Journal of Air Law and Commerce

Volume 81 | Issue 3 Article 1

2016

Front Matter

Follow this and additional works at: https://scholar.smu.edu/jalc

Recommended Citation

Front Matter, 81 J. AIR L. & Com. i (2016) https://scholar.smu.edu/jalc/vol81/iss3/1

This Front Matter is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Journal of Air Law and Commerce by an authorized administrator of SMU Scholar. For more information, please visit $\frac{\text{http:}}{\text{digitalrepository.smu.edu.}}$

The Journal of Air Law and Commerce

Volume 81 Summer 2016 Number 3

TABLE OF CONTENTS

Articles	
Assuring Safer Skies?: A Survey of Aeromedical Issues Post-Germanwings	351
Sovereignty's Gray Area: The Delimitation of Air and Space in the Context of Aerospace Vehicles and the Use of Force	377
Comments	
Wright is Still Wrong: The Wright Amendment Reform Act and Airline Competition at Dallas Love Field	501
Hijacking Open Skies: The Line Between Tough Competition and Unfair Advantage in the International Aviation Market	529
Fingerprints: A New Means of Identification in Airport Security Screening Chase Hilton	561

The Journal of Air Law and Commerce (ISSN 0021-8642) is published four times a year, (1) Winter, (2) Spring, (3) Summer, and (4) Fall, by the SMU Law Review Association. Subscription rates are \$43.00 per year, domestic, and \$50.00 per year, foreign. Single issues are available at \$16.00 per copy. Add 8.25% tax on all single issue orders within the State of Texas. Tax exempt institutions must include a copy of their exemption certificate with orders. An additional charge will be made for postage and handling. Periodicals postage paid at Dallas, Texas, and at additional mailing offices. Prior issues (vols. 1-78) available from William S. Hein & Co., 2350 North Forest Road, Getzville, New York 14068. Volumes 79–80 are available from the Journal of Air Law and Commerce, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275. POSTMASTER: Send address changes to Journal of Air Law and Commerce, Southern Methodist University, Dedman School of Law, P.O. Box 750116, Dallas, Texas 75275. Printed by Joe Christensen, Inc., P.O. Box 81269, Lincoln, Nebraska 68501.

Citations conform with *The Bluebook: A Uniform System of Citation* (20th ed. 2015) and *Texas Rules of Form* (12th ed. 2010). Please note that due to the justification of the articles, citations to internet sources may contain an additional space between double back slashes.

Please address all manuscripts electronically to the Editor in Chief, *Journal of Air Law and Commerce*, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275 or by email at jalceic@smu.edu. Submitted manuscripts should be double-spaced. Footnotes rather than endnotes should be used and should also be double-spaced. Word processing capabilities and requirements are available on request. A brief autobiographical statement should accompany the submission. Unsolicited manuscripts will not be returned unless return postage or a stamped, self-addressed envelope is enclosed.

Replacement copies are sent to subscribers upon prompt notification of non-receipt or defective copies. Subscriptions are cancelled automatically upon expiration. All notifications of change of address should include old address, including zip code, and new address, including zip code. Please notify one month in advance to ensure prompt delivery.

Address inquiries to the *Journal of Air Law and Commerce*, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275.

Published quarterly by the SMU Law Review Association.

© Copyright 2016 by the Southern Methodist University Dedman School of Law.

Advisory Board

Gary W. Allen Attorney at Law Williamsburg, VA

Dr. P. Nikolai Ehlers Ehlers, Ehlers & Partners Munich, Germany

Elizabeth Mireya Freidenberg Freidenberg, Freidenberg & Lifsic Buenos Aires, Argentina

> Eileen M. Gleimer Crowell & Moring, LLP Washington, DC

H. Norman Kinzy SettlePou Dallas, TX

Paul B. Larsen Attorney at Law Bainbridge Island, WA

Robert Lawson Quadrant Chambers, Quadrant House London, England

> Allan I. Mendelsohn Attorney at Law Washington, DC

Pablo M.J. Mendes de Leon Professor of Air & Space Law University of Leiden The Netherlands

Dr. Michael Milde Director Emeritus Institute of Air & Space Law McGill University Montreal, Canada Marc S. Moller Kreindler & Kreindler New York, NY

John J. Nance Aviation Author & Attorney at Law Roche Harbor, WA

David T. Norton Shackelford, Melton & McKinley, LLP Dallas, TX

> John F. Pritchard Holland & Knight New York, NY

Don G. Rushing San Diego, CA

Mark R. Shaw Associate General Counsel Southwest Airlines Dallas, TX

> Charles H. Smith Cantey Hanger LLP Dallas, TX

Charles A. Tarpley Attorney at Law Dallas, TX

William E. Thoms
Professor Emeritus of Law
Upper Great Plains Transportation Institute
Little Falls, MN

Windle Turley Turley Law Firm Dallas, TX

William R. Wyatt Sheppard, Mullin, Richter & Hampton, L.L.P. New York, NY

SMU Law Review

VOLUME 81 **Summer 2016** Number 3

THE SMU Law Review Association 2015 - 2016 BOARD OF EDITORS

PresidentMICHAEL WALRAVEN

	MICHAEL WALRAVEN	
Journal of Air Law & Commerce Editor-in-Chief CHASE COBERN	Texas Survey Editor Rachel Freeman	SMU Law Review Editor-in-Chief Cristina Squiers
Journal of Air Law & Commerce Managing Editor LINDSEY ALTMEYER	Associate Texas Survey Editors Braxton Adamson Michael Andrews	SMU Law Review Managing Editor Troy L. Hales II
JALC Associate Managing Editors Samantha Monk Haley Pomroy	Lead Articles Editors DEAN GALARO ANGELA OLIVER	SMU Associate Managing Editor. Lucas Henry Courtney Clay
Uanna Milena Falcão Alves Katherine Bailey William H. Betts III Meredith Brewster Leslie Brockhoeft Bryant Buechele	Articles Editors GARY ENIS AMY ESTES BRITTANY FOX ALEXANDRA HUNT JACLYN KALINOSKI	KENT LOVE JEFFREY NANSON HARRISON PAPAILA GRANT ROBINSON CALLUM ROSS DEVANSHI SOMAYA
JALC Comment Editors ALLISON STEWART ELIZABETH LYLES	Executive Editor Wendy Wilkins	SMU Comment Editors Ryan Jones Taylor Anthony Katie Wright
	Administrative Managing Editor	

ALICE K. PARKER

Air Law Symposium	Symposium CLE	Corporate Counsel Symposium
Editor	Editors	Editors
BETHANIE LIVERNOIS	SARAH-MICHELLE STEARNS	Christie Latimer
	Hannah Mason	Jordan Sawyer

Air Law Associate Symposium Editor LAUREN LIEBERMAN

Symposium Technology Editors W. Greg Williamson KAYLA McDaniel

Journal of Air Law and Commerce Faculty Advisor GREGORY S.CRESPI

Corporate Directors Institute Editor JESSICA KIRK

SMU Law Review Faculty Advisor THOMAS WM. MAYO Anthony J. Colangelo

Journal of Air Law and Commerce Administrative Assistant LISA BROWNING

SMU Law Review Administrative Assistant TaLibra Ferguson

Member, National Conference of Law Reviews

SMU Law Review

VOLUME 81 SUMMER 2016 NUMBER 3

THE SMU Law Review Association 2016 – 2017 Board of Editors

President Sarah Aboukhair

Journal of Air Law & Commerce
Editor-in-Chief
ABIGAIL STORM

Texas Survey Editor
JIN S. SHIN

SMU Law Review
Editor-in-Chief
ALLISON COOK

Journal of Air Law & Commerce Associate Texas Survey Editor SMU Law Review
Managing Editor KAYLA JOHNSON Managing Editor
KATHERINE LOWE CHASE HILTON

JALC Associate Managing Editors

Jessica Mannon

David Lassetter

Brennwyn Romano

David Lassetter

Tonya Maksimenko

Hao Wu

Articles Editors Ryan Holm IAN QUINN LAURA E. SHAPIRO BARRET ARMBRUSTER JONATHAN BASS RACHEL HURT OMAR SHARIFF ZACHRY BRUCHMILLER MADISON KEEBLE JORDAN BRUNS ASHBEY MORGAN Daniel Troiano Hannah Cline Jordan Newman Alexander Turner LANDON HANKINS KATHARYN ZAGORIN

JALC Comment Editors Executive Editor SMU Comment Editors
KELLY ALMETER JOHN SAGER LAURA CHOI
LACI RESENDIZ ANNA OLIN
JESSICA SCHAUWECKER

Administrative Managing Editor Dana Hilzendager

Air Law Symposium

Editor

Bean Gould

Symposium CLE

Editors

Editors

Jacob L. Novak

Sheila Salopek

Brett Moore

Air Law Associate Symposium Editor Symposium Technology Editors
JOSH FULLER AARON PIROUZNIA

Journal of Air Law and Commerce
Faculty AdvisorAlternative Dispute Resolution
Symposium EditorsSMU Law Review
Faculty AdvisorsGREGORY S.CRESPITREVOR LAWHORN
SUSAN WHEATTHOMAS WM. MAYO
ANTHONY J. COLANGELO

Journal of Air Law and Commerce SMU Law Review
Administrative Assistant Administrative Assistant
LISA BROWNING TALIBRA FERGUSON

Member, National Conference of Law Reviews

SMU Law Review

Volume 81 Summer 2016 Number 3

The SMU Law Review Association Proudly Announces Its 2016-2017 Staff

Erik Allison Anne McGinnis Christopher Bailey Sarah McLeroy Erin Brewer Katlyne Miller Sarah Briggs Mashall Momin Matt Callison Joe O'Connell Micah Chambers Catherine Parsley Raja Chatterjee Shelby Perry Christopher Cochran Victoria Petty Alexander Cohen Alexandria Rahn **Brooke Dorris** Lindsey Rattikin **Aubrey Edkins** Christopher Ross Michael Fechner Richard Saliba Joanna Firth Cory A. Scanlon Michael Schlinkert Caio Formenti Morgan Francy Brandi Schroeder Staci Schwartz Shannon Glen Penelope Shumway Tayler Green Caroline Hunt **Mary Sommers** Alexa Jeffus Philip Spencer Timothy Johnston Ann Stehling Taylor Kara Elijah Stone Justin Keller Jordan Tanoury Haley King Robert Uhl Catherine Kordestani Andrew Upton Efren Lemus Elizabeth Vinson Courtney Luster Bobby Ryan Weger

SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW

Officers of the University

R. Gerald Turner, President

Steven C. Currall, Provost and Vice President for Academic Affairs

Harold W. Stanley, Vice President for Executive Affairs

Brad E. Cheves, Vice President for Development and External Affairs

Christine C. Regis, Vice President for Business and Finance

Paul J. Ward, Vice President for Legal Affairs and Government Relations, General Counsel, and Secretary

Dr. Pamela D. Anthony, Vice President for Student Affairs

Michael A. Condon, University Treasurer

DEDMAN SCHOOL OF LAW

FACULTY AND ADMINISTRATIVE STAFF

Jennifer Collins, Judge James Noel Dean and Professor of Law

Elizabeth G. Thornburg, B.A., J.D., Senior Associate Dean for Academic Affairs and Richard R. Lee Endowed Professor of Law

Nathan Cortez, B.A., J.D., Associate Dean for Research and Adelfa Botello Callejo Endowed Professor of Law in Leadership and Latino Studies

Lynn Switzer Bozalis, B.A., J.D., Associate Dean for Development and Alumni Affairs Mary B. Spector, B.A., J.D., Associate Dean for Clinics and Professor of Law, Director of Consumer Advocacy Project, and Co-Director of the Civil Clinic

Greg Ivy, B.B.A., M.A., J.D., Associate Dean for Library & Technology Underwood Law Library

Martin L. Camp, B.A., J.D., Assistant Dean for Graduate and International Programs

Becca Henley, B.A., J.D., Assistant Dean for Administration

Jill Nikirk, B.A., J.D., Assistant Dean for Admissions

Karen C. Sargent, B.B.A., J.D., Assistant Dean and Executive Director for Career Services

Stephen B. Yeager, B.B.A., J.D., Assistant Dean for Student Affairs

Laura G. Burstein, B.A., J.D., Director of Public Service and Director of Academic Support

Lynn McVicker Dempsey, B.B.A., Director of External Relations

Linda A. Hale, B.A., J.D., Director of Career Services

Kristy Offenburger, Director of Communications and Marketing

Abby N. Ruth, B.S., J.D., Director of Alumni Relations

Rey Rodriguez, B.B.A., J.D., Director of Career Services and Diversity and Inclusion Initiatives

Roland C. Webb, B.S., M.B.A., Director of Financial Services

Laura Amberson, B.S., Registrar

FACULTY

Roy R. Anderson, B.A., J.D., LL.M., Vinson & Elkins Distinguished Teaching Fellow and Professor of Law

Maureen N. Armour, B.A., M.S.W., J.D., Co-Director of Civil Clinic and Associate Professor of Law

Misty Birdsong, B.A., J.D., Adjunct Professor of Legal Research, Writing and Advocacy Lackland H. Bloom, Jr., B.A., J.D., Professor of Law

William J. Bridge, B.S.F.S., J.D., Associate Professor of Law

Cheryl Nelson Butler, B.A., J.D., Assistant Professor of Law

Regis W. Campfield, B.B.A., LL.B., Professor Emeritus of Law and Marilyn Jeanne Johnson Distinguished Law Faculty Fellow Emeritus

Beverly M. Carl, B.S.L., J.D., LL.M., Professor Emerita of Law

Michaela E. Cashen, B.A., J.D., Senior Lecturer in Law

Eric Cedillo, B.S., J.D., Adjunct Clinical Professor of Law, Coordinator of Consumer Advocacy Project, Supervisor of Summer Civil Clinic

Anthony J. Colangelo, B.A., J.D., LL.M., J.S.D., Gerald J. Ford Research Fellow and Professor of Law

```
Nathan Cortez, B.A., J.D., Associate Dean for Research and Adelfa Botello Callejo
Endowed Professor of Law in Leadership and Latino Studies
```

Gregory S. Crespi, B.S., M.S., Ph.D., J.D., Professor of Law

Ruth A. Cross, B.A., J.D., Director of Legal Research, Writing, and Advocacy Program and Senior Lecturer in Law

Greg Ivy, B.B.A., M.A., J.D., Associate Dean for Library & Technology Underwood Law Library

David E. DePianto, B.A., J.D., Ph.D., Assistant Professor of Law

William V. Dorsaneo III, B.A., J.D., Chief Justice John and Lena Hickman Distinguished Faculty Fellow and Professor of Law

Beverly C. Duréus, B.A., J.D., Th.M., Senior Lecturer in Law

Linda S. Eads, B.A., J.D., Associate Provost and Associate Professor of Law

Julia P. Forrester, B.S.E.E., J.D., Associate Provost, Former Dean ad interim, and Professor of Law

Jeffrey M. Gaba, B.A., J.D., M.P.H., M.D., Anderson Foundation Endowed Professor in Health Law

Christopher H. Hanna, B.S., J.D., LL.M. (in Taxation), Alan D. Feld Endowed Professor of Law and Altshuler University Distinguished Teaching Professor

Patricia S. Heard, B.A., J.D., Senior Lecturer in Law

Marc A. Hubbard, B.S., J.D., Adjunct Clinical Professor of Law, Patent Law Clinic

JoAnn A. Hubbard, B.S., J.D., Senior Lecturer in Law

Christopher M. Jenks, B.Š., J.D., LL.M., LL.M., Ph.D. Candidate, Director of the Criminal Justice Clinic and Assistant Professor of Law

Larry Jones, B.B.A., J.D., LL.M. (Taxation), Adjunct Clinical Professor of Law, Federal Tax Clinic

Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., Professor of Law

Ndiva Kofele-Kale, B.A., M.A., Ph.D., J.D., University Distinguished Professor and Professor of Law

Henry J. Lischer Jr., B.B.A., J.D., LL.M. (Taxation), Professor Emeritus of Law John S. Lowe, B.A., LL.B., George W. Hutchison Professor of Energy Law

George A. Martinez, B.A., M.A., J.D., Professor of Law

Thomas Wm. Mayo, B.A., J.D., Altshuler University Distinguished Teaching Professor and Associate Professor of Law

Orly Sulami Mazur, B.B.A., M.P.A., J.D., LL.M. (Taxation), Assistant Professor of Law

Mike McCollum, B.A., J.D., Adjunct Clinical Professor of Law, Criminal Justice Clinic Joseph W. McKnight, B.A., B.A., B.C.L., M.A., LL.M., Larry and Jane Harlan Faculty Fellow Emeritus and Professor Emeritus of Law*

Charles J. Morris, B.A., LL.B., Professor Emeritus of Law

Frederick C. Moss, A.B., J.D., LL.M., Professor Emeritus of Law

John J. Mylan, B.S., J.D., LL.M. (in Taxation), Professor Emeritus of Law

Natalie Nanasi, B.A., J.D., Director of the Judge Elmo B. Hunter Legal Center for Victims of Crimes Againist Women and Lecturer in Law

Joseph Jude Norton, A.B., LL.B., LL.M, S.J.D., D.Phil., LL.D., LL.D., James L. Walsh Distinguished Faculty Fellow and Professor in Financial Institutions Law

Victoria Palacios, J.D., Associate Professor of Law

Kenneth L. Penegar, A.B., J.D., LL.M., Professor Emeritus of Law

Chante Prox, B.S., M.S., J.D., Director of the VanSickle Family Law Clinic and Lecturer of Law

Roark M. Reed, B.S., B.A., J.D., Professor Emeritus of Law

W. Keith Robinson, B.S., J.D., Co-Director of the Tsai Center for Law, Science and Innovation and Assistant Professor of Law

C. Paul Rogers III, B.A., J.D., LL.M., Professor of Law and Former Dean

Meghan Ryan, A.B., J.D., Associate Professor of Law

Eliot Shavin, B.A., J.D., Adjunct Clinical Professor of Law, Civil Clinic

Mary B. Spector, B.A., J.D., Associate Dean for Clinics and Professor of Law, Director of Consumer Advocacy Project, and Co-Director of the Civil Clinic

Walter W. Steele Jr., LL.B., Professor Emeritus of Law

Marc I. Steinberg, A.B., J.D., LL.M., Rupert and Lillian Radford Chair in Law

Heather L. Stobaugh, B.A., M.A., J.D., Senior Lecturer in Law

Diane M. Sumoski, B.A., J.D., Director of the W.W. Caruth, Jr. Child Advocacy Clinic and Lecturer in Law

Joshua C. Tate, B.A., M.A., M.Phil. J.D., Ph.D., Associate Professor of Law

David O. Taylor, B.S., J.D., Co-Director of the Tsai Center for Law, Science and Innovation and Assistant Professor of Law

Walter Theiss, M.B.A., J.D., Adjunct Clinical Professor of Law, Small Business &

Trademark Clinic
Elizabeth G. Thornburg, B.A., J.D., Senior Associate Dean for Academic Affairs and Richard R. Lee Endowed Professor of Law

Jenia Iontcheva Turner, B.A., J.D., Professor of Law

Jonni Walls, B.A., J.D., Senior Lecturer in Law

Jessica Dixon Weaver, B.A., J.D., Associate Professor of Law Harvey Wingo, B.A., M.A., J.D., Vinson & Elkins Distinguished Teaching Fellow Emeritus and Professor Emeritus of Law

Peter Winship, B.A., LL.B., LL.M., J.S.D., Candidate, James Cleo Thompson, Sr., Trustee Professor of Law

