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Dedication

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DEDICATION

"The goal of yesterday will be the starting point of tomorrow"

Carlyle

FIFTY years may be but an instant in the continuum of time. However, fifty years becomes much more significant when measured in the context of the astonishing growth of the aviation and space industry. In a little more than fifty years prior to the first flight of the Space Shuttle Columbia, the world was celebrating the landing of the Spirit of St. Louis in Paris, France. Shortly after that initial transatlantic flight the *Journal of Air Law and Commerce* began publishing commentary on the legal and commercial developments affecting the aviation and space industry. Thus, we now celebrate our fiftieth anniversary of publication with this commemorative double issue dedicated to the faculty of the Southern Methodist University School of Law.

The *Journal of Air Law and Commerce* was founded as the *Journal of Air Law* by Professor John H. Wigmore, who is best known for his works on evidence, and Professor Fred D. Fagg, Jr., a World War I pilot and professor of economics and law. Publication began at the Northwestern University Law School in 1930, one year after the establishment of the Warsaw Convention and just three years after Charles Lindbergh's historic flight across the Atlantic. Aviation law was in its embryonic stages at the time of the *Journal's* inception and space law was simply not conceived. The naivety of the legal profession toward the aviation industry and the profession's recognition of the law's need to accommodate such a rapidly advancing technology is reflected in the following passage from an article which appeared in the first issue of the *Journal*.

Scientific discoveries sometimes result in legal problems that are absolutely new. In other cases the problem is merely as to the application of well-settled principles to new conditions. The Law of carriers is old and well established. Hitherto its doctrines have applied to carriage by land or to carriage by water. How far the method of carriage by air, recently discovered as the result of scientific invention, is governed by existing rules, and how far, if at all, new rules are to be applied, is therefore a question of greatest importance.

Harriman, *Carriage of Passengers by Air*, 1 J. Air L. 33 (1930). As aviation and space technology continues to advance, legal scholars are still addressing the question posed in the first issue of the *Journal*.

The *Journal* traced the development of aviation law from 1930 until publication was interrupted for five years during World War II. After the war, publication resumed and, as Northwestern University's School of Transportation became more involved with the *Journal*, the name of the *Journal of Air Law* was soon changed to the *Journal of Air Law and Commerce*.

By 1960, Northwestern's law school had three law reviews, one very budget-conscious dean and a declining interest among its faculty in maintaining the *Journal*. One year later, John W. ("Jack") Riehm, the dean of the Southern Methodist University Law School, negotiated a transfer of the *Journal* to SMU. Dean Riehm was a World War II pilot who maintained an ongoing involvement in the practical and scholastic aspects of aviation. He taught an air law class at SMU, and even flew his own Beechcraft Bonanza to various alumni and recruiting functions in the region. It was his interest in aviation, coupled with his desire to provide SMU students with an alternate law review experience, which inspired Dean Riehm to acquire the *Journal*.

The *Journal* stands today as the only scholarly periodical in the English language devoted primarily to the legal and economic problems affecting aviation and space. To enhance its capacity as a forum for development of aviation and space law, the *Journal* began hosting the "Air Law

Symposium" in 1966. Proceeds from the symposium are used to finance scholarships for deserving students on the *Journal* and fund an endowment to establish an Air Law chair at the law school.

The ability of the *Journal of Air Law and Commerce* to meet the goal of providing the legal community with timely and authoritative commentary on the most recent developments in aviation and space law depends upon a number of factors. The most important of these factors is the ability to consult with and depend upon the SMU Law School faculty and in particular our faculty advisor Professor C. Paul Rogers III. Given the transitory tenure of law review student editors, it is only with the consistent interest, support and assistance of the faculty that the *Journal* has been able to accumulate the fifty year tradition it celebrates with this issue. The SMU faculty, especially Professor Rogers, has unselfishly devoted much of its time through the years assisting *Journal* editors with solicitation of articles; offering legal critiques of articles; and suggesting areas in which the *Journal* might focus its attention.

It is with great pleasure that this commemorative issue, celebrating the *Journal's* Golden Anniversary, is dedicated to the SMU faculty. This issue of the *Journal* belongs to the faculty of the SMU School of Law and thus serves as a unique forum to which seventeen faculty members have contributed a current work. Many of the articles contained herein are presented in an unconventional format. This enables the faculty authors to express themselves in the format they believe best suited to convey their message. Moreover, we chose not to limit the subject matter of the articles to topics directly related to aviation because we recognize that our reader's interests are as broad as those of our faculty.

This special issue is a collection of essays on a wide variety of topics representing the resources upon which the *Journal* is able to draw upon as a publication of the SMU School of Law. It is with this issue that we, the students who have been affiliated with the *Journal* at some time dur-

ing its fifty year history express our thanks to our teachers, our mentors, our colleagues and friends: the faculty of the Southern Methodist University School of Law.

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