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Editorials

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EDITORIAL

CONCEPT OF NATIONAL AVIATION POLICY FOR THE UNITED STATES

In the Spring issue of the *JOURNAL* the specific recommendations of the Congressional Aviation Policy Board concerning Civil Air Transport and Government Organization were set forth.¹ These recommendations are noteworthy in part because they follow from a searching analysis of the concepts that may best guide United States aviation policy in this post World War II era:

1. That the costs of the air-power program of the United States be coordinated with all other costs and expenditures of government, both domestic and foreign, that we may protect ourselves against both aggression from abroad and bankruptcy at home.

2. The military air power of the United States should be maintained at such effectiveness as to be able under all circumstances to control the air spaces of the United States, its possessions, Territories, bases, and occupied lands wheresoever, and be able to retaliate in greater degree for any attacks launched by air, or otherwise, against the peace and security of the United States or those free allied governments with which it is joined for mutual defense.

3. Scientific research should be fostered and coordinated to maintain the leadership of the United States in technical aeronautical development.

4. The airways, weather stations, airports, and essential facilities of air navigation and control should be developed and maintained to accomplish the maximum degree of safety and certainty in air commerce and military operation, regardless of weather, burden of traffic, enemy action, or other cause whatsoever.

5. The aviation industry of the United States should be maintained in such production status and degree of expandability as to serve adequately, and without delay in emergency, the requirements of the military air forces.

6. The domestic and foreign air commerce of the United States should be fostered and promoted by whatever means appear most practical until it reaches such stature in passenger and cargo capacity as to constitute in crisis an adequate logistical air arm of the National Defense Establishment.

7. The value of the small-business man — the local airport operator, aircraft sales and service companies, flying and trade schools — along with the private citizen pilot and owner of aircraft

¹ 15 *J. Air L. & C.* 208 (1948).

should be regarded as a national asset and be given every recognition and encouragement.

8. In every phase of national air power, the policy of coordination with every other phase should prevail, and the Secretaries of State, Defense, and Commerce must be specifically charged with responsibility to this end.

9. An aeronautical educational program should be established throughout the public-school system in order that basic problems of the air age — global geography, meteorology, navigation, mechanics, communications and the rudiments of flight — are well understood by future generations.²

These succinct statements of fundamental aviation policy follow from a most thorough examination of the overall position of the United States in 1948 in this emerging air age. The tragic plight of the world is forcibly presented in the Preface to the Report and must be carefully considered in evaluating the concepts recommended by the ten member Congressional Board of the 80th Congress.

On August 6, 1945, an airplane bearing the insignia of the United States Army Air Forces dropped an atom bomb on Hiroshima. Militarily speaking, at that same hour the security frontiers of all nations disappeared from the map. National defense, in the traditional sense, is no longer possible. More devastating weapons and more competent weapon carriers than those which struck Hiroshima are in existence. The cycle of history has turned and once again civilization stands vulnerable to annihilation.

Joint action for peace by all major nations alone can meet our modern dilemma. Determined and continuous effort in the United Nations must not be abandoned while the slightest ray of hope remains. In the meantime, an alternative plan to maintain a balance of peace must be contrived in the name of the free world.

World War III, if it comes, will be in sudden and indiscriminate attack on our cities, our factories, our transportation lines, our communication centers and water supply, and more important than all else, upon our lives. It will be more extensive than the attack on Hiroshima. There will be no time, as in World War I and World War II, for mobilization. The only "defense" will be swift and more devastating retaliatory attack.

To defend ourselves in the age of atomic bombs, of radioactive dust, of bacteriological contamination and guided missiles—to mention some of the new and terrible weapons—we must have air power that is supreme. We cannot have less if we are to discourage attack or, if attacked, to defend ourselves.

Air power is the total ability of a nation to capitalize on the medium of flight. The ramifications of the air power we must have call for definition of political rights in air space. They require reevaluation of international alliances. They overlay the traditional map of commerce with air trade routes. They profoundly influence the expenditure of national budgets. They presage the existence of a vast new industry.

Considering these prospects, it is self-evident that search for a

² National Aviation Policy, Senate Rep. 949, 80th Cong. 2 sess. (1948), p. 5.

national air policy for the United States must range from telescopic to microscopic analysis. It must seek to explore all the facts. It must uncover them and it must coordinate them if a pattern of national security and civil progress is to result.

It is folly to pretend that the world does not live under a sense of impending tragedy. Deliberately and continuously we are faced with the possibility of aggressive attack. The deadly character of the new weapons makes war an open invitation to mass annihilation.

In view of the foregoing, the Congressional Board has sought to determine a broad national air policy which by coordination of all phases of air power will most discourage aggression, preserve the national security, and promote the total social and economic welfare of the United States.³

That national policy for civil and military aviation cannot be separated is emphasized throughout the nine concepts — all aircraft must use the same airspace, may use the same electronic navigation and communication facilities, do in fact use many for the same airports and have many common engineering features and all-weather flying problems. The foresight of the Congressional framers of the Civil Aeronautics Act of 1938 is shown by the injunction to the Civil Aeronautics Board (Authority) to consider the National Defense as well as the needs of commerce and the postal service in developing a civilian air transport system.⁴

E. C. S.

UNITED STATES MEMBERS OF THE ICAO LEGAL COMMITTEE

The Secretary of State, on June 11, 1948, announced the United States membership on the Legal Committee of the International Civil Aviation Organization. Appointment is for a period of not to exceed three years, subject to the discretion of the Secretary of State. Members are expected to participate in the work of the Legal Committee and to collaborate with the other United States members in the preparation and presentation of the United States position relative to international private air law.

Government Members:

Richard E. Elwell, General Counsel, Civil Aeronautics Administration, Department of Commerce.

Emory T. Nunneley, General Counsel, Civil Aeronautics Board.

Raymund T. Yingling, Assistant Legal Adviser for Military Affairs and Occupied Areas, Department of State.

³ *Id.* at 3.

⁴ Civil Aeronautics Act of 1938 §2, 52 stat., 49 USCA (Supp. 1947).

Non-Government Members:

John C. Cooper, The Institute for Advanced Study, Princeton,
New Jersey.

Edward C. Sweeney, Professor of Law, Northwestern University,
Chicago, Illinois.

Stuart G. Tipton, General Counsel, Air Transport Association of
America.

Government Alternates:

R. P. Boyle, Assistant General Counsel, Civil Aeronautics Admin-
istration, Department of Commerce.

G. Nathan Calkins, Jr., Assistant General Counsel, Civil Aeronau-
tics Board.

Stephen Latchford, Assistant to the Legal Adviser on Detail in
Aviation Division, Department of State.