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Editorials

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EDITORIALS

ANNUAL MEETING OF N.A.S.A.O.

As this issue goes to press the National Association of State Aviation Officials is holding its 10th Annual Meeting at Louisville, Kentucky. This year, as always, the program is tempered to the times and deals with the general subjects of air transport, national defense, private flying and a better understanding and liaison with the Civil Aeronautics Administration. Of course there will be that unfailingly good annual aeronautical law review by George B. Logan, the Legal Counsel for the organization. This publication has been proud to be the official organ of the State Aviation Officials and it has from the beginning of the organization published each year the principal papers and other high lights of the meeting. This will be done again in the next issue of the Journal and we look forward to the usual stimulating and enlightening material.

There have been those, and still are, who feel that there is no place for a state aviation official, or at least that his authority should be so meager as to leave him nothing more than a glorified state aviation greeter. Promotion has never been wanting in any state aviation set-up. Furthermore, promotion has gone hand in hand with regulation. In other words, regulation of aeronautics should promote aeronautics—and where it hasn't it has failed. We firmly believe in the need for a state aviation body and we feel certain that the National Association of State Aviation Officials has well justified its existence because, among other things, it has for 10 years annually furnished an unbiased forum for the discussion of any and all aviation problems. The opposition to the organization and to the individual state aviation agencies seems to be based on the idea that a new and non-cooperative state unit will come into existence to plague the federal aviation agency and that with the creation of such a body the inauguration of an aviation gasoline tax is inevitable. With more than a score of such state groups actively functioning for a considerable time the record refutes the charge of non-cooperation, and close examination will show that the states have been more cooperative with the federal agency than has such agency with the states. The myth of the gasoline tax is just that. It is levied in only a few states and is devoted to aviation purposes wherever a state aviation agency exists—and what is more, its enactment has been prevented by many a state aviation official in his particular state. Perhaps the creation of the new state aviation commissions this year in Rhode Island and Kentucky is as good an answer as any to the success of this particular governmental institution.

STATE VERSUS FEDERAL

In the last issue of this Journal (11 JOURNAL OF AIR LAW AND COMMERCE 204) Mrs. Mabel Walker Willebrandt, Chairman of the Committee on Aeronautical Law of the American Bar Association, gave us her legal and factual estimate of the reasons for complete federal control of aeronautics. Commenting editorially on that article in that issue, we invited the submission of pro and con articles. To the great benefit of the aviation public—and equally to our satisfaction—an article entitled “State Control of Aeronautics” by Charles L Morris is published in this issue. Mr. Morris has been Commissioner of Aeronautics of Connecticut for many years; he has made an outstanding record for the promotion of aviation and its safety; he has just lately been chosen as the state aviation official representative on the Advisory Committee to the Civil Aeronautics Administration; and his state is one of those most blanketed by civil airways and involved in interstate air commerce. Certainly Commissioner Morris is qualified to speak, and his not being a lawyer rather whets his comments.

At this very writing there is under advisement in the United States District Court for the Southern District of New York a motion for temporary injunction by the Civil Aeronautics Board of the Civil Aeronautics Authority against Canadian Colonial Airways, Inc. to prevent the further operation by that airline of its air service between New York City and Niagara Falls, New York, commenced on August 11, 1940 without either a certificate of convenience and necessity or an air carrier operating certificate from the Civil Aeronautics Board. New York has no requirement for any certificate. Due to alleged facts of actual interstate carriage this case may not turn on the feature of intrastate jurisdiction by the federal agency, but nevertheless it points the way to the great need for intelligent discussions of this problem of state and federal jurisdiction. A number of other situations are in the making in various parts of the country and operators and lawyers alike should want the best solution. Therefore, we again invite the submission of articles dealing with this question no matter the view taken.