

1931

## Editorials

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## EDITORIALS

### EDITORIAL BOARD ADDITIONS AND REORGANIZATION

With the publication of the Journal of Radio Law as a separate publication, several changes have been made in the personnel and organization of the editorial board of this Journal. Additions to the board include Colonel Clarence M. Young, Assistant Secretary of Commerce for Aeronautics; Frederic P. Lee, of the District of Columbia Bar and formerly Legislative Counsel, United States Senate; Howard Wikoff, member of the American Bar Association Committee on Aeronautics, and formerly General Counsel, American Air Transport Association; Thomas Hart Kennedy, of the California Bar; Julius I. Puente, of the Illinois Bar; Professor Kurt J. Kremlick, Professor of Air Law, University of Detroit; and Dr. Richard Sallet, of the University of Königsberg, Germany.

The section on Documents will include four subdivisions, as follows: (1) *Federal Regulation*—which will report all legislative and regulatory changes of importance made, (2) *State regulation*—which will cover all developments in state aeronautical control, (3) *International Regulation*—which will report all treaties and agreements of significance, together with the progress made by the international regulatory bodies, and (4) *Foreign Jurisprudence*—which will include translations of all leading foreign aeronautical cases.

The section on Notes, Comments, and Digests will offer a discussion of leading American cases by attorneys and students together with a digest of current aviation cases. The Book Review section will continue to present a critical summary of all current aeronautical books, while the Reference Column will render a like service for all foreign periodical literature, including a full bibliography.

### AMERICAN BAR AERONAUTICAL COMMITTEE MEET

The Aeronautical Law Committee of the American Bar Association, reporting at the 1929 meeting at Memphis, had devoted considerable time to the study of a Uniform State Licensing Act. After some discussion, this act, as prepared, was recommitted, with the understanding that the succeeding committee would attempt to pre-

pare a complete Uniform Aeronautical Code, which would include a Uniform Licensing Act.

The Committee, reporting at the 1930 meeting at Chicago, had not completed this enlarged task, and the Association by resolution commended the fact that efforts were being made in that behalf, and expressed its approval of continued work in that direction.

The 1931 Committee has, therefore, felt a definite assignment of the preparation of a complete Uniform State Aeronautical Code.

The 1931 Committee consists of Randolph Barton, Jr., of Baltimore; Mrs. Mabel Walker Willebrandt of Washington; George B. Logan of St. Louis; Howard Wikoff of Chicago; and John C. Cooper, Jr., of Jacksonville. This Committee held its organization meeting at Washington on December 17th, at the time of the convening of the National Air Law Conference, and a further meeting was held on December 18th.

It was early recognized that many difficult problems faced the Committee and Committee members were assigned to tasks of studying specific topics. Among others, the topics assigned for study included the following:

- (1) Status of land owners' air rights, with particular reference to those adjacent to airports.
- (2) The question of zoning for and against airports, and the condemnation of air rights.
- (3) The placing of markers on dangerous structures near airports and the removal of such structures.
- (4) Complete and exact definitions of aeronautical terms.
- (5) Status of air carriers, whether common or private.
- (6) Liability of air carriers, of all classes, to passengers.
- (7) Liability of owners and operators of aircraft to persons and property on the ground.
- (8) The question of compulsory insurance for aircraft operators.
- (9) The problem of a "single standard" for licensing of airmen and aircraft, whether federal or state, or "dual standard" of either federal or state.
- (10) The proper agency to enforce state regulation of aircraft, whether an existing public officer of body or one specially created.

The Committee held its second meeting and its first working session at Washington, February 27th and 28th, and was in continuous session, practically without interruption, during the whole of those two days. The Committee members, to whom the various

topics had been assigned for study, presented written reports, with citations of authorities, and the proposed Code was gone over section by section and practically word by word. At this date, about four-fifths of the Code has been agreed upon.

Unfortunately, the illness of Mr. Barton, the senior member of the Committee, has prevented his participation in these deliberations, and this loss has been keenly felt.

The Committee expects to hold another meeting in the early part of May and at that time will consider supplementary reports on such topics as the venue of prosecutions for crimes committed by means of or in or on aircraft; jurisdiction of tort actions, arising out of aircraft accidents; status of civil contracts, etc., entered into on aircraft.

The Committee is well aware of the fact that whatever may be the terms of the proposed Aeronautical Code, it will not solve all air law problems for all future times, but will be at least a working basis for the establishment of uniformity, not only throughout the states, but also with the federal law. To the end that it may secure complete uniformity with federal practices, now the dominant legal factor in aviation, the Committee has sought and secured the active cooperation of Colonel Clarence M. Young, Assistant Secretary of Commerce for Air, and of Mr. E. McD. Kintz, head of the Legal Section of the Bureau of Aeronautics.

GEORGE B. LOGAN, Chairman.

#### THE MICHIGAN AIR LAW CONFERENCE

On February 18, 1931, Michigan held its first air law conference. It was sponsored by the Michigan Board of Aeronautics and was called by Major Floyd E. Evans, Director of Aeronautics, to be held in Lansing for the purpose of discussing proposed legislation and proposed rules and regulations. The conference was well attended by the leaders of the industry and all others who were connected with aviation in one way or another—pilots, aircraft owners, airport owners and managers, and others too numerous to mention.

Mr. William B. Mayo, Chairman of the Michigan Board of Aeronautics opened the meeting and presided. Among the several who spoke were, Major Floyd E. Evans on "Accomplishment and future program of the Board of Aeronautics," Mr. A. P. Taliferro, Chief of the airport section, United States Department of Commerce, on "Cooperation of States with the Federal Department of

Commerce," Major Floyd E. Evans on "Outline of Proposed Aviation Legislation," Ray Cooper of the Detroit Board of Commerce on "The All American Aircraft Show," and S. B. Steers, Inspector for the Board of Aeronautics on "Proposed Rules and Regulations for Schools and Airports." After each talk a discussion followed.

In the evening in the chambers of the state House of Representatives, the conference joined with the legislative committees of the House and Senate. Representative Milton R. Palmer presided. After Mr. Taliferro made certain introductory remarks Norman B. Conger of the Detroit Weather Bureau spoke on "The need of weather reporting service for aircraft," Mr. William B. Mayo and Kurt J. Kremlick, professor air law at the University of Detroit Law School, both of whom attended the Uniform Conference which was held in Washington in December also spoke; the former spoke on "Aviation laws and the industry," the latter spoke on "The type of state aviation law that is needed." After a discussion the meeting adjourned and the conference ended.

KURT J. KREMLICK.

#### CATHOLIC UNIVERSITY LECTURES ON AIR LAW

The School of Law of the Catholic University of America, under the leadership of Dean John McDill Fox, and Professor James J. Hayden, Director of Research in Aviation, and Radio Law, has recently sponsored a very interesting series of lectures on air law.

A special bulletin recently issued by the University announces that a series of popular lectures on aeronautics was given during the first semester by Mr. Paul Edward Garber of the Smithsonian Institution. Further, on December 16th, 1930, Professor Carl Zollmann delivered a lecture to the Catholic University Law School.

The special lectures on Radio Law, which began on February 11th and closed on March 5th, dealt with the following topics: *Who owns the ether?* by Louis G. Caldwell; *Federal and State regulation of radio communication, validity of Radio Act of 1927, and outline of its provisions* by John W. Guider; *Interpretation of public interest, convenience and necessity as applied to quasi-legislative duties of Federal Radio Commission and stations other than broadcasting stations* by Louis G. Caldwell; *Interpretation of public interest, convenience and necessity as applied to broadcasting stations, including the Davis Amendment* by John W. Guider; *Practice and procedure before the Federal Radio Commission* by Paul

M. Segal; *Appeals from decisions of the Federal Radio Commission* by Paul M. Segal; *Radio copyrights, piracy of broadcasting programs, and miscellaneous similar matters*, by Louis G. Coldwell; *International radio regulation* by William R. Vallance.

CARL ZOLLMANN.

#### STATE AERONAUTICAL LEGISLATION

At the present time the legislatures of over forty states are in session and will consider a tremendous number of bills for aeronautical regulation. Believing that the character of legislation enacted will vitally influence the development of aviation in this country, the Journal has presented in this issue a reference table to pending legislation, and has also included several sample bills now presented. A later issue will contain a summary of the important features of the legislation enacted.

For general information, there has also been included a substantial part of the annual reports by Colonel Clarence M. Knox, of Connecticut; Mr. J. D. Wood, of Idaho, and Mr. John Vorys, of Ohio. Anyone interested in legislative control will find an abundance of valuable suggestions in these reports.