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## Editorials

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## EDITORIALS

### FRED DOW FAGG, JR., DIRECTOR OF AIR COMMERCE

On March 1, 1937, was announced the appointment by the Secretary of Commerce, of Fred Dow Fagg, Jr., as Director of Air Commerce.

Mr. Fagg's career in the realm of aeronautics has been a notable one. Born at Brooklyn, N. Y., on July 30, 1896, the son of Fred Dow Fagg and Ida Alzine Chase Fagg, he spent his early youth in California, whither the family had removed. In 1920, he was graduated from the University of Redlands; then in the Graduate School of Harvard University he specialized in the economics of transportation, received the degree of A.M., and was appointed assistant in economics.

Meanwhile he had in the World War obtained his practical aeronautical experience. While still in college at Redlands, he volunteered and was trained at San Diego, and was commissioned 2nd lieutenant, pilot in the 92nd Aero Squadron A. E. F., and in 1917-18 served overseas where in the British area he was assigned to night bombing patrol duty over the English Channel.

In 1923 he came to Northwestern University as instructor in economics, at the same time pursuing the law course and receiving the degree of J.D. in 1927. The University of Southern California in that year appointed him associate professor of economics, and while in that institution, he was designated as exchange professor of air law on a foundation providing for a one-year's exchange with the University of Königsberg, in Germany, where an Institute of Air Law had recently been established. On the expiration of this appointment, he accepted a call to be professor of law in Northwestern University.

His experience as a practical aviator, his legal training, and his special acquaintance with international development of air law—all these circumstances led to the proposal, made to him by the Dean of the Law School, to found in Chicago an Air Law Institute for the United States. A fund was collected, sufficient to maintain the Institute for three years, and Mr. Fagg became the managing director. The subscribers were the Daniel Guggenheim Fund for the Promotion of Aeronautics and such Chicago friends of aeronautics as Robert R. McCormick, Earle H. Reynolds, Edward D'Ancona,

Elias Mayer, Melvin Emerich and Martin Straus. This fund was long ago used up, and the Institute now is supported solely by Northwestern University and has become the clearing house for information on aeronautical law; and the *JOURNAL OF AIR LAW*, with Mr. Fagg as its Editor-in-Chief, has become the leading publication devoted exclusively to its field.

Meanwhile he was made a member of the Illinois Aeronautics Commission and thus functioned actively in connection with practical aeronautics and obtained experience in the administrative aspects of government control of aviation. In 1932 he was elected secretary of the National Association of State Aviation Officials, and retained that post until entering upon his present duties. In that office he has come into close contact with those engaged in all branches of the aviation industry.

In 1934-35 he acted as legal advisor to the Federal Aviation Commission, appointed by the President to report upon the whole subject of aviation policies. In 1935 he acted as legal counsel to the United States Senate Subcommittee on Aircraft Accident Investigation. And since the summer of 1936 he has been acting as Consulting Expert to the Bureau of Air Commerce in the general revision of the air regulations now under way.

In the international field, he has worked with many European leaders and in 1934 was appointed by the Secretary of State to be one of the four members of the American Section of the *Comité International Technique d' Experts Juridiques Aériens (CITEJA)*.

This record of varied experience is some index of the aptness of his appointment to the position of Director of Air Commerce. It may be hoped that his appointment will be received with satisfaction by all sections of opinion in the great realm of aeronautics, both national and international.

JOHN HENRY WIGMORE.

**HOWARD C. KNOTTS, EDITOR-IN-CHIEF OF THE  
JOURNAL OF AIR LAW**

On April 5th Dean Leon Green of Northwestern University Law School had the honor to announce the appointment of Mr. Howard C. Knotts of Springfield, Illinois, to the position of Editor-in-Chief of the *JOURNAL OF AIR LAW* to succeed Mr. Fred D. Fagg, Jr., who held that position since the founding of the *JOURNAL* in 1930 until March 1st, 1937, when he assumed his duties as Director of Air Commerce.

Mr. Knotts, a graduate of Knox College and Harvard University Law School, is exceptionally well qualified to succeed Mr. Fagg. He brings to his office not only a keen and sympathetic insight into the practical problems of an industry destined for phenomenal development, but a familiarity with its legal problems—state, national and international.

After a distinguished military career during the years 1917-1919, in which he served as Second Lieutenant and pilot in the 17th U. S. Aero Squadron, A.E.F., was twice wounded in action, credited with eight enemy aircraft, and awarded the Distinguished Service Cross, Purple Heart (Oak Leaf Cluster), Silver Star Medal and the Distinguished Flying Cross (British), Mr. Knotts returned to Harvard Law School to complete his interrupted legal studies. After being graduated in 1921 with the degree of LL.B., he entered into the general practice of law in Springfield and is at present senior member of the firm of Knotts and Dobbs of that city.

His early association with aviation gave him the opportunity after the War to assist in its development by serving in many capacities, promotional as well as regulatory, official as well as semi-official. From 1927-1933 he was chairman of the Aviation Committee of the American Legion, Department of Illinois; and from 1929-1931 was Secretary of the Illinois Aerial Navigation Commission. He was co-author with Mr. Fagg of the Illinois Aeronautics Act as originally adopted and later amended, which act created the present Illinois Aeronautics Commission and is the basis of the uniform state aeronautical acts adopted and recommended by the American Bar Association, the National Association of State Aviation Officials and the Conference of Commissioners on Uniform State Laws. He was one of the promoters and organizers of the First National Legislative Air Conference, held at Chicago in 1930, and was also a delegate from Illinois to the National Conference on Uniform Aeronautic Regulatory Laws called by the Secretary of Commerce at Washington, D. C., in the same year. Since 1932 he has served on the Editorial Advisory Board of the JOURNAL OF AIR LAW.

An expert in public utility law as well as air law, Mr. Knotts holds the position of Aviation Supervisor of the Illinois Commerce Commission as well as special assistant attorney general for the State of Illinois in connection with appeals from the Illinois Commerce Commission orders involving transportation, gas, electric and water utilities. Since 1934 Mr. Knotts has been on the Faculty of

Northwestern University Law School as Illinois Law Lecturer on public utility law.

At present he is also Chairman of the National Aeronautics Commission of the American Legion, Chairman of the Section on Aeronautical Law of the Illinois State Bar Association, a member of the Advisory Committee to the United States members of the Comité International Technique d'Experts Juridiques Aériens (CITEJA) and Secretary of the National Association of State Aviation Officials.

#### REORGANIZATION OF THE BUREAU OF AIR COMMERCE

On March 1st, 1937, Secretary of Commerce Daniel C. Roper announced the resignation of Eugene L. Vidal as Director of Air Commerce and the appointment of Fred D. Fagg, Jr., as his successor. In his letter of resignation to the Secretary of Commerce, Mr. Vidal said:

"As you know, I have desired for some time to be relieved of my duties as Director of Air Commerce in order to take advantage of some very attractive offers from the aviation industry which also will permit me to contribute to aviation's progress. I have remained in the Government service this long because I was eager to accomplish a number of objectives which I had established for myself when I entered the Bureau nearly four years ago.

"I wish to express my appreciation for the continued friendship and support of yourself and your assistants, and my desire to be called upon at any opportunity to be of service."

Mr. Vidal's resignation came after four years of service as Director of Air Commerce. Due to the extensive and remarkable development in the aviation industry during that period his task became indeed a difficult one. His resignation for the purpose of entering the private aviation business carries with it the wishes of his many friends for his great success. The extent to which his services as Director have been valued and appreciated is indicated by the letter of Secretary of Commerce Roper accepting his resignation:

*March 1, 1937.*

Dear Gene:

I accept your resignation as Director of the Bureau of Air Commerce with deep regrets. I have been aware for some time of your desire to get back into business. My regrets over your resignation as Director are somewhat alleviated by the fact that you have agreed, upon our request, to remain associated with the Bureau in an advisory capacity until the plans for the enlarged expenditures contemplated in the estimates now before the Congress have been completed, or until you become connected with the industry.

You have guided the Bureau through a period of great development and no one could have been more loyal to the Government, more devoted to the development of air commerce, or more cooperative with me than you have been throughout your practically four years service.

You carry with you my kindest personal regards and my very best wishes for your future success and happiness.

Very sincerely,

DANIEL C. ROPER,

*Secretary of Commerce.*

*Mr. E. L. Vidal,  
Director, Bureau of Air Commerce,  
Department of Commerce,  
Washington, D. C.*

Under release of March 1st, the Department of Commerce made the following statement:

"Mr. Vidal's last official act was to organize a Safety Research and Development Section in the Bureau of Air Commerce which will embrace all safety research and development work of the Bureau. This section also will include a committee representing all phases of Federal, commercial and private aviation which will advise the Bureau as to the projects most urgently in need of investigation, research, experimentation and development.

"Mr. Vidal, an army and civilian pilot of more than 15 years' experience and a former airline organizer and executive, was appointed an Assistant Director of the Bureau of Air Commerce in June, 1933, and four months later was elevated to the post of Director. Credited to him during his administration are many accomplishments which are in addition to the regularly prescribed duties of his office.

"In the matter of airline regulation, Mr. Vidal established a separate airline inspection service within the Bureau and secured an amendment to the Air Commerce Act authorizing the Department to regulate airline operations as to safety. Other steps taken included promulgation of a complete new set of airline regulations which embraced such important provisions as the requirement of multi-engined aircraft for flying in and above fog and over unfavorable terrain; ceiling limitations at airline terminals; designation of special airline pilot medical examiners and more frequent physical examinations for this grade of pilot; reduction in total monthly and yearly flying hours for airline pilots; Federal approval of airline dispatchers and establishment at congested airline terminals of a system of airways traffic control to prevent possible aircraft collisions.

"With the objective of aiding the aircraft manufacturing industry in production and sales, Mr. Vidal obtained Congressional authority to engage in development work on aircraft, engines and accessories. To this end he undertook a development program, with limited funds, on types of aircraft suitable for the novice pilot. This program has resulted in four new and different types being in commercial production, two of the non-stall-spin variety. Further, extensive interest has been focused on the three wheel landing gear which some of the Bureau models feature and which has been acclaimed as revolutionizing the operation of landing and taking off of air-

craft. Steps now are being taken in various quarters to develop this type landing gear for larger aircraft. Other Bureau safety contributions include a device for eliminating ice from propellers in flight; development of ice-free carburetors for aircraft engines and a brake for propellers to be applied in flight in event of an engine failure; and perfection of the radio typewriter for transmission of weather reports.

"Taking the position that greater public confidence in aviation could be obtained if the secrecy surrounding causes of accidents were removed, Mr. Vidal sponsored a Congressional amendment authorizing the Department of Commerce to hold public hearings and make public the probable causes of aircraft accidents. Since the summer of 1934, more than a score of public hearings have been held and public statements issued on all major aircraft accidents.

"Although forced by the Government's economy program to operate the Bureau on funds 40 per cent less than in the past, Mr. Vidal was able to obtain financial assistance from other sources for aviation in general. Recognizing that aviation would prove an excellent outlet for the Government's unemployment relief program, he sought and obtained what eventually resulted in the expenditure of approximately \$60,000,000 for airport development work at 950 different locations and an air marking program for the entire country. In this work the Bureau acted as technical adviser to the W. P. A. and its predecessor organizations. Also from P. W. A., Mr. Vidal obtained funds for the survey and construction of about 5,000 miles of new and relocated Federal airways. Further, he obtained the necessary funds and completed in two years the gigantic program of airmapping the entire United States so that airmen could be furnished with current and accurate air navigation charts for any part of the country.

"In addition to the remarkable growth of air transport, Mr. Vidal has seen private flying expand in every respect during his period in office. A valuable index into the growth and current interest is obtained from the record of active student pilot licenses. In 1933, when he took office, the number was 7,500. Today it is 32,400. Likewise, the production of private aircraft, particularly of the smaller type, has increased and the price has declined steadily with the increase in production.

"From the recent airline safety conference called by the Department, a number of specific steps are being taken to provide for greater safety. Among these are the requirements by the Bureau of an auxiliary system of air navigation and of the installation of directional and homing devices and anti-static shielded loop antenna on all airliners; imminent promulgation of approved type certificate regulations for airliner radio receiving and transmitting equipment; installation of an automatic 'air log' on airliners to record the movements of the craft at all times; and more exacting navigational training for airline pilots. The Bureau itself has undertaken to install stations which it has developed to transmit radio beacon signals and voice simultaneously; provide more detailed radio maps and expedite the installation of airport approach lights to facilitate landing under conditions of poor visibility; and will accelerate its study and research regarding pilot's mental and physical limitations."

In regard to the appointment of Mr. Fagg the following statement was issued, also under date of March 1st:

"Under a reorganization program, Fred D. Fagg, Jr., will succeed Eugene Vidal as Director of the Bureau of Air Commerce, Mr. Vidal acting in an advisory capacity for the present.

"Major R. W. Schroeder, Chief of the airline inspection service, has been named Assistant Director of the Bureau. Rex Martin, Assistant Director of the Bureau in charge of navigation, has been assigned to a study mission in Latin America. Col. J. Carroll Cone, Assistant Director of the Bureau in charge of regulations, has been given a similar mission to Europe.

"In commenting on the new plan of operations, Secretary Roper made the following statement:

'Development of air commerce in the United States during the last four years has been nothing short of phenomenal. Major problems have been encountered because of the fact that we have been exploring in the field of unknown factors. Notwithstanding the many difficult problems, we have developed rapidly in scientific achievement and human training, as well as in manufacturing technique, with the result that the American people are rapidly becoming more adjusted to this modern mode of transportation, and we are holding first place among aeronautical nations of the world. The extensive development of the industry at home required larger expenditures to implement the great industry.'

'The time has also come to extend our studies into the world trade field. Aviation is one of the industries which is not bound by State lines or international frontiers. It is an industry in which the countries of the world can cooperate in the interest of economic improvement through the establishment of safe trade, guided by understanding and good will.'

'For these larger studies, the Bureau of Air Commerce of the Department of Commerce is being given a wider sphere in which to carry on its development work. Congress, through adequate appropriations for 1938 now under consideration, will enable us to plan in a larger way for carrying forward further domestic development with proper attention to the promotion of safety for life and property. To this end Mr. Fred D. Fagg, Jr., of Northwestern University, Chicago, is being appointed Director of the Bureau. One of the most important features in this development is the study and application of the regulations as they apply to field service. Mr. Fagg has been devoting much time to this responsibility and is unusually well prepared for this phase of the work and for effectively utilizing the increased appropriation. Mr. Fagg will have the expert assistance of Major R. W. Schroeder, whose broad experience should also be valuable in the successful development of the enlarged program.'

'For the study of the opportunities for the development of trade through air commerce in other countries of the world, Mr. Rex Martin, who has been in the Bureau for four years, is being assigned to these major studies in Latin America. Col. J. Carroll Cone, who for four years has specialized in regulations, is exceptionally well prepared to make our studies in the European field.'

'Mr. Eugene Vidal, who has been Director of the Bureau for four years and under whose supervision, supplemented by that of Mr. Martin and Col. Cone, remarkable development has taken place, is resigning voluntarily from his position for the purpose of eventually entering private business. However, until our plans have been fully developed, he has kindly consented to assist us in an advisory capacity in launching the new and enlarged program.'

'The officials who are to make the studies abroad will work in connection with the foreign commerce officers of the Bureau of Foreign and Domestic Commerce stationed in the several countries and furnish them with technical information and guidance on transportation and communication between American exporters and foreign markets. In addition they will seek opportunities for American aeronautical trade and supply the Department of Commerce with technical data on commercial aviation throughout the world and furnish information to the Secretary of Commerce vitally necessary in the always delicate negotiations involved in the establishment of international air routes and services.'

"The program of expanded service to American business is in line with Secretary Roper's policy of maintaining the closest possible contact with foreign markets for the purpose of gaining more enlightened knowledge of consumer needs and supplying the demand in the most expeditious manner possible.

"In commenting on this phase of the objectives of the new study program, Secretary Roper said:

'Mutual understanding of the interrelationships of the countries of the world is the safest guide to peace, while improved economic conditions through a free flow of commerce is an essential element in the maintenance of that peace.'

"In addition to the studies that will be made looking to the expansion of aviation, the program for the promotion of foreign trade also includes cooperative studies of the various modes and costs of communication with consideration to the possibility of a short-wave radio development for world-wide broadcasting similar to that now in successful operation in other countries as a means of acquainting the world with our facilities for expanding foreign trade.

"In addition to practical knowledge gained from aviation service during the World War, Mr. Fagg has broad legal and economic background and is widely known throughout the aviation world. His career has been particularly outstanding in the field of international aviation law.

"Mr. Fagg comes to the Bureau from Northwestern University, Chicago, where, in 1929, he founded the Air Law Institute and has continuously served as its director in addition to editorial duties on 'The Journal of Air Law.' He previously spent a year in Germany where the first Air Law Institute was formed in 1926.

"Mr. Fagg's most recent work has been as consulting expert on the revision of air commerce regulations for the Department of Commerce in which he was assisted by Col. John H. Wigmore, dean emeritus of Northwestern University Law School. Mr. Fagg was also associated with Col. Wigmore as adviser to the Copeland Senate Committee on aircraft safety.

In 1934-35 they served the Federal Aviation Commission, appointed by the President, in a similar capacity.

"Mr. Fagg is a native of Brooklyn, New York, and was educated at San Diego Army & Navy Academy, University of Redlands, Harvard University, and Northwestern University. Having been under age for a commission in any branch of the military service at the beginning of the World War, he expressed his interest in aviation by taking ground school training at Berkeley, Calif., completing his class in December, 1917, as squadron commander. He then took flight training at Rockwell Field, San Diego, followed by advanced training at Ellington Field, Olcot, Texas. He was one of 48 out of a class of 600 flying officers to be attached to a British night-bombing squadron with headquarters at Sussex, England. After his discharge in December, 1918, he resumed his legal advisory and instruction work in aviation and is considered an authority on law and procedure.

"Mr. Fagg has been a member of the Illinois Aeronautics Commission since it was organized in 1931; secretary of the National Association of State Aviation Officials since 1932; member American Section, International Technical Committee of Aerial Legal Experts, now meeting in Berne, Switzerland. He was a member of the American Bar Association Committee on Aeronautical Law and co-author of the Illinois aeronautics legislation, used as a model for the Uniform State Aeronautical Regulatory Act."