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Book Review: The Civil Aeronautics Board, By Robert Burkhardt

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Book Review

THE CIVIL AERONAUTICS BOARD, By Robert Burkhardt. Dulles International Airport, Virginia: The Green Hills Publishing Company, Inc. 1974. Pp. 222.

This book cannot be recommended without qualification to readers without previous knowledge of airline regulation in the United States, and those already acquainted with the subject will be familiar with much of the information which the volume contains. On the other hand, there is something of real value here for both kinds of audience.

As a sole source of factual background regarding the Civil Aeronautics Board and its activities, the book is flawed by too many misleading statements. Thus, we are told (p. 19) that the Board cannot disapprove a carrier-proposed tariff or "require a carrier to charge a particular fare or rate"; in fact, the Board has had both of those powers with respect to interstate air transportation since the passage of the Civil Aeronautics Act in 1938. Again, we are informed (p. 23) that "in the early 1970's schedules and capacities of foreign flag carriers were brought under direct CAB control"—a statement which seems to imply a far more radical change than actually occurred. What happened was that, in 1970, the Board amended its own Economic Regulations to provide (subject to Presidential approval) for control over the scheduled operations of foreign air carriers to the United States in situations where a foreign government restricts the scheduled operations of U.S. air carriers.

Space does not permit a comprehensive catalogue of similar examples; however, it would be remiss not to mention two more outstanding instances. On page 97, despite the undeniable recent coexistence of very large airline financial losses and continuing satisfactory standards of operating safety, we find the following unqualified statement: "When money gets tight, safety suffers." On the first page of the Preface, the author gives apparent support to the claim that passage of the 1938 Act was necessary to curb the

“self-destructive tendencies of the air transport companies.” While there may be aspects of the Act’s background which are still subject to legitimate dispute, the emptiness of this particular claim is not one of them.

Thus the neophyte reader of this book should be sure to supplement it with some more careful and systematic treatment of the subject. What the book does offer is a wealth of historical detail and realistic insights into certain developments in the industry and its regulation, much of which could otherwise be come by only through a lengthy and laborious reading of the trade press. For example, the author has performed a real service by bringing together and presenting in a generally lively and readable form a great deal of significant information on such matters as air carrier subsidization, commuter airlines, and the regulation of the supplementals, air cargo carriers, and indirect air carriers, as well as the problems which have been raised by the competition of foreign flag airlines with U.S. carriers. The reader’s understanding of subjects such as the recently abandoned route moratorium and the relations of the Board with the White House (under various administrations) and with the Congress will be enhanced by Mr. Burkhardt’s reporting.

In addition, the author from time to time offers such stimulating observations as (p. 42): “Lawyers who cite precedent to the Board generally waste their breath, or at least their briefs”; and (p. 62): “neither the Chairman nor the members find it necessary to work very hard.” There is often enough truth in these generalizations to warrant serious consideration of all their implications.

In sum, the volume under review will be useful to the uninitiated as a helpful supplement to more orthodox treatments of economic regulation and the policy issues involved. The book also affords a handy source of historical background for readers of various degrees of experience in the field of airline regulation.

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