

1935

The Warsaw Convention and the C.I.T.E.J.A.

Stephen Latchford

Follow this and additional works at: <https://scholar.smu.edu/jalc>

Recommended Citation

Stephen Latchford, *The Warsaw Convention and the C.I.T.E.J.A.*, 6 J. AIR L. & COM. 79 (1935)
<https://scholar.smu.edu/jalc/vol6/iss1/4>

This Article 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>.

THE WARSAW CONVENTION AND THE C. I. T. E. J. A.

STEPHEN LATCHFORD*

I. THE WARSAW CONVENTION

On June 15, 1934, the Senate of the United States gave its advice and consent to adherence on the part of the United States to the International Convention for the Unification of Certain Rules Relating to International Transportation by Air, signed at Warsaw, Poland, on October 12, 1929, and the Additional Protocol thereto relating to Article 2 of the convention. Pursuant to the terms of Article 38 of the convention the convention came into force between the United States and other countries parties thereto ninety days after the deposit of the instrument of adherence of the Government of the United States with the Polish Government as the depository of the signed convention. This deposit was made on July 31, 1934, and the convention therefore became effective as to the United States on October 29, 1934.

The Warsaw Convention was signed on behalf of twenty-three countries,¹ and twelve signatory powers have become parties to the convention by ratification.² In addition, the Union of Soviet Socialist Republics deposited its instrument of ratification of the convention with the Polish Government on August 20, 1934, to become effective ninety days from that date. The United States, Mexico and Liechtenstein, non-signatory powers, became parties to the convention by adherence. It will be seen from the foregoing that the convention is already in force over a large part of the world where air transportation is conducted on an international basis.

General Scope of the Convention:

The following is a summary of the more important provisions of the Warsaw Convention.

*Member of the C.I.T.E.J.A.; Member of the Bar of the District of Columbia; and Technical Assistant, Treaty Division, Department of State, Washington, D. C.

1. Germany, Austria, Belgium, Brazil, Denmark, Spain, France, Great Britain and Northern Ireland, Australia, Union of South Africa, Greece, Italy, Japan, Latvia, Luxembourg, Norway, The Netherlands, Poland, Rumania, Switzerland, Czechoslovakia, Union of Soviet Socialist Republics and Yugoslavia.

2. Spain, Brazil, Rumania, Yugoslavia, Poland, France, Latvia, United Kingdom of Great Britain and Northern Ireland, Italy, The Netherlands, Germany and Switzerland.

Article 1 of the convention reads:

(1) This Convention shall apply to all international transportation of persons, baggage or goods performed by aircraft for hire. It shall apply equally to gratuitous transportation by aircraft performed by an air transportation enterprise.

(2) For the purpose of this Convention the expression "international transportation" shall mean any transportation in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the transportation or a transshipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to this Convention. Transportation without such an agreed stopping place between territories subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting party shall not be deemed to be international for the purposes of this Convention.

(3) Transportation to be performed by several successive air carriers shall be deemed, for the purposes of this Convention, to be one undivided transportation, if it has been regarded by the parties as a single operation, whether it has been agreed upon under the form of a single contract or of a series of contracts, and it shall not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party.

Provisions showing the scope of the convention are also found in several other articles of the convention. Article 2 provides that the convention shall apply to transportation performed by the State or by legal entities constituted under public law provided it falls within the conditions laid down in Article 1, but that the convention shall not apply to transportation performed under the terms of any international postal convention.

The first paragraph of Article 18 provides that the carrier shall be liable for damage sustained in the event of the destruction or loss of or of damage to, any checked baggage or any goods, if the occurrence which caused the damage so sustained took place during the transportation by air. Transportation by air is defined in the article as follows:

(2) The transportation by air within the meaning of the preceding paragraph shall comprise the period during which the baggage or goods are in charge of the carrier, whether in an airport or on board an aircraft, or, in the case of a landing outside an airport, in any place whatsoever.

(3) The period of the transportation by air shall not extend to any transportation by land, by sea or by river performed outside an airport. If,

however, such transportation takes place in the performance of a contract for transportation by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the transportation by air.

Article 31 provides that in the case of combined transportation performed partly by air and partly by any other mode of transportation, the provisions of the convention shall apply only to the transportation by air, provided that the transportation by air falls within the terms of Article 1. However, nothing in the convention will prevent the parties in the case of combined transportation from inserting in the document of air transportation conditions relating to other modes of transportation, provided that the provisions of the convention are observed as regards the transportation by air.

Article 34 provides that the convention shall not apply to international transportation by air performed by way of experimental trial by air navigation enterprises with the view to the establishment of regular lines of air navigation, and that the convention shall not apply to transportation performed in extraordinary circumstances outside the normal scope of an air carrier's business.

Air Transportation Documents:

For the transportation of passengers the carrier must deliver a passenger ticket, and for the transportation of baggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a baggage check. Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an "air waybill," and every consignor has the right to require the carrier to accept this document. Detailed provisions in regard to the form and legal effect of these transportation documents are found in Articles 3 to 16 inclusive of the convention.

Liability of the Carrier:

The carrier shall be liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.³

3. Article 17.

As previously stated the carrier shall be liable for damage sustained in the event of the destruction or loss of, or of damage to, any checked baggage or any goods, if the occurrence which caused the damage so sustained took place during the transportation by air.⁴

The carrier shall be liable for damage occasioned by delay in the transportation by air of passengers, baggage or goods.⁵

The effect of the liability provisions referred to above appears to be to create a presumption of liability against the aerial carrier when damage or loss occurs, subject to certain defenses allowed under the convention to the aerial carrier.

Article 20 provides that the carrier shall not be liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures. The article further provides that in the transportation of goods and baggage the carrier shall not be liable if he proves that the damage was occasioned by an error in piloting, in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

Article 21 allows the defense of contributory negligence and provides that if the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

The liability of the aerial carrier is limited by Article 22 to the following amounts:

- 125,000 gold francs for each passenger.
- 250 gold francs per kilogram for checked baggage and goods, unless there is a special declaration of value made by the consignor and an additional sum paid by him if the case so requires; and
- 5,000 gold francs for objects taken care of by the passenger himself.

It is provided in Article 22 that a higher limitation of liability than 125,000 gold francs, with respect to the transportation of passengers, may be agreed to by a special contract between the carrier and the passenger.

Article 25 provides that the carrier shall not be entitled to avail himself of the provisions of the convention which exclude or limit his liability, if the damage is caused by his wilful mis-

4. Article 18.

5. Article 19.

conduct or by such default on his part as, in accordance with the law of the court to which the case is submitted, is considered to be equivalent to wilful misconduct. Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused under the same circumstances by any agent of the carrier acting within the scope of his employment.

Article 27 provides that in the case of the death of the person liable, an action for damages lies in accordance with the terms of the convention against those legally representing his estate.

Article 28 provides that an action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the court of the domicile of the carrier or of his principal place of business, or where he has a place of business through which the contract has been made, or before the court at the place of destination. Questions of procedure will be governed by the law of the court to which the case is submitted.

Article 29 provides that the right to damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the transportation stopped. The method of calculating the period of limitation will be determined by the law of the court to which the case is submitted.

Additional Protocol to the Convention:

The additional protocol to the convention states that the High Contracting Parties reserve to themselves the right to declare at the time of ratification or of adherence that the first paragraph of Article 2 of the convention shall not apply to international transportation by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

The first paragraph of Article 2 of the convention states that the convention shall apply to transportation performed by the State or by legal entities constituted under public law provided it falls within the conditions laid down in Article 1.

In giving its advice and consent to adherence on the part of the United States to the convention and additional protocol, the Senate of the United States made a reservation to the effect that the first paragraph of Article 2 of the convention shall not apply

to international transportation that may be performed by the United States or any territory or possession under its jurisdiction.

II. COMITÉ INTERNATIONAL TECHNIQUE D'EXPERTS JURIDIQUES AÉRIENS (THE C. I. T. E. J. A.)⁶

Organization and Preliminary Work of the C. I. T. E. J. A.:

The Warsaw Convention is the first of a series of conventions on various subjects of private aerial law which have resulted or will result from the deliberations of the C. I. T. E. J. A. This is an international organization engaged in the preparation of a comprehensive code of private air law through the adoption of draft conventions on which final action is taken at general international conferences called for the purpose of considering the drafts.

A draft convention which contained provisions regarding the liability of the aerial carrier in international transportation was submitted by the French Government to the First International Conference on Private Air Law which met at Paris on October 27, 1925. A convention relating to the liability of the aerial carrier in international transportation was signed by the delegates to this conference. One of the very important results of the international conference held in 1925 was the adoption by the conference of a resolution providing for the creation of the C. I. T. E. J. A. for the purpose of continuing the work of the conference.

The C. I. T. E. J. A. held its first session at the Ministry for Foreign Affairs in Paris, May 17 to 21, 1926. Twenty-eight countries appointed representatives to attend this session. The United States was represented by an observer. The C. I. T. E. J. A. has held nine sessions as follows: Paris, 1926; Paris, 1927; Madrid, 1928; Paris, 1929; Budapest, 1930; Paris, 1931; Stockholm, 1932; London, 1933; Berlin, 1934. The tenth session of the C. I. T. E. J. A. will be held at Lisbon in 1935.

The C. I. T. E. J. A. divided the study of questions of private air law and the preparation of draft international conventions among four subcommittees referred to as commissions. The general plan has been for some of the commissions to meet during the first half of the year and for the others to meet during the second half of the year, the second meeting of the commissions

6. For an article entitled "The History and Accomplishments of the International Technical Committee of Aerial Legal Experts," by *John Jay Ide*, see 3 JOURNAL OF AIR LAW 27-49 (1932). See also "International Control of Aviation" by *Kenneth W. Colegrove*, 95-104 and an article by the same writer entitled "The International Aviation Policy of the United States," 2 JOURNAL OF AIR LAW 458-460 (1931).

being immediately followed by the plenary session of the C. I. T. E. J. A.

The convention regarding the liability of the aerial carrier signed at the First International Conference on Private Air Law in Paris in 1925 was referred to the C. I. T. E. J. A. for further study. This convention was considered at the first three sessions of the C. I. T. E. J. A. which completed its work on the convention at its third plenary session held at Madrid from May 24 to 29, 1928. The draft completed by the C. I. T. E. J. A. was referred for consideration to the Second International Conference on Private Air Law held at Warsaw, Poland, from October 4 to 12, 1929. The Warsaw conference completed the work by the adoption of a convention for the unification of certain rules relating to international transportation by air, which was signed by twenty-three countries on October 12, 1929.

Scope of the Work of the C. I. T. E. J. A.:

When the C. I. T. E. J. A. was organized, it referred the following subjects for study to four commissions functioning under its authority:

First Commission

1. Nationality of aircraft;
2. Aeronautical register;
3. Ownership, co-ownership, construction and transfer;
4. Vested rights, mortgages, privileges and seizure.

Second Commission

1. Category of transportation (commercial transportation, touring, etc.);
2. Bill of lading;
3. Liability of carrier towards consignors of goods and towards passengers;
4. Jettison of cargo and general average;
5. Renting of aircraft.

Third Commission

1. Damage and liability toward third parties (landing, collision and jettison);
2. Limits of liability (contractual limitation, abandonment);
3. Insurance.

Fourth Commission

1. Legal status of commanding officer and crew;
2. Accidents to the crew and insurance;
3. Status of passengers;
4. Law governing acts committed on board aircraft.

The following subjects have been considered by the C. I. T. E. J. A. and its commissions:

- Mortgages on planes and preferential rights;
- Aeronautical register;
- Bill of lading;
- Liability of the carrier;
- General average;
- Liability for damages caused by aircraft to third parties on the surface;
- Collision of aircraft;
- Insurance;
- Damages caused at aerodromes;
- Assistance and salvage of aircraft;
- Guaranties to be given by the operator;
- The legal status of the commander and crew;
- Renting of aircraft;
- Interpretation of private air law conventions by the C.I.T.E.J.A.

Completion by the C. I. T. E. J. A. of Draft Conventions for Consideration at International Conferences on Private Air Law:

There have been three International Conferences on Private Air Law. The first, held in Paris in 1925, and the second at Warsaw in 1929, have already been discussed. A draft convention regarding the liability of the aerial carrier in the transportation of passengers and cargo was signed at the First Conference and referred to the C. I. T. E. J. A. for further consideration. The C. I. T. E. J. A.'s draft of the convention was considered and completed at the Second Conference.

The Third International Conference on Private Air Law was held at Rome, Italy, from May 15 to May 29, 1933, for the purpose of taking action on a draft international convention on the precautionary attachment of aircraft and a draft international convention on liability for damages caused by aircraft to third parties on the surface, both of which had been prepared by the C. I. T. E. J. A. The conventions as adopted at the Rome conference are entitled "Convention for the Unification of Certain Rules Relating to the Precautionary Attachment of Aircraft" and "Convention for

the Unification of Certain Rules Relating to Damages Caused by Aircraft to Third Parties on the Surface.”

Two draft international conventions which were adopted by the C. I. T. E. J. A. at its Sixth Plenary Session held at Paris in October, 1931, have not yet been referred to a general International Conference on Private Air Law for final action. One is entitled “Draft Convention on Mortgages, Other Real Securities, and Aerial Privileges”; the other is entitled “Draft Convention on the Ownership of Aircraft and the Aeronautic Register.”

The Fourth International Conference on Private Air Law will be held in 1936. Full details in regard to the conference have not yet been received.

The United States was not officially represented at the First and Second International Conferences on Private Air Law, being represented only by observers. This country was, however, represented at the Third International Conference on Private Air Law by officially accredited delegates who signed, on behalf of the United States, the two conventions adopted at the conference. The delegates of the United States were John C. Cooper, Jr., Chairman of the Committee on Aeronautical Law of the American Bar Association; Theodore Jaeckel, American Consul General at Rome; and John Jay Ide, Representative in Europe of the National Advisory Committee for Aeronautics. Harold H. Tittmann, Second Secretary of the American Embassy in Rome, was an alternate delegate. Mr. Cooper was chairman of the American delegation. The two conventions signed at the Rome Conference are not yet in force. Spain is the only country that has so far ratified the two conventions. They will not come into force until after they have been ratified by five of the signatory powers.

Distinction Between International Public Air Law Conventions and International Private Air Law Conventions:

A clear distinction should be made between conventions within the field of international public air law and conventions within the field of international private air law.

The International Convention for the Regulation of Aerial Navigation signed at Paris on October 13, 1919, the Habana Convention on Commercial Aviation signed at Habana on February 20, 1928, and the Ibero-American Convention Relating to Air Navigation, signed at Madrid on November 1, 1926, are all multilateral conventions in the field of international public air law. Each of

these conventions accords to aircraft of any one of the contracting parties the right to enter the territory of the other contracting parties subject to certain limitations which are set forth in the convention. Numerous international bilateral aeronautical agreements within the field of public air law have been concluded by various countries with the same end in view.

There is another multilateral convention which, although not dealing specifically with the right of aircraft of one of the contracting parties to enter territory of the other parties, may be considered to be within the field of international public air law. This is the International Sanitary Convention for Air Navigation which was adopted by the Permanent Committee of the International Public Health Office and left open for signature at The Hague on April 12, 1933. Under the terms of this convention each of the contracting parties will with respect to aircraft of other parties permitted to enter its territory, have the right to impose certain sanitary and quarantine measures designed to guard against the introduction of communicable diseases.

The International Convention for the Regulation of Aerial Navigation of October 13, 1919, was signed on behalf of the United States but has not been ratified by this Government which is therefore not a party to the convention. The Ibero-American Convention of November 1, 1926, was not signed by the United States nor is this country a party to the convention. The Habana Convention on Commercial Aviation adopted at Habana, Cuba, on February 20, 1928, was signed on behalf of the United States, which has become a party to the convention by ratification. The International Sanitary Convention for Air Navigation which was left open for signature at The Hague on April 12, 1933, has been signed on behalf of the United States but has not been ratified by this Government. The convention is not yet in force as to any of the signatory powers. The United States has, in addition to becoming a party to the Habana Convention, entered into a number of international bilateral air navigation agreements dealing with the right of entry of aircraft, within the field of public international air law.

The draft conventions relating to private air law rights dealt with by the C. I. T. E. J. A. and at general international conferences do not establish a general right for aircraft of a party to any of these conventions to enter territory of other parties, although they may contain provisions applicable to air transportation

that must be complied with by aircraft of a country party to any of the conventions in connection with the right of flight over territory of other countries parties to the convention.

Representation on the C. I. T. E. J. A., Its Rules of Procedure, and the Method of Conducting Its Studies:

According to a recent publication of the C. I. T. E. J. A., the following countries are represented in its work: United States of America, Germany, Argentina, Austria, Belgium, Brazil, China, Denmark, Dominican Republic, Egypt, Spain, France, Great Britain, Greece, Guatemala, Hungary, Italy, Japan, Lithuania, Luxembourg, Mexico, Norway, The Netherlands, Peru, Poland, Portugal, Rumania, Sweden, Switzerland, Czechoslovakia, Turkey, Union of Soviet Socialist Republics and Yugoslavia.

The President of the C. I. T. E. J. A. is elected at the beginning of each annual session and continues in office until the opening of the following session. The Vice Presidents are the Presidents of the commissions appointed by the C. I. T. E. J. A. The C. I. T. E. J. A. organizes the commissions to serve from one session to another and decides how many members they will include. Any member of a commission may be represented by another member of the C. I. T. E. J. A. Although there is no fixed number of representatives for each country on the C. I. T. E. J. A., only one of the members of any nationality may belong to any one commission.

The C. I. T. E. J. A. has a Secretary General, with headquarters in Paris, who is charged with the duty of attending to correspondence, drawing up the minutes of the C. I. T. E. J. A. and the commissions, receiving and distributing questionnaires and reports, and convoking the commissions and the C. I. T. E. J. A.

Each commission elects its president, and also the reporter for each one of the questions entered on its agenda. The reporter prepares on the question referred to him, a questionnaire which is sent to all the members of the commission who must, within the time set by the commission when the question was entered on its agenda, return their answers directly to the reporter and also send a copy to the Secretary General of the C. I. T. E. J. A. The reporter then makes out his report containing a text of a proposed convention preceded by an explanation. He sends his report to the Secretary General for distribution among all the members of the commission. The commission then meets at the call of its

president to study the reports that have been made and to prepare the text of a convention to be referred to the C. I. T. E. J. A. The commission appoints the reporters who are charged with the duty of laying its finding before the C. I. T. E. J. A. The commission meets at the place named by its president in agreement with the president of the C. I. T. E. J. A.

The C. I. T. E. J. A. meets on the call of its president who states the object of the conference. It hears the statements of the reporters appointed by the commissions and passes upon the texts of draft conventions, the final wording of which is entrusted to a subcommittee. The drafting subcommittee consists of five members appointed by the C. I. T. E. J. A. It elects its chairman and the Reporter General whose duty is to present all texts to the C. I. T. E. J. A. Upon approval by the C. I. T. E. J. A. of the general reports and draft conventions, the conventions are forwarded to the French Government to be communicated to all the governments in connection with the convocation of the next International Conference on Private Air Law. If, however, the C. I. T. E. J. A. is not prepared to adopt a draft convention on the basis of a text submitted by any of the commissions, it refers the draft back to the appropriate commission for further study.

Other functions of the C. I. T. E. J. A. relate to a consideration of matters connected with its budget of expenses. Certain duties in this connection devolve upon the Secretary General and upon a special commission of three members appointed each year by the C. I. T. E. J. A. The C. I. T. E. J. A. adopted a provisional regulation providing for a special commission on documents and regulations to be at the disposal of the C. I. T. E. J. A. for the study of any proposed amendments of or additions to the C. I. T. E. J. A. regulations.

Representation by the United States in the Work of the C. I. T. E. J. A. and Its Commissions.

A requirement for membership on the C. I. T. E. J. A. is that each country shall make an annual contribution toward the expenses of the C. I. T. E. J. A. Believing this country might find it desirable to have official participation in the deliberations of the C. I. T. E. J. A. and its commissions, the Secretary of State, after obtaining an expression of the views of the Department of Commerce and the National Advisory Committee for Aeronautics, recommended to President Coolidge on May 3, 1928, that Congress be

asked to pass a joint resolution authorizing an annual appropriation of a sum not in excess of \$250.00 to pay the share of the Government of the United States toward the expenses of the C. I. T. E. J. A. In a message to Congress, dated May 4, 1928, President Coolidge commended to the favorable consideration of the Congress the recommendation of the Secretary of State.⁷

House Joint Resolution 311, authorizing such an appropriation, passed the House of Representatives on May 28, 1928, but as Congress adjourned on May 29, 1928, no action on the resolution was taken by the Senate during the 70th Congress. It was therefore necessary to have a new resolution introduced in the 71st Congress, and on March 26, 1930, the Acting Secretary of State recommended to President Hoover that Congress again be asked to authorize the appropriation. The report of the Department of State was transmitted to Congress on April 1, 1930, by President Hoover. House Joint Resolution 299 authorizing an annual appropriation of a sum not in excess of \$250.00 to pay the share of this Government toward the expenses of the C. I. T. E. J. A., was passed by the House of Representatives on May 29, 1930, and by the Senate of the United States on February 10, 1931, and was approved by the President on February 14, 1931.

The above statements are taken from a report by Secretary Hull to President Roosevelt, dated February 7, 1934, recommending that Congress be requested to enact legislation authorizing an additional annual appropriation in the sum of \$3,000, or so much thereof as might be necessary, for the purpose of defraying the expenses of American experts on the C. I. T. E. J. A. in going abroad to attend sessions of the C. I. T. E. J. A. and its commissions.⁸

In his report of February 7, 1934, Secretary Hull called attention to the fact that President Hoover had in a message to Congress, dated January 4, 1932, requested that it authorize an annual appropriation for the purpose of defraying the expenses of American experts in going abroad to attend the meetings of the C. I. T. E. J. A. and the commissions established by that organization. In connection with President Hoover's message, House Joint Resolution 193 was introduced and was favorably reported by the Committee on Foreign Affairs under date of March 14, 1932.⁹ The message of President Hoover is contained in Senate

7. S. Doc. 94, 70th Congress, First Session.

8. H. Doc. 245, 73d Congress, Second Session.

9. H. Rept. 800, 72d Congress, First Session.

Document No. 33, 72d Congress. A similar resolution was introduced in the Senate as Senate Joint Resolution No. 176 on June 8, 1932, and was referred to the Committee on Foreign Relations. The Senate Committee on Foreign Relations took no action on Senate Joint Resolution 176 and although House Joint Resolution 193 was reported favorably by the Committee on Foreign Affairs of the House of Representatives, it was not voted upon before the end of the session.

In his report to the President of February 7, 1934, recommending that Congress be requested to authorize an annual appropriation to defray the expenses of American experts in going abroad to attend the sessions of the C. I. T. E. J. A. and its commissions, Secretary Hull made the following statement:

The present administration has shown its interest in our participation in the codification of international air law. Delegates to the Third International Conference on Private Aerial Law were appointed with your approval, and these representatives in their reports on the conference have stressed the importance of representation by the attendance of the American experts in person at the meetings of the International Technical Committee of Aerial Legal Experts [C.I.T.E.J.A.] and its commissions, since at these meetings there are prepared the preliminary draft conventions that are considered at general international conferences on private aerial law, such as the conference held in Rome, Italy [Third International Conference on Private Aerial Law].

Under date of February 8, 1934, President Roosevelt commended to the favorable consideration of the Congress the report of Secretary Hull recommending that Congress be requested to enact legislation authorizing an annual appropriation in the sum of \$3,000, or so much thereof as might be necessary, for the purpose of defraying the expenses of participation by American experts in the meetings of the C. I. T. E. J. A. and its commissions.

The following is a resumé of the efforts made during the second session of the 73d Congress to obtain an authorization for an annual appropriation of a sum not in excess of \$3,000 to defray the expenses of American experts in participating in person in the sessions of the C. I. T. E. J. A. and its commissions.

On February 9, 1934, Senator Pittman, Chairman of the Committee on Foreign Relations of the Senate, introduced a resolution¹⁰ amending the existing authorization for an annual appropriation to pay the share of this Government toward the expenses of the C. I. T. E. J. A., so as to provide in addition for an annual appro-

10. S. J. Resolution 83.

priation of a sum not in excess of \$3,000 to defray the expense of participation by American experts in person in the sessions of the C. I. T. E. J. A. and its commissions as recommended by Secretary Hull. A corresponding resolution¹¹ was introduced in the House of Representatives on February 10, 1934, by Representative McReynolds, Chairman of the Committee on Foreign Affairs of the House of Representatives.

On February 20, 1934, the Committee on Foreign Affairs of the House of Representatives made a favorable report on the House resolution after a hearing on the resolution. On February 28, 1934, a favorable report on the Senate resolution was made by the Committee on Foreign Relations of the Senate.

S. J. Resolution 83 was passed by the Senate without amendment on March 15, 1934, but was not voted upon in the House of Representatives. H. J. Resolution 271 was reached several times on the House Consent Calendar after it had been favorably reported by the House Committee on Foreign Affairs, but objections having been made by several members of the House to requests for its consideration, no action thereon was taken by the House before the adjournment of the 73d Congress.

Since by making an annual contribution toward the expenses of the C. I. T. E. J. A. the United States was entitled to representation in its work, American experts were in July, 1932, designated by the Secretary of State, with the approval of the President, to serve on this international committee. The United States has continued up to the present time to have representation on the C. I. T. E. J. A. The present members of the American section consist of Mr. Denis Mulligan, Chief of the Enforcement Section, Bureau of Air Commerce, Department of Commerce; Mr. Fred D. Fagg, Jr., Managing Director, Air Law Institute, Chicago, and Professor of Law, Northwestern University School of Law; and the writer. Mr. John Jay Ide, Technical Assistant in Europe for the National Advisory Committee for Aeronautics, is technical assistant to the American members of the C. I. T. E. J. A. The members of the American section have, in the absence of an appropriation to defray the expenses of traveling abroad, participated in the work of the C. I. T. E. J. A. and its commissions to such extent as has been found to be practicable through correspondence.

11. H. J. Resolution 271.