

1939

Editorials

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EDITORIALS

THIS ISSUE PRESENTS—

Weather Aids: For a long time the editors of this Journal have sought an exact and scientific survey of the needs, present and reasonably prophetic, of the Weather Bureau with respect to safe flight. The fourth article in this issue, by Edgar S. Gorrell, ends the search. Obviously it represents the sum total of the author's personal experience as head of the air carrier group plus that of many others dealing with this problem. The program should have the support of Congress because it is as necessary for the private flier and the national defense as it is for the airline, and because any improvements in weather analysis and reporting benefits agriculture and industry generally.

Uniform Aeronautical Code Again: The reply to the 1938 Report of the Study Committee of the National Association of State Aviation Officials is another leading article. It was prepared by James J. Hayden of Catholic University and is submitted in behalf of Nathan William MacChesney and the Committee on Uniform Aeronautical Code of the National Conference of Commissioners on Uniform State Laws, commonly called the Schnader group. It not only seeks to answer the NASAO report (more frequently called the Logan Report), but also the 1938 annual report of NASAO Legal Counsel George B. Logan. The Hayden article furnishes another preface to the individual studies of the problem by the Civil Aeronautics Authority and the Committee on Aeronautical Law of the American Bar Association.

First "Grandfather" Certificate of the CAA. Under date of February 25, 1939, the Civil Aeronautics Authority issued its first certificate of convenience and necessity under Section 401 (e) (1) of the 1938 Act. Delta Air Corporation, operating between Charleston, S. C., and Fort Worth, Texas, is the possessor of this historical document, set forth in this issue under Federal Department with accompanying opinion and order. The operation involved is largely air mail, and there were no exceptions to the examiner's report nor any objections to the application, as shown by the opinion. The certificate is simple and clear, as it should be, and a vast improvement over the form first submitted to the industry for comment. Also, the problem of non-stop routes not operated during

the "grandfather" period (May 14, 1938, to August 22, 1938) seems to have been eliminated. Certainly no such "grandfather" rights were contemplated by the framers of the 1938 Act. As this issue goes to press, there comes the announcement of "grandfather" certificates to Mid-Continent Airlines, Inc., and Continental Airlines, Inc., lines similar in their certificate situation to Delta.

AIR SAFETY BOARD — FIRST REPORT

On February 18, 1939, the Air Safety Board submitted its first accident investigation report¹ to the Civil Aeronautics Authority, that of United Air Lines off the California coast near Point Reyes early on the morning of November 29, 1938. The report is significant as to substance, form and background.

First, it covers an air carrier operation in all its phases—personnel, fuel, radio, weather, operating practices, and finally the seaworthiness as well as the airworthiness of the aircraft. Secondly, it demonstrates that a most complicated air carrier problem can be both examined and stated with an unusual and refreshing clarity. Lastly, it renews confidence in democratic government to see a legislative arm, sponsored by the Air Line Pilots Association and with a former member on the Board itself, finding that pilot and other personnel error can be and was the proximate probable cause of an aircraft accident.

It took courage and brains to produce the result. It completely debunks the widely-broadcast newspaper stories that sun spots screwed up the radio and thereby caused the accident. It is a splendid contribution to future safety in the air. We are therefore proud to print the full report, with exhibits, in this issue under our Federal Department.

NATIONAL AVIATION FORUM

Aviation's longstanding and greatest need has been to sell its wares to the public. Next in line is the necessity of relieving aviation of its "friends," unwittingly hurtful and selfishly false. The National Aviation Forum appears to be the answer to these unhappy handmaidens of things aeronautical.

Elsewhere you have read the details of this Washington, D. C., February 20-21, 1939, meeting which brought together a sizeable portion of government, business and fraternity. This group heard

1. See 10 JOURNAL OF AIR LAW AND COMMERCE 75 for organization and duties of the Air Safety Board.

the leaders of the art of aeronautics frankly discuss its problems, plans and hopes. In turn the hearers spoke their piece. Thus true, intelligent and helpful friends were made. Thus false "friends" were made to participate in order to save face, and they will be forever bound. The results are certain to be good. However, they must be maintained if we are to have the gains so necessary.

We salute the National Aeronautic Association which sponsored the Forum, the Joint Aviation Council under whose auspices it was held, and those indefatigable and unselfish leaders, Gill Robb Wilson and William R. Enyart. May they continue their excellent work. There is much promise in their announcement of the National Conference on Private Flying, coincident with the Fifth National Intercollegiate Flying Conference scheduled for Washington, D. C., March 20-21, 1939.