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## Editorials

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## EDITORIALS

### THE FIRST AIR LAW INSTITUTE SPONSORED BY THE AMERICAN BAR ASSOCIATION

I am very glad to write an editorial foreword for the series of addresses on Aeronautical Law in this issue of the JOURNAL. This field belongs to the young lawyers of this country. They have participated in developing the air forces of our country, they are alive to the problems of aviation, — they are the ones who will live with these problems and work out their solution.

The importance and complexity of these problems is shown by the addresses of these young men, with whom I include Senator McCarran, prepared for a joint meeting on April 25, 1947, of the Committee on Aeronautical Law of the American Bar Association and the Milwaukee Bar Association under Mr. Ronold A. Drechsler, president.

The joint effort in holding this first Air Law Institute of the American Bar Association illustrates the great opportunity open to state and local bar associations in holding law institutes in cooperation with the American Bar Association. A meeting of this type was held at Washington, D. C., in cooperation with the Bar Association of the District of Columbia. Other meetings are projected for the next year. The Section of Corporation, Banking and Mercantile Law recently held a regional meeting at Timberline Lodge on Mount Hood, Oregon, in which representatives of the American Bar Association participated. The same section held a meeting at Chicago with the Chicago Bar Association. The plan has infinite possibilities and is offered for study to state and local associations in the formulation of their programs.

The impact of the Law of the Air on international law of the future is destined to be history-making. As ships sailed the seas, international law was developed. So too, as aircraft sailed the air, commercial air transportation develops, great basic problems of air commerce arise, great international problems arise. The profession has been brought up to date by the pamphlet on Current Status of Air Law prepared by the Aeronautical Law Committee.<sup>1</sup>

Great contributions to the private and international law of the air of the future are in the making. The American Bar Association, through such institutes, can perform its duty and prepare the lawyers of the country for the great opportunities before them. It is grateful to the JOURNAL OF AIR LAW AND COMMERCE of Northwestern University for the publication of the fine papers prepared for the first Air Law Institute sponsored by the American Bar Association.<sup>2</sup>

CARL B. RIX  
President, American Bar Association

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<sup>1</sup> See Spring issue, 14 JOURNAL OF AIR LAW AND COMMERCE, 217 (1947).

<sup>2</sup> Due to limitations of space in this issue, the following papers prepared for this Institute will be printed in the Autumn issue; *Federal Aviation Legislation*, by Emory T. Nunneley, General Counsel, Civil Aeronautics Board; *Legal Rules*

## FRED D. FAGG, JR. — CONGRATULATIONS!

With the appointment of Fred D. Fagg, Jr. as President of the University of Southern California, Los Angeles, effective September 1, 1947, the JOURNAL OF AIR LAW AND COMMERCE loses the close association of its founder. The editors of the JOURNAL join with Northwestern University in extending best wishes to Dr. Fagg for every success in the opportunities that lie ahead of him in his new appointment.

In 1929 Dr. Fagg, then a Professor of Law at Northwestern, founded the Air Law Institute, along with Dean John H. Wigmore, and became the first editor of the JOURNAL OF AIR LAW, a position he held until appointed the Director of the Bureau of Air Commerce in March 1937. A year later Dr. Fagg returned to Northwestern as Dean of the School of Commerce, again associated himself with the JOURNAL, later becoming in June 1939, Vice-President and Dean of the Faculties at Northwestern University. In 1946 Dr. Fagg was instrumental in creating the Northwestern University Institute of Aeronautics and became its first Director. Under the auspices of that Institute, the JOURNAL OF AIR LAW AND COMMERCE was reactivated by the Schools of Law and Commerce and resumed publication of the present volume.

In World War I, Dr. Fagg was a pilot in the 92nd Aerial Squadron, A.E.F., and served overseas. In 1928-29 he was an exchange professor at the Institut für Luftrecht, in Königsberg, Germany. At Northwestern in the summer of 1930, Dr. Fagg conducted the first summer Air Law Institute (August 6-19) and first National Legislative Air Conference. At one time he served as a member of the Illinois Aeronautics Commission and as Secretary of the National Association of State Aviation Officials. In 1934-35 Dr. Fagg became Legal Counsel to the Federal Aviation Commission, and was appointed to the American section of CITEJA. In 1935 he acted as Legal Counsel to a Senate subcommittee on Aircraft Accident Investigation. The following year he was named a consulting expert to the Bureau of Air Commerce and assumed general supervision of the very comprehensive revision of the Civil Air Regulations which were issued in November, 1937, in the general form and scope, they have retained to date.<sup>1</sup> While Director of Air Commerce, Dr. Fagg served as Secretary to the Interdepartmental Committee on Civil Aviation Legislation that was largely responsible for formulating and drafting the Civil Aeronautics Act of 1938. In July of this year, he was elected to the Board of Directors and Executive Committee of the National Aeronautics Association.

In accepting the appointment to the University of Southern California, Dr. Fagg returns to familiar associations. In 1927-28, he was Assistant Dean, College of Commerce of that University. In his new

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*for International Aviation*, by Gerald Brophy, General Counsel for TWA and formerly U.S. representative to PICA; and *Aviation Accident Liabilities*, by Edward C. Sweeney.

<sup>1</sup> See, Wigmore, *Form and Scope of Civil Air Regulations*, 10 JOURNAL OF AIR LAW AND COMMERCE, 1 (1939); Knotts, *Cooperative Planning of the Civil Air Regulations*, 10 JOURNAL OF AIR LAW AND COMMERCE, 30 (1939).

position, Dr. Fagg will have opportunity to continue his association with aviation in connection with the College of Aeronautics of the University of Southern California. It is recalled that Northwestern University was joined in editing early volumes of the JOURNAL OF AIR LAW with the University of Southern California and Washington University, St. Louis. The editors rejoice with Dr. Fagg over his new opportunities for continued service to higher education and for the development and advancement of civil aviation.

#### LEON GREEN

The resignation of Leon Green, Dean and Professor of Law at Northwestern University School of Law for 18 years, was announced May 22nd. This was due to illness in the family requiring a move to a warmer climate.

Dean Green assumed his duties at Northwestern Law School shortly before the inception of the JOURNAL OF AIR LAW, and was continuously one of its enthusiastic supporters who early recognized the need of a university aviation forum published by an Air Law Institute. Particularly during the past year, the editor-in-chief wishes to acknowledge the valuable counsel given by Dean Green in meeting the numerous problems associated with the revival of the JOURNAL and with the establishment of an aviation law program in the Law School. It is with pleasure that the editors congratulate Dean Green on his appointment to a distinguished professorship at the University of Texas Law School where he will assume his new duties, September 1.

An authority in the field of tort law, Dean Green was a contributor to the JOURNAL, and author of *Rationale of Proximate Cause*, 1927; *Judge and Jury*, 1930; and *The Judicial Process in Tort Cases*, 1st ed. 1931, 2nd ed. 1939. Dean Green practiced law in Texas for several years, was Professor of Law at the University of Texas from 1921-26; and in 1926-27 was named Dean and Professor of Law of the University of North Carolina Law School. In 1927 he was called to Yale University, holding the rank of Professor of Law, when he accepted the appointment of Dean and Professor of Law at Northwestern in 1929. Dean Green holds honorary degrees of M.A. from Yale University and LL.D. from the University of Louisiana.

The editors of the JOURNAL will long feel the loss of the energetic support of Leon Green, but are confident that he and his family will find great satisfaction at the University of Texas, and hope that he can continue to contribute to the JOURNAL from his profound knowledge of tort law.