



**Moakley, Kemp, Clay, Energy Crisis Interview Transcript
(MS100/09.01#20)**

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Program Title: "Representative Moakley with Representatives Jack Kemp and William Clay, and Moakley on the Energy Crisis," c.1974

Program Participants: Congressman John Joseph Moakley, Congressman Jack Kemp and Congressman William Clay, and an unidentified host.

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Recording Overview: This recording includes four interviews with members of Congress that were broadcast on WILD in the 1970s as episodes of a radio show featuring Congressman Moakley. In the first segment, Moakley and Representative Jack Kemp discuss the controversy over the football television blackouts and proposed changes to the way the broadcasting rights for football games in the U.S. In the second segment, Representative Bill Clay discusses the Corporation for Public Broadcasting and proposals to increase the diversity of programming on public television. In the final two segments, Representative Moakley focuses on the nation's energy crisis and ways to alleviate the shortage including increasing oil refining capacity, expanding mass transit, and ways consumers can conserve energy.

Part I: Kemp Transcript Begins

ANNOUNCER: From the Nation's Capitol, here is our Congressman Joe Moakley who represents the Ninth Congressional District, which includes most of Boston and its suburbs. Today, Joe will be discussing the football blackouts with a guest.



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JOE MOAKLEY: My guest today is my distinguished colleague from the Thirty-eighth District of New York, Congressman Jack Kemp. I'm sure many of you remember Jack's outstanding career as a quarterback for the Buffalo Bills for about thirteen years. And if you can see him in the studio today, he looks like he just graduated from college. But during his years as a professional football player, Jack played in both the American and National Football Leagues. He was the player of the year in 1965 when he led the Buffalo Bills to their second consecutive AFL (American Football League) Championship. He was all All-Star six times and played in five AFL Championships. Jack, as you probably know, [was] co-founder of the AFL Players Association and negotiated the first comprehensive professional football collective bargaining contract in history. And this happened when he was President of that Association. And I can only say that you're having just as fine a career in the Congress as you had when you were playing professional football.

Jack, it's a real pleasure to have you on the show.

JACK KEMP: Thank you, Joe. I'm glad to be on your show and look forward to our conversation.

MOAKLEY: Jack, the football blackouts have been causing quite a stir in the New England area. And since our Patriots will probably have a better than average season this year and we could be plagued with the same problem faced by so many other NFL (National Football League) cities, which would be, in effect, a local blackout of the game, although it's been sold out. Now, Jack, I've got some concerns about this. Is it fair, I wonder, that the people who support the games will have to suffer by not being able to see all the ballgames even when it's already sold out? And I wonder how you feel about football blackouts in general?

KEMP: Well, Joe, I feel very strongly coming from thirteen years of professional football into the Congress that basically, the television policy in professional football over the last eight or nine years especially, has contributed greatly to the growth and the popularity of the game.



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There's no doubt about it. When I came into football in 1957, I was making six thousand dollars and had no pension. And when I left thirteen years later in 1970, I was making ten-fold of that original amount and a pension plan, well, just so vastly superior to anything in any other business. I think anybody has to recognize that television was the prime motivating force behind the growth and popularity in professional football.

So, on that premise, I think it's important to realize that the television policy of the league was designed for two things: A) to maximize the interest, to maximize the popularity of the game; and 2) to make sure that you never played before an empty house. Boxing and other sports have ended up kind of theater sports. Rather, professional football, they wanted people in the stands, because football, as you know, being a football fan as you are, Joe, the enthusiasm of the crowd from Boston to Buffalo to Los Angeles and San Diego is what makes this game what it is. The fierce identification of the people in the stands with the football players, and that comes across on TV and makes for such an exciting contest. Well, to finish my point, the television policy has been designed to maximize home attendance. And it seems to me, in many cities around the country one of the reasons why people pay to see the game is they're not going to be able to get it on television. And if you can get it on television free, there wouldn't seem to me to be the same interest that there would be if you get it free. Now, that's just human nature.

The other point that I would make very briefly, because I've answered this question at great length but it's a difficult one, is this, that it's hard for me to believe that we in the Congress have the right to tell a private industry how they can merchandise their product. And that goes to the legal matter. And I really wrestle with it. I know it's very popular. I know it's very difficult to oppose. I know we all want to cater to those who are sitting home on Sunday. There is a vast number of votes out there for all of us down here in Congress. But I personally believe that it's difficult for me to accept the rationale that anyone has a constitutional right to be entertained.

MOAKLEY: Of course, you know we had to relax the anti-trust standards to allow the blackouts to occur in the first place.



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KEMP: In 1961?

MOAKLEY: Right.

KEMP: Not really, Joe. The 1961 law simply allowed the member clubs of the National Football League to package their television rights and to sell them in conjunction with each other. Up until that time, the NFL had been attacked for separating their television rights. My gosh, the National Football League at any one moment has been attacked under anti-trust for collusion, for monopoly, and then they've been also attacked for separating their pack. They've been under attack for just about every possible thing. In many cases, it's contradictory.

MOAKLEY: I was just reading from that article by Phil Hochberg who said that blackouts that would ordinarily violate the anti-trust laws were specifically put outside the scope of anti-trust legislation as a result of the '61 Act.

KEMP: It seems to me again, that there is nothing in the anti-trust law that says an industry, especially the entertainment industry, doesn't have the right to merchandise its product in the way it seems fit. And this was challenged in California during the Super Bowl. And Commissioner Rozelle lifted the blackout on the Super Bowl in Los Angeles, which I attended. It had been challenged just two weeks before, and the Supreme Court and the State of California found the point that I made earlier, that they do have the right to merchandise their product, and that there is no constitutional guarantee to be entertained. That was the essence of their decision and they stayed a previous court decision lifting the blackout.

MOAKLEY: Jack, I can see exactly what you're talking about. Who wants to play before an empty house? But Senator Pastore has a bill I'm sure you're aware of that says, in essence, that if a game is sold out within forty-eight hours of the time that it's going to be played, that then the blackout can be lifted. How do you feel about a situation such as that?



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KEMP: Well, first of all, I'm sure it passed. I think it did pass.

MOAKLEY: It did pass.

KEMP: On a voice vote, Joe, and it probably would pass the House on a voice vote. I doubt if anybody would oppose it. I would be accused of opposing it on the basis of having some vested interest in professional football. But I hope my answer would not be that narrowly interpreted. I really believe that that would play havoc with the television policy of professional football. Now, maybe they're going to work out some type of an experiment where the National Football League over a year or two would experiment with this, and maybe that would prove conclusively once and for all the justice or lack of justice of the argument. But I personally believe that how would people buy tickets up until Friday predicated upon the game not being sold out; then all of a sudden you turned around and I stood in line for six hours to get championship tickets to the New England Patriots/Buffalo Bills game for the Eastern Division Championship and all of a sudden on Saturday you find out, Joe, that now the game is going to be given away. That happens to you once.

And then the next time you're a little bit wiser, because I have great faith in the consumer in this country and they're a very wily individual. And that consumer is going to make some very difficult decisions given the same set of circumstances on future Sundays between the Patriots and the Bills or the Lions or whatever else.

MOAKLEY: But the only way a fan could really be sure he's going to see that game is to purchase the ticket. I think that a real devout fan, a fellow that wants to see Plunkett throw to Randy Vataha is going to buy the ticket. He's not going to wait to make sure that the game is sold out and take a chance that it will be televised. There are people who probably can't afford it.



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KEMP: Football is entertainment. It is. It's solely a sport and I loved it, and loved paying quarterback and loved getting hit by Larry Eisenhower for eight years. I still got his number embedded in my chest. But it's still entertainment. And you're solely reliant upon the attractiveness of the game to get people to come and to watch it on television and sell those rights for huge amounts of money that pay our salaries, pay pension plans and bring the game at a reasonable cost to the consumer. All right, on that basis, I don't know of a parallel anywhere which you're telling someone that if the Kennedy Center is sold out for the Bolshoi Ballet that you're going to turn it over and televise it the next day. To me that's contradictory.

Now, I know that this isn't very popular and not held by too many people. But it's something that I feel. You must also realize that this television policy is the same policy that brings every road game of the Patriots back into the New England area. This was not so when I broke into football. That was not the policy of professional football back in 1957 when I went to the Detroit Lions. And every football game on the road was not telecast back then. It's only been the ability of professional football to reach such fantastic proportions of popularity that allow them the luxury of making sure that every single road game, despite the fact that it may not be the most attractive game on a given Sunday-- for instance, of the Baltimore Colts were playing the Red Skins for a particular divisional championship, or at least in a tight race, still in New England you would get to watch, even though some people might want to watch another game, you would still get to watch your team on the road in San Diego. That may not be the most economically viable game. But it's the policy of the National Football League and it's helped to build up an attraction that is unparalleled. And I think we run the risk of throwing a monkey wrench in the machinery.

Now, I'm just assuming that a businessman is better able to merchandise his product than we in the Congress. And I don't know what gives us that responsibility and I find myself at odds with some of my colleagues who think that we have a right to give away some man's product. I don't think we do.



MOAKLEY: But actually, Jack, wouldn't they still be able to realize extra money from the sale of the TV rights from these games--

KEMP: There is no more money in it, Joe. In fact, what are you going to do with the radio rights back in your home town? What happens if you telecast the New England games in New England, throughout New England, what happens to the \$100,000 that the Patriots make from their radio rights? Those become virtually nil. But that isn't as important to me as, ultimately as a player, believing that the players want to play before as big a house as possible. What happens to the no-shows? There were 10,000 no-shows at the game in Los Angeles, the Super Bowl. The colts have had serious problems with no-shows. People on a cold, rainy, snowy day who decide, well, it's sold out, but I can sit home and watch it on television. I think we would have that problem in Buffalo, in New England. And this is not to discredit our weather, because I think that's part of football. And I'd go to the game anyway and you would too. But there are people who would rather sit home, and I wouldn't blame them, because, frankly, if they were sold out and I were guaranteed a seat in front of my television set, I think I'd stay home too. That's what bothers me. And I think ultimately, it will hurt the game and end up like boxing where you end up with a theatre show.

MOAKLEY: I think we covered that section pretty well, Jack. Jack, you were recently in Chicago for the Football Hall of Fame dinner. What is the attitude of the football owners and the coaches and the players that you talked to on this blackout situation? Do they feel the same way you do?

KEMP: Well, I'll be honest, Joe, I really didn't talk to too many people about the policy. I know pretty much what is the policy of the National Football League and I am close, I think, to the players and the owners. I know there are several players who see it as I do, and I think there are some who don't, Joe. There is no doubt about it. It's an emotional question and a subjective one. But the people that I talked to, I saw Mr. Sullivan out there, the President of the New England Patriots; Mr. Ford, the owner of the Detroit Lions. And I think I have expressed their



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viewpoint fairly clearly. But I'm not doing it for them. I'm not doing it for the players. And I'm not even doing it for the fans. I think I ought to do what I think is in the best interest of the business. And I don't know what gives me the right, again, to give away somebody's property right. That's what bothers me considerably.

Now, it may be that we ought to try it for a year, and maybe we can work out an arrangement with the National Football League. I would hope that there would be some compromise on this issue rather than forcing us into a position where we're going to be asked to vote up or down on the question of whether or not we're going to tell a very successful industry and business how they're going to merchandise their product.

MOAKLEY: Jack, what happens, say, for instance, if when cable TV comes in and it's paid television, will this change your attitude on whether the game should be televised or not?

KEMP: Well, let me say, Joe, in all honesty that that's a question that is so hypothetical. I don't see it on the immediate horizon. I am very much in favor of professional sports being on television through subscribers, through the tremendous amount of money that is paid for by advertisers. It's brought into the household before the young people of our country I think some competition that is extremely important for them to see, and I would hope that it would not have to be paid for through subscription or paid TV. I am very much interested in this decision.

I just want to say how delighted I am, Joe, to be on your program. And then what you're doing is bringing attention to this issue. A lot of people need to understand what it is. And you're to be commended. I know you've worked hard on this issue, and I'm delighted to be on your program. I commend you for your work in this area.

MOAKLEY: Jack, thank you very much. That was Congressman Jack Kemp, as you all recall him when he was the outstanding football player. And all I can say is serving with him in



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Congress, he is also an outstanding Congressman. Jack Kemp, thank you very much for being on the program.

KEMP: Thanks, Joe.

ANNOUNCER: Thank you Congressman Joe Moakley and Jack Kemp. Be sure and tune in next week at this same time when Congressman Joe Moakley discusses matters of interest to our community.

END OF INTERVIEW



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Part II: Clay Transcript Begins: (00:14:31)

ANNOUNCER: From the Nation's Capitol, here is our Congressman Joe Moakley who represents Roxbury and other sections of the Boston community. Today, Joe will be continuing his discussion on the Corporation for Public Broadcasting¹ with Congressman Bill Clay, a member of the Congressional Black Caucus.²

JOE MOAKLEY: Bill, I know that you had a very tough fight and I was very happy to vote with you. In fact, we lost by one vote. But can you tell the listening audience what the amendments were that you introduced that you felt would remedy the situation and what the results of these votes were?

BILL CLAY: Yes. One of the amendments would have prohibited a corporation, the Public Broadcast Corporation from rendering any financial assistance to any entity which had not first demonstrated that it was currently in compliance with all laws, rules and regulations intended to ensure non-discrimination and employment practices. The other amendment would have made sure that the secretary of HEW [Department of Health, Education and Welfare] assures this Congress before it gave out any of our monies to these particular stations that the stations themselves were not discriminating against members of the minority community.

Now, the necessity for these types of amendments is because of the way this Congress drew the law. And I don't disagree with the provisions that were included in the basic [Public Broadcasting] Act of 1967. What we did not want to do in Congress was to set up a federal

¹ The Corporation for Public Broadcasting is a private, non-profit corporation created by Congress in 1967 to facilitate the development of and universal access to non-commercial programming and telecommunication services.

² The Congressional Black Caucus, formed in 1969, is a coalition of African-American members of Congress working to address the legislative concerns of black and minority citizens.



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controlled means of communication. We did not want to control television. So, we put language in that bill to the effect that no federal agency or federal officer or federal employee would in any way interfere with the programming, et cetera of public broadcast stations. Subsequent to that, the Federal Communications Commission and the Corporation for Public Broadcast interpreted this provision to mean that they did not have to go abide by the provisions of Title VII of the Civil Rights Act, VI or VII of the Civil Rights Act that deal with non-discrimination and employment.

As a result, HEW does not require or has not promulgated any rules for stations in terms of ascertaining whether or not they're discriminating against blacks prior to giving them construction money from this government. As a result of that language, the Federal Communications Commission does not require ascertainment of the community needs and feelings before they renew licenses for public broadcast stations. And the same is true with the Corporation for Public Broadcasting before they award grants and federal monies.

MOAKLEY: We all know that programming is probably the key element in public television, and you mentioned some serious concerns about the amount of it directed at blacks and women. How much programming actually is aimed at the audience and how can all of this be changed?

CLAY: Well, I think we have to understand the concept of public broadcasting. And as I said in the beginning, it's not to be in competition with commercial broadcasts. The assumption here is that the airways belong to the public, and that every segment of our community has a right to some portion of those airways. And in terms of black programming, last year black and other minority programs, last year the networks only spent \$645,000 for minority programs out of a total of some fifteen million dollars. In my town, for instance, in St. Louis, it's forty-two percent black. We engaged in a tremendous fight some twelve or thirteen months ago to force that station to put "Black Journal" on the air. They had no black programming in a community that was forty-two percent black. So, these are the kinds of things that we find ourselves facing in an effort to get what we consider to be equity.



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MOAKLEY: Well, thank you very much, Congressman William Clay. Bill Clay, as you can tell by his presentation here, is a very active member, and as I say, you have to be in the audience to really appreciate the great floor fight that he put up when this bill went through. Congressman Clay, it's a pleasure to have you on the program, and I'm sure that you will be back some other time speaking about this and other subjects.

CLAY: Thank you, Congressman Moakley.

ANNOUNCER: Thank you very much, Congressman Joe Moakley and William Clay for your views on public TV. Be sure and tune in next week to WILD Radio as our Congressman Joe Moakley discusses matters of interest to our community.

END OF INTERVIEW



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Part III: Moakley Transcript Begins (0:19:41)

ANNOUNCER: From the Nation's Capitol, here is our Congressman Joe Moakley discussing the energy crisis. Joe is the Congressman from the Ninth District, which includes Roxbury and other segments of the Boston community.

Joe, what brought about the energy crisis and is there really any reason that we perhaps can put our hands on as to why we've got this big fuel shortage this summer?

JOE MOAKLEY: Well, if you listen to some people they say there's not a fuel shortage, but when you look at all the gas stations that are closed down, especially in the New England area; we can see that there is some kind of a gasoline shortage. I think part of the energy crisis that we have this summer is due to the increased production of automobiles. I think that the sales of automobiles in March were at an all time high. And the safety standards that are put on automobiles, the air conditioning, and the emission control devices I'm told cut down gasoline production. I am told that this takes some 300,000 barrels a day just to take care of the emission pollution control standards and also the air conditioning. So, we know that there is more leisure time. People are on five day weeks. Some people are on four day weeks. Our mountains, our lakes and our rivers and our oceans are beautiful places to travel, and people are using the automobile more.

Of course, we know that this year more work is done on the farms because last spring and last summer we had real wet weather and floods. Now, the farmers are really making up for lost time and this is causing an extra drain on the gasoline that we wouldn't have ordinarily.

ANNOUNCER: Has there been any decrease in the industry supply at all? Has that been a possible cause of part of the shortage this summer?



MOAKLEY: Well, of course, the gasoline inventories as of March first were down ten percent, while the demand was up six percent from last year. So, there's an increase of sixteen percent. Then there is non-availability of crude oil I'm told. So, it's very tough to make up for this deficit. Then you look and you see that there hasn't been a refinery built in this area in fifteen years. And I'm sure the people who are responsible for keeping up with the fuel supply just haven't done their jobs. I think that this could have been averted with good planning on behalf of the oil company. And that's why I think that maybe legislation is needed to break up that monopolistic thing they've got going where they control the oil right from the ground to the retail sales. And I feel if we had some other company doing the drilling and another company doing the retail selling, at least we'd know what was going on. It would be more competitive. I don't think the prices would be as stable as they are today.

ANNOUNCER: What about exploratory drilling, Joe, have the oil companies really maintained the level of drilling that they've done in the past? And what affect does this have on the supply and demand of fuel?

MOAKLEY: Well of course, we all know of the oil depletion allowance. And this is done because they're drilling and they come up with dry holes. And there is only so much oil in the ground. And we've got to make compensation for taking the oil out. But I'm told and from a relatively good source that your refineries are at some ninety percent production capacity and there's a fifty percent decrease in exploratory drilling, which means that they're really not looking as hard as they should for the oil. And I just think that these things should be looked into by the government. I know some of the states' attorneys general have been down in Washington claiming that there might be some anti-trust violations and some of the shortages may be more contrived than actual. I'm waiting to see how that report comes out.

ANNOUNCER: Joe, what's been the history of our energy program? Haven't we been able to forecast pretty much that we were going to have a crisis at some place along the line?



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MOAKLEY: I would say that it's obvious that every year we're building more highways. Every year we're putting more automobiles on the road. Of course, the air conditioning devices in automobiles, the pollution emission devices in automobiles, all of these things take gasoline. Of course, there's got to be a greater demand.

ANNOUNCER: Thank you, Congressman Moakley. Joe will continue his conversation on the energy crisis on next week's program.

END OF INTERVIEW

Part IV: Moakley Transcript Begins (0:24:49)

ANNOUNCER: From the Nation's Capitol, here is our Congressman Joe Moakley continuing his conversation on the energy crisis.

ANNOUNCER: Joe, who has been suffering because of the crisis? Has the average Joe Blow had a problem because of this energy crisis? And what's the crisis doing to our economy?

JOE MOAKLEY: Well, everybody suffers. When you have a gasoline shortage, there's higher fuel costs, there's higher transportation costs. The food cost has to go up because the farmer has to pay more for the gasoline to plow the fields and to harvest the crops. And a state like Massachusetts, the Commonwealth of Massachusetts, where tourism is our second or third highest industry, we suffer greatly because of people from other sections of the country can't drive here and take advantage of our scenic routes and our historic trails. They don't spend time in our motels and hotels. They don't spend their money in our stores. We suffer badly. And I think that this will be shown when the summer is past that because of the increased cost of fuel



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and the shortage of fuel that many of the tourists have decided to travel by other means than the automobile and probably to go other places in the New England area.

ANNOUNCER: Well, Joe, are there really solutions to the problem? It doesn't seem as if the future is too bright?

MOAKLEY: Well, there are solutions, and some of them may be short term and some may be long term. I think one of your long term solutions is that we probably need more refinery capacity here the New England area. The figures show that we could stand five refineries in New England. We know that of course this is a sore spot with the environmentalists. I've prided myself on having a good record as far as environmentalism is concerned. I'm told that some of the new refineries on the West Coast, what they call "white glove refineries," that you can walk through them and they're odorless and they meet all of the standards as proposed by the federal government. And I'm willing to look into something like this.

Also, we all know that if we handle our automobile, make sure that the carburetor is tuned properly, and we don't speed, and we keep it in certain limits that we can get more miles to a gallon. But these are just what they call drop-in-the bucket solutions. I think that the thing is we've got to realize that we're depending more on gasoline. We have more cars. We have more highways. We have more uses for gasoline. And therefore, we have to be sure that we have enough gasoline to run our automobiles, our fire engines, our police cars. So, therefore, we'll need more refinery capacities here in the United States.

ANNOUNCER: As a member of the Banking and Currency Committee, you've been a big proponent of a massive mass transit system. Do you think that will play a role in solving the energy crisis?

MOAKLEY: I'm sure I probably should have prefaced my remarks by that, that's number one. I think that now more than ever is showing the need for a balanced transportation system. We just can't keep crisscrossing our cities and towns with highways and dotting them with parking



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lots. It's very demeaning to the city. It doesn't add anything to it. It's choking those who don't drive automobiles. Whenever they put highways up or build tunnels, it's always in the poor white area or black area or a very poor area that affects those who can't afford automobiles, the poor, the black and the elderly. So, I think that we've got to realize that this is the time to really help get over our energy crisis, and the way to do that is to keep as many automobiles off the road. And we do this by putting in a balanced transportation system, one which is efficient, which is economical, which people would like to ride, which is clean. And I think that once we do this that we can go a long way in staving off the energy crisis that is coming upon us.

ANNOUNCER: Thank you very much, Joe Moakley. Tune in next week at this time to our Congressman Joe Moakley, as he discusses matters of interest to you and the community.

END OF INTERVIEW