

1934

## Editorials

L. H. Brittin

F. H. Stafford

F. D. F.

---

### Recommended Citation

L. H. Brittin et al., *Editorials*, 5 J. AIR L. & COM. 114 (1934)  
<https://scholar.smu.edu/jalc/vol5/iss1/4>

This Comment is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Journal of Air Law and Commerce by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

## EDITORIALS

### THE AERONAUTICS BRANCH—CWA AIRPORT PROGRAM

The inauguration of the present Civil Works Administration's Airport Program, under the direction of the Aeronautics Branch of the Department of Commerce, presents an excellent opportunity for the National Association of State Aviation Officials to render effective cooperation with the Federal administration.

As announced during the first week in December, the Aeronautics Branch has succeeded in working out a definite program with the Civil Works Administration to encourage the construction and development of public airports throughout the country. This announcement accompanied the appointment of a representative of the Aeronautics Branch of the Department of Commerce on the staff of the State Civil Works Administration to work directly under the orders of the Director of Aeronautics of the Department of Commerce or his designated representative.

The duties outlined fall into two classes: (a) to ensure that the maximum possible amount of airport development having a Federal value is initiated and carried to completion under the Civil Works Administration Program in each state; and (b) to encourage sound, and discourage unsound, airport projects in each state having a purely local value.

The representatives appointed by the Aeronautics Branch received the following instructions:

In carrying out your duties it will be necessary for you to approve all airport projects before they can be approved by the state Civil Works Administrators.

You will receive further instructions to aid you in differentiating between airport projects having a purely local value and projects having a Federal value.

You will be provided with the necessary office space, office equipment and clerical help by the State's Civil Works Administrator.

You may employ necessary Airport engineering assistance on approval of the Director of Aeronautics.

These assistants will be paid from \$150 to \$200 per month from an allotment made to the Aeronautics Branch by the Federal Civil Works Administrator.

Your traveling expenses and the traveling expenses of your assistants will also be paid from an allotment made to the Aeronautics Branch for this purpose. The rules and regulations governing traveling expenses of Federal

employees will apply. You will be advised of the maximum amount available for your State.

It is not believed likely that you will have any difficulty in securing sufficient labor and funds to carry on any project which you deem advisable from the Federal standpoint. However, if such a case arises, you should wire the Director of Aeronautics immediately stating the conditions existing.

Projects will be approved only when the State or some sub-division thereof owns or leases a property. You will, therefore, approve no projects until you have the attached circulation signed by the properly constituted officials of the State or political sub-division thereof owning or leasing the site proposed.

You will get as much local or state assistance in supplying of materials and the loan of equipment as is possible, but this does not preclude your approving projects of Federal value for which you cannot get such assistance other than the site.

You will make every effort to hold your average ratio of wages to total expenses to 80% or more, and under no circumstances permit the average ratio to fall below 75%.

Under no circumstances will you encourage any community to assume a burden of airport expense which is out of proportion to the benefits it will derive therefrom.

The foregoing instructions were issued by the Hon. John H. Geisse, special assistant to the Director of Aeronautics. Mr. Geisse has had the responsibility of organizing this program for the Aeronautics Branch of the Department. It has been an assignment involving a great flexibility of detail and fraught with innumerable local problems that require the full measure of executive ability, which he has successfully put into the organization of the program.

Mr. Geisse was very ably assisted by Mr. Taliaferro, head of the airport section of the Aeronautics Branch, in the organization of the technical program covering the methods of handling the program in the various states.

Although at this date the list of appointments of State Representatives of the Aeronautics Branch of the Department is not complete, the following have received appointments up to and including December 10th:

*Alabama*, STEADHAM ACKER  
*Arizona*, LYNN LOCKHART  
*Arkansas*, CHARLES M. TAYLOR  
*California*, B. M. DOOLIN  
*Colorado*, DANNEY KEARNS  
*Connecticut*, CHARLES W. MORRIS  
*Delaware*, (no report)  
*Florida*, A. B. McMULLIN  
*Georgia*, WILLIAM E. CUMMING  
*Idaho*, ARTHUR C. BLOMGREN

*Illinois*, L. P. BONFOEY  
*Indiana*, CHARLES V. COX  
*Iowa*, RALPH CRAM  
*Kansas*, EARL SCHAEFFER  
*Kentucky*, JOHN C. BENNETT  
*Louisiana*, W. S. YOUNG  
*Maine*, (no report)  
*Maryland*, W. D. TIPTON  
*Massachusetts*, FRANCIS P. KENDALL  
*Michigan*, FLOYD EVANS

<i>Minnesota</i> , L. H. BRITTIN	<i>Oregon</i> , BASIL SMITH
<i>Mississippi</i> , JOHN O'KEEFE	<i>Pennsylvania</i> , RAYMOND M. MARLIER
<i>Missouri</i> , RAY FARRELL	<i>Rhode Island</i> , DAN W. JONES
<i>Montana</i> , FRED SHERIFF	<i>South Carolina</i> , L. B. OWENS
<i>Nebraska</i> , W. W. ARRASMITH	<i>South Dakota</i> , R. T. MCKINNON
<i>Nevada</i> , (no report)	<i>Tennessee</i> , HERBERT FOX
<i>New Hampshire</i> , W. N. COGSWELL	<i>Texas</i> , M. J. NORRELL
<i>New Jersey</i> , R. L. COPSEY	<i>Utah</i> , DEAN R. BRIMHALL
<i>New Mexico</i> , R. L. HARRISON	<i>Vermont</i> , (no report)
<i>New York</i> , WARREN LESLIE	<i>Virginia</i> , A. H. PETTIGREW
<i>North Carolina</i> , R. B. PAGE	<i>Washington</i> , ELSWORTH FRENCH
<i>North Dakota</i> , NOEL SOLIEN	<i>West Virginia</i> , DAVID M. GILTINAN
<i>Ohio</i> , FRED L. SMITH	<i>Wisconsin</i> , A. D. MURPHY
<i>Oklahoma</i> , W. C. LEWIS	<i>Wyoming</i> , CURT BALDWIN

Many of these State Representatives are the heads of their respective State Aviation Commissions. Others have been selected for their especial knowledge and experience in the field of airport development. The entire roster, when complete, will represent a group of personnel who, by working together, are in a position to render valuable service to the Federal Aeronautics Department by, first, aiding the Federal Government to realize a real Federal airport development from this program; and, second, providing the machinery to maintain these airports after they are completed.

From the standpoint of encouragement of private aviation as distinct from the military aviation of the Army, Navy, Marine Corps and National Guard, and the commercial aviation of the air transport lines, the continued operation of the airports that are to be built under this program is of the greatest importance.

Hon. Eugene Vidal, Directors of Aeronautics, proposed a plan about thirty days ago for the encouragement of private aviation. He outlined a program for the development of a light, economical, slow-landing ship that could be bought reasonably and maintained economically. His plan met with an instantaneous favorable response. At the present writing it is hoped that his program will be realized.

The Civil Works Administration Airport Program provides the necessary ground facilities for the development of Mr. Vidal's light plane program. The success of one is very much dependent upon the success of the other. I feel that these two projects are of the greatest importance to the aviation officials of the various states. Together they set up a so-called private flying program that will encourage a vast amount of intra-state aviation. This will increase the scope of the State Commissions and will give our state aviation officials greater opportunity for the encouragement and development

of aviation in their respective states. It will call for the setting up of additional machinery and will present problems which have hitherto been somewhat remote from the responsibilities of the State Commissions.

It seems to me that the State Commission should take a very lively interest in Mr. Geisse's plans for the development of airports with Civil Works funds, and should offer the Aeronautics Branch of the Department of Commerce and their state representatives every possible assistance in this field. Undoubtedly the Federal element in this program will result in the construction of chains of landing fields along the principal arteries traversing each state. It is hoped that the State Commissions of adjoining states will cooperate together to coordinate these routes at the State boundary, so that taken together a system of what might be termed Interstate Federal Traffic Airways may be developed that will join local trade centers throughout the country and which will coincide with the lines of well established channels of traffic which have been built up through years of economic growth. In certain sections of the country, where well defined regional trade areas have been established, based on differential freight rate considerations, I feel that the State Commissions of such regions can profitably cooperate together to develop air traffic routes that will coincide with the channels of traffic of that particular region. In this way the Aeronautics Branch of the Department of Commerce will be able to realize its original plan to provide ground facilities for the private flyer along the routes he will probably follow in flying the private ship of tomorrow.

It seems to me that this is a program which has a special appeal for every state official and one which will command the very active cooperation of every state aeronautical regulatory body.

L. H. BRITTIN.\*

### A CODE FOR THE AIR TRANSPORT INDUSTRY

During the close of the summer of 1933 a code of fair competition for the air transport industry was proposed by the Aeronautical Chamber of Commerce of America, Inc. This body is representative of the entire industry, for its membership contains many of the largest of the air carriers, notably American Airways, Eastern Air Transport, National Parks Airways, Pan American Air-

---

\*President, National Association of State Aviation Officials, and Chairman, Minnesota Aeronautics Commission.

ways System, Pennsylvania Airlines, Transcontinental and Western Air, United Air Lines, U. S. Airways, and Western Air Express. The proposal, in the minds of many, filled a long-felt need for some such action, but whether there was any such need at all is a very debatable question—as will appear from the discussion in this article.

A hearing on the proposed codes for the industry was opened on August 31, 1933, under the guidance of Malcolm Muir, deputy administrator in charge. Other officials who assisted in the proceedings were Fred W. Coburn, the deputy administrator's general advisor for the industry; Edward G. Hamilton, the deputy administrator's general advisor on labor provisions; and Earl E. Hughes, assistant deputy administrator in NRA on transportation codes. Naturally, there also were present at the hearing representatives of the various interested parties, principally the operators, various classes of employees and the pilots. Following the customary NRA plan, each presented his suggestions and claims for consideration without any sifting by means of cross examination. The discussion centered around a few principal controverted points for the most part, among which were the questions as to how to classify pilots and what disposition to make of the problem of increased competition by new lines.

Mr. Lester D. Seymour, representing the operators, pointed out that the air transport industry occupies a rather unique position in these days of depression and unemployment in that no re-employment problem exists; and that the figures show an unbroken increase in the number of wage-earners beginning with 2,345 in 1929 and continuing to 5,997 as of July 1, 1933.<sup>1</sup> It is to be noted that General Johnson's figures vary considerably from those just given, the Administrator stating in his letter of recommendation for the code that the personnel consisted of about 1,861 in 1929 and about 4,260 in June, 1933. It seems to be agreed, however, that there has been a steady increase in employment in the industry. Mr. Seymour also stressed the point that air mail payments constitute the backbone of the revenues of the industry, amounting to 60-80 per cent of the total; further, the revenue from this source has declined appreciably during the current year. General Johnson, in his letter of recommendation, agreed with this position and stated that the air mail payments have been reduced approximately 28 per cent for 1933. These factors shed light upon the importance and the difficulty of drafting a code for the industry because of the

---

1. *Aviation* (October, 1933) p. 311.

anomalous situation existing—a reduction in revenues coexisting with increased employment.

Mr. Fiorello H. La Guardia, in speaking for the pilots, took the position that no provision should be included in the code to meet the problems presented by their employment. His point seems to have been well taken at the hearing, for the code as finally adopted expressly exempts pilots from the provisions covering hours of employment and leaves the question of salaries entirely open.

Perhaps the most controverted issue at the hearing was that pertaining to the clauses providing for the regulation of new competition. The provisions of the proposed code were very stringent and, if construed literally, would practically close the door to any new lines seeking business over existing routes. Some of the parties interested favored an open-handed policy in respect to mail contracts, similar to that used toward the railroads. Others argued that to curtail the newcomer would result in a very slight increase in re-employment if in any at all. The result of the hearing was, as anticipated by many, that these clauses were greatly modified and the stringency exhibited in the proposed code relaxed.

The code in its present adopted form differs in many respects from the code presented by the Aeronautical Chamber of Commerce of America, Inc., which differences may be briefly summarized. Most of the discrepancies are to be found in the provisions for hours and wages. The proposed code set forth several classes of employees and designated a minimum wage for each class, but the adopted code provides only a blanket clause for all employees with a minimum wage of \$15.00 per week. Whereas the proposed code made no provision for increased wages in overtime work, the adopted code prescribes time-and-one-third pay for certain classes of employees engaged in overtime work and for all other employees who work longer than the maximum number of hours when engaged in emergency maintenance or emergency repair work. This seems to be a provident provision in view of the peculiar safety requirements of this industry. The adopted code provides for a readjustment to maintain equitable differentials in earnings for the classes of employees enumerated, but no such provision appeared in the proposed code; naturally, such process will result in maintaining the present wage scale, except where increased, with shorter hours.

Although adopting different bases, both codes classify employees as to the maximum hours. It appears that wherever a

change has been effected, the adopted code has consistently raised the maximum number of hours. Each excludes from the hours provisions those persons employed in a managerial, executive or professional capacity. The proposed code also excluded those employed on "emergency operations, maintenance and repair work," but the adopted code limits such provision to any employee on "emergency maintenance or emergency repair work involving accidents endangering life or property." The adopted code also provides a blanket clause of forty hours per week maximum for employees not enumerated in any class. As has already been noted, pilots and co-pilots are excluded from the hours provisions in the adopted code whereas the clauses in the proposed code attempted to cover them. Cabin attendants, provided for in the proposed code, are entirely omitted from the classification in the adopted code; consequently, only the blanket provisions refer to them.

For the most part, the provisions relating to the employing and discharging of employees are the same in both versions of the code. The proposed code forbade the employment of any one under the age of sixteen years; the adopted code reiterates this provision but adds thereto that no one under the age of eighteen years shall be employed where the occupation is hazardous in nature or dangerous to health. The proposed code contained a provision securing to the employers the constitutional right to freedom in the selection, retention and advancement of employees and that such selection, retention and advancement should be based solely upon the individual merit of the employee; the adopted code, however, entirely omits such provisions, possibly because they may have been deemed superfluous. The adopted code supplements the proposed code in that it provides that the code provisions shall not supersede any laws of any state imposing more stringent requirements as to age, hours or general working conditions, nor shall they supersede the provisions of the Air Commerce Act of 1926 or any of its pursuant regulations. This latter provision probably was inserted to obviate any possible future disputes concerning the supremacy of the federal law or of retroactive effect.

Upon the question of trade practices (new competition), the proposed code contained the following stringent provision: "Members of the Code agree not to initiate service between cities already served by another member over an identical route." Under the adopted code members of the industry may initiate new service by filing with the Code Authority a certified copy of a certificate of authority to so operate issued by the Department of Commerce,

and by giving evidence of compliance with such standards and conditions as the Administrator upon the recommendation of the Code Authority may have approved. It is apparent that the provision in the adopted code is more lenient than the one proposed in that it gives an opportunity for new service; yet, on the other hand, the Code Authority retains control over any expansion in the industry.

Each version of the code provides for a Code Authority to be set up and defines its powers and duties; however, the section in the adopted code is far more detailed and amplified.

The proposed code contained a provision aimed to protect the operators from suffering a loss during the period of the code by allowing an adjustment of existing contract prices if the cost of operation under the code should be increased. It is open to conjecture why this provision is omitted in the code as adopted; a possible answer is that the rights of third parties would be impaired.

It is to be noted, in closing, that General Johnson pointed out that, under the code, the industry would show an additional increase in personnel of about 14.5 per cent and in pay roll of about 20 per cent.<sup>2</sup> There has already been suggested an appropriate inquiry as to where the additional revenue will be secured to meet the increase in the pay roll.<sup>3</sup> It must also be remembered that this one code cannot be expected to cover all the problems in the field of aeronautics. There has already been proposed a code for the aircraft manufacturing industry, and others may be needed for airports, flying schools and fixed-base operators.<sup>4</sup>

## CODE OF FAIR COMPETITION FOR THE AIR TRANSPORT INDUSTRY\*

### ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act the following provisions are established as a Code of Fair Competition

2. See the Administrator's letter of recommendation, *infra*.

3. Aviation (December, 1933) p. 369.

4. Aviation (September, 1933) p. 289.

\*EXECUTIVE ORDER—An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Air Transport Industry, and hearings having been held thereon, and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found such a said code of fair competition complies in all respects with the pertinent provisions of title I of said act, and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of said act have been met.

Now, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial

for the Air Transport Industry, and upon approval by the President shall be the standard of fair competition for such Industry and shall be binding upon every member thereof.

Recovery Act, approved June 16, 1933, and otherwise, do adopt the findings and approve the report and recommendations of the Administrator and do order that the said code of fair competition be and it is hereby approved.

THE WHITE HOUSE,  
November 14, 1933.

Approval recommended:  
HUGH S. JOHNSON,  
Administrator.

FRANKLIN D. ROOSEVELT.

LETTER OF TRANSMITTAL

November 10, 1933.

THE PRESIDENT,

*The White House.*

SIR: This is a report of the Hearing on the Code of Fair Competition for the Air Transport Industry of the United States and the Territory of Alaska, conducted in Washington on the 31st of August, 1933, in accordance with the provisions of the National Industrial Recovery Act.

*Provisions of This Code as to Wages and Hours*

Maximum hours for employees are established as follows: Clerical employees—40 hours per week. Shop mechanics and shop mechanics' helpers—40 hours per week, averaged over a period of 4 weeks with a maximum of 48 hours in any one week. Service mechanics and service mechanics' helpers—48 hours per week, averaged over a period of 8 weeks with a maximum of 54 hours in any one week. Ground radio operators and field clerks not more than 48 hours in any one week. Watchmen—54 hours in any one week. Chauffeurs—48 hours per week, averaged over a period of 6 weeks with a maximum of 54 hours in any one week.

No employee shall be paid less than at the rate of \$15.00 a week. Provision is made that rates of pay for employees whose hours of employment have been reduced by the provisions of this Code shall be increased by a re-adjustment so that equitable differentials in earnings will be maintained and the rates of pay of employees whose hours have not been reduced shall not be decreased.

Employment of any person under 16 years of age and anyone under 18 years of age at occupations hazardous in nature or dangerous to health is prohibited.

In recommending the approval of the hour provisions of this Code it has been necessary to recognize that air transportation is a public service requiring 24 hours per day operation throughout the year and that its schedules are continuously subject to interferences by weather conditions.

*Economic Effect of the Code*

The Air Transport Industry represents an exception in the present depression in that it has added to its personnel and expanded steadily from year to year. Its personnel increased from about 1,861 in 1929 to about 4,260 in June, 1933. Under the recommended Code the Industry will show an additional increase in personnel of about 14.5%. The total increase in pay roll will be about 20%. It is considered that this is a substantial contribution to the Re-employment Program in view of the fact that the Post Office Department's mail payments which form the largest item of the air-line income have been reduced approximately 28% to 1933.

Through the provisions of this Code the Industry has an opportunity to provide for the control of new operations so that it will not be subject to uneconomic paralleling of lines and the destructive competition experienced during the course of development by the railroads and bus lines.

It is believed that the provisions in this Code permit adequate control and at the same time insure development and sound expansion.

*Findings*

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7, and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein, and is truly representative of the Air Transport Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

From evidence adduced during this hearing and from recommendations and

## ARTICLE II—DEFINITIONS

As used in this Code:

- (1) The term "President" means the President of the United States.
- (2) The terms "Act" and "Administrator" mean respectively the National Industrial Recovery Act, and the Administrator of Title I of said Act.
- (3) The term "Industry" includes all public carriers for hire by aircraft for passengers, and/or mail, and/or cargo on scheduled operations and services incidental thereto within the several States of the United States, the District of Columbia, and the territory of Alaska, and such branches or subdivisions thereof as may from time to time be included by the President under the provisions of this Code, but does not include scheduled operations and/or services incidental thereto not within the several States of the United States, the District of Columbia, and the territory of Alaska.
- (4) The term "employee" includes any person engaged in any phase of the Industry in any capacity, receiving compensation for his services, irrespective of the method of payment of such compensation.
- (5) The term "employer" includes anyone engaged in the Industry by whom any employee is compensated or employed.
- (6) The term "member of the Industry" includes anyone engaged in the Industry as above defined, either as an employer or on his own behalf.
- (7) The term "Chamber" means the Aeronautical Chamber of Commerce of America, Inc., a trade association organized under the laws of the State of New York.

## ARTICLE III—HOURS

1. No employee in the Industry shall be permitted to work in excess of forty (40) hours in any one week except as follows:
  - a. Shop mechanics and shop mechanics' helpers not more than forty (40) hours per week averaged over a period of four (4) weeks, with a maximum of forty-eight (48) hours in any one week.
  - b. Service mechanics and service mechanics' helpers not more than forty-eight (48) hours per week averaged over a period of eight (8) weeks with a maximum of fifty-four (54) hours in any one week.
  - c. Ground radio operators and field clerks not more than forty eight (48) hours in any one week.
  - d. Watchmen not more than fifty-four (54) hours in any one week.
  - e. Chauffeurs not more than forty-eight (48) hours in any one week averaged over a period of six (6) weeks, with a maximum of fifty-four (54) hours in any one week.
  - f. The number of employees classified as ground radio operators, field clerks, and watchmen shall not exceed fifteen per cent (15%) of the total number of employees of any employer.
2. No employee shall be permitted to work for a total number of hours

---

reports of the various Advisory Boards, it is believed that this Code as now proposed and revised is satisfactory to this Industry, labor, the public, and this Administration. It is recommended, therefore, that this Code, as herewith submitted, be approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

in excess of the number of hours prescribed herein whether employed by one or more employers.

3. No employee shall be regularly employed more than six (6) days in any seven (7) day period.

4. The provisions of this Article shall not apply to any employee on emergency maintenance or emergency repair work involving accidents endangering life or property, nor to persons who receive more than \$35.00 a week employed in a managerial, executive, or professional capacity, or as pilots or copilots.

#### ARTICLE IV—WAGES

1. No employee shall be paid less than at the rate of \$15.00 a week.

2. The rates of pay of all employees included in Article III whose hours of employment have been reduced by the provisions of this Code but whose wages have not been increased by the foregoing section of this Article, shall be increased by a readjustment so that equitable differentials in earnings will be maintained, and the rates of pay of such employees included in Article III whose hours have not been reduced shall not be decreased.

3. Those employees included in paragraph (a) Article III above who work in excess of eight (8) hours per day, or in excess of forty (40) hours per week, and those employees included in paragraph (b) Article III above who work in excess of forty-eight (48) hours per week, shall be compensated by not less than one and one-third times the normal rate of pay for such excess. All other employees on emergency maintenance or emergency repair work involving accidents endangering life or property shall receive at least time and one-third pay per hours' work in excess of the maximum hours herein provided.

4. Any employee shall be classified according to the classification of his occupation existing on June 16, 1933, provided he is still performing the same duties. If he is performing other duties, he shall be classified as to occupation on the basis of such duties as of said date.

#### ARTICLE V—LABOR PROVISIONS

1. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

2. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

3. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

4. No person under sixteen (16) years of age shall be employed in the Industry nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator before March 1, 1934, a list of

such occupations. An employer shall be deemed to have complied with these provisions if he shall have on file a certificate or permit duly issued by the Authority in such state empowered to issue employment or age certificates or permits showing that the employee is of the required age.

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements regulating the age of employees, hours of work, or general working conditions than under this Code, nor shall it supersede the provisions of the Air Commerce Act of 1926, or any regulations thereunder or pursuant thereto.

#### ARTICLE VI—ADMINISTRATION

To effectuate further the purposes of the Act, a Code Authority is hereby set up to cooperate with the Administrator in the administration of this Code.

1. The Code Authority shall be composed of seven (7) voting members and one or more nonvoting members. Not more than five (5) voting members shall be chosen by the Chamber. Not more than two (2) voting members may be chosen by those assenting to the Code who are not members of the Chamber. One or more nonvoting members may be appointed by the Administrator to serve without cost to the Industry. The method of selection of the voting members of the Code Authority shall be subject to the approval of the Administrator.

2. Any trade or industrial association participating in the selection of or activities of the Code Authority shall comply with the following requirements: (a) it shall impose no inequitable restrictions on membership, (b) it shall not violate any rule or regulation prescribed by the President under the Act, and (c) it shall submit to the Administrator true copies of its articles of association, by-laws, regulations, and amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may require to effectuate the policies of this Act.

3. The Administrator may provide such hearings as he may deem proper for those claiming the right to be represented on the Code Authority, and may thereafter change the method of selection and the organizations selecting the members of the Code Authority in order that the Code Authority shall be truly representative of the Industry.

4. An appeal from any action by the Code Authority affecting the rights of any employer or employee in the Industry may be taken to the Administrator.

5. Only employers assenting to this Code shall be entitled to participate in the selection of the Code Authority and to share in its activities as hereinafter set forth.

6. The Code Authority shall have the following duties and powers, to the extent permitted by this Act, subject to review by the Administrator:

a. To elect officers and assign to them such duties as it may consider advisable, and to provide reasonable rules for its own procedure.

b. To receive complaints of violations of this Code, make investigations thereof, provide hearings thereon, and adjust such complaints, and bring to the attention of the Administrator for prosecution, recommendations, and information relative to unadjusted violations.

c. To require periodical reports from the members of the Industry with respect to revenues, expenses, and other charges, wages, hours of labor, conditions of employment, number of employees, and other matters pertinent to the purposes of this Code, in order that the President may be kept informed with respect to the observance thereof. In addition to the information required to be submitted to the Code Authority as set forth in this Article there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

d. To recommend to the Administrator a uniform system of accounting which upon his approval shall be used in furnishing the aforesaid reports.

e. To initiate, consider, and submit proposals for amendments or modifications to this Code, which upon approval by the President, after such hearings as he may prescribe, shall be incorporated herein with the same force and effect as if originally made a part hereof.

f. To determine and collect with the approval of the Administrator, from those assenting to the Code their equitable and proportionate shares of the expense of maintaining the Code Authority and its activities.

g. To cooperate with the Administrator in regulating the use of the NRA insignia solely by those who have agreed to and do comply with this Code.

7. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or non-feasance.

8. The Code Authority shall have the powers and duties elsewhere provided in this Code, subject to the right of the Administrator, on review, to disapprove or modify any action taken by the Code Authority.

#### ARTICLE VII--TRADE PRACTICES

Within sixty (60) days from the date of approval of this Code with respect to existing routes, and within thirty (30) days after the establishment of any extension of an existing route, and prior to the establishment of any new route or service, each member of the Industry shall file with the Code Authority the following:

1. A certified copy of a letter or certificate of authority to operate, issued by the United States Department of Commerce permitting service over such route or extension thereof.

2. Such information in respect to routes, schedules, tariffs, working conditions, and other matters pertinent to the purpose of this Code as the Code Authority with the approval of the Administrator may from time to time prescribe in order to inform the President as to the observance of this Code.

3. Evidence of compliance with such standards and conditions of operation, other than those required by the Department of Commerce, as the Administrator upon the recommendation of the Code Authority, after such

notice and hearing as he shall prescribe, may approve as reasonable and in the interests of fair competition.

ARTICLE VIII—GENERAL

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitations to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

2. Nothing in this Code shall permit monopolies or monopolistic practices or eliminate or oppress or discriminate against small enterprises.

3. Each member shall post in a conspicuous place in each workshop a full copy of this Code.

4. This Code shall become effective on the second Monday after it shall have been approved by the President of the United States.

F. H. STAFFORD.\*

PRESENT ORGANIZATION OF THE AERONAUTICS BRANCH

The present changes in the organization of the Aeronautics Branch of the Department of Commerce have been summarized and presented, with an accompanying chart, in a recent issue of the Air Commerce Bulletin.<sup>1</sup> The present organization is now offered here to serve the needs of those who wish to contact the proper federal authority.

	Dept. of Commerce Room Number
ASSISTANT SECRETARY OF COMMERCE.... <i>Ewing Y. Mitchell</i>	5830
EXECUTIVE ASSISTANT..... <i>Edgar J. Hoffman</i>	5326
DIRECTOR OF AERONAUTICS..... <i>Eugene L. Vidal</i>	5045
SPECIAL ASSISTANT TO DIRECTOR.... <i>Luther Harris</i>	5042
ASSISTANT DIRECTOR IN CHARGE OF AIR REGULATION..... <i>J. Carroll Cone</i>	5053
ASSISTANT DIRECTOR IN CHARGE OF AIR NAVIGATION..... <i>Rex Martin</i>	5041
(1) ADMINISTRATIVE DIVISION:	
(a) Chief of the Division.... <i>S. W. Crosthwait</i>	5327
(b) Assistant Chief of Division ..... <i>John S. Collins</i>	5325

---

\*Mr. Stafford is a third year student at Northwestern University School of Law, engaged in an individual study program with the the AIR LAW INSTITUTE.

1. 5 Air Commerce Bulletin 133.

(c) Accounts .....	<i>W. R. Behn</i>	5321
(d) Contracts and Property..	<i>L. W. Lawrence</i>	5324
(e) Mail and Files.....	<i>C. S. Shields</i>	5316
(f) Personnel .....	<i>R. L. Cox</i>	5310
(2) AERONAUTIC INFORMATION		
DIVISION :		
(a) Chief of the Division....	<i>F. R. Neeley</i>	5415
(b) Airway Bulletin .....	<i>John Graves</i>	5415
(c) Editorial .....	<i>George N. Gardner</i>	5420
(d) Library .....	<i>Olive L. Morrow</i>	5058
(e) Statistics and Dis- tribution .....	<i>E. R. Strong</i>	5416
(3) AIR REGULATION :		
(a) Assistant Director of Aeronautics in charge of Air Regulation.....	<i>J. Carroll Cone</i>	5053
(b) Assistant to Assistant Director .....	<i>R. S. Boutelle</i>	5053
(c) Accident Board .....	<i>J. W. Lankford</i>	5065
(d) Enforcement .....	<i>R. S. Paulett</i>	5065A
(e) Medical .....		5069A
(f) Registration .....	<i>R. R. Reining</i>	5066
(g) Inspection Service:		
(1) Airline .....	<i>R. W. Schroeder</i>	5053
(2) General .....	<i>Joe T. Shumate<sup>2</sup></i>	5059
(3) Manufacturing .....	<i>John H. Geisse</i>	5061
Engineering .....	<i>R. C. Gazley</i>	5424
(4) AIR NAVIGATION :		
(a) Assistant Director of Aeronautics in Charge of Air Navigation.....	<i>Rex Martin</i>	5041
(b) Chief Airways Engineer.	<i>C. I. Stanton</i>	5041
(c) Communications .....	<i>Eugene Sibley</i>	5037
(d) Engineering and Con- struction .....	<i>A. J. LaBaie</i>	5031
(e) Radio Equipment .....	<i>H. J. Wells</i>	5309
(f) Surveys .....	<i>W. T. Miller</i>	5040

---

<sup>2</sup>. Mr. Shumate has just succeeded Mr. George E. Gardner who has resigned to undertake a series of studies relative to scheduled air transportation.