce, and, as there were some owned by railroads, their oversight should logically fall to the ICC. The ICC was already investigating and making public its findings of railroad accidents—should the airlines be treated differently? While this was true, there were important differences. The ICC was afforded protection from civil action under the law, and its reports could not be used as evidence in civil suits.²⁴

The provisions requiring the Senate Committee on Interstate Commerce to become the conduit through which aircraft accident data flowed to the Senate and placing the ICC over commercial aviation was unacceptable to Senator Bingham. As a member of the Senate Committee, which exercised Senate oversight of the Aeronautics Branch, he resisted transferring any of its functions to the ICC.²⁵

Defending the Department's policy, Senator Bingham argued that the present system of providing statistical accident data met the requirement of the Air Commerce Act. Furthermore, Congress had not provided the authority to subpoena witnesses and hold hearings for accident investigation. In this, the law was deficient, and he intended to correct it by introducing an amendment that would remedy the problem. Senate Resolution 119 was subsequently defeated.²⁶

A dispute was brewing that quickly appeared in the press. On September 18, *The New York Times* reported the debate and then did so again the next day. Both articles reported the resolution (S. Res. 119), debate and the probability that it would not be taken up again until debate had concluded on the tariff bill that was then under consideration. *The Washington Post* joined in

the discussion on September 19. In an editorial, the *Post* reminded the Senate that the Department of Commerce should be protected from lawsuits that might arise from public disclosure of accident causes. This protection was afforded the ICC when railroad accident information was released, it advised, and as to Senator Bratton, it admonished him that instead of attempting to introduce a resolution, he should have considered legislation that would protect the Commerce Department in the same way. This, in the *Post's* view, was far better than allowing the ICC to supervise the aviation industry.²⁷

The Interstate Commerce Commission is not prepared to take over all the functions involved in air transport regulation and if it were given jurisdiction over interstate air commerce there would still be a divided control in matters relating to design and construction of planes, lighting of airways, examination and licensing of pilots and mechanics, etc. These subjects fall properly under the jurisdiction of the Department of Commerce (Who Will Regulate, 1929)

The Washington Daily News editorialized that opposition to Bratton's resolution lay in the notion that "the railroads were allowed to operate for 70 years without regulation" and that the airlines should be "let alone awhile." This, in the *Post's* view, was "like putting off teaching a child good habits until he is a grown man."²⁸

Senator Bratton's²⁹ resolution was again brought up for debate on September 30 as reported by *The New York Times* on October 1. The headline read "Blocks Air Crash Inquiry (1929)." In it he once more argued for ICC control of interstate aviation. He reasoned that the Department lacked the legal authority to compel witnesses in an accident investigation and lacked the necessary resources to employ additional accident investigators. Therefore, the ICC would better serve the process.³⁰

An editorial appearing in *The Washington Daily News* the next day called for releasing accident reports. "Why this secrecy in an accident to a common carrier?" Aviation, it argued, would only prosper if the public were informed about accident status and subsequent regulatory action.³¹

Then on October 16, Senator Kenneth McKellar (D-Tennessee.)³² introduced S. Res. 135 calling for the Department to release information concerning an aircraft accident that had occurred in September in Memphis, Tennessee. Senator Bratton, adding an amendment requiring the release of information about *The City of San Francisco*, joined him in the fray. This time Senator Bratton steered clear of the ICC debate and stuck to the issue of public disclosure. The strategy yielded results, and there was progress. It was referred to the Senate Committee on Interstate Commerce and favorably reported out of committee on October 23. The Senate agreed to the resolution, and the Department was now forced to disclose the causes of the two accidents.³³

On October 24, Senator Bingham kept his promise and introduced an amendment to the Air Commerce Act. His bill (S. Res. 1947) provided for the subpoenaing of witnesses, the administration of oaths, protection and access to evidence and public disclosure. A key aspect to the proposed legislation was outlined in Section 15 (c): "Neither the report upon the investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in the report or investigation (Young, 1929)".

The stakes were getting higher, and during the congressional holiday break, Clarence Young, who had recently replaced MacCracken, as Assistant Secretary of Commerce for Aeronautics, requested, through the Department's Solicitor, a legal opinion on the matter. In early January 1930, the Solicitor forwarded Young's letter to the Attorney General for a ruling.³⁴

In its December 7 issue, *Aviation* presented both sides of the debate and then recommended that the current non-disclosure policy be left in place. The magazine was concerned that decisions of disclosure should be left to the discretion of the Department of Commerce, and not based on senatorial whim.³⁵

Then on January 4, 1930, the *Christian Science Monitor* printed an editorial entitled "Air Safety: What Are the Facts". It claimed the precious achievement of commercial aviation's safety record was placed in jeopardy by the mystery and uncertainty that are permitted to surround every aircraft accident of major importance. The writer pointed out that when facts surrounding accidents were not accessible by the public, the results were often unfounded fears and damaging publicity.

The hitch in the present arrangement is that their reports on specific accidents and specific causes are not made public. Every available source of information should be open to its examiners. They should undoubtedly be invested with authority to subpoena witnesses, and their findings should be made public as quickly as thorough investigation will permit (Air Safety, 1930).

The *Monitor* chronicled six recent fatal aircraft accidents and ended each with the question, "What are the facts?" The public, it said, demanded answers.³⁶

Sometime between the congressional break and January 21, 1930, Senator Bingham appeared to undergo a political conversion. In a *The New York Times* article, "Pushes Air Inquiry Bill—Bingham Demands Publication of Findings on Accidents," the *Times* reported the crash of a Maddux airliner that killed sixteen people. Surprisingly, the Senator now believed that "Airplane crashes should be taken out of the realm of unexplained mysteries. There is a reason for every crash and public confidence can only be inspired by giving this reason and putting the blame where it should be."³⁷ *The Washington Daily News* printed two photographs of the crash (January 21 and 24)

and reported the company's investigation was to be conducted by its vice president—Colonel Charles Lindberg.³⁸

A second accident soon followed. "Seven Persons Die in Plane Crash" read the January 28 edition of *The Washington Post*. The article described the fatal crash of a Travel Air flight near Fairfax Airport on the previous day. The Central Air Lines aircraft had crashed in a field near the airport and burned. As soon as the bodies could be moved, pilots and mechanics employed by the company destroyed and removed all evidence of the aircraft at the crash scene. Newspaper photographers were physically threatened when they tried to take pictures of the accident site. *The Washington Daily News* carried the same story with the headline "Death Plane Hastily Destroyed at Night."³⁹

That same day the newly converted Senator Bingham strongly questioned the cause of delay in considering his bill. His urgency was brought about by the Maddux accident and Central Air Lines story appearing in the press that morning. He questioned if the delay might not be the work of the aviation industry.

Is it possible that some of the aviation companies are blocking the passage of this proposed legislation and do not want to have a full investigation of accidents and the results immediately made public, because they fear its effect on their business; but I believe that the general cause of aviation will not suffer if that is done, and, on the other hand, I believe that passenger air transportation is suffering due to the policy which is followed by some companies.⁴⁰

In later debate, the point was made that the Department of Commerce did not want the results of its investigations used as evidence in lawsuits and therefore kept them confidential. Senator McKeller pointed out, though, that the Secretary of Commerce had testified before the Interstate Commerce Committee that reports had actually been given to some of the airplane companies.

"Did you not consult the airplane company?" he [Secretary Lamont] replied, "Yes; I did." "Did you not disclose to them the causes of the accident?" "Yes, sir; I did." "Well, if you disclosed it to the carrying company, why did you not disclose it to the families of those who were killed?"⁴¹

The Secretary had made a tactical error. It now became a much more difficult task to defend the Department's policies and actions when it was in fact releasing some of the reports to the industry and not to families of victims.

Both *The New York Times* and *The Washington Post* ran accounts of the Senate debate on the next day, January 29, along with Young's response while *The Washington Daily News* ran an editorial denouncing the destruction of the wreckage. It also printed a picture of the only remaining part of the aircraft—the engine.

"Air Crash 'Secrecy' Assailed In Senate—Bingham Charges Aviation Companies 'May Be Blocking' His Accident Investigation Bill," said *The*

New York Times. Assistant Secretary Young defended the Branch's policy in the article, explaining that the 1926 act "made no provision for formal hearings, but that with the machinery available his branch determined the facts from voluntary and visible sources and then made public the results as soon as practicable." He added, "The Department's investigations do not attempt to determine the legal responsibilities attaching to accidents."⁴²

On page one, *The Washington Post* ran "Inquiry Is Ordered In Fatal Air Crash—Sweeping Investigation to Include Reason for Wreck Removal." The *Post* disclosed that permission to dismantle the crashed aircraft had come from a Department of Commerce aeronautical inspection supervisor, Richard H. Lees, Jr. He defended his actions, declaring, "We are trying to sell aviation to the public and the wreckage of a plane lying around for people to stare at has a bad effect." Universal Aviation Corporation's branch manager, while he admitted that he tried to discourage photographers, "denied responsibility for the actions of workers who cursed, threatened and hampered newspaper photographers." The report also included Senators Bratton's and McKellar's argument that the Department had failed in its clear mandate to make public its findings.⁴³

Senator Bratton led the attack in the Senate on the Department's policy and position on January 29, dismissing Col. Young's rationale, as quoted in the *Post*. The argument that the Department lacked "authority and machinery" to make public its investigations was not acceptable. "Mr. President, it was asserted yesterday and I reassert it for emphasis today, that the law not only gives to the Department authority to make its findings public but makes it the duty of the Department to do so."⁴⁴ The Senator quoted from an October 9 article appearing in *The Washington Daily News*, "When the Bureau [Branch] started functioning in 1926 a few accidents were made public and caused such a storm of protest from pilots, manufacturers, and operators that the practice was discontinued, officials said."⁴⁵

His point was that the Department had originally understood that its mandate was to make public its accident reports, which it did. Only after industry protests did they resort to semi-annual statistical compilations. Senator McKellar questioned this, "In other words, the Department, when the owners of transportation companies protested, simply disregarded the law absolutely and undertook to repeal it; and, so far as their carrying out its provisions is concerned, did repeal it?" Senator Bratton replied, "Yes."⁴⁶ Referring to Young's arguments in the press, Senator Bratton called them "fallacious" and said that the Department indeed had authority to publicly release its findings.

Senator Bingham's bill along with the Department of Commerce's comments was read into the record. The comments, supplied by Young, reiterated the position that the branch, under the present statute, did not possess the authority to either call witnesses or take testimony. This was now done on an

informal basis, which he felt was adequate. He outlined the current accident investigation procedures and reported that the "information thus obtained, when properly compiled from a number of cases, tells a graphic story as to the causes of accidents." He defended the procedure and explained the statistical grouping of accident causes, which, he asserted, had worked well. Young expressed his opinion that the branch's purpose was not one of affixing legal responsibility; rather the purpose was one of "applying remedial measures in future operations."⁴⁷

February saw more debate in both the Senate and the press. Senator Bingham reintroduced his bill (S. Res. 3399) on February 1, which empowered the Department of Commerce to subpoena witnesses, preserve evidence, publish reports and protect the Department from legal actions arising from those reports and the inadmissibility of reports in civil suits.⁴⁸ On February 4, Senator Bratton introduced Senate Resolution 206 requiring the Department to release to the Senate a report on each aircraft accident of which the Department has a record that had occurred since May 20, 1926. The resolution was favorably reported out of committee two days later.⁴⁹

As to Young's arguments in opposition to the Bingham bill, *Aviation*, on February 8, and *The Commonwealth*, on February 12, explained the debate between the Department and Senate. *Aviation* recapped the positions advanced by Senators Bingham and Bratton and Assistant Secretary Young adding little comment.⁵⁰ However, *The Commonwealth* did have an opinion. It quoted Young as saying:

Injustices to individuals could easily result were the information, thus developed in individual cases, released for consideration in the light of legal technicalities, contributory negligence phases, and proximate and remote causes, rather than for the practical deductions of thoroughly experienced aviation personnel, for the purpose of applying remedial measures in future operations. (The Bingham Bill, 1930, p. 411)

The Commonwealth was not impressed: "It is not a particularly direct and satisfactory answer." It went on to argue that the principle articulated by the Department was in effect giving the airlines "immunity" not afforded other modes of transportation. The idea that airlines must somehow be "babied," it argued, would be to its detriment and would not elicit support for the industry. Commenting on the "poor policy" of intentional removal of crashed aircraft before inspectors could arrive *Commonweal* warned, "Accidents will not hurt the flying business, more than temporarily. Mystery will. Irresponsibility will."⁵¹

In a February 14 *The New York Times* article, "Defends Silence On Air Crash Data—Col. Young Says Publication of Federal Inquiry Records Would Aid Dishonest Lawyers," Young, speaking to the National Exchange Clubs in New York, answered the critics of the Department's policy. It was his

hope that Senate Resolution 206 would not pass. "Its passage," Young asserted, "would enable lawyers of the ambulance-chasing type to make use of the confidential records of the Department." He repeated the argument that the Department's goal was not to affix legal responsibility; rather its purpose was to use the reports to enhance accident prevention. "The purpose of the air commerce act," Young said, "was to foster aviation, and the sole purpose in investigating accidents is to determine the causes and promote aviation by what we learn."⁵²

As examples of policy changes brought about by investigations, he used the two accidents that Senators Bratton and Bingham had brought up in the Senate. The TAT accident in New Mexico resulted in a course change and the Maddux accident in California produced a new requirement for pilots to "land whenever they were forced to fly passenger planes below 500 feet." Though he defended the Department's current policy, his review of the Bingham bill brought no criticism.⁵³

Young's defense of the Department's policies in the press brought Senator Bratton to the Senate floor. He was especially unhappy with Young's comments concerning Senate Resolution 206.

Mr. President, two things stand out prominently in Mr. Young's address. One is that he believes that the Air Commerce Act of 1926 was designed to foster aviation. The other is that if the Department complies with the plain mandate of that act by making public its findings relating to accidents ambulance-chasing lawyers will be aided. In other words, the sympathy of the Bureau is with aviation, and they utterly disregard the public in connection with whole subject matter.⁵⁴

On the next day, February 15, *The New York Times* reported the public diatribe between Young and Senator Bratton. In the article, "Assails Secrecy In Air Accidents—Bratton Tells the Senate That Aeronautics Branch Refused to Publish Crash Report," Senator Bratton said the Department's policy was "an insult to Congress because it was a plain violation of an act of Congress." *The Times* recognized the emotional capstone of Senator Bratton's Senate speech, ending its article with this quote:

Suppose the company was negligent. Suppose women were made widows and children orphans by this accident. The Department seals its findings and leaves the widows and orphans in each case to get along the best way they can. That runs afoul of our theory of government, and the sooner the Department of Commerce becomes aware that the public has some interest in this matter of commercial aviation the better off all of us will be.⁵⁵

On the same day *The Washington Post* weighed in with its editorial, "Air Accident Publicity." The *Post* was more sympathetic to the Department's position, explaining that the Bingham bill would protect the government against claims made by those who were "injured by the findings." It defended the current Department of Commerce policy, claiming that a lack of legal pro-

tection forced the Department to release information in its current format. The ICC was afforded this protection and so should the Department of Commerce.⁵⁶

The *Air Commerce Bulletin* of February 15, 1931, reiterated the Branch's position regarding its accident reporting procedure. However, in an apparent softening of its stance against public disclosure it said the following:

It is believed that if the authority now granted under the air commerce act for the investigation of aircraft accidents were augmented by a provision precluding the admission of official accident reports as evidence in civil suits and authorizing formal investigations of aircraft accidents if and when preliminary informal investigations of a given accident made such a hearing necessary or advisable, much of the alleged mystery as to why aircraft accidents occur would be removed.⁵⁷

The Branch claimed that under current law this was not possible and, using "the next best method," continued to issue statistical data. This course of action, it said, allowed all those interested in the growth of aviation "to proceed along the course leading to unquestioned safety."⁵⁸

Assistant Secretary Young's position was strengthened when, on February 19, he received an answer from Attorney General William Mitchell regarding the question he had posed in December. Had the Department fulfilled its congressional mandate by releasing statistical data? Mitchell answered with the following: "I am of the opinion that the course which you have followed, with respect both to the manner and time of publication, has been within the limits of your description under the statute and in substantial compliance with its requirements."⁵⁹ A report of the Attorney General's answer appeared in "High Points in the News" for *Aviation* readers on March 8.⁶⁰

It may have been the Attorney General's opinion that the Department was measuring up to its mandate under the law, but many disagreed. The March 1 issue of *Literary Digest* asked: "Shall 'secrecy' be permitted to shroud the causes of our fatal airplane accidents?" In explaining the Department's position on the matter, the *Digest* quoted from *Liberty* magazine, which discussed the Department's views. The Department had listed three reasons for not disclosing its accident reports to the public.

First, many times exact causes are difficult to determine often because of witnesses. When there were witnesses, they frequently are unfamiliar with aviation. Since reports constructed from such witnesses, or lack of witnesses, might prove less than accurate; they might serve the safety effort but would not measure up to the standard for public disclosure.

Second, pilots and aviation employees are more likely to be more forthcoming and provide accurate information if they know that their testimony will not be used publicly in civil suits or legal proceedings.

Third, if the accident board knows its findings might be made public, it might tend to classify accidents as "unknown" or "doubtful" in order to give the pilot the benefit of the doubt.

But a majority of newspapers seem to disagree with this "policy of silence." "Hushing up, for real or imagined causes, will not promote air safety," says the Philadelphia *Evening Bulletin*, and the Chicago *Tribune* holds that "abetting concealment is a disservice on the part of the government" and "it is psychologically the wrong way to 'sell aviation to the people.'"⁶¹

The Dayton *Journal* presented an opposing view, believing that the advancement of aviation could best be served by allowing the Department to conduct its investigations silently and scientifically, not involving itself in legalities by becoming prosecutor or witness in accident cases.⁶²

In the April 1930 issue of *Aero Digest* appeared an article by the former Assistant Secretary of Commerce for Aeronautics, William P. MacCracken, Jr., who was now in private practice. He had made the decision that began the controversy, and so it came as no surprise that he was now defending it in the press. He began his defense by explaining that initially it had been a "trial and error method" and that after having "experimented" the present non-disclosure policy worked the best. His reasoning supported that of the Department's in that it was not the Department's duty to "fix blame" but to advance the cause of aviation safety through the proper administration of regulations. His defense of the Commerce Department's policy followed along the lines of the arguments that had previously appeared in *Liberty* and *Commonweal*.

Compelling testimony from a witness would not produce the needed "opinions" that the inspector required in order to reconstruct the incident, he argued. If the witness knew the testimony was to be made public, and the testimony was compelled, the best an inspector might hope for were facts. "On the other hand, if he knows they are going to be treated in confidence, . . . he is nearly always very willing to give his opinions." He added that even with an amendment to the law compelling witnesses to testify, it would be difficult to obtain a "full, frank expression of opinion."⁶³

The six-member Crash Board's opinions might not be "frank opinions" if they believed their remarks were to be made public. Why? Straightforward answers were more likely to come from the Board if "they do not have to stand up and defend their findings before a public with a very limited aeronautical experience." A reluctance to defend its positions in public may cause it to attribute the causes to "unknown and undetermined." Additionally, if the cause of the crash rested with the pilot, the Board might feel indisposed to place responsibility on someone who has died as a result of the crash because the public might criticize the Board for passing the buck to a dead man. By the same token, the Board might be called into question if it did not blame the

pilot. McCracken warned that critics might be inclined to say they are trying to protect the memory of somebody who had a clean record before by saying he is not responsible for this accident.⁶⁴

MacCracken believed that witnesses, uneducated in aviation, and viewing the same accident, could easily create serious problems for the inspector and Department of Commerce.

Yet if those men were to come out and make some statement and if the inspector of the Department of Commerce were to submit a different report because he has some other evidence, once more the Department of Commerce man would be on the defensive against some fellow who, though he may be a totally disinterested witness, knows nothing about the technical side of flying.⁶⁵

He added that if public hearings were held, and there was controversy about the facts, prolonged newspaper coverage would have a negative effect. "Of course, any controversy of that kind makes news, and instead of helping to get the matter out of the public mind, it would tend to emphasize it." MacCracken concluded the answer lay in the proper enforcement of adequate regulations, not public disclosure of aircraft accident reports.⁶⁶

Senate Resolution 206, requiring the Department of Commerce to release all accident causes from May 20, 1926, onward, was debated on May 16. Senator Bingham vigorously opposed it since testimony concerning the accidents was obtained confidentially. He felt that to divulge this information would be a breach of confidence between the government and those who had provided statements in the past, and, if the Department was forced to publish this information, it would make the gathering of future testimony much more difficult. Faced with the prospect of a lawsuit, a potential witness might be hesitant to volunteer any information to the Department's investigator.

Senator McKeller interjected that information acquired during the New Mexico investigation had been handed over to the airline company. Senator Bingham responded with the following:

It has been the case occasionally that they have secured confidential information leading them to believe that an accident was caused in a certain way, and in the promotion of aeronautics they have given that information to the company concerned in order that there might not be a repetition of the accident...⁶⁷

As an example of confidential testimony Senator Bingham noted the particulars of a fatal accident that initially could not be explained. The pilot was considered good, and the airplane had been properly maintained. The inspector could find no cause for the accident until, in confidence, a personal friend of the pilot confided that he and the dead pilot had been drunk and they were not quite sober when his friend took off. The pilot had remarked to his friend before the flight that he did not feel like flying. The Senator continued, "This information probably never would have been received by the Department if the close friend of the dead pilot knew his utterances would become public

property and probably would become involved in a subsequent action.”⁶⁸

After many such examples and debate, Senator Bingham failed to stop the resolution and it passed, 42 to 23. A letter was transmitted to the Department of Commerce requiring it to supply all aircraft accident causes between the dates of May 20, 1926, and May 16, 1930.⁶⁹

The Senate received the Department’s reply in February 1931. In the Letter of Transmittal to the Senate, Young, in presenting the requested information repeated many of the arguments he had officially made to the Senate and to the press. He reminded the Senate of the following:

No attempt is made to determine legal responsibility because it is not within the province of the Department to do so”.... “No authority has been granted the Department to hold formal hearings, subpoena witnesses, require testimony under oath, preserve evidence or engage in other similar procedure [sic] in the matter of investigating accidents.”⁷⁰

Between May 1930 and March 1931, examination of the *Post*, *Times* and the *Washington Daily*, revealed no new articles about the public disclosure issue, nor did any appear in periodicals. Likewise the Senate did not take it up again, and, in fact, Senator Bingham’s bill was passed over on June 2, 1930.⁷¹

There are two factors that account for the temporary sabbatical in the disclosure debate. The Senate adjourned on July 3, 1930, and, with the exception of the special Senate session called by President Hoover, it did not convene again until December 1, 1930. Another important element was the decrease in accidents. The year 1930 proved to be good for commercial aviation safety. Air transport operations had shown a significant decrease in accidents as compared to 1929, resulting in fewer accidents finding their way onto the pages of newspapers.⁷²

Senator Bingham did, however, give a speech during the National Aeronautic Association convention in Chicago in August 1930. Both he and Young spoke during the convention. Addressing the convention, the Senator said:

The whole question of the best governmental policy to be followed in connection with accidents in civil aviation is one which has caused a good deal of discussion during the past twelve months, and I should be very glad to have an expression of opinion from the Convention as to the best course for the government to follow.⁷³

Senator Bingham concluded his address to the convention and introduced Young. During his speech, Young defended the Department’s policies and procedures for aircraft accident investigations and the subsequent release of statistical information. However, he had come to realize that the publicity the Department had received from the press had begun to take its toll. He said the following:

I still think that with the record established it is perhaps a most constructive way to obtain suitable information. However, I at the same time recognize that public psychology is a very important factor, if not a dominating factor, and that the position, which the Department has been obliged to maintain, is rapidly becoming untenable. It needs legislation.⁷⁴

The TAT crash in New Mexico had precipitated the issue. It gained national recognition and took on more political visibility for policy makers, the Senate and, via the press, the public. Young's policy fortress, buttressed by the Attorney General's opinion, had become a sandcastle that was about to disintegrate under the weight of public opinion. The focusing event for policy change within the Department was the Rockne crash. The death of this well-known public figure on March 31, 1931, demanded answers. National attention was now focused on Young and the Aeronautics Branch. *The Washington Daily News*, *The Washington Post*, *The New York Times* and the *Chicago Daily Tribune* all devoted extensive coverage to the crash beginning April 1, 1931.

Three days after his death, *The Washington Post* on April 2, reported the Department still lacked the ability to subpoena witnesses. Young, it said, had "urged revision of the air commerce act to give the Department the same authority the Interstate Commerce Commission has in investigating and assigning responsibility in railroad accidents." In an editorial on the next day, the Post laid the blame for the Department's inability to make public its findings squarely on the shoulders of Congress and an "absurd ruling made necessary by congressional neglect." The Department could not be expected to release information that might be used in civil suits and therefore the information garnered from investigations was of "no practical value" and changes were demanded.⁷⁵

The *Chicago Daily Tribune* broke the story of Rockne's death with the headline, "ROCKNE TRAIN HERE TODAY." Numerous articles about the accident, his life, reaction to his death, and coverage of the funeral filled the paper. A full page was devoted to the first pictures from the crash scene. Rockne's death was featured prominently in the paper from April 1 to 6, and included and included a four-part installment written by the sports editor, Arch Ward, entitled "Knute Rockne—As I Knew Him."⁷⁶

Likewise the Rockne crash occupied much of the attention of *The Washington Post* on April 1. Its headline read: "ROCKNE KILLED AS SHIP LOSES WING, CRASHES—All Passengers and Both Pilots Die Instantly on Kansas Farm." The bulk of the coverage was from April 1 to April 3 with numerous reports about the crash and Rockne's life. Again articles appeared listing the reasons for the Department's restrictions about accident disclosure.⁷⁷

An editorial on April 3 observed that the accident had focused attention on safety issues surrounding commercial aviation. "Like many other tragedies of the air, the accident will remain a mystery, as far as the public is concerned." A lack of official information gave rise to different theories. One witness, D. E. Mann, a deputy sheriff, pointed to the fact that he had found ice in the shape of a U near the wreck of the airplane. Was ice the culprit that had caused the crash? Still others believed that Robert Frye, the pilot, in an attempt to recover the airplane from an unusual attitude, had overstressed the wing, causing it to separate from the aircraft.⁷⁸

The New York Times headline read, "KNUTE ROCKNE DIES WITH SEVEN OTHERS IN MAIL PLANE DIVE." It, like the *Tribune*, devoted many pages to covering the story of the crash, Rockne's biography, public reaction and possible causes of the accident. Daily coverage ended on April 3. Articles covering new developments in the investigation of the crash and the examination of the airworthiness of the Fokker F-10 continued throughout April, May and June, however.⁷⁹

In addition to the details of the crash events surrounding Rockne's death, *The Washington Daily News* published pictures of his wife and four children in its April 2 edition. "Widowed, Orphaned by Rockne Crash," ran the headline with a short caption under the pictures which, in part, read, "Knute Rockne may have been a miracle man to countless thousands of football fans, but he was something even greater—a loving husband and father."⁸⁰ Ernie Pyle reported many of the theories that abounded after the crash while he complimented the local TWA representative for his "honest and intelligent handling of queries on the crash."⁸¹ The editorial of the same day, however, called on the Department to release accident reports:

This is high time—for the good of aviation if nothing else—that a different arrangement be made. It is high time the public is permitted to know why airplanes crash, instead of drawing hazy conclusions from rumors of explosions, storms, balky motors and disintegration.

The public is ready to believe in flying, if given half a chance.

Congress can give to the Commerce Department the authority for the publication of official crash reports. That should be one of its first acts when it meets in December.⁸²

The Surrender

As pressure mounted for an explanation, the Department of Commerce broke with its long-held policy and released information about the accident. The first press release of April 3 was reported in all four newspapers and in the May issue of *Aviation*. The Department commented that this accident had "caused universal, if not international comment," and the Aeronautics Branch, charged with aircraft accident investigations, was looked to by the

press, as well as other people in all walks of life for an explanation. The press release contained three paragraphs reiterating its explanation of past non-disclosure policy and a disclaimer: "The following statement is not to be construed as an official finding."

The Department blamed the crash on a broken propeller on the right engine. The investigators surmised ice had formed on the propeller hub, which may have broken loose, striking one of the propeller blades. The propeller blade broke, creating an unbalanced condition, which produced sufficient vibration to cause not only the hub and remaining blades to leave the engine but also accounted for the in-flight wing separation. Its analysis was based on the fact that after investigators had dug the engine out of the ground, they could not find the engine's propeller hub or blades.⁸³

Then five days later, on April 8, another press release came out. On the basis of the latest reports, the statement read, the cause of the crash was not a broken propeller. In fact, the propeller and its hub were located "underground beneath the place where the engine, to which it had been attached, was dug out of the earth." A new cause was now assigned to the accident. The culprit was ice that had formed on the aircraft and had rendered inoperative the pilot's instruments while flying in the clouds. This caused the pilot to become disoriented and the aircraft to go into a steep dive. When the pilot reoriented himself, he overstressed the wing by too rapidly trying to correct for the unusual aircraft attitude. The additional stress caused the wing to separate. Ernie Pyle commented in his column on April 8, the following

Do you know the old expression, "eating crow"? Well, the Department of Commerce is "eating crow" today on the Rockne crash. And since I was thoroly [sic] sold on the Department's original explanation of the accident, I have ordered a nice plateful of crow for my own lunch.⁸⁴

There was now an official cause for the accident. *The New York Times* on April 8 published the Department of Commerce's findings and made this observation.

This was the first time the Commerce Department had made public the findings of its inspectors. Officials indicated the reversal of policy was prompted by the tremendous public interest aroused by the sudden death of one of the greatest football figures of history.⁸⁵

The influence of the press had been instrumental in bringing about a policy change in Aeronautics Branch, however, it was not until June 19, 1934, that Congress passed an amendment to the Air Commerce Act. The new act amended Section 2 (e) of the 1926 law and gave the Department of Congress the necessary legal protection it sought.⁸⁶ Additionally, the Department now possessed the authority to issue subpoenas and make public all investiga-

tions. It also disallowed any of its findings, statements or hearings as evidence in suits or legal actions.⁸⁷

These principles have been, since 1934, the basis upon which all aviation accident investigations have been conducted. While the death of the legendary Rockne became the identifying force, the print media became the catalyst for policy change.

To ensure that [National Transportation] Safety Board investigations focus only on improving transportation safety, the Board's analysis of factual information and its determination of probable cause cannot be entered as evidence in a court of law.—NTSB, 1999.⁸⁸

ENDNOTES

1. William L. White as quoted by Francis Wallace, *Knute Rockne* (Garden City, NY: Doubleday & Company, 1960), 258
2. "Rockne's Family Informed of His Death by Radio," *Chicago Daily Tribune*, April 1, 1931.
3. "Rockne Killed As Ship Loses Wing, Crashes," *The Washington Post*, April 1, 1931; and Francis Wallace, *Knute Rockne* (Garden City, NY: Doubleday & Company, 1960), 254.
4. "Rockne Accident Remains Mystery," *The Washington Post*, April 2, 1931; and "Knute Rockne Dies With Seven Others in Mail Plane Dive," *The New York Times*, April 1, 1931.
5. "National Loss, Says Hoover of Rockne," *The New York Times*, April 2, 1931.
6. "Football's Hero Mourned in Passing," *The New York Times*, April 1, 1931
7. "The Airplane Tragedy in Kansas," *Chicago Daily Tribune*, April 2, 1931; "Purdue Puts Flag at Half Staff in Tribute to Rockne," *Chicago Daily Tribune*, April 1, 1931; and Mark Inabnett, *Grantland Rice and His Heroes: The Sportswriter as Mythmaker in the 1920s*, (Knoxville: The University of Tennessee Press, 1994), 98.
8. *Air Commerce Act of 1926: Reprint from Official Act as Issued by the Government Printing Office* (New York: Aeronautical Chamber of Commerce of America, 1926), 1
9. "Knute Rockne Dies With Seven Others in Mail Plane Dive," *The New York Times*, April 1, 1931; and Nick Kommons, *Bonfires To Beacons: Federal Civil Aviation Policy Under the Air Commerce Act 1926-1938*, (Washington, D.C.: U.S. Government Printing Office, 1978), 184.
10. Meyer Berger, *The Story of The New York Times 1851-1951*, (New York: Simon and Schuster, 1951), 407, 563.
11. Chalmers Roberts, *In The Shadow of Power: The Story of The Washington Post* (Cabin John, MD: Seven Locks Press, 1989), x.
12. Lee G. Miller, *The Story of Ernie Pyle* (New York: Viking Press, 1950), 42.
13. Michael Steel, *Knute Rockne: A Bio-Bibliography*, (Westport, Conn: Greenwood Press, 1983), 3-7; and "Rockne Train Here Today," *Chicago Daily Tribune*, April 1, 1931.
14. *Congressional Record*, 69th Congress, 1st Session, 1925, 830.
15. Kommons, *Bonfires To Beacons: Federal Civil Aviation Policy Under the Air Commerce Act 1926-1938*, 91.

16. *Air Commerce Act of 1926: Reprint From Official Original Act as Issued by the Government Printing Office* (New York: Aeronautical Chamber of Commerce of America, 1926), 1.

17. William P. MacCraken was born in Chicago in 1888 where his parents both practiced medicine. He attended law school and shortly after entered the service where he became an aviator. After World War I, he returned to law and began working with the American Bar Association (ABA). He soon became chairman of the ABA's Committee on Aeronautics and was an advocate for aviation. He helped draft the Air Commerce Act and became the first Assistant Secretary of Commerce for Aeronautics. He held pilots license number 1. He left the Department in 1928 to enter industry.

Michael Osborn and Joseph Riggs, "Mr. Mac," (Memphis: Southern College of Optometry, 1970) 10-98.

18. *The Air Commerce Act of 1926*, (Aeronautical Chamber of Commerce, June 1926), 1; and Kommons, *Bonfires To Beacons: Federal Civil Aviation Policy Under the Air Commerce Act 1926-1938*, 179.

19. Clarence Marshall Young held the number two position in the Aeronautics Branch during MacCracken's tenure. Col. Young was an aviator in World War I and was shot down in Austria where he became a prisoner of war. He was a Yale graduate, lawyer and barnstormer after the war. He was a popular and respected figure among the aviation industry. After leaving the Department of Commerce in the mid 1930s, he joined Pan American Airways. "Chief of Airway," *Time*, March 14, 1932, 34.

20. U. S. Department of Commerce, *Annual Report of the Director of Aeronautics*. Washington D.C.: GPO, 1928, 45.

21. Senator Sam Gilbert Bratton was Texas born in 1888. He was admitted to the bar in 1909, first practicing law in Texas and then moving to Clovis, New Mexico, where he was eventually appointed a judge. He became an associate justice in the Supreme Court of New Mexico in 1923. He resigned shortly after to become the Democrat nominee for the United States Senate. Elected in 1924, he served from March 4, 1925, to June 24, 1933.

Biographical Directory of the United States Congress 1774-1989, 1989, S. Doc. 100-34, 146.

22. Transcontinental Air Transport (TAT) and Western Air Express (WAE) were merged on February 13, 1931, to form Transcontinental & Western Express (TWA). Joe Christy, *American Aviation: An Illustrated History* (Tab Books, 1987), 134-135.

23. *Congressional Record*. 71st Cong., 1st sess., 1929, 3669-70; and U.S. Senate. *Biographical Directory of the United States Congress 1774-1989*, 1989, S. Doc. 100-34, 146.

24. *Congressional Record*, 3670-3672.

25. *Ibid.*

26. *Ibid.*

27. "Asks Senate Inquiry in Air Carrier Wreck," *The New York Times*, September 18, 1929; "Plane Inquiry Blocked," *The New York Times*, September 19, 1929; and "Who Will Regulate Air Commerce?," *The Washington Post*, September 19, 1929.

28. "Regulating the Air," *The Washington Daily News*, September 19, 1929.

29. On September 18, 1929, Senator Bratton wrote to Secretary of Commerce Lamont to formally request the Branch's findings and conclusions concerning the crash of TAT's *City of San Francisco*. Secretary Lamont spoke with the Senator, explaining the information could only be released to him confidentially. This, of course, was unacceptable to Senator Bratton. *Congressional Record*. 71st Cong., 1st sess., 1929, 4056.

30. "Blocks Air Crash Inquiry," *The New York Times*, October 1, 1929; and Congressional Record.
31. "Make The Report Public," *The Washington Daily News*, October 2, 1929.
32. Born in 1869, Kenneth Douglas McKellar had been a Representative and was now a Senator from Tennessee. Senator McKellar became the Democratic candidate for the Senate in 1916, serving from March 4, 1917 to January 3, 1953. He died in retirement on October 25, 1957. *Biographical Directory of the United States Congress 1774-1989*, 1989, S. Doc. 100-34, 1471.
33. *Congressional Record*. 71st Cong., 1st sess., 1929, 4790-1.
34. Col. Clarence Young to the Department of Commerce Solicitor, November 18, 1929, National Archives Branch Depository, Suitland, MD RG 237, FN 150.4.
35. "Accident Causes in the Spotlight," *Aviation*, December 7, 1929, 1097.
36. *Ibid.*
37. "Pushes Air Inquiry Bill," *New York Times*, January 21, 1930.
38. "Wreckage of Tri-Motor Plane in Which 16 Died," *The Washington Daily News*, January 21, 1930; and "Where 16 Died in California Airplane Crash," *The Washington Daily News*, January 24, 1930.
39. "Seven Persons Die In Plane Crashes," *The Washington Post*, January 28, 1930; and "Death Plane Hastily Destroyed at Night," *The Washington Daily News*, January 28, 1930.
40. *Congressional Record*. 71st Cong., 2nd sess., 1930, 2494.
41. *Ibid.*, 2498.
42. "Air Crash 'Secrecy' Assailed In Senate," *The New York Times*, January 29, 1930; and "When A Plane Crashes," *The Washington Daily News*, January 29, 1930.
43. "Inquiry Is Ordered In Fatal Air Crash," *The Washington Post*, January 29, 1930.
44. *Congressional Record*. 71st Cong., 2nd sess., 1930, 2586.
45. As quoted in the *Congressional Record*. 71st Cong., 2nd sess., 1930, 2494
46. *Congressional Record*. 71st Cong., 2nd sess., 1930, 2587.
47. *Ibid.*, 2587-9.
48. *Ibid.*, 2813.
49. *Ibid.*, 3135.
50. "Bingham, Bratton Again Ask Full Reports on Accidents; Young Defends Methods Followed by the Aero Branch," *Aviation*, February 8, 1930, 258-9.
51. *Ibid.*
52. "Defends Silence On Air Crash Data," *The New York Times*, February 14, 1930.
53. *Ibid.*
54. *Congressional Record*. 71st Cong., 2nd sess., 1930, 3649.
55. "Assails Secrecy In Air Accidents," *The New York Times*, February 15, 1930.
56. "Air Accident Publicity," *The Washington Post*, February 15, 1930.
57. U. S. Department of Commerce, *Air Commerce Bulletin* (Washington D.C.: GPO, February 15, 1930), 49.

58. Ibid.
59. William D. Mitchell to Clarence Young, February 19, 1930, National Archives Branch Depository, Suitland, MD RG 237, FN 150.
60. "High Points in the News-Agrees with Young," *Aviation*, March 8, 1930, 489.
61. "Air-Crash 'Secrecy'," *The Literary Digest*, March 1, 1930, 10.
62. Ibid.
63. William P. MacCracken, Jr, "The Department of Commerce Position In Accident Publicity," *Aero Digest*, April 1930, 248.
64. Ibid.
65. Ibid, 53.
66. Ibid.
67. *Congressional Record*. 71st Cong., 2nd sess., 1930, 9044
68. Ibid., 9045.
69. Ibid., 9049.
70. U. S. Senate, *Aircraft Accidents, May 20, 1926-May 16, 1930*. 71st Cong., 3rd Sess., 1931, S. Doc. 319.
71. *Congressional Record*. 71st Cong., 2nd sess., 1930, 9867.
72. U. S. Department of Commerce, *Annual Report of the Director of Aeronautics* (Washington D.C.: GPO, 1930); and "Safety Records," *Aviation*, May, 1931.
73. Minutes of the Annual Convention of the National Aeronautic Association of the United States of America, Inc., August 22-25, 1930, Federal Aviation Administration, Historical Files, Washington D.C.
74. Ibid.
75. "Stricter Airplane Regulation Urged," *The Washington Post*, April 2, 1931.
76. *Chicago Daily Tribune*, April 1-6, 1931; and Arch Ward, "Knute Rockne-As I Knew Him," *Chicago Daily Tribune*, April 2-5, 1931.
77. "Stricter Airplane Regulation Urged," *The Washington Post*, April 2, 1931.
78. "Reports On Air Crashes," *The Washington Post*, April 3, 1931; and "Stricter Airplane Regulation Urged," *The Washington Post*, April 2, 1931.
79. *The New York Times*, April 1-4, 1931.
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83. Department of Commerce, Aeronautics Branch, *Press Release*, April 3, 1931, Federal Aviation Administration Historical Files, Washington D.C.; and "Safety Records," *Aviation*, May, 1931, 266.
84. Ernie Pyle, "Aviation," *The Washington Daily News*, April 8, 1931.
85. "Rockne Crash is Laid to Ice-Covered Wings," *The New York Times*, April 8, 1931.

86. *U.S. Statutes at Large*, Vol 48, 113.

87. Denis Mulligan, Chief, Enforcement Section to Eugene Vidal, "Memorandum: Investigation of the Causes of Accidents in Civil Air Navigation in the United States," August 13, 1934, National Archives Branch Depository, Suitland, Md. RG 237, FN 150.

88. National Transportation Safety Board. "The Investigative Process." www.nts.gov/Abt_NTSB/invest.htm, February 14, 1999.