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## Editorials

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## EDITORIALS

### PUBLICATION OF THE JOURNAL IS RESUMED

World War II, the untimely death of Howard Knotts — the Editor-in-Chief — and the entry into military service on the part of our Law School student editors forced the suspension of publication of the JOURNAL with the October, 1942, issue. As we start the year 1947, the shooting war is now over, the students are back in full force, and we have a new group of editors ready and able to carry on the work of publication.

Edward C. Sweeney, Professor of Law, will serve as Editor and will be assisted by two Associate Professors in the School of Commerce — Stanley Berge and Harold Torgerson — who will serve as Associate Editors.

Professor Sweeney received the B.A. degree from Williams College in 1928, the J.D. from Northwestern in 1931 and the LL.M. from Northwestern in 1932. He was awarded the thousand dollar Air Law Institute fellowship for research in aeronautical law during 1931-32. The following year, Professor Sweeney was Assistant Professor of Law at the University of Louisville. He then joined his father's law firm of Eagle and Sweeney at Rock Island where he was in general practice for several years. For a short period he was General Counsel and Secretary of the Chicago and Southern Air Lines at St. Louis and late in 1938 joined the legal staff of the Civil Aeronautics Board where he served in various capacities in the office of the General Counsel until November, 1941 when he was called to active duty by the U. S. Navy.

As an Air Intelligence Officer, successively head of Overseas Air Facilities Unit, Advanced Base Planning Officer in the Bureau of Aeronautics, Aide and Flag Secretary to Rear Admiral Richard E. Byrd on two special Navy missions in the South Pacific preparing studies on strategic air routes and bases, as an aircraft carrier's Departmental Administrator and Assistant Air Plot Officer of the U.S.S. Randolph and the U.S.S. Wasp at Iwo Jima and Okinawa, and finally again Flag Secretary to Admiral Byrd, Commander Sweeney's Navy experience was both extensive and important, and especially important for one so deeply interested in aviation.

As a special assistant in the U. S. State Department for the last year, Professor Sweeney has served in numerous capacities, among the more important of which were as Liaison Representative of the Department on the Air Coordinating Committee made up of the Assistant Secretaries of the various governmental departments interested in aviation; as Adviser on Air Law to the U. S. Delegation at the First Interim Assembly meeting of PICA0 at Montreal, May-June 1946; and as the Officer in Charge of negotiations for the transfer and continued operation of air navigation, communication, and weather facilities estab-

lished abroad by U. S. military forces. In the latter assignment Professor Sweeney travelled by air in January and February, 1946 to all the principal countries of northern Europe.

In November and December of this year, he attended the Cairo meeting of the CITEJA as a member of the delegation from the United States. Professor Sweeney holds a private pilot's certificate and has his own plane.

The Journal will have active cooperation from the School of Commerce and its pages will contain numerous articles pertaining to the business, as well as to the legal, phases of aviation.

Professor Berge received the B.S. degree from Northwestern in 1932 and the M.B.A. in 1934. He was Assistant to the Executive Vice President, U. S. Savings and Loan League during 1934-36 and served as Chief Investigator and later as Manager of the Research and Development Bureau of the Illinois Central System from 1936-42. During the war, as Lieutenant Commander, he was in the Executive Office of the Secretary, Navy Department — specifically in the Office of Procurement and Material, and Office of the Management Engineer.

Professor Torgerson received his B.A. degree from the University of Minnesota in 1930 and then took work at Northwestern for the M.B.A. in 1931, and his Ph.D. in 1939. His specialty is corporation finance in the general field of transportation. During the war, Commander Torgerson was Assistant to the Officer in Charge, Transportation Division, Bureau of Supplies and Accounts, of the Navy Department. While on that duty, he prepared a revision of the Navy Shipping Guide for use by naval establishments in making shipments of property via Naval Air Transport Service, Air Transport Command, commercial air carriers, and surface carriers.

For thirteen years, the Journal of Air Law, and the Journal of Air Law and Commerce, served a real need in the orderly development of aviation in the United States. We are confident that its usefulness will continue during the period of aviation's greatest expansion and utility — in the years which lie ahead.

FRED D. FAGG, JR.

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#### WARSAW CONVENTION OF 1929

The measures and extent of the liability of the aircraft operator injuries, death and delay to his passengers, and for damage, loss and delay to cargo and baggage carried in international flights, are the issues involved in proposals to revise the Warsaw Convention which was adopted by the Second International Diplomatic Conference on Air Law at Warsaw, October 12, 1929. That this Convention is not perfect for the operator, the passenger or the shipper of goods has been known for many years, although it has been the most successful pri-

vate international air law convention drawn up by CITEJA and is in force by ratification or adherence in 33 countries. Several international organizations have urged revision of its travel document requirements and of some of the fundamental principles of liability embodied therein. After more than a year of intense study by the experts of CITEJA of the proposals to amend the Convention, the international air carriers now urge that the accelerated postwar commercial flying operations — coming in large part under the rules of liability of the Warsaw Convention — have not been fully assimilated and that further experience is required in handling claims before finalizing on a major revision of the Convention.

Recognizing that fundamental legal problems will be under study for sometime, presumably years, while the revision of the Warsaw Convention is under review, the JOURNAL OF AIR LAW AND COMMERCE prints in this issue the latest proposals to amend the Convention and a series of articles giving the background and discussing some of the important issues involved.

In Mr. Arnold W. Knauth's "Notes on the Warsaw Convention" he reviews the history and significant case law experience under the old Convention, as well as the recent activities looking towards the amendment of the 1929 Convention. The CITEJA Reporter, Major K. M. Beaumont, has been most helpful in formulating the proposals to revise the Convention during the past two years. In his article he gives a first-hand impression of the original Diplomatic Convention in 1929 and points out some of the anomalies that developed in the documentation requirements. Mr. J. Brooks B. Parker develops the attitude of the aviation underwriters and presents a strong plea for the retention of the limits of liability found in the present Convention. In the concluding section of his Article on "PICAO and the Development of Air Law," Dr. Edward Warner takes cognizance of the present reluctance of the international airline operators to agree to a revision of the 1929 Convention at the forthcoming Assembly meeting of ICAO in May 1947, and, with reluctance, accepts the delay which possibly is not necessary to complete an acceptable revision. The action taken at the Plenary Session of CITEJA in Cairo in November 1946 with regard to the revision of the Warsaw Convention is mentioned in the review of that meeting in the International Department. Finally, in the International Department the JOURNAL prints, alongside the 1929 Convention, the text of the latest draft revision prepared in December 1946 by the CITEJA Reporter, Major Beaumont. Appended in footnotes to the appropriate paragraphs of the revision are printed the more significant remarks of the Reporter explaining the suggested changes and the commentaries of the CITEJA Experts at the Cairo meeting.

## THE NORTHWESTERN UNIVERSITY INSTITUTE OF AERONAUTICS

The many varied problems confronting aviation are being solved by the research activities carried on by industry, government, special research agencies, and the universities. Several educational institutions in the country have made excellent contributions in a single field or department, but, to date, no university has offered a well coordinated research program in all those schools, departments and areas associated with aviation. This is what Northwestern University, through its Institute of Aeronautics, proposes to do.

Northwestern believes that there are some research activities which can be carried on to greater advantage by a university than by any other agency. The recent war experience would tend to confirm this viewpoint. Further, the problems which confront aviation — as a result of the tremendous growth forced upon it by two world wars — are so numerous and so complex that any additional offer of assistance — if coupled with an ability to perform — will be appreciated.

Northwestern has long been identified with aviation and, by establishing the Institute of Aeronautics, has merely broadened the scope of the Air Law Institute — founded in 1929 in affiliation with the School of Law — to include research activities in all schools of the University. Problems seldom are solely engineering, financial, legal, or medical in nature. They usually cut across several fields and their solution frequently requires a number of experts with different kinds of training. The university which can quickly and easily assemble a team of scientists who are experienced and interested in aeronautical matters and who possess business, engineering, legal, and medical talent, would seem to be in a superior position.

Northwestern believes that it understands something of the significance of aviation's role in our civilization; it is interested in "growing up," in intimate relation, with aviation in all its phases; and it feels that it can make a worthwhile contribution to aviation's expanding usefulness.

At a later date the Institute plans to issue a bulletin which will state the University's interest in the field. It will set forth the resources of manpower, plant, and equipment which are presently available, explain the procedures for having specific research assignments carried on by the University, and show how the provision of endowment funds would make possible enlarged and continued services to aviation.