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STATE

REPORT OF THE STANDING COMMITTEE ON AERONAUTICAL LAW*

Recommendations

1. That the American Bar Association withhold endorsement or recommendation of the Uniform Regulatory Act approved in 1935.

2. That the Standing Committee on Aeronautical Law be authorized to cooperate with the Section of International and Comparative Law and the Committee on Admiralty and Maritime Law in a further study of the subject of salvage of aircraft at sea and the bill S. 7, and that pending the Association's next meeting, your committee be authorized to oppose the passage of the bill S. 7 in its present form.

3. That the American Bar Association, by appropriate resolution, recommend to the Department of State and the Civil Aeronautics Board the organization forthwith of a United States National Commission to become affiliated with the CAPA, and that the United States Government, through such media as may be proper, foster and encourage the organization by the respective American Republics of National Commissions within their countries, to become affiliated with the CAPA.

That the members of your Committee be authorized to confer with representatives of the Department of State and the Civil Aeronautics Board, for the purpose of rendering such assistance as may be proper in connection with the organization of such National Commission.

Report

THE STATE REGULATORY ACT

For the past fifteen years uncertainty has been expressed by lawyers, and by those administering the Air Commerce Act of 1926 about the extent of Federal control over aviation. So, in 1935, the Commissioners on Uniform State Laws and the American Bar Association, each, at its annual convention, approved a Uniform State Regulatory Act for aviation. One of the principal reasons for developing this State Act was to promote, at the margins where Federal power might stop, uniformity, instead of confusion in law and regulation. However, as air transportation grew, doubt increased as to whether uniformity could

*Made to the Midwinter Meeting of the House of Delegates. The recommendations contained in the report were not adopted as submitted. Recommendation 1 was laid on the table. Recommendations 2 and 3 were considered by the Board of Governors and transmitted by the Board of Governors to the House of Delegates with the following recommendations: Recommendation 2 was transmitted with the recommendation that it be not approved, but that the Committee consider the matter jointly with the Committee on Admiralty and Maritime Law and the Section of International and Comparative Law and make a joint report. Recommendation 3 was transmitted with the recommendation that it be not approved in this form, but that the Committee and the Section of International and Comparative Law collaborate as to a joint report on the subject matter. The recommendation of the Board of Governors in each case was adopted.

ever be achieved if the state governments and the federal government each promulgate regulations and administer regulatory departments.

At the time (1935) when the American Bar Association approved a Regulatory Act for states to pass, the Federal law on the subject avowedly did not cover the entire field. But, on June 23, 1938 the Congress of the United States amended the prior law, and passed the Civil Aeronautics Act of 1938. Timidity concerning the Federal control of aviation was discarded by Congress, and the United States was declared to possess "complete and exclusive national sovereignty in the air space above the United States," and a Civil Aeronautics Authority was set up to control all "air commerce," to "establish civil airways," and to administer aviation law¹ consistently with treaties (one of which² pledges that the United States will procure ". . . uniformity of laws and regulations governing aerial navigation").

Referring to changes in the Federal law over aviation, this Committee in its 1939 report, observed:

It would seem therefore that proponents of this new Act are prepared to defend its broad scope and its apparently almost unlimited regulation making powers under all theories. . . .

The Committee then pointed out that a study was contemplated on "the question whether the entire field of regulation can not and should not be covered by Federal Law" and recommended—

that this Association should cooperate in this study, and that all further work on the preparation of State regulation should be postponed until the Civil Aeronautics Authority has completed its study.

After prolonged debate, including not only the above recommendation of the Aviation Committee, but also the importance to the Association of the work of such Committee, the Association voted to—

(a) Continue the Standing Committee on Aeronautical Law; and

(b) Approve its recommendation to postpone promotion of the State Regulatory Act, and cooperate with the Civil Aeronautics Authority in a study of the question whether the entire field of regulation can not be covered by Federal, instead of State, law.

In 1940 this Committee reported that it had studied the question with the Civil Aeronautics Authority, and as a result could not recommend the passage of the State Regulatory Act; that, however, study of Federal and State jurisdiction was not complete, and, in view of the delay caused by the President's executive order transferring the Civil Aeronautics Authority to the Commerce Department, the Committee recommended that it "should continue in close cooperation with the Civil Aeronautics Board for another year to observe the extent to which further State or Federal legislation may be needed to supplement the present law."

This recommendation was approved and, in accordance with its mandate, this Committee has, in cooperation with officials of the Civil Aeronautics Board and representatives of the aviation industry, continued the study of whether the State Regulatory Act as considered by this Association and approved in 1935

1. Air Commerce Act of 1926, as amended June 23, 1938.

2. Pan American Convention. Ratified August 26, 1931.

is, in 1941, either appropriate or necessary, in the light of subsequent Federal law and regulation, and subsequent development of the industry and acceleration of Federal control due to the present emergency. A majority of your Committee has reached the conclusion that State regulation is not appropriate or necessary at this time, and that all endorsement or recommendation of the State Regulatory Act based upon the Association's approval in 1935, should be withheld, and that the Bar Association should authorize this Committee to oppose the passage of State regulatory legislation over aviation.

Your Committee's conclusions in this respect are directly contrary to the action taken by the National Association of State Aviation Officials, which met at Louisville, October 18, 1940, and passed a resolution as follows:

WHEREAS, The Commissioners on Uniform State Laws and the American Bar Association, both by separate action, at their Annual Convention at San Francisco in 1935, approved a Uniform Air Regulatory Act, and

WHEREAS, This Act was, in substance and with slight variation, the same Act as prepared and approved by this Association at its Annual Convention at Cheyenne, Wyoming, in 1934, and

WHEREAS, The American Bar Association, at said time, authorized and directed the Commissioners on Uniform State Laws to urge the passage of the Uniform Air Regulatory Act by the several states, and

WHEREAS, There are still a good many states which have not passed such Acts and which, in the opinion of this Association, are needed for the proper aid, stimulus and regulation of airports;

Therefore, Be It Resolved by this Association, That we urge the American Bar Association and the Commissioners on Uniform State Laws to redouble their efforts to secure the enactment of this Act by the several states and offer to them all aid and assistance in our power to this end;

And Be It Further Resolved, That copies of this resolution be sent to the President of the American Bar Association, the Chairman of the Committee on Aeronautical Law of the American Bar Association, the Chairman of the National Commissioners on Uniform State Laws, and the Chairman of the Aviation Committee of the National Commissioners on Uniform State Laws.

After considering the above resolution most carefully and studying it in cooperation with representatives of the Commerce Department, Civil Aeronautics Board, counsel for the air line operators and manufacturers who could be reached (and a majority of them were reached), the Air Transport Association, and executives of the principal aviation companies, your Committee reports the following reasons for its conclusions and recommendation:

1. Only through Federal regulation can the desired uniformity be obtained completely and expeditiously. State acts empower a State authority to promulgate regulations. Even if the actual law remains uniform with other states, there is no way whereby the regulations can be kept so.
2. The Civil Aeronautics Act of 1938 has gone farther than the Air Commerce Act of 1926 and has, for all practical purposes, preempted the field of regulating aeronautics. It is quite likely, therefore, that State regu-

lation is unconstitutional. If there is any question at present as to whether the Federal Government has entirely preempted the field, it is safe to predict that with the anticipated aviation expansion in the near future, Federal regulation, of necessity, will take over the whole field. By the same token, State regulation, because it will place added burdens on aviation, will be undesirable as well as unconstitutional.

3. To date aviation has not, generally speaking, been a paying proposition in all its branches, particularly in local operations. Only those sincerely interested in the promotion of an infant industry have been concerned with proper necessary regulation. The politicians have seen little or no opportunity for exploitation and have, in most instances, kept their hands off. Thus in most States where a regulatory body has been set up by State law, able, qualified and conscientious State aviation officials have been appointed. The impetus that aviation is bound to receive from the present National Defense aeronautical program will doubtless accelerate the day when aviation, even in its local aspects, will become economically sound. As that time approaches it is not unlikely that control of State regulation may be sought by those having ulterior motives. This will result in extra burdens and restraints being placed on the industry, contrary to the wishes and aspirations of most of those who have heretofore done so much to promote aviation. Your Committee believes, therefore, that for the good of the aviation industry, and to promote uniformity and simplicity in its regulation and legal control, this Association should maintain the policy of assisting in the growth and improvement of Federal law and regulation, and in the development of an increasingly well trained non-political Federal force to administer such law.
4. As against the argument for appointing State officials because it would require an inordinately large force for the Federal regulatory agency to police the industry, your Committee believes that the States should and will give a large measure of cooperation to existing Federal agencies, and that it is not necessary to pass a Uniform State Regulatory Act in order to obtain such cooperation. It can be more safely developed through passage by the States of proper enabling acts whereby they can supply necessary personnel from their existing agencies to supplement the Federal agencies in enforcement of laws and regulations concerning safety, or such other aspects of aeronautical activity as may need combined Federal and State effort.
5. The Committee believes that the increasing desire on the part of many governors and State legislators to spare taxpayers all unnecessary burdens and to cut down, rather than increase, the number of commissions and agencies, should be encouraged by pointing out to them that a State Regulatory Act for aeronautics is unnecessary.
6. Canons of interpretation which must be used to test the validity of state laws, and to answer the question of whether the Federal law has usurped the entire regulatory field, have undergone considerable change in the past year. Certainly, in 1935 there was no doubt in anyone's mind that the Commerce clause of the Constitution would be interpreted in line with *Savage v. Jones*, 225 U.S. 501, 533; 56 Lawyers' Edition 1182, 1185, which holds that in testing the supremacy of an act of Congress over

a state law passed in the exercise of reserved powers, "the repugnance or conflict should be so direct and positive that the two acts could not be reconciled or consistently stand together."

The proponents of State regulatory laws for aviation maintain that the Civil Aeronautics Act leaves the State free to cover State operations by duplicating Federal rules, or by making any other regulations it deems appropriate, providing they are not positively in conflict with Federal law. However, since the decision by the Supreme Court of the United States on January 20, 1941 of *Hines v. Davidowitz*, it is extremely doubtful whether the *Savage* case could be invoked, as formerly, to bulwark the validity of a state statute attempting to regulate an operation within a civil airway, or an operation in any manner connected with or related to air commerce.

The *Hines* decision declared an alien registration act of Pennsylvania invalid. This holding was in spite of prior decisions of the Supreme Court that a state can enforce alien registration acts. Without specifically overruling such prior opinions, the Supreme Court disregarded them, because "in no instance did it appear that Congress had passed legislation on the subject." But the Supreme Court decided that when the Federal Government did enact an alien registration law, then the State statute became "an obstacle to the accomplishment and execution of the full purposes and objectives of Congress."

The Federal Government in 1938 declared very broad objectives in the aviation field—the achievement of absolute uniformity of law and regulations, and the announcement that—

"The United States of America is hereby declared to possess and exercise complete and exclusive national sovereignty in the air space above the United States."³ (Italics supplied.)

The dissenting opinion in the *Hines* case urged recognition of the police power of the States, and also pointed out that "compliance with the State law does not preclude or even interfere with compliance with the Act of Congress." But these are the very arguments advanced by the Association of State Aviation Officials in promoting passage of State Regulatory laws, and in stimulating the establishment and growth of regulatory bodies in the several states. And it seems clear that the Supreme Court of the United States has disposed of such arguments.

3. That was a much broader objective than revealed in corresponding portions of the 1926 Act, as shown by the following:

SEC. 6.—Air Commerce Act of 1926 as enacted May 20, 1926, c. 334, 44 Stat. 572 (Title 49 USC Sec. 176).

The Congress hereby declares that the Government of the United States has, to the exclusion of all foreign nations, complete sovereignty over the lands and waters of the United States, including the Canal Zone. Aircraft a part of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

SEC. 6.—As amended June 23, 1938, c. 601, Sec. 1107 (i) (3), 52 Stat. 1028.

The United States of America is hereby declared to possess and exercise complete and exclusive national sovereignty in the air space above the United States, including the air space above all inland waters and the air space above those portions of the adjacent marginal high seas, bays, and lakes, over which by international law or treaty or convention the United States exercises national jurisdiction. Aircraft a part of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

In 1935 the question was very largely one of policy, namely, "Is it better for aviation, and can uniformity and safety of transportation be more expeditiously secured by leaving the field to the Federal Government, or by promoting State legislation?" Now, in 1941, in addition to practical considerations, a serious legal question has arisen, namely, "May not State regulatory laws affecting air commerce be declared void as in conflict with the purposes of the Civil Aeronautics Act of 1938?"

While your Committee is not prepared to say at this time that the Uniform State Regulatory Act is void because it invades the field and purpose of the Federal law, your Committee does believe that recent decisions of the Supreme Court of the United States make it inadvisable for the Association to promote any state legislation of a regulatory character over aviation. We believe, in view of the *Hines* decision, that to avoid urging any more state legislation in a field where Congress has, for all practical purposes, covered the entire subject, is a prudent course for this Association to maintain; and particularly so, since the aviation industry itself prefers Federal uniform control, and is generally opposed to regulation by the several states.⁴

SALVAGE OF AIRCRAFT AT SEA

A bill S. 7, introduced by Senator McCarran at the request of the Maritime Law Association, is intended to enact into statute law the Aviation Salvage at Sea Convention.

The Committee on Commerce referred the bill to the State Department for its recommendation and an interdepartmental group, with representatives from Civil Aeronautics Authority, State Department, Department of Justice, the United States Maritime Commission, and the Administrator and Safety Bureau of the Civil Aeronautics Board was organized to study it. This group has held meetings and is ready to report, and although no official opinion has as yet been transmitted to Congress, it is the opinion of your Committee that the general view is against the need for such legislation at the present time. The proponents of the bill argue that "human considerations" are not always sufficient to provide succor to craft and persons in distress at sea (witness the non-action of the *Caledonia* when the *Titanic* was in distress) and, secondly, fairness requires that salvors be recompensed for their efforts. The air lines are generally opposed to the bill on the ground that it places uncertain and onerous demands upon their pilots to deviate from course which might be the source of danger to them and to air traffic. Furthermore, S. 7 needs redrafting, and its proponents admit that it should be changed so as to confine operations to within 150 or 200 miles from shore. This would partly relieve the burden upon aircraft engaged in trans-oceanic flights, where deviation from the course might entail real dangers. In view of the fact that this bill will be amended, your Committee recommends that it be authorized to make a further study of the subject in cooperation with the International and Comparative Law Section and the Committee on Admiralty and Maritime Law of the American Bar Association, and that, pending the Association's next meeting, this Committee be authorized to oppose its passage in its present form.

4. The Air Transport Association, composed of all the scheduled airlines, feels strongly that, as a general rule, the adoption of state legislation regulating airline operations would be unwise and unnecessarily costly even to the states themselves.

"CAPA"

Your Committee has studied a resolution adopted at the Inter-American Technical Aviation Conference, held in Lima, Peru, in September, 1937, providing for the organization of a Permanent American Aeronautical Commission, commonly known as "CAPA." The proponents of the resolution believed that it was desirable to unify and codify public and private international air law and to promote and develop mutual interests of the American Republics in the various technical subjects related to civil aeronautics. They proposed, therefore, that the CAPA should be organized, each of the American Republics being represented by jurists and aviation experts appointed by each government, whose mission was stated to be:

- (a) The gradual and progressive unification and codification of international public and private air law;
- (b) The coordination and development of mutual interests in technical subjects related to aircraft, pilots, airways, and facilities for air navigation, including airports and operation practice and procedure;
- (c) The organization and marking of inter-American air routes and the possible coordination of local air services as between themselves and in relation to the services of international air lines.

In order for the CAPA to come into being, seven commissions must first be organized, but to date none of the national commissions has been created. Your Committee believes that the present status of civil aviation in Latin America is such that unification and codification of public and private air law is essential to the avoidance of conflicts in legal concept. From a broader viewpoint, it is a contribution toward hemisphere solidarity.

This Association is participating shortly in the Inter-American Bar Association convention to be held at Havana. Your committee believes this is an opportunity to emphasize the importance of taking prompt and active steps towards carrying out the purpose of CAPA. To accomplish these aims by united action of the North and South American Republics is particularly timely in view of the fact that the work of CITEJA and CINA has been blacked out by the war in Europe. Your committee suggests that the American Bar Association at the coming Inter-American Bar conference urge upon member representatives of the respective Latin-American countries the use of their good offices in the establishment by their governments of national commissions to become affiliated with CAPA and that the Association be similarly active in cooperating with the agencies of the United States Government to the same end.

MABEL WALKER WILLEBRANDT,
Chairman,

JOSEPH HARRISON,
LAWRENCE C. JONES,
GEORGE B. LOGAN,⁵
J. E. YONGE.

5. Mr. Logan is not in agreement with the Committee report as it pertains to State regulation and the Uniform Regulatory Act.

AERONAUTICAL LAW COMMITTEE

Minority Report by George B. Logan

The difference between this minority member of the Committee and the majority members is not legal. There is no difference of opinion as to the power of the Federal Government, under existing legislation, to extend its regulations to cover practically the entire field of aviation.

There is no difference between this member and the majority members on the desirability of uniformity in regulations.

There is no difference between the minority and the majority in their desire to benefit aviation. All are friendly to aviation.

The differences which have arisen are apparently due to a different conception of:

- (A) What is aviation?
- (B) What helps aviation?
- (C) What is the effect of the particular piece of legislation (not some imaginary or feared legislation) which the majority now desire this Association to repudiate, after formally approving it.

My dissension with the Committee Report is, of course, directed specifically to Committee's recommendation, which is "avoid urging any more state legislation on the part of this Association."

This necessarily will cause the Association to reverse its action taken in 1935, which was

- (a) Approval by the Aeronautical Law Committee of the "Uniform State Regulatory Act".
- (b) Approval by the Commissioners of Uniform State Laws.
- (c) Approval by the American Bar Association, in annual convention, of the Uniform State Regulatory Act.

There is no finding by the majority as to any defects of this Act. No shortcomings are pointed out. There is just a general recommendation that the Association withdraw its previous action.

Your Committee from 1929 to the present time, which is the period during which this writer has been familiar with the Committee's work, has consistently urged uniformity of regulations for aviation. During this period of time its membership has been composed of persons who, with the exception of this writer, have an exceptionally high standing in the aviation industry, among them persons who are now general counsel for three of the four major air lines of the United States and others who then and now represent other general aviation interests.

It is true that these persons began the preparation of a Uniform State Regulatory Act at a time when Federal legislation on the subject did not embrace the entire field, but this was not the sole motive for such labor. Another motive was the fact that state legislation which was being enacted was in many cases inimical to the best interests of aviation, and consequently to the best interests and general welfare of this country, insofar as its welfare is

dependent upon the development of aviation. The purpose of the Committee was to attempt to work out a piece of model legislation which would sanely regulate and clearly promote aviation and at the same time prevent harm to other interests.

That this was accomplished is evidenced by the action of the Association's Committee, the action of the Uniform Commissioners and the action of the Association itself in 1935.

To understand the necessity for such continued efforts even after the passage of the Civil Aeronautics Act of 1938 it is necessary to understand what is meant by "aviation". The general public's conception of aviation, (aside from a military weapon) is that of air lines carrying passengers, express and air mail.

I do not have before me the exact statistics, but I am not far wrong when I say that there are probably 300 airplanes engaged in this type of aviation in the United States and approximately twice that many certificated pilots.

There is other aviation of which the public seldom thinks and that is what the aviation world calls "non-scheduled flying". This includes commercial (but not scheduled) flying, such as aerial survey work, mapping, crop dusting, forestry, private freight transportation, many types of emergency transportation, and above all private flying for pleasure or business.

It may be a surprise to some to know that in this type of flying (including flying instruction) there are probably fifty times as many planes engaged as in scheduled operation, probably ten times as many persons engaged, and there are more miles flown and more passengers carried in this type of aviation, in this country, than by all of the scheduled air lines combined. Obviously this type of flying becomes the great reservoir of pilots, mechanics and other capable persons needed in a national defense emergency and above all has supplied heretofore the demand for planes which has kept alive the aviation manufacturing industry in this country. It is this type of aviation which provides almost exclusively the only hope for the sale of planes and the employment of qualified aviation personnel after the present national emergency is over. It is this type of aviation which has been uniquely assisted, fostered and encouraged by state action—through state officials—operated by state laws.

While all *flying* is potentially interstate in character, by far the greater number of aviation operations—and employment—take place on the ground. The operation of airports, public and private, the operation of schools, flying and ground schools, the training of mechanics, the repair, inspection and servicing of planes all combined employ more persons than all the employees of air lines. Indeed there are many more airports where there is *not* an air carrier operation than where there is.

These airports were built exclusively by the local interests, encouraged largely by *state officials*, created under state regulatory acts. Only very recently has the Federal Government adopted the policy of direct airport appropriation.

Coming back to the purpose of your Committee in preparing the "Uniform Regulatory Act", it will be remembered that one of the purposes was to "encourage aviation". That also was the prime purpose of the passage of the Air Commerce Act of 1926 and the Civil Aeronautics Act of 1938.

The forty-eight states are capable of providing an enormous impetus to the very necessary program of fostering and encouraging aviation, and a tremendous help to the Government's announced program in the same direction if their cooperation is intelligently secured. We who have favored the enactment of the Uniform Regulatory Code believe that in each state where such a code was enacted this cooperation was secured and intelligently secured.

Bear in mind that it is exceedingly difficult to get a state to pass a law saying "We appropriate \$50,000.00 for the support and encouragement of aviation." There are too many other industries who would object to such legislation. Congress itself did not attempt it, though it is clear that this has been the policy of our Federal Government for more than fifteen years. What Congress said in effect in both of the bills referred to is "We will regulate this industry and at the same time encourage and promote it. Indeed the purpose of the regulation will be such as will inspire confidence in its use and eliminate practices which are detrimental."

No informed person will dispute that the above paraphrases the exact intent of Congress. The question, therefore, is should the states be excluded or included in this program?

It would seem exceedingly short-sighted if the Federal Government should in effect say "We propose to encourage and promote aviation and to regulate it to that end, but we want no help from any of the forty-eight states, even though such help or encouragement and promotion interferes in no wise with our regulations." Congress has never said that, nor to my knowledge has any public official taken this position. A single glance at the personnel of the present Civil Aeronautics Administration discloses the interesting information that a very large number of the key executives are men who formerly directed the policies of the several states in regulating and promoting aviation. These men are experienced in state regulation and promotion of aviation, Federal regulation and promotion of aviation, and the conflicts between the two, if any. My personal acquaintance with the personnel of the Civil Aeronautics Administration is probably as broad as anyone who has not been required to have daily business contacts with them. I have yet to hear of any of these officials voicing any wish that state regulations and promotion be abolished.

There have been points of difference of opinion between state officials and Federal officials, as would be expected in any such human relationship, but the points of actual conflict have been exceedingly minor.

The annual convention of state aviation officials (organized into an association) is regularly attended by and addressed by the very highest aviation officials of the Federal Government, and by the high officials of the air carriers, and by others vitally interested in the business of aviation. There has yet to be heard a critical note of the *existence* or *theory* of supplemental state regulation or encouragement of aviation.

I am quite aware of the fact that there are a few bad aviation laws and policies existing in the states. This may be due to the fact that the American Bar Association or the Commissioners of Uniform State Laws have not been sufficiently active in the states that have passed these bills (particularly recently), or sufficiently well informed to prevent such passage, and to urge in lieu thereof the Uniform State Regulatory Act.

The Uniform State Regulatory Act, on which the Aeronautical Law Committee now asks this Association to turn its back, does by its *very terms* prevent conflicting regulations. The prevention of that conflict has been the paramount consideration with all of the persons who have worked on its preparation. There is a bill now pending before the New York Legislature and a bill also pending before the Missouri Legislature which have serious defects and would tend to interfere with aviation, rather than promote it, but neither of these is the bill which your Aeronautical Law Committee, your Commissioners of Uniform State Laws and the American Bar Association itself approved in 1935.

To urge the Association now to take the position that it will not foster *any* state aviation legislation for fear *some* state might pass a bad piece of legislation is to put the Association not only in an embarrassing position, but in a negative position.

It would put this Association in the doubtful position of trying to arrest what it once fostered, as well as trying to arrest a normal natural and inevitably growing phase of this industry.

The true position of the American Bar Association on this subject should be in substance as follows:

(a) We believe in the encouragement and fostering of aviation in all its branches, both as a matter of national defense and as a matter of the development of an industry which offers much to the progress of the nation.

(b) We believe that part of this fostering and encouragement should be by regulation designed to improve safety, enhance public confidence and eliminate deterring abuses.

(c) We believe that there should be a dominant regulatory authority and that that authority should be and is the Federal Government.

(d) We believe that regulations by the state which do not conflict with Federal regulations, have the same possibilities for encouragement and fostering of aviation as regulations by the Federal Government.

(e) The combined power of the several forty-eight states cooperating in the program of the Federal Government can become a factor of tremendous importance and should neither be eliminated nor discouraged. The Uniform Regulatory Act heretofore approved by this Association, by the Commissioners of Uniform State Laws and by the Aeronautical Law Committee in 1935 is the type of legislation which exemplifies the above policy. This legislation should be promoted and inimical laws should be opposed.

Respectfully submitted,

GEORGE B. LOGAN.