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Editorials

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EDITORIALS

INDEPENDENT AVIATION OPERATORS OF THE UNITED STATES

Sixty-seven independent aviation operators, with additional proxies to represent a total of three hundred operators, met in Washington, D. C., February 25-27, and organized an association called the Independent Aviation Operators of the United States.

Guest speakers included *Congressman A. C. Willford* of Iowa; *Congressman J. J. McSwain* of South Carolina, *Congresswoman Virginia E. Jenckes* of Indiana, *General William Mitchell*, *Hon. Eugene Vidal*, and *Col. J. Carroll Cone* of the Department of Commerce.

The following eight resolutions were unanimously passed:

(1) This body of independent aviation operators, representing several phases of commercial aviation, wish to go on record with the Administration to the effect that we deeply appreciate the personal interest in aviation which has been taken and which we hope will continue to be taken by our President, his Cabinet Members, our Senators and Congressmen in the furtherance of commercial aviation.

We especially wish to commend the splendid work already achieved or now in process under the direction of the Honorable Daniel C. Roper, Secretary of Commerce, and his most capable Director of Aeronautics, Honorable Eugene L. Vidal and his able staff of assistants.

We feel that the Administration is desirous of assisting in the further development of commercial aviation throughout the United States.

Collectively and individually, we wish to assure the Administration of our full cooperation and support in the future development of commercial aviation. We are not gathered together to make any criticism of the past but to offer constructive suggestions for the future.

(2) The President, Washington, D. C.:

We would like to submit for your consideration the following recommendation: That at the earliest possible moment, should you deem it wise, an Assistant Secretary of War be appointed who will have full and complete charge of all military flying, and who is, himself, thoroughly familiar with the Army Air Corps and has also had a considerable amount of experience in commercial aviation—at least enough to appreciate the commercial side—and a man who is a nationally recognized pilot.

We believe that such an appointment would greatly aid military flying as well as commercial flying.

(3) We believe that through a proper Act, the Federal Government should authorize the Reconstruction Finance Corporation to make direct loans to any and all independent commercial aircraft operating agencies, including schools, provided they have proper collateral which may be in the form of real estate or equipment, or both, and that the Reconstruction Finance Corporation shall be authorized to make loans up to fifty (50) per cent of the conservative value of these assets and may take a first mortgage on the entire property as collateral.

(4) We believe that it should be a requirement that an applicant for Army, Navy or Marine Corps flight training must be at least the holder

of a Department of Commerce Private License, together with the other present military requirements, before he is eligible, excepting only those appointees from Annapolis or West Point, and that the holder of a Department of Commerce Transport License shall have preference.

(5) That the United States Government be authorized to pay twenty-five per cent of the tuition cost (the cost to the Government not to exceed ten dollars per hour of flight instruction) for any Private, Limited Commercial or Transport student who enrolls for his training in any flying school in the United States declared by the Director of Aeronautics of the Department of Commerce to be qualified to give such training; and providing further that such student be between the ages of 18 and 25, be a four year high school graduate and be physically qualified under the Department of Commerce Rules and Regulations.

(6) An Act to encourage a supply of aircraft and a reservoir of aircraft pilots in the United States in a national emergency.

Section 1. In the interest of national defense, in order to encourage a supply of private aircraft in the United States in a national emergency, the Secretary of Commerce, upon approval of such proposed action by the President of the United States as set forth by executive order, and within the limits of the funds prescribed in this Act, is hereby authorized to contribute not to exceed thirty-three and one-third per centum of the purchase price of any new aircraft manufactured and sold in the United States to a citizen thereof, under such regulations as said Secretary may promulgate, in which regulations shall be incorporated the following conditions:

1) That such aircraft shall conform in all respects to the requirements of the Aeronautics Branch, Department of Commerce.

2) That no sum in excess of one thousand dollars shall be paid toward the purchase price of any one aircraft.

3) That the purchaser, at the time of the purchase, subscribes to a written agreement with the Secretary of Commerce, under which, in a national emergency, the United States may commandeer, acquire title to, and take immediate possession of any airplane to the purchase of which it has thus contributed, upon payment to its then owner the reasonable value thereof less the amount contributed by the Government.

Section 2. To carry out the purposes of this Act, the President of the United States is hereby authorized to allocate and use not to exceed eight million dollars from any funds appropriated under the National Industrial Recovery Act not otherwise allocated.

(7) *Section 1.* In the interest of national defense, in order to promote private flying and insure a reservoir of private airplane pilots in the United States in a national emergency, the Secretary of Commerce, upon approval of such proposed action by the President of the United States as set forth by executive order, and within the limits of the funds prescribed in this Act, is hereby authorized to pay to any citizen of the United States who is eligible for military duty and who qualifies or has qualified, as a Department of Commerce private airplane pilot, (this Act is to definitely exclude pilots holding Limited Commercial, Industrial or Transport Department of Commerce ratings which may be used professionally. The Act is definitely to encourage private flying) under the regulations of the Aeronautics Branch, Department of Commerce, the sum of one hundred dollars in each Governmental fiscal year, providing such pilot proves to the satisfaction of the Aeronautics Branch, Department of Commerce, that he has flown as a solo pilot at least fifty hours in such fiscal year.

Section 2. To carry out the purposes of this Act, the President of the United States is hereby authorized to allocate and use not to exceed four million dollars from any funds appropriated under the National Industrial Recovery Act not otherwise allocated.

(8) An Act to encourage commercial aeronautical development in the United States with a view to its beneficial effect upon national defense.

Section 1. In the interest of national defense, in order to encourage commercial aeronautical development in the United States, the Secretary of Commerce, upon approval of such proposed action by the President of the United States as set forth by Executive Order, and within the limits of the funds prescribed in this Act, is hereby authorized under such regulations as he shall prescribe to contract with designers at actual cost, without profit, for one full-size model of any new designs of aircraft, aeronautical engines, aeronautical accessories, or air navigation aids, as in his opinion will represent a development of value and importance to aeronautics with a view to their future availability and utilization in national defense. As an incentive to designers to create and develop better aeronautical material, the United States shall acquire license rights to make or have made such articles, but shall specify in each such contract that it recognizes the rights of the designer as proprietary, as against all private manufacturers and operators.

Section 2. To carry out the purposes of this Act, the President of the United States is hereby authorized to allocate and use not to exceed ten million dollars from any funds appropriated under the National Industrial Recovery Act not otherwise allocated.

The following officers were elected: *President*, Oliver L. Parks, East St. Louis, Illinois; *Vice-President*, William Long, Dallas, Texas; *Secretary-Treasurer*, Howard T. Ailor, Long Island, New York. An Executive Rules Committee and twelve Regional Directors were also selected.

On March 1, 1934, by request, Mr. McSwain introduced the following bill (H. R. 8400) in the House of Representatives, which was referred to the Committee on Interstate and Foreign Commerce:

A BILL To encourage and promote commercial aviation in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce be, and he is hereby, authorized to pay 25 per centum of the cost of instruction of any student who receives training in any flying school in the United States declared by the Department of Commerce to be qualified to give such training: *Provided*, That the cost to the Government shall not exceed \$10 per hour of such flight instruction: *And provided further*, That the student shall have such minimum of educational qualifications and such physical requirements as the Department of Commerce shall prescribe, and shall be not less than eighteen years of age nor more than twenty-five years of age.

SEC. 2. In aid of national defense by assisting in obtaining and maintaining a supply of private aircraft in the United States, the Secretary of Commerce is hereby authorized to contribute not exceeding one third of the purchase price of any new aircraft manufactured and sold in the United States to a citizen thereof, subject to such rules and regulations as the Secretary of Commerce may prescribe: *Provided*, That in no case shall more than \$1,000 be paid by the Government toward the purchase price of any one aircraft, and that such purchaser shall at the time of purchase agree in writing with the Secretary of Commerce that, in the event of a national emergency, the United States may take over and acquire title to said aircraft, upon the payment to its then owner of the reasonable value of such aircraft, less the amount contributed by the Government to the original purchase price.

SEC. 3. In aid of national defense by encouraging a reservoir of private airplane pilots in the United States, for use in a national emergency, the Secretary of Commerce is hereby authorized to pay to any citizen of

the United States who is liable for military duty and who shall be qualified and hold a license from the Department of Commerce as a private airplane pilot, and who proves to the Secretary of Commerce that he has flown as a solo pilot at least fifty hours in any fiscal year, the sum of \$100 to each such private airplane pilot, to assist in the payment of fuel and the other expenses incidental to maintain an airplane in good condition: *Provided*, That no such aid and assistance shall be paid to any pilot for engaging in professional flying for hire.

SEC. 4. In aid of national defense by promoting the development of aircraft and aeronautical accessories, the Secretary of Commerce is hereby authorized, subject to such regulations as he shall prescribe, to contract with the designers of aircraft, aircraft engines, and aircraft accessories to produce designs of one full-sized working model of any new design of aircraft, aircraft engines, aeronautical accessories, or air-navigation aids, and the Secretary of Commerce is authorized to pay the actual cost, without any profit whatsoever, to the designer and builder of such full-sized working models as will in his judgment advance the art of aviation. As an encouragement to designers of aircraft and aircraft accessories, including aircraft engines, the Secretary of Commerce is hereby authorized to acquire by purchase, for a reasonable consideration, the license rights for any department of the Government to make or to have made such aircraft and aircraft accessories according to said new designs and models, but the designer thereof shall be protected in his proprietary rights relating to such designs as against all private manufacturers and operators.

SEC. 5. That in the making of appointments of flying cadets for training in the several flying schools of the Army, of the Navy, and of the Marine Corps, preference shall be given to the holders of a Department of Commerce transport license as pilot, all subject to regulations of the appropriate department as to the minimum educational and physical requirements for appointment as such cadets.

SEC. 6. That all appropriations necessary to carry into execution the provisions of this Act are hereby authorized.

SUMMER COURSES IN AERONAUTICAL LAW

A recent bulletin issued by the Academy of International Law at the Hague announces a course on "Conflicts of Law in the Matter of Aerial Law" (5 hours) to be given during the first term, July 2-28, 1934, by Professor Fernand de Visscher of the University of Ghent, and of the Catholic Faculty of Law in Lille.

During the regular Summer Session, June 25-August 22, Northwestern University School of Law will again offer a course of instruction in aeronautical law. The course will be conducted as a seminar, with emphasis to be placed upon individual studies. During the summer of 1933 a number of visiting lecturers assisted in the course, lecturing upon special topics. These lecturers included: *Paul M. Godehn*, member, American Bar Association Committee on Aeronautical Law; *Hamilton O. Hale*, representing American Airways; *Edward C. Sweeney*, of University of Louisville School of Law; *Cyril C. Thompson*, representing United Air Lines; *George W. Vest*, Aeronautics Branch, Department of Commerce; *Howard H. Wikoff*, member, American Bar Association

Committee on Aeronautical Law; and *Professor Carl Zollmann*, of Marquette University School of Law.

The discussion topics will include the following:

1. The Beginnings and Development of Aeronautical Law
2. The International Air Navigation Agreements: CINA, CIANA, and P.A.C.
3. The Function and Work of the CITEJA
4. The Right of Flight: "Cujus est Solum" and Precedent
5. The Right of Flight: American cases and Rationale
6. Aircraft Liability
7. Airports and Liability
8. Aircraft Insurance
9. Taxation of Aircraft Motor Fuel
10. Aeronautics and Workmen's Compensation
11. The Air Commerce Act of 1926: History and Analysis
12. The Aeronautics Branch of the Department of Commerce
13. The Province of State Regulation and Problems of Uniformity
14. Aeronautical Regulatory Bodies: Legislative and Legal Problems
15. State Regulation Enforcement and Aviation Encouragement

The course will be given by Professor Fagg and it is planned to supplement the discussion work with field trips.