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LEGAL AND OTHER PROBLEMS CONFRONTING AVIATION INSURANCE UNDERWRITERS

G. L. LLOYD*

The subject allotted to me to speak on at this Conference is "Legal and Other Problems Confronting Aviation Insurance Underwriters." I may say at the outset that so far as legal problems go, we have the assistance of such able and experienced lawyers—many of whom have already addressed you—that it is hardly necessary for me to dwell on our legal troubles. (The lawyers love them and are fully able to take care of them in not the cheapest, perhaps, but the best way.) The other problems, however, those which face that small but dauntless band of aviation underwriters of whom I am an humble representative, are vast in their magnitude and extremely costly to the Insurance Companies when they are not properly handled. Insurance Companies, however, are famed for being long-suffering and patient. They have nobly withstood in the past the shocks and trials that attend the development of a new industry and their record in fostering the development of aviation is one they can regard with pride.

Several centuries ago when valuable merchandise was lost in catastrophes at sea and something had to be done if sea-borne commerce as a trade was to be built up and not annihilated by disaster, a few old sea captains, talking things over in Lloyd's Coffee House in London, hit upon a plan whereby each contributed a certain amount to a fund, which would be paid over to the next of them who lost a ship and would need some financial help to keep his business going. The plan worked and from that small beginning developed the marine insurance of today.

Not long after the sailors had found a way to protect themselves financially from the dangers of the sea, the ordinary householders and merchants, spurred on to take some action by conflagrations, such as the Great Fire of London, began to contribute on the same sort of basis as the sailors were doing, to funds handled by Companies who could be trusted to have the money available if their property were destroyed by fire.

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[543]
Later, at the beginning of the last century when railways first made their appearance and threatened with their dreadful speed to destroy human lives wholesale, the same principles which actuated the minds of men when marine insurance and fire insurance came into being, led to the formation of Companies who would pay for injuries or death occasioned in the serious accidents of those days. Nearly one hundred years later, the development of the automobile extended the activities both of the Fire and the Accident, or Casualty Companies as they are called, so that people who made use of this gift of science to the transportation world, once again would be able to protect themselves against financial loss when fire or accident overtook them.

And now the people who have inherited the traditions of those far-sighted men who, throughout the centuries had found a way to give financial protection to the merchant prince or the humble householder in case of fire or accident, are called upon to devise ways and means of doing the same thing for those progressive members of the community who invest capital in the development of air transport or who make use personally of that means of conveyance. It is to be hoped that the insurance men of today will be as successful as their predecessors in meeting their problems.

When one pauses to consider all the possibilities of fire and accident which attend the housing or the operation of an airplane, the total cost of this in losses to the aviation industry in the course of a year and the possible amount of premium (i.e., the total of the fund), which can be built up by contributions from the industry during the same period, one must admire the spirit actuating the numerous Insurance Companies who have opened up their resources so that this latest infant to enter the commercial world may have a helping hand to keep it on its feet during its early years. Incidentally, the function of the Insurance Companies is not only to dress and heal the wounds of the child when it falls but also to teach it how to avoid stumbling so that the expense of medical attention will be kept at a minimum. The “handmaid of commerce” often takes on the duties of nursemaid as well.

I propose now to deal with some of the outstanding features in the risks covered by Insurance Companies which, at the present time, are giving them food for profound thought, and in those cases where legislation can assist to lighten the burden of the Insurance Companies without imposing a hardship either on the industry or the public, I will mention specifically what I would recommend should be done.
The peril of fire is familiar to all. From the time that matches are taken away from him as a small boy, the average man in the street has a full appreciation of the horrors of fire and knows a fair amount about how fires are caused, how they can spread and how they can dislocate the normal function of a household, a factory and even of a town. I would like to take such a man to a typical airport and show him the obvious dangers of fire in a service hangar as it exists today. He would see perhaps in one corner of the hangar, mechanics clambering about an engine, changing plugs or examining leads, etc. In another corner there might be a machine with gas tanks being drained into a tray placed underneath. The floor would be spotted with oil and grease, waste and oil rags would be lying about, and a strong odor of gasoline would probably be noticeable. My companion perhaps would be smoking and, for that matter, I might be myself, and no one would stop us although no doubt "No Smoking" signs would be posted about the place. It is conceivable that acetylene welding would be proceeding either at a bench or on one of the machines needing some repair work. I think it is hardly necessary for me to elaborate on the underlying meaning of all this.

In the fire insurance business, engineers employed by Insurance Companies have done a tremendous amount of good work in cutting down avoidable loss through fire. They inspect premises or go over plans before construction, make recommendations for lessening the chances of fire and add to this suggestions for minimizing the extent of damage if a fire should occur. By means of improved building construction, the introduction of automatic sprinkler systems and fire extinguishers, the separation of buildings to prevent the spread of fire, and in many other ways the Insurance Companies—through their engineers—have done remarkable work in reducing waste from fire loss and have saved the community, as a whole, fabulous sums of money. The organizations under whose control most of this work has been done, are the National Fire Protection Association and the National Board of Fire Underwriters, and for some time now their recommendations as to the improvement of the fire hazard in aviation have been available to the industry. I am afraid, however, that the advice—with a few notable exceptions—is not being heeded. Fire protection is frequently expensive and the construction of fireproof hangars, installation of sprinkler systems, the provision of adequate fire extinguishing equipment, etc., can often not be afforded by an operator, much as he may agree in principle with such things. The Insurance
Company, therefore, knowing that it will take time before the physical features of these risks will be improved to the extent that is desirable, have to face the fact that insurance must be provided in the meantime, and they do provide it at a substantially higher rate. Unfortunately, the higher rate from their point of view is not good business as, in the first place, the rate is hardly high enough adequately to take care of the avoidable hazards that exist and secondly, a great many operators feel the insurance is too expensive and they do not take it. This has the effect of reducing premium volume and spread of risk and, what is more serious, it also has the tendency to force the best class of risk to do without insurance, on the grounds that the insurance is less needed in the case of the good risks particularly at the price that is asked for it.

In addition to the physical imperfections that exist in the place where the aircraft is housed, there is the additional risk of fire inherent in the machine itself. When starting an engine on a cold day, gas floods the chamber of the carburetor and the vapor spreads itself about the engine. In the event of a backfire or any exposed ignition wire, the risk of fire is obvious. Electrical wiring installed in a machine for night flying purposes or for radio transmission, or for other purposes, all adds to the fire risk. In addition, when the tanks of an airplane are being filled with gasoline or drained, there is always the possibility of static electricity being generated and causing an outbreak of fire. The recent conflagration in Chicago, where property valued at nearly $2,000,000 was destroyed, was attributed to static electricity created by the flowing of gasoline from a tank which was being drained.

As you will see, the hazard of fire is a serious one and the high cost of fire insurance will continue while losses occur as they are occurring at the present time. The Insurance Companies have gone a long way in suggesting remedies, but hardly sufficient notice has yet been taken of them. Unfortunately, a good operator is penalized, too, by the unsatisfactory condition that prevails at the present time, in that his machines have to be hangared in hangars belonging to other people and while he might be particularly careful to reduce the fire risk to a minimum in his own hangar, he is always exposed to the chance of a loss when he uses the facilities of a hangar owned by someone less careful. Owing to this feature, he personally cannot benefit to any great degree in his own insurance rate until others follow the good example he sets and losses as a whole are reduced.
There is another serious aspect of the fire risk which is very prominent in any discussion of insurance among underwriters or Insurance Companies at the present time, owing to the serious fire in Chicago referred to above. In this fire which involved two hangars, some 33 machines were destroyed, the total value of which was approximately $600,000. There are a great many large hangars throughout the country and they are frequently placed fairly close to each other, so that if one begins to burn, there is a strong possibility of the others becoming involved in the fire as well. Owing to the intense heat developed in a hangar fire by fiercely burning gasoline and the dope covered fabric on the wings of aircraft, and owing as well to the danger of exploding gasoline tanks, it is impossible to stop a hangar fire once it is fairly started; nor is it possible to remove machines from the hangar in the limited time that exists. In view of the size of the hangars, the large values concentrated in them and their vulnerability to fire, the possibility of large catastrophes is evident. We recommend, as far as we can, that hangars should be built in a series of small compartments, each sufficient in size to take one airplane and that fire walls should separate the different machines from each other, so that in the event of a fire occurring in one of the compartments, it would not spread to the others. We are told that this method—which has been adopted in several places and proved its success from the fire point of view—is inconvenient from the point of view of the operator as his machines would be so scattered that mechanics could not easily move from one to the other. Further, it is a more expensive type of construction and is hardly warranted by the small difference in the fire premium which we can allow for the diminution in the catastrophe hazard.

Perhaps the most frequent cause of claims against an Insurance Company is under that section of their policy where they insure damage to an aircraft arising out of flight. To cover this risk, a very high premium is charged and not only that, the policyholder has to carry a substantial amount of each loss himself before the Insurance Company becomes liable. In spite of this, however, and in spite of the fact that no sane Underwriter would give the insurance unless he were satisfied that the skill and experience of the pilot and the uses to which the machine would be put, the territory over which it would be flown, etc., were all normal. The Insurance Companies today, I should say, are losing more money in providing this particular form of insurance than any other of the usual aircraft coverages.
To anyone not familiar with the risks of flying, this may seem understandable as it would seem to him that this would be the case if he observes the news of accidents reported daily in the newspapers and does not know of the many pilots who have flown for years without having damaged a machine in any way. At one time there seemed to be a number of such pilots, but judging from the claims experience during the past two years, I am beginning to doubt whether there are any at all today. For various reasons, accidents have happened and keep on happening which involve claims for damage to the aircraft. I do not mean by this that injuries are sustained by the occupants of the machine or by anyone else. But from the point of view of the Insurance Companies who cover the risk of damage to the machine, the question of injuries does not affect their loss. They have to pay for the repair or replacement of the machine in accordance with their obligations as set forth in the policy and today they know definitely that it is costing them far more money than they take in. If the present experience continues, it seem to me that this form of cover will be unprocurable except at rates and under underwriting conditions which would make it almost prohibitive from a practical point of view.

In analyzing our losses in the hope of discovering how the position could be improved, we have merely reached the unsatisfying conclusion that the accidents have happened while machines have been flown by pilots of long experience, with a reputation for carefulness, operating machines over good country for a perfectly legitimate and safe purpose, and the machines themselves have been of a construction and character that was normal in every respect. It seems, then, that if one were to take eight machines of the same value—each flown by pilots of adequate experience and skill, over good country, for the purpose of carrying passengers or some other such safe use, one can expect that in the course of twelve months' steady operation, damage would be done to these machines equal to the value of one machine. This, put simply, is the experience of the Insurance Companies today. If costs of repair could be reduced, if the cost of transporting new and damaged parts were not so high, if salvage were worth more and if pilots could always be counted on to do the right thing in an emergency, the cost of this form of cover could be reduced, but under present conditions the Insurance Companies are losing money and, as far as I can see, are likely to continue doing so for some time to come.
We now come to a class of insurance which is rather different and rather more complex than the forms I have dealt with up to now. It is the indemnity which is provided to an aircraft operator against his liability at law to other people for injuries they may sustain through his negligence or for damage he may cause to property they own, for the same reason. Of all the various liabilities to which an operator exposes himself in the course of his business, perhaps the most serious is that which he has to passengers traveling in the aircraft he operates. You have had the benefit of hearing from distinguished lawyers on this subject and as to the extent of his obligations, and I do not propose to deal with the question of the degree of responsibility which rests on the shoulders of the various types of operator. I would, however, like to draw your attention to one or two aspects of this question which affect the cost of insurance and where I think statutory legislation could be of great benefit to the industry. It is well recognized among Casualty Insurance Companies that it costs more to injure an individual in the United States than in any other country in the world. This is due primarily to the fact that the wealth of the individual in this country is greater than in any other. A workman, for example, who earns $35 or $40 per week, considers himself underpaid rather than otherwise, but the wages paid to an individual doing the same work in France, Germany or England, would be very much lower and probably for his remuneration he would work longer hours. In the event of injury causing partial or total disablement, it is obvious that the workman in America would receive a higher verdict of damages here than elsewhere, and consequently the insurance rates for providing indemnity against this form of loss are proportionately higher here than elsewhere. So far as the humble workman is concerned, it would not be my suggestion that anything should be done to limit his rights to collect damages in the event of injury or death, but, taking the public as a whole and considering the experience of Casualty Companies in liability insurance generally and particularly in the case of automobile liability, it would be a sad day for the aviation industry if the exhorbitant verdicts for damages which are almost a matter of course in other industries, were to be permitted to creep into aviation. Many of these verdicts are beyond all reason and I could cite many instances from the records of Casualty Companies which show that after an accident, injured individuals had set themselves up financially for life as a result of the efforts of skillful lawyers, whose remuneration for their services was, in most cases, a percentage of the
final award of damages. Some States have already met this situation by stipulating a maximum sum per individual for which an aircraft operator is liable. In Germany, I believe, such a limit has been fixed and I understand some other European countries propose to follow suit. It would be a great benefit to the aviation industry and also it would cause no hardship to members of the public if a law were passed in every State fixing the maximum liability of an aircraft operator to each passenger at, say, $10,000.

The indeterminate state of the law regarding the degree of responsibility of an operator to passengers not carried for hire, or carried for hire for charter trips, or carried for hire on a regularly scheduled passenger line operation brings an element of great uncertainty into the rating of this class of insurance. There are many lawsuits pending at the present time where passengers or their dependents are suing an airline operator for damages arising out of injury or death sustained in an airplane accident. In these suits, I believe, a great injustice will be done to the aviation industry if they are successfully prosecuted in cases where it is proved that no negligence attached to the operator. It would place the operator of an air line in the same position, in the eyes of the law, as a railway or other common carrier and it would be a tremendous handicap to the development of aviation. If an operator is reasonably careful and employs pilots who are competent and experienced, if he has the right sort of equipment and maintains it satisfactorily, and does everything he can to provide for the safety of passengers carried, that should be the full extent of his responsibility. Aviation is still in its pioneering stage compared to what it will one day be, and there are some things still to be learned. To illustrate this, I may say that only within the past month our engineering organization has hit upon a solution of one of the mysterious reasons which cause engines to fail just after a takeoff. They discovered that in many cases this failure was due to air interference in the gas lines and this condition can be expected almost invariably under certain conditions in the operation of an aircraft engine. Now if any of the accidents which have occurred in the past due to this hitherto undiscovered cause and the operator had, to the best of his ability, provided for all known contingencies as far as he possibly could, I believe that in fairness to the operator he should be relieved of legal responsibility so long as negligence is not proved. Now that the possibility of engine failure due to air interference under certain conditions is known, it behooves all operators to make use of this knowledge and safeguard themselves
against failure from this cause in the future, and no doubt in time similar discoveries will be made as to the reason for accidents, which at the present time are unexplainable. Until then, however, it will constitute a severe handicap if aircraft operators are to be expected to foresee and to provide against causes of accident which science has so far failed to provide against. It is expecting them to have powers beyond those of the human mind.

Everyone in this hall no doubt is familiar with the object of Workmen's Compensation, which is to provide financial compensation to an injured employee, or, in the event of his death—to his dependents, if in the course of his work he is injured or killed. Legislation imposing this legal obligation on the employer comes within the jurisdiction of each State, and while this may be admirable in most respects, it leads to a great deal of confusion and a certain amount of hardship so far as aviation is concerned. By the nature of this industry, employees are constantly moving from one State to another in the course of their work, and as the Workmen's Compensation Acts in various States differ, some States even having no Workmen's Compensation Acts, it can readily be seen that an employer has difficulty in protecting himself properly. The burden can be passed on to an Insurance Company to some extent but not entirely. For example, in some States Workmen's Compensation benefits are administered by a State Fund and Insurance Companies are not permitted to underwrite risks there, yet at the same time an employee killed or injured in that State may have the right to collect benefits from his employer either under the Act of the State where the accident occurs, or under the Act of the State where he was originally engaged or under the Act of the State where he is domiciled. The employer can protect himself by taking out Workmen's Compensation insurance in the State where his principal operations are located, but if the employee is injured or killed in some other State, he may find himself without any protection.

A somewhat similar position exists in the shipping world and there the difficulty has been solved by the Federal Government taking over jurisdiction. They dealt with it by passing the Longshoremen's Workmen's Compensation Act which made standard the compensation payable to all employees engaged in work on navigable waters other than the Captain or Crew of a vessel. This action greatly facilitated the problems involved and it would be of material help if similar action were taken to clarify the position regarding employees engaged in the aeronautical industry.
The rating of Workmen's Compensation Insurance, which is under the control of rating bureaus in the different States, contains one outstanding injustice at the present time. The uniform method is used of charging a rate per cent on a pilot's payroll. This means in practice that in the case of a good pilot who is paid more for his experience and skill, an employer has to pay more for his Compensation Insurance than in the case of a poor pilot whose remuneration is less. A higher premium, therefore, is charged for the better risk. This anomaly will no doubt be corrected in time, but as yet no solution has offered itself.

There are certain regulations of State Insurance Departments governing Personal Accident insurance which we find somewhat inconvenient to comply with when handling Personal Accident insurance for individuals who may fly. One of these requires us to receive a signed application from the Insured before we can grant such a cover and as very frequently the insurance is asked for at the last moment and just before a flight commences, it is not easy to comply with the requirement. Some Companies supply the cover by means of coupons such as are issued to railroad travelers, but it is not practical to issue coupons for the large amounts of insurance such as are needed by the well-to-do patrons of aviation. Another restriction which seems perhaps unnecessary is that which prevents us from issuing a Group Personal Accident policy to an employer whose employees occasionally fly, unless this policy covers 75% of the total number of employees. In increasing numbers, manufacturers are buying airplanes for use in transporting their employees and naturally they wish to protect themselves in as simple a manner as possible. The way we would like to provide Personal Accident cover in a case of this kind is by issuing one policy covering any employee who may fly, and arranging for premium to be paid to us according to the number and extent of the flights. It is not possible, however, to do this at the present time without breaking the law, as it is necessary for us to take a separate application from each employee whenever the insurance is wanted. It would be of considerable help to us if the State Insurance Departments would allow an exception to their general regulations governing Personal Accident Insurance in the case of flying risks.

In many ways the insurance community can be of tremendous assistance to an industry. So far, the aviation industry has not benefited to any large extent from the constructive work of which Insurance Companies are capable. An organization would be able
to make proper representation to the various States as to legislation which it can recommend, or offer criticisms or suggestions regarding existing legislation. It could also, by virtue of its being representative of all insurance interests, do valuable work in handling the disposition of salvage after an accident, reducing repair costs, etc., and in time bring about a saving to the aviation industry in rates.

In conclusion, I submit that Insurance Companies have an important part to play in the development of aviation, not only in providing the protection which is so essential to the healthy growth of the industry, but in safety engineering work. The Department of Commerce in the past has done admirable work in the matter of licensing pilots, approving models of aircraft and individual machines. They have also undertaken to rate flying schools and airports; they have built airways and their last piece of constructive work has been to require operators carrying passengers on a regular schedule to obtain from them a Certificate of Authority to do so, which of course will result in the Department of Commerce satisfying themselves that such operations are conducted on the best possible lines. In spite of this work, however, I know that the Department of Commerce feel that they cannot be too restrictive in their requirements, as in this way they would handicap the free development of the industry. It is hardly feasible for them, for example, to refuse to license a particular type of machine unless there are overwhelming reasons why it should not be done. Further, they cannot be expected to provide an inspection staff so enormous as would be required to police all flying activities. If the excellent work they are doing could be supplemented by an efficient safety engineering organization conducted by the Insurance Companies, primarily in their own interest to avoid losses, very beneficial results would be obtained and, at the same time, the more adventurous and imaginative elements in the aviation industry who are constantly developing new ideas, and testing and experimenting to prove their feasibility, would not find themselves handicapped in any way by Governmental regulations. (Applause.)

CHAIRMAN LANDIS: I am sure Mr. Brown will do his best to answer any questions, if there are any, or if anyone has any points he should like to raise for the record or for purposes of discussion.

MR. JOHN J. WICKER, JR. (Virginia): Mr. Brown, did I understand you rightly when you said, mentioning some of the difficulties that insurance people are confronted with, with regard to aviation, that some of the better risks do not take insurance?

MR. PAUL BROWN: That is true.
Mr. Wicker: And the poor risks all do. I wonder whether the insurance people would regard it as helpful if there were any sort of legislation requiring insurance?

Mr. Brown: No. We would not regard it as a very good thing for the insurance business. It might be a good thing for the aviation industry, but not for insurance. I have never found an insurance man who has advocated state or government insurance. We do advocate certain laws and regulations pertinent to the operation of aircraft and housing of aircraft. I know many accidents that could have been prevented by having proper legislation enforced, but we do not want the industry to think we are trying to manacle it by having laws put into effect that might hurt the operators.

Mr. Wicker: I wonder if by that means the good risks could be made to come in?

Mr. Brown: The good risk, as a general thing, will carry certain forms of insurance, particularly passenger liability. That form is generally carried by all operators for the reason in the event of a loss they would much prefer to have the insurance companies handle their relations with the public.

Of course, on fire insurance they may have constructed a very excellent hangar that would take a lower rate than the industry can afford to give them.

Chairman Landis: Are there any other questions?

I am sure we have all enjoyed the paper very much, Mr. Brown. I trust you will convey our respects, as we will, to Major Lloyd.

The balance of our business this afternoon is the consideration of the report of the Resolutions Committee, which will now be presented. The Resolutions Committee informs me that they desire to have Professor Fagg, the Secretary of their Committee, read the Resolutions, and Colonel Nichols of Wisconsin, Chairman of the Committee, will attempt to defend them in what we hope will be a very interesting and colorful discussion.

Prof. Fred D. Fagg, Jr.: The report of the Resolutions Committee is as follows:

I.

WHEREAS, the State of Illinois, by its Governor, the Honorable Louis L. Emmerson, the Illinois Aerial Navigation Commission, the Illinois Commerce Commission, the Chicago Association of Commerce and the Air Law Institute have all cooperated in the calling and sponsoring of the First National Legislative Air Conference, Therefore be it

RESOLVED, That a vote of thanks be and hereby is expressed to them for the hospitality, pleasure and profit afforded to those attending the conference.

II.

WHEREAS, uniformity of air legislation and regulation among the several states is desirable it is

RECOMMENDED, That insofar as the conditions peculiar to each state permit, each state be urged to bring its legislation and regulations into conformity with the federal regulations as to Air Traffic Rules and the licensing of aircraft and airmen.

III.

WHEREAS, the Conference recognizes that there is a distinct and appropriate field for state regulation of aviation, and whereas there is a desire to
study more completely the possibilities of flexibility and co-ordination between the federal and state governments it is

RECOMMENDED, That the Chairman of this Conference be authorized, and hereby is instructed, to appoint a committee to undertake a study of the province of the federal and state governments in the matter of aviation regulation, which committee shall take cognizance of and consider the peculiar needs of the individual states in this regard.

IV.

WHEREAS, the Conference recognizes that there is a distinct and appropriate field for state regulation of aviation, it is

RECOMMENDED, That the attention of the several states be called to the desirability of their making an individual study of their own peculiar conditions and needs as to regulation and enforcement, to the end that state regulation of aviation may be conducted in such a way as to promote and not obstruct aviation development, and it is further

RECOMMENDED, That whatever state body may regulate, or may be established and empowered to regulate, aviation within the state, be also empowered to regulate all aircraft and flying activities within the state, provided that no such regulation shall extend to purely interstate flying or conflict with federal regulations pertaining thereto.

V.

RESOLVED, (1) That the First National Legislative Air Conference recommends each state provide by law for the purchasing or leasing of ground for airports by municipalities and further, that where land is purchased outside the limits of a municipality, consideration be given to necessary legal requirements, such as enabling acts, so as to permit of the necessary police regulation by the municipality over such airports.

(2) That, WHEREAS, the usable length of runways is influenced by topographical conditions and hazards of approach and whereas experience has demonstrated that landing-field runways not suitable under all weather conditions may be suitable under certain conditions, it is

RECOMMENDED, That with these conditions in mind, each state provide for the promulgation of regulations setting forth a minimum requirement to be met by all airports and landing fields with suitable provisions covering fields for emergency and temporary use.

(3) That each state should undertake the development of a state system of airways conforming to the standards of the federal system.

(4) That each state require by law the air marking of airports according to the uniform standards laid down by the United States Department of Commerce.

(5) That, WHEREAS, experience has shown the inadvisability of marking municipalities with markings placed in the congested areas, and,

WHEREAS, the most suitable place for such marking appears to be on the outskirts of the city at points adjacent to or upon the principal railway or highway approaches, be it

RESOLVED, That each state require by law marking of municipalities, said marking to conform to the standard recommended by the United States Department of Commerce, and further, that a competent state official have authority to remove confusing air markings.

VI.

WHEREAS, the increased safety of the air traveling public depends in large part upon the establishment and maintenance of airways linking all community centers, therefore be it

RECOMMENDED, That the Conference go on record as favoring the establishment of a comprehensive system of national airways giving equal consideration to all sections of the country, without regard to questions
VII.

WHEREAS, the First National Legislative Air Conference has, by its deliberations, contributed greatly to the knowledge and mutual understanding of public officials, law-makers and the aviation industry relative to the legislative and regulatory problems connected with aviation, and

WHEREAS, such knowledge and understanding is of vital import in building the sound, safe, prosperous conduct of aviation so necessary if this new form of transport is to make its maximum contribution to the comfort, security and prosperity of the citizens of the United States, and

WHEREAS, the conditions, both physical and legal, affecting the aviation industry are so rapidly and importantly changing, and

WHEREAS, it is believed that a committee appointed for this express purpose could best determine the necessity or advisability, meeting-place, time and scope of such Conference, therefore be it

RESOLVED, That the Chairman of the Conference be authorized, and hereby is instructed, to appoint a committee of nine members for such purpose, and to vest in such committee power to draft rules for voting at such Conference.

VIII.

WHEREAS, such regional meetings as those held by the Western States Aeronautical Association, and the Legislative Air Parley of the Mid-West States and others have demonstrated the advisability of holding such meetings, therefore be it

RESOLVED, That during the interim between the present Conference and the Second National Legislative Air Conference, the representatives of the various states not already members of some regional organization be urged to organize themselves into such bodies and that they be urged to hold meetings during the interim period afore-mentioned, and further, be it

RESOLVED, That the states of each regional group be urged to join, in their individual capacities, the National Conference.

CHAIRMAN LANDIS: Mr. Fagg, will you read the first resolution now, and then we can have discussion on it.

In the meantime, I want to announce that Mr. Howard Knotts, as parliamentarian of this organization, will enforce all the rules, having written them.

Professor Fagg read Resolution 1.

MRS. MABEL WALKER WILLEBRANDT: I move, the adoption of the resolution.

The motion was seconded.

Mr. John Vorvs (Ohio): If it be proper I should personally like to see, in addition to those organizations, a personal recognition of Major Reed Landis, Lieutenant Howard Knotts and Professor Fagg. I do not know whether that is proper or not.

Col. John M. H. Nichols (Wisconsin): That is exactly the point I wanted to bring up. They preferred their names be not mentioned in this resolution. I should like to see you pass this resolution and I will make another from the floor.

CHAIRMAN LANDIS: There is a motion, duly seconded that the resolution be passed. All in favor of it please signify by saying "Aye." Contrary, "No." The motion is carried.
Col. Nichols: If I may interpolate, I should like to ask for a rising vote of thanks to Major Landis, Professor Fagg and Lieutenant Howard Knotts for their efforts.

The Conference arose in applause.

Chairman Landis: I am certain Mr. Knotts, Mr. Fagg and myself are more than grateful to you. The little bit of work we did in preparing for the Conference has been far more than repaid by the pleasure of your association and your wonderful interest.

In addition to the work we have done Professor Fagg has reminded me we have overlooked mentioning Mr. Stuart Sinclair, Secretary of the Aviation Committee of the Chicago Association of Commerce, who has spent many, many hours on the detail work of the Conference, and who has contributed a secretary and various other things to the work. I feel sure you would have included Mr. Sinclair in that resolution had you understood his importance in the picture. He has done our work for us.

Professor Fagg read Resolution 2.

Mr. George B. Logan (Missouri): I move the adoption.

The motion was severally seconded.

Chairman Landis: Is there any discussion? (None.) Those in favor please signify by saying "Aye." Contrary, "No." The motion is carried unanimously.

Professor Fagg read Resolution 3.

Mr. John J. Wicker, Jr. (Virginia): I move the adoption of that resolution.

The motion was severally seconded.

Mrs. Willebrandt: May I inquire the purpose? First, let me say I believe this is a splendid way to get at a controversial subject, and I am not speaking against the resolution. I am in favor of it, but it seems to me that it possibly might be more helpful if we knew the purpose of that committee's study.

Was it the thought of the Resolutions Committee that that committee so appointed by the Chairman, if his resolution is passed by this body, would report again to such a meeting as this, or might it report, or prepare from time to time, reports on the subject?

The purpose of my making the inquiry is a fact which I believe this Conference ought to take into consideration, though I know nothing more officially of it than all of us do from newspaper reports and from the report of the Aeronautical Chamber of Commerce, which has made some study, I believe, of the matter; that fact to which I refer is that it has been announced that the federal government will call a national conference some time, it has been reported in the newspapers, around November.

If that be true, and this committee has made a study, it might be very helpful to have this committee represented there and able to make some report of its findings, though of course its findings would not yet have been adopted by a body to which it ultimately would report.

If this committee is appointed, my thought is, get it to work soon, so that on a subject where there is as wide a field of difference among lawyers as prevails on this subject of the proper province of state legislation and federal legislation, the report of the committee be made available for author-
ized bodies that are called together to make a study of the general subject of aviation legislation.

Col. Nichols: Answering that question, it was not the intent of this committee to ask the conference to clothe it with sufficient powers to make a report without first submitting the findings of the committee to another Conference. I do not think any of the committee would feel they were justified in feeling that nine members voice the opinion of the entire Conference, by placing themselves on record, especially after a period of only two months' research.

The whole object of this resolution was, that in our discussions we found apparently a line of cleavage between the duties of the Department of Commerce and the duties of the various state organizations. For example, in Connecticut, the Director of Aeronautics feels the licensing, the approval of aeroplanes in manufacture, the structural approval for the I. C. C., is the province of the federal government, but that the licensing for use within the state initially might be either a federal or a state province; that subsequent licensing, keeping up the license, you might say, the maintenance of it, certainly would be a state prerogative.

Somewhere or other there is bound to be a cleavage between the government and the state provinces, for the simple reason the federal government can not take over all the work of licensing pilots, planes, doing everything else the government has to do.

We feel, for the purpose of making it easier both for government and state, if we can recommend there is some point 'up to which we can accept everything the government has done, and beyond that it is optional whether or not the state cares to accept it, then we feel we have performed a useful service. I for one do not think we would be prepared to report at the proposed conference in November, and I do not think we should report until the report has been submitted to the next Conference.

Mrs. Willbrandt: Am I trespassing to speak twice? I did not intend that there be a final report in my further remarks, in which I said of course it could not make the report until it had submitted it to this body. I was referring only to the fact that I missed any definite date; perhaps one has been determined on, when this body would meet again, and I believe that an opportunity exists for a committee such as this which can serve a very splendid purpose, it seems to me, to get at work soon, and at least deliberate with this coming national conference and take the uniformity of views that may exist and harmonize the diversity of views that may develop in that coming conference.

There is no time set when this Conference will meet again, is there?

Col. Nichols: That is covered in a further resolution.

Mrs. Willbrandt: Is it a year?

Col. Nichols: It is not definitely set yet.

Mr. T. H. Kennedy (California): As a point of order, I should like to ask the Chair whether the resolution for adoption has been seconded.

Chairman Landis: It has.

Mr. Kennedy: Then I would like to submit an amendment to the resolution, an amendment striking out the words "recognizing the desirability or pertinency of state legislation," or the words used to that effect.
In support of the amendment that I propose, I should like to say that it is a controversial subject as to whether or not there should be state legislation. I have no doubt in my mind that the Conference here would be strongly in favor of saying that there is a place for state legislation. However, there has been a very serious question raised in the minds of students of the subject of air law as to whether or not the state should legislate at all on the subject of air regulation or air law in general, and rather than put this Conference on record as endorsing the principle of state legislation, I should think it would be much better that the resolution go forward without such a commitment, and in that regard, I should like to urge the amendment striking out the declaration of policy of this Conference to the effect that the desirability of state legislation is recognized.

COL. NICHOLS: I am afraid you misunderstood the wording—"Whereas, the Conference recognizes there is a distinct and appropriate field for state regulation of aviation . . . ."

MR. KENNEDY: I should like to word my amendment to ask for the omission of that term "state regulation." It is not going to cramp the committee in any way to consider the subject of state regulation or legislation without those words in the resolution. However, with those words in the resolution we immediately set ourselves on record as favoring state legislation, and that is a question that gives the atmosphere that we are in favor of strong state position, and I believe that that is a highly controversial subject, and by striking out the wording we will not so commit ourselves and still the committee will have a free rein to act and report.

MAJOR ROWLAND FIXEL (Michigan): I support the amendment.

CHAIRMAN LANDIS: Is there any further discussion on the amendment?

COL. NICHOLS: May I call attention to the fact, Mr. Kennedy, that in recognizing the necessity for state regulation of aviation we refer to something much more comprehensive than regulation—for example, police powers. We know the federal government has no right to enforce certain police powers within the state, and there are many other instances which will bring to mind the necessity for state legislation.

We merely recognize there is some line of cleavage, and we are trying to determine where that line of cleavage occurs, whether at one end of the line and we believe the state has nothing to do, or whether we believe the state has everything to do, and the federal government nothing to do.

MR. KENNEDY: I do not—

CHAIRMAN LANDIS: How many times may a gentleman speak with relation to one subject?

LIEUT. KNUTTS: Twice only.

MR. KENNEDY: If the Chair please, I am answering the question of the last speaker. I believe that is an exception to the rule.

LIEUT. KNUTTS: I did not understand the gentleman from California to have been asked a question.

MAJOR FIXEL: I simply wish to state very briefly why I supported the amendment. We are arguing on the interpretation of the word "regulation," and the words "regulating aircraft" are very broad words.

If we are going to commit ourselves definitely to a policy whereunder we recognize that it is desirable to have state regulation of aviation, we are
stating a proposition of what we mean in a broader way than we actually intend to state it.

I think the use of the words "regulation of aviation by the state" was not intended by the committee; although I was not a member of the committee, I can clearly see that they simply want to have the committee study the various phases of where the state might regulate, where the federal government should have authority to regulate. It is not our province now to state definitely that we recognize that the state has the right to regulate aviation, and therefore, that the committee is established to determine what phases of regulation it may investigate, but the committee will simply study the broad question of, where there is interrelation, whether the federal government has the right to regulate certain phases of aviation, and where the state has the right.

I am definitely opposed to committing this Conference to the acceptance of a proposition that we may not be in favor of at some other time.

Mr. George B. Logan (Missouri): I see no reason why we should shrink from the brink of admitting definitely that the states do have a duty and a function to perform with reference to aviation. Not in any paper read during this meeting, indeed not in Professor Fixel's own paper, has there been any intimation that there is no place for state regulation.

Mr. Cuthell, who spoke this morning and threw the most cold water on prospective state legislation, admitted and stated there was a place for state action in licensing of aircraft and of airmen, and of the assistance by way of policing in the enforcement of the federal regulations now pertaining thereto. If states are going to give any help at all to aviation, we should speedily find out in what field that help should be given, and I think we should be willing to accept now, without hesitation, the fact that there is a place for state action, and that is all that that resolution states. There is a place for it.

Mr. Russell Wilcox (Wisconsin): I believe we are going to defeat the purpose of this Conference entirely if we admit this amendment. Our papers, every single one of them, have admitted the necessity of state regulation of some sort, and the committee of nine undoubtedly will be composed of members capable of seeing how far the states are to go, and if we allow this amendment, I think we will defeat the purpose of the Conference entirely.

Lieut. Knotts: I should like to say one word. Everybody here heard the arguments in favor of zoning on the part of the state. No one denied that particular feature of state action. It is imperative that some action be taken to study that problem, in view of the Swetland decision. I therefore am entirely opposed to the amendment.

Mr. Crook, of Texas, a member of the Committee on Uniform State Laws, may have something to say. I understand they have been considering the subject.

Mr. W. M. Crook (Texas): Mr. Chairman, Gentlemen and Ladies: It would be presumptuous for me to go into a lengthy discussion of the subject before you, but this particular point is of interest to me, and as a member of the Committee on Uniform Air Licensing Acts, we have just gone very extensively into the question of state and national rights and powers and limitations and restrictions governing this subject, and I raised
the question in the committee, of which Mr. Randolph Barton, Jr., of Balti-
more, is the Chairman, of the propriety of the states enacting any legislation
on regulatory subjects with reference to aircraft, because I knew from the
Minnesota Rate Case, and many other similar judicial contributions, that
the federal government has a right at any time the activities of a state
appear to interfere with interstate commerce to step in and take complete
control. Under that privilege, the federal government is not now in position
to exercise its authority to enter into intrastate matters.

Take my state, fifteen hundred miles across. We have out there a great
many air fields that federal ships do not touch, and interstate air activities
do not affect, but at any moment someone from another state may land on
those air fields, at any time there may be a conflict with interstate com-
merce. The arm of the federal government is the longer, and it will take,
whenever it elects, its place and position.

A gentleman from Minneapolis made an extensive brief, and I did some
briefing, but I was sold on the propriety of the state enacting legislation,
and the entire Commission was sold on the thought that it was proper and
necessary at this time for the states to exercise a control in aviation, intra-
state activities, until such time as the development of aviation makes it
necessary for the government to extend its supervision and jurisdiction.

Mr. Logan: I think Mr. Crook's illustration of his own state is the
best argument we have had for the necessity of state action, that is to say,
in a big state such as his, there are many airports: many cities not touched
by interstate commerce, have those airports, and flying thereat certainly
requires state legislation, and when the time comes that the arm of the
federal government does reach out and take charge, the state regulation dis-
appears.

Chairman Landis: Are you ready for the question? All in favor of
the amendment signify by saying, "Aye." Those contrary, "Nay." The
Chair feels that the "Nays" have it.

We will now vote on the resolution as originally proposed and seconded.
All those in favor of the original resolution please signify by saying "Aye." Contrary, "No." The resolution is carried.

Professor Fagg read Resolution 4.

Mr. Logan: I second the motion.

I was not in the Resolutions Committee. It seems to me you are using
the phrase "regulation of all flying within the state," and I wondered whether
you had in mind that that was merely the act of flying, which is covered
by the Air Traffic Rules, or all of the aviation activities of all kinds, as to
which there might be considerable doubt.

Col. Nichols: I am confident that it was the intent of the committee,
unless I hear from one of the other members of the committee, to have it
read "aviation activities" instead of flying.

Mr. Logan: No. If you make it to read the "act of flying" I am
with you on it. Bear in mind, we still have yet to determine how far the
state authority shall go, but there is a line in the resolution which indicates
the state shall do certain things.

Mr. LeLand Hyzer (Florida): Would it not be possible to obviate that
possible misunderstanding by calling it "intrastate" flying, instead of saying
"all flying except interstate"?

Mr. Logan: I should like to suggest, and move as an amendment, that
the words "acts of" be interpolated between the words "and" and "flying,
so that it will read, "all aircraft and acts of flying within the state." That
will not, in my opinion, prevent their regulating something else, but that
is as far as we will go in the resolution.

Lieut. Knotts: I second the motion.

Chairman Landis: Is there any discussion on the amendment? Are
you ready for the question? All those in favor of the amendment please
say "Aye," contrary, "No." The amendment is carried.

Mrs. Willebrandt: Is it proper now to discuss the motion as
amended?

Chairman Landis: Yes.

Mrs. Willebrandt: First, may I strip myself of the possible accusa-
tion in the mind of anybody of contentiousness? This is the only resolution
that I do feel strongly opposed to, and I wish to speak in opposition to this
resolution as amended, not primarily because it announces now as amended
any fundamental statement that this very Conference at a later time may not
feel it proper to endorse, but I oppose it on two grounds: First, because
I believe it is illogical, and puts the cart before the horse, in view of the
action of this Conference in adopting Resolution 3. Resolution 3 provides
for the organization of a committee and for setting that committee to work
to study what province state regulation and state legislation may properly
go into, and then to report its findings back again to this body, presumably
for this body to act upon.

Resolution 4, which we have under consideration at the present time,
does one thing which, in the first sentence, seems helpful and perhaps
worthy, but I do not think it necessary. It suggests that each state study
its problems. Presumably this committee we have provided for in Number 3
will do that, or will ask somebody in each state to do that.

Presumably the committee provided for in Number 3 will then sift
those things reported from each state before it makes its report back to this
body, and the second part of Resolution 4, which we have under con-
sideration, I believe is bad, because it adopts now, in advance of the report
of the committee which this body has provided for in Resolution 3 finishing
its deliberations and making its report and having the Convention act upon
that report, as a part of the very subject matter that that committee will
report on, to wit, what field of legislation should be followed?

I therefore hope and urge that Resolution 4 be not adopted, that it be
passed, that such of good in it as appears, and it may all be exactly what,
when our committee reports, we would want to do, be left over until a
further meeting of this Conference. I believe it is premature.

Col. Nichols: I am glad Mrs. Willebrandt had a burst of contentious-
ness; I think it brought out a lot of good. I agree very heartily with her;
at least, my eyes have been opened, and I should prefer to ask the seconder
of the motion to withdraw the second, and I should, on behalf of the com-
mittee, like to withdraw the motion, unless I hear an objection from any member of the Resolutions Committee.

CHAIRMAN LANDIS: The Chair is forced to rule, according to the rules of the Conference, that all resolutions must be presented and therefore action must be taken. I would suggest a motion to table would be in order.

MR. LOGAN: I move that the motion be tabled.

COL. NICHOLS: I second the motion.

CHAIRMAN LANDIS: There can be no debate on that. We shall take a vote on it at once. All those in favor of the motion to table signify by saying "Aye." Contrary, "No." The motion is tabled.

Professor Fagg read Resolution 5.

MR. LOGAN: I think I can suggest an amendment that the committee will agree to; after the word "municipalities" add "and other political subdivisions of the state." May I have the consent of the committee to do that?

CHAIRMAN LANDIS: Does any member of the Resolutions Committee object to the change of the resolution that way?

MR. R. WILCOX (Wisconsin): I second the motion.

MAJOR FIXEL: May I make a suggestion that the word "zoning" also be included in the resolution? There is no provision in the resolution for zoning around airports, and that evidently has become a very significant and important matter.

CHAIRMAN LANDIS: You are moving an amendment?

MAJOR FIXEL: Yes.

CHAIRMAN LANDIS: Might the Chair suggest that you consider also including a suggestion that the community or subdivision be entitled to buy the ground and build an airport on it. It takes more than just bare ground to make an airport.

MAJOR FIXEL: Unless they have the power to zone around the airport they would have only authority to purchase space for the airport and not have the right to zone.

MR. LOGAN: I suggest any amendment pertaining to zoning would not be germane to this particular resolution.

LIEUT. KNOTTS: May I ask that the resolution be read again?

Professor Fagg reread the resolution.

CHAIRMAN LANDIS: There is an amendment moved that this resolution include zoning. I assume that would be inserted following police powers.

MR. LOGAN: A point of order has been raised. What is the parliamentarian's ruling?

LIEUT. KNOTTS: You did not read, Mr. Fagg, exactly what I wanted to hear.

Professor Fagg read the last paragraph of Resolution 5.

LIEUT. KNOTTS: May the parliamentarian ask a question? In your judgment, does zoning come under police power?

MAJOR FIXEL: Zoning contemplates the actual appropriation of property. I think it falls within the same category as the rights that are required under certain forms of condemnation. It constitutes the taking of property with a right to remove buildings, structures, telegraph poles and other articles that may be found upon the property. Compensation has to be made to the owners thereof. It is my opinion that where a municipality,
for instance, under the state law simply has the right to purchase or lease property for the construction and operation of an airport, it has no right to zone around that property unless it has express statutory power to do so. I do not believe it would come within the police powers.

LIEUT. KNotts: I did not mean zoning would come under the police powers we have in the Constitution, but the police powers under the meaning of the resolution.

Major Fixel: The power to zone, of course, fundamentally rests on the police power, but it would vest a right to take property in the municipality.

LIEUT. KNotts: The power might be granted under the police powers.

Mr. John Vorys (Ohio): I should like to suggest that Major Fixel could aid the Conference very much by stepping into a corner and proposing a little one-sentence resolution on this matter of zoning, which possibly, by suspension of the rules, since he has been requested to do it, we could accept, but which would take up that thing as a separate number, and would keep us away from getting this particular one any more involved. I am a little shaky on the grammar of it now, and if he would do that, I think we could all vote very promptly on a clear little piece about zoning all by itself.

Major Fixel: It was simply that zoning is particularly helpful in connection with the establishment of airports. Since we are on the resolution dealing with airports, I brought the matter up. I do not like to take up the time of the Conferrees with any unnecessary discussion.

Chairman Landis: The Chair is going to rule that it is perfectly proper to vote on the amendment; the amendment has been moved and seconded, to the effect of introducing the words "and zoning" after police power.

Mr. Logan: I am opposed to the amendment because I am in favor of the resolution as it is, and I have some fixed ideas on zoning. I do not want to go into the question of zoning if it can be avoided.

Mr. Russell Wilcox (Wisconsin): If I remember rightly, there is another resolution that fully takes care of the matter of zoning. If I am wrong, please correct me.

Col. Nichols: In view of the discussion and the statement by Mr. Vorys that he desires to bring the question of zoning up later, I move the amendment suggested by Major Fixel be tabled.

The motion was seconded.

Chairman Landis: All those in favor of the motion to table the amendment signify by saying "Aye." Contrary, "No." The "Ayes" have it.

Mr. T. H. Kennedy (California): A point of order. I believe the rules of this Convention require that in case of a division the roll be called.

Chairman Landis: If called for.

LIEUT. KNotts: Mr. Kennedy was a member of the Rules Committee, but I am sorry to tell him he is mistaken. It was to be by a "Yea" and "Nay" vote, by a count vote if asked for, and if anyone voting was dissatisfied, he might put into the record his objection, and if still further information was requested, he could have a division.

Chairman Landis: The amendment is tabled. We will proceed with the discussion of the resolution.
Mr. J. T. Wicker, Jr. (Virginia): I think the resolution should be broadened to include purchase, lease, acquire by gift, condemnation or otherwise, and I move the amendment to include those words.

The motion to amend was seconded.

Chairman Landis: All those in favor of the amendment signify by saying "Aye." Contrary, "Nay." The amendment is carried.

We will proceed with the consideration of the resolution as amended. Are you ready for the question? All those in favor of the resolution as amended please signify by saying "Aye." Contrary, "Nay." The resolution is carried.

Professor Fagg read Resolution 5 (2).

Col. Nichols: I should like to explain that, if I may, a bit, because there was so much discussion on it. On the question of the usable length of runways, of course, if we take the Department of Commerce rule as to a runway, for example, 1,500 feet, we must of course reduce the usable length of the runway by the obstructions multiplied by seven. There may be runways, then, if we designate them by the length in feet, that would not be usable for their full length, due to obstructions such as trees, high tension wires or other of the favorite things close to airports.

Further, the Department of Commerce originally recommended a D-4-X field, 1,350-foot runways in each direction. If we applied that rule we would be eliminating many runways in many states. In Pennsylvania there are ten excellent fields with runways of 2,000 feet in one direction and seven or eight hundred in another, and when the wind conditions are favorable those runways may be used, but the regulations are such that they do not permit the use of the runways when the wind conditions are not favorable. A north or south runway of 2,000 feet with a north or south wind is a suitable runway, but with an east or west wind it is not usable.

Chairman Landis: Has this resolution been seconded?

The resolution was severally seconded.

Mr. George B. Logan (Missouri): It seems to me this resolution as a whole has the same defect as was pointed out by Mrs. Willebrandt with respect to Resolution 4. It presupposes in advance of the committee's study and the committee's report that states should regulate concerning airports, which I think is in advance of the position that this Conference wishes to take. It provides, at least, that the state should specify minimum requirements of airports, and as explained by Colonel Nichols, evidently contemplates minimum requirements in conflict with the requirements of the Department of Commerce.

Unless I have misunderstood him, I am opposed to the resolution on the ground it presents a conflict with federal regulations; and second, it commits us on state licensing of airports.

Col. Nichols: Mr. Logan is in error in assuming the Department of Commerce has any minimum requirements for airports within a state. The Department of Commerce will license a plane, license a pilot for interstate work, but when it comes to licensing a plane within a state, they will rate it at your request or, if you want an approved school, they will rate the field and give you an approved school certificate, but they have no requirements for airports of any nature.
In the first place, if the Department of Commerce does not require anything in the way of licensing of planes or pilots within a state, going back to the subject heretofore covered, we have felt it is necessary that there be some basis within the state and it is necessary for the state to say definitely what the requirements are for intrastate flying. Maybe they are the federal requirements, but there must be some requirements for the intrastate flying, otherwise you are going to have all the old crates, and all the ten-hour pilots crashing into the back yard.

In the second place, if you do not have a minimum requirement for a landing field the public is going to say, “There are minimum requirements for pilots and a minimum license for the plane. I am assuming that this thing is so controlled by the benevolent powers who regulate things that I can take off and land in security in this plane.”

The thought behind it is, let us recommend that the states make it possible for the public to feel that way about it, that a man can not come into a little fifteen-acre field and take off from it with passengers, as he can today. There is no regulation that takes care of that anywhere in the United States unless it is a state regulation.

CHAIRMAN LANDIS: Is there any further discussion? If not, are you ready for the question. All those in favor of the resolution signify by saying “Aye.” Contrary, “No.” The “Ayes” have it.

Professor Fagg read Resolution 5 (3).

LIEUT. KNotts: For the sake of the record, I want to ask about the previous part there. I am confused as to the numbers. Apparently this is a resolution that has five subdivisions. How many separate resolutions, so numbered, have we considered?

Professor Fagg: We have considered four and passed three; the fourth was tabled. We are on Resolution 5, which, under the re-numbering, will appear as Resolution 4.

LIEUT. KNotts: ‘Then this is 5 (2), and we are coming to 5 (3)?

Mr. R. WILcox (Wisconsin): I second the motion.

CHAIRMAN LANDIS: All those in favor of Resolution 5, subdivision 3, please signify by saying “Aye.” Contrary, “No.” The motion is carried.

Professor Fagg read Resolution 5 (4).

Mr. R. WILcox (Wisconsin): I second the motion, but I think right here possibly a little explanation would be in order, because I for one am slightly under a misapprehension as to just what that means.

COL. NICHOLS: I think you will find what you want to cover, Mr. Wilcox, will be taken up in a further resolution. This is merely that each state require by law the air marking of airports only; we mean the circle and the marks required only for the airport itself. The things you are interested in are taken care of in a separate resolution.

CHAIRMAN LANDIS: Are you desirous of discussing the subject? If not, all those in favor of the motion signify by saying “Aye.” Contrary, “Nay.” The motion is carried.

Professor Fagg read Resolution 5 (5).

MR. WILcox: I second the motion.

COL. NICHOLS: I should like to defend this motion before it is attacked. I want to explain this; I suppose John is going to pick on me.
Whereas, experience has shown the inadvisability of marking municipalities with markings placed in congested areas, too many people, we feel, have felt if you will pick out a building in the center of your town and mark it with the word “Milwaukee” or some other large and prominent city, that that will answer the question, and the result is a pilot coming in with a little ground fog flies lower and lower and lower, and there he is, craning his neck, flying over the heart of the city, about the time his OX “conks,” and the most suitable place for such marking appears to be on the outskirts of the city, at a point adjacent to or upon the principal railway or highway approaches.

A pilot is usually following a highway which he knows is going to take him somewhere, or he is following a railroad. Following a railroad, if at the moment he arrived at the outskirts of a city he could be assured of finding some marking, he would know where he was. This idea of looking everywhere, trying to keep your head out of the cockpit, or sliding from one side of the cockpit to the other trying to find a marking, could be eliminated. The marking may be on the highway. In Wisconsin we are now experimenting, in five counties, by marking the highways with letters the full width of the highway. The marking reads, in one direction, the distance to the nearest city which possesses a landing field, and in the center is the name of the highway—U. S. 23, or Wis. 23—and a man flying without a map knows where he is coming to. If we use our railroad buildings, or failing in having hard-surfaced roads we can invert a billboard, put it on its side (which is where they belong anyway), and mark it with the name of the town, that is the thought, so that as a man reaches the town he can find where he is before he is over the congested district. Of course, the marking must conform with the standard regulations. The last thing we did, as a sop to the State of Ohio, was that we recommended that a competent state official have authority to remove improper markings.

Chairman Landis: But there are some pilots who do not always follow railroads or highways.

Mr. John Vorys (Ohio): I move the resolution be amended by striking out everything from “Whereas” down to where it says “Resolved.” You will find that takes out the absolutely inaccurate and inadequate statement that experience has shown the National Legislative Air Conference that a few bright ideas they have up there in Wisconsin are universally true. Experience has not shown that you must not mark the highest building in the congested area of a town of 200, which is just as valuable a marker in telling you where you are as a marker in a town of 30,000. We have 650 of these air markers in Ohio, and experience has shown us that whereas I had almost the same sort of thing in the preliminary regulations which I issued, that I had better leave that out, and leave more to experience and local conditions, and get the air markers up wherever I could under local ground rules, which would be most effective.

I want to have this stricken out for two reasons, in the first place, because it is untrue—experience has not shown to the rest of the country what experience has shown in a few towns. In a large town like Chicago it would be better to have a marker out here some thirty or forty miles, telling you this is Chicago, rather than letting a pilot fly over some of the tall buildings.

In the second place, both here and in some we have already passed, and
in some we may be looking at, we are cluttering up what are intended to be
broad principles to guide legislative bodies in forty-eight states with a lot
of bright ideas that may or may not be good.

Experience has shown a lot of things about these air markers. I could
tell you about the kind of paints to buy, about concrete markers; experience
has shown road markers tend to get dirty and a few passing automobiles
obscure and confuse them. Experience has shown a lot of those things, but
you do not put a lot of administrative details into a suggestion for a broad
legislative policy. If you make the omission which I suggest, you will
then have a very simple and broad statement that it is a fine thing, in a
state, to have something more than a mere voluntary system of air marking,
that there should be a compulsory legalized system of marking, and some
power should have the authority to remove confusing air markers.

That is a broad statement of principle, and that is all you need, and
that is the kind of thing we ought to pass, and we ought not get into such
a condition that requires such a discussion of this.

The same was true of the one we passed before, but I did not want to
object to it, trying to decide what size runways we should use. That is an
administrative detail, and if you start in on those and start recommending
administrative details to the states you will be here until midnight, and no
legislature, if it has any sense, will pay a great deal of attention to them,
anyhow, because they are going to pass the administrative details on to
somebody else to tend to.

Mr. T. H. Kennedy (California): Has the amendment been seconded?

Lieut. Knotts: The point of order about the seconding has been well
taken.

The amendment was seconded.

Chairman Landis: Are you ready for the question; we are now voting
on the amendment. All those in favor of the amendment signify by saying
“Aye.” Contrary “No.” The amendment is carried.

We will now discuss the resolution as amended. Is there any dis-
cussion? The question is called for. All those in favor of the motion as
amended signify by saying “Aye.” Contrary “Nay.” The motion is carried.

Mrs. Mabel Walker Willebrandt: May I be permitted to interpolate
a suggestion, not really a suggestion, except merely as to this resolution?
You are clear out of my department; you are in the technical job of build-
ing airways, so I am not doing anything except making a suggestion that
might be of some value, possibly to some of the people wrestling with the
state problem, from a state standpoint, and have not had as intimate ac-
quaintance with the various bureaus and bodies in Washington as I have had
in the last ten years.

There is one of the most efficient branches of the federal government at
present functioning under the head of a Mr. MacDonald, in the Interior
Department, who heads the road-building department. A representative of
that department is Mr. Woods, here, and he will bear out what I say about
the organization, the coordination with state activities, the efficiency and
ready helpfulness of that department. When it comes to the question of
marking, and also the securing of federal cooperation with an enterprise
that is analogous to road building or road marking, it is a department that
has not been brought into contact with air people very much, but I know
anybody desirous of securing help can find it if he knocks on Mr. MacDonald's door or gets acquainted with that particular branch of the federal department.

I have had a great deal of experience with this department in the building of roads and camps in connection with federal prisons, and have never called there in vain, and have found that it is a branch of the federal government that fits into so many of these activities that it might be useful to take down the name and the address.

MR. LOGAN: I should like to interpolate that Mrs. Willebrandt's activities have made new roads to several prisons advisable.

MRS. WILLEBRANDT: We were building camps and setting them at grading jobs.

Professor Fagg read Resolution 6.

MAJOR R. FIXEL (Michigan): I second the motion.

MR. JOHN VORYS (Ohio): I move the resolution be amended by omitting the word "giving" and all thereafter. Again I am not at all sure that as a very populous state I want to give them equal consideration to an unpopulous state, but the principle involved of studying everything and giving equal consideration to a whole lot of things we have not thought of is fine. I think it would be more helpful to omit the details and present broad principles.

The amendment was seconded.

COL. NICHOLS: I think I should have an opportunity to take Mr. Vorys out on the side and explain to him what is behind all this. John, you are infinitely more modest than some of us. We have set ourselves up as authorities. Here is a group representing the entire United States, representing apparently every phase of the industry of aviation, and you might say the allied industries, the Highway Departments, the Directors of Aeronautics and various other classes of people.

Let us take one of the smaller states that has not a technical personnel within the state. Let us see what happens. Let us look over the legislation Mr. Fagg told us about yesterday, and see how many states in passing the acts have neglected to put in the very words that would have given the acts teeth. We have gone into more detail because we wanted them to avoid some of the pitfalls into which others have fallen. That is why we suggested the place for marking the highways. The average person thinks if you put a beacon on a tall building it is a great help, and you know what a great help it is.

You must remember that you are from a large and populous state, you have a magnificent salary, your state produces presidents, you have a nice flat country. We also have people from Tennessee, people from Pennsylvania, people from Idaho and Maine, and the federal government has forgotten such states exist. Let us take the traveling public and see what we want to do for them. Do we want to make it absolutely necessary for air lanes to be the same as the rivers, to follow devious routes such as we have from New Orleans to St. Louis? That is what will happen if you are going to fly over country which is mountainous and not adequately provided with air lanes and intermediate landing fields; consequently, if we want to see the development of the country as a whole, we want to see that the entire country is developed, and the place to put the intermediate landing fields is
not in North Dakota, where you can land anywhere and thank God it is North Dakota, but states like Pennsylvania, Tennessee and the other states that have no landing fields. We know we always like to take the shortest route, and we are not going to speed up transportation unless we have the intermediate fields and those lanes, and that is why we felt we could afford to go on record as advocating that the entire United States be made practicable for flying.

If we are wrong, well and good. We are not attempting to dictate to them at all. We are trying to give the benefit of a little experience, and are merely expressing our thoughts, and I do not know why we should be hesitant about expressing ourselves, because the people on the other side of the fence are not going to be hesitant.

Mr. Vorys: I think if you read the resolution down to the word "giving" you will find that up to there it expresses fully enough all Mr. Nichols has stated, and it then goes ahead to lay out a very specific way in which these airways shall be set out, which does not carry out the idea he expressed at much greater length and which does not follow the system used in the federal road building projects, and which does not do anything that I can see except to make all of the states which are small, which have no airports and little population, want to vote for this, and all of the states which are large and have a large number of people want to vote against it.

I think a mere reading of the resolution will explain why it is utterly unnecessary and why it may be harmful, it will be harmful, to leave in such a specific confusing statement as the last part.

Professor Fagg: May I suggest that in the resolution there are two cases of "giving" and I am not entirely sure myself which of the two Mr. Vorys refers to, and I wonder if the others are? Do I understand you refer to the second or the first?

Mr. Vorys: I think I refer to the first.

Professor Fagg: Then if it were struck out from the first, it would recommend "that the Conference go on record as favoring the establishment of a comprehensive system of national airways."

Mr. Vorys: That is correct; the first "giving."

Chairman Landis: Is there any further discussion? Are you ready for the question on the amendment? All those in favor of the amendment signify by saying "Aye," those opposed, "Nay." The "Nays" have it.

We are now voting on the resolution as originally proposed. Is there any further discussion? Those in favor indicate by saying "Aye." Those opposed, "Nay." The resolution is carried.

Professor Fagg read Resolution 7.

The resolution was severally seconded.

Chairman Landis: Is there any discussion?

Mr. Vorys: At the risk of being increasingly unpopular, I wish to move that from that resolution the phrase "and with power to draft rules of voting" be stricken out. I think the reasons are obvious. The scope, and so forth, is all right, but I do not see how I can come here, although sent by the Governor of Ohio, and give nine people power to draft a future legislative conference that will have great influence over the future of air law and the industry, and give them among other things power to decide how they are going to vote. I do not think it adds anything in this par-
ticular instance that is necessary. I think it adds something which makes me unable to vote for it as it is, and makes me able to vote for it with that stricken out.

Mr. T. H. Kennedy (California): I second the amendment.

Mr. Russell Wilcox (Wisconsin): May I suggest in Mr. Vorys' amendment that when we make the amendment that the recommendations of the nine members of the committee be reported back to such a meeting as this, to be then voted on. You have stricken out the power to vote and report, and so forth. That nine-member committee is to report back to a conference such as this and be voted on by that conference. That is what I suggest.

Chairman Landis: Then you are not speaking to the point. The amendment is to eliminate a phrase providing this committee with authority to draft rules for voting.

Col. Nichols: As the defender, I will address myself to the principal aggressor. I am afraid you misunderstood this completely, John—"to vest in such committee power to draft rules for voting at such conference." Here is the thought behind all this: Do we want another conference or do we not? If we do, what do we wish to cover? If we go on record and say we want it, we are answering for those who have sent us here. We are state delegates, most of us. We do not feel we have the authority to say that.

Now, if we have a committee which is appointed to determine the necessity or advisability of having another meeting, they can ascertain by correspondence with the Governors of these various states whether it is desirable to call another meeting; then, if so, determine the place which must be mutually satisfactory, the time and the scope. Then the matter of voting comes up, and the thought behind that was, if we feel that part should be in a separate resolution, we can put it there, but we felt that this committee, by consulting with the Governors of these states, could determine what the best method was for voting.

I personally feel each state should have one vote, and I should be opposed to having the state send one member with the entire vote. I think the states should send a number of delegates and the majority vote of the delegates is the state's vote on any question. I want to clear this up. Do you think the question of leaving the authority for drafting rules under those circumstances is objectionable?

Mr. Vorys: I think the resolution as read does not say what your explanation explains. It does not say that this committee of nine is to take a poll of the states, in substance, to improve the layout they propose. Your resolution, in its terms, gives the committee of nine power to decide whether they will have another conference, and how, when and where they will have it, what they will do and how they shall vote.

If you put in there, and that might be a very proper way to do it, somewhere at the end or the middle or any other place you like, what you have included in the explanation, that the Governor of Ohio and his duly constituted advisors on such matters will have the opportunity of looking over the set-up that the committee of nine suggests, and of approving or disapproving of it, that it will be mailed on for their consideration, they can recommend any old thing, but if the committee of nine, as the resolution
certainly reads, is to have complete power to determine when, where, and so forth, we have another conference, then I think their powers should not be too broad or we will be embarrassed.

Mr. George B. Logan (Missouri): May I suggest something that might clear this up: Instead of this committee drafting rules regulating the voting, that it recommend rules concerning the method of voting to the next conference. May I make that amendment with your permission?

Mr. Vorys: Are you incorporating what Colonel Nichols is suggesting?

Mr. Logan: I am going to amend the resolution so the committee of nine may determine the time of the conference, scope and place, and may recommend rules concerning the voting to the conference.

Mr. Vorys: I think Col. Nichols' own suggestions were better. What the gentleman probably thinks I meant was that the question of the advisability of the meeting and the meeting place and time and scope should be a question of this committee following the thoughts of the various governors to determine whether the things are possible. Logically, we are not going to call a meeting unless there is necessity for it.

I appreciate your feeling for me, but there are other members of the committee, and they will have normal intelligence, and they are going to determine the necessity or advisability of a conference by finding out whether the governors want such a meeting, and the governors are going to say when they think it will be satisfactory. Would they call a meeting if there were only the governors of Wisconsin and Ohio agreeing?

Col. Nichols: We might.

Mr. Vorys: Then we will not be on the committee.

Lieut. Knotts: There is an amendment that has been seconded, to strike out the words "and with power to draft rules for voting." What Mr. Logan has suggested is a suggestion to the mover of that amendment, so what we have before the house is the amendment to strike out these words.

Chairman Landis: Is there further discussion of that amendment?

Lieut. Knotts: I confess, Mr. Chairman, that there has been mutilation, and the parliamentarian can not decide what is left.

Chairman Landis: Will the Resolutions Committee reread the original resolution?

Professor Fagg: "Resolved, That the Chairman of the Conference be authorized, and hereby is instructed, to appoint a committee of nine members for such purpose, and that such committee shall prepare and submit suggested rules for voting at such Conference."

Chairman Landis: Is that resolution as revised acceptable to you, Mr. Vorys?

Mr. Vorys: I did not get the last he read.

Professor Fagg reread the revised resolution.

Chairman Landis: The question is, do you want to withdraw your motion to amend, or do you not? If not, we will proceed to vote on it.

There is an amendment proposed to the original resolution to strike out the words referring to rules and voting. It has been seconded and discussed. Is there any further discussion? If the amendment passes, those words will be struck out.
All those in favor of the amendment indicate by saying "Aye." Contrary, "Nay." The "Nays" have it; the motion is lost. We will now vote on the original motion as it has been tampered with by the Resolutions Committee.

Mr. Vorys: Whom are you going to submit it to, the Conference or the governors?

Chairman Landis: The Conference, so the Conference will have the power of determining its own rules.

Mr. Vorys: That is implied, I presume.

Chairman Landis: It is very clear to the Chair that that is what that means. I am sure that is the intent of the Committee. All those in favor indicate by saying "Aye." Those opposed, "Nay." The motion is carried.

Professor Fagg read Resolution 8.

The resolution was seconded.

Chairman Landis: All those in favor indicate by saying "Aye." Those opposed, "Nay." The motion is carried.

Mrs. Wilkebrandt: I should like to suggest an added resolution, if that be in order at this time.

Lieut. Knotts: It is all right, provided it is in writing.

Mrs. Wilkebrandt: It happens to be one of the courtesy resolutions.

"Resolved, That it be the sense of this meeting that the President of this Conference be authorized to communicate with the Secretary of Commerce of the United States relative to the Conference which it has been suggested will be called by the federal government, and to offer to the federal government the full cooperation of this organization and its committee."

The resolution was seconded by Col. Nichols.

Chairman Landis: Is there any discussion? Those in favor of the resolution indicate by saying "Aye." Those opposed, "Nay." The resolution is carried.

Mr. T. H. Kennedy: I want to ask the Resolutions Committee about a resolution I presented to Mr. Fagg this noon. It was my understanding all resolutions were to be reported out by the committee. This resolution was not reported out.

Mr. Paul J. Thompson (Minnesota): I handed in a resolution the other day that was not reported out.

Col. Nichols: I am sorry about both of those. They were acted upon unfavorably by the committee.

Mr. Thompson: With reference to the resolution I presented relative to federal aid for municipal airports, there has been considerable discussion of that for some time all over the country. I am the attorney for the Minneapolis Park Board which operates the airport there. I move, Mr. Chairman, that the resolution which I presented, without its being read, be referred to the committee of nine to consider and report at the next Conference.

Chairman Landis: I fear that is a violation of the rules of the Conference. The resolution must be presented to the Conference.

Col. Nichols: All resolutions heretofore presented have received the endorsement of the Resolutions Committee. We have three which did not receive any votes at the hands of the members of that committee.
The first is a resolution submitted by Mr. Paul J. Thompson, of Minnesota, relative to Public Airports.

"WHEREAS, The air is free for navigation and can only be monopolized by control of airports, and

"WHEREAS, The existence of municipal and public airports is a necessity to prevent the air from being monopolized, now therefore be it

"RESOLVED, That until such time as public airports become self-supporting, such airports when used in interstate commerce be entitled to federal aid."

CHAIRMAN LANDIS: Mr. Thompson, do you desire to refer that to this committee?

MR. THOMPSON: Yes, I move it be done.

The motion was seconded, voted upon and carried.

COL. NICHOLS: "BE IT RESOLVED, That the First National Legislative Air Conference go on record as favoring the adoption of an amendment to the Constitution of the United States providing that the exclusive ownership in all navigable air space over all the territory of the United States shall be vested in the Government of the United States and that all powers of regulation of the use of said air space in any manner whatsoever shall be exclusively vested in the Federal Government subject to the power of the Federal Government to divest itself of said ownership or to delegate said powers of regulation or any of them to the several states or political subdivisions thereof."

That is a resolution presented by Mr. Thomas Kennedy of California.

MR. KENNEDY: I would like to say a few words in support of the motion. Mr. Chairman, gentlemen and ladies of the Conference, this is not a new subject. I am perfectly willing to admit that. It is a subject that has received the careful consideration of the American Bar Association Committee on Air Law for a period of several years. In fact, the proposition was originally placed before that committee for an amendment giving exclusive jurisdiction in all air matters to the federal government.

Shortly after that proposition was presented to the American Bar Association Committee, I believe in 1922, the Committee decided that that would be an impractical step. They felt at that time that the matter of air regulation and air law was not sufficiently developed to permit any hope of the states surrendering the wide powers therein suggested to the federal government. However, things have moved since that date. Today we have the advent of real air commerce. We have an industry that is established, but it is still an infant industry, and it is making great strides, but with difficulty. I believe if anything has been developed by this Conference, the fact has been developed that serious impediments to the proper growth of air commerce and aeronautical industry are imminent, and they are imminent because of the fact that the state governments are more or less disposed at this time to meddle with air regulation and air legislation.

It is all very well to subscribe to the theories of law as set forth most ably by the gentleman from Missouri yesterday or Monday. I believe he has a correct analysis of the law, that is, the present status of the law gives the state governments certain very definite powers as to property rights and regulations. There is no question about it, and I do not believe for one minute we will get away from that, but an amendment to the federal constitution, however, I believe is absolutely necessary if we are going to go ahead in aviation. If we have forty-eight states, the District of Columbia and the federal government all trying to regulate aviation and airports and the business of flying and the policing of aircraft and airmen, I am afraid
we are headed for a quagmire that will strangle this business. It is absolutely absurd to hope that we can force through an amendment to the federal constitution in a very short time. I am perfectly willing to admit that also, but I do believe we should start along that line and start now.

This being the First National Conference on the subject, it seems to me we should take a stand in that direction. There have been various criticisms of federal administration; that is perfectly obvious, and what with the example of the noble experiment in the form of the Eighteenth Amendment, etc., ad infinitum, one might be constrained to say the federal government is impotent to regulate almost anything, but nevertheless, I think any quarrel along that line is a quarrel with principles. The federal government is a strong government, perfectly capable of regulating all phases of aviation, if enough money is put forward, if the proper personnel is put into the field so to do, and merely because we have not to date had sufficient money, and have not had sufficient men in the administration of the Air Commerce Act, is no reason that can not be remedied and we can not go forward on a federal plan. I believe fifteen years hence, if we proceed along the lines we are now following, we will find that we have air commerce absolutely strangled in this country. The speed of aircraft is a thing to be considered; think of crossing the United States in twelve hours. What can we do with state regulation under such a system of circumstances? Twelve hours from coast to coast—some thirty states covered.

We this morning had a good example of the conflict of law in the question of tickets in one state with a limitation very good in one state and in several other states absolutely out. What can we hope for? I think it is absolutely necessary that we all get together and work for a federal amendment that will give to the government of the United States the absolute ownership of air space, and give it the exclusive power of regulation. Merely because it is a distant hope is no reason we should despair of its final passage, and I urge this conference go on record as favoring the resolution.

CHAIRMAN LANDIS: The gentleman from California has moved the adoption of his resolution. Are you ready for the question?

MR. JOHN J. WICKER, JR. (Virginia): I am from Virginia. I hoped somebody was going to get up and say something. I would say that this is such a revolutionary proposition, states have so very little left already, with so much in Washington, that I do not think there is room for anything else.

MR. CROOK (Texas): I feel some hesitancy in getting up, because I feel like an intruder, coming in at the last hour, but there are two fundamental aspects that should condemn the resolution. The first is unlimited ownership of air space. That in itself ought to condemn the resolution, because it gives no height, and certainly the people of the United States will never ratify an amendment which would give such unlimited ownership of air space to the government. It might be that above 10,000 feet they would grant it.

The other is, the legal fraternity of the country is already in agreement that the federal government already has an unlimited control of the air for the purpose of interstate transportation, and it makes no difference where the interference in intrastate may come in, the federal government can immediately eliminate it, and the Supreme Court will have to back up its long line of decisions in that respect.
Chairman Landis: Is there any further discussion? If not, those in favor of the resolution indicate by saying "Aye." Those opposed, "Nay." The motion is lost.

Col. Nichols: I have one further resolution, which was submitted to me unofficially.

"Whereas, Two international conferences had been held in Paris in 1925 and in Warsaw in 1929 to codify international private air law;

"Whereas, The Warsaw Conference adopted a Convention regarding carriers' liability in air transport;

"Whereas, It is contemplated that similar conferences will be convoked in the future to codify private international law on insurance, damages, ownership, renting, status of passengers and other subjects;

"Whereas, Thirty-one states now collaborate in a Comité International Technique d'Experts Juridiques Aériens to study and frame projects of conventions on air law previous to the submission of such drafts to the international conferences;

"Whereas, These States comprise the leading aviation nations with the exception of the United States, including the Argentine, Austria, Belgium, Brazil, China, Czechoslovakia, Denmark, Dominican Republic, Egypt, France, Germany, Great Britain, Greece, Guatemala, Hungary, Italy, Japan, Yugoslavia, Lithuania, Luxemburg, Mexico, the Netherlands, Peru, Poland, Portugal, Roumania, Spain, Sweden, Switzerland, Turkey and the U. S. S. R.

"Whereas, It is to the interest of the United States to be actively represented in the formulation of what is rapidly becoming the code of private international air law; and

"Whereas, Adherence to the Comité International Technique d'Experts Juridiques Aériens entails a moderate expenditure of only two hundred dollars per annum, be it

"Resolved, By the First National Legislative Air Conference that the Congress of the United States be respectfully urged to adopt a resolution providing for the adherence of the United States to the Comité International Technique d'Experts Juridiques Aériens."

Chairman Landis: The resolution is lost for lack of a mover.

Are there any further resolutions?

Mr. John Vorys (Ohio): In the absence of further resolutions, I have an oral resolution which I should like to present, and it is,

"Be It Resolved, That this Conference, the work of the Resolutions Committee being at an end, extend its thanks and congratulations to Colonel Nichols and his able confrères for their intelligent and splendid work in presenting the resolutions to us."

Lieut. Knots: I second the motion.

Chairman Landis: Is there any discussion?

All those in favor of the resolution indicate by saying "Aye." Contrary, "Nay." The motion is unanimously carried.

Is there any further business to come before the Conference? If there is not, the Chair would like to take the opportunity of explaining how grateful he and his associates are for your very, very hearty and splendid cooperation. The results of this Conference have exceeded our hopes. Certainly from the splendidly worth-while papers and the debate we may feel sure we have started on a long, long road, but one which will contribute greatly to the future prosperity and security of our people.

The Chair now declares this Conference adjourned.

The conference adjourned at four-forty-five o'clock.
RESOLUTIONS ADOPTED

by the

FIRST NATIONAL LEGISLATIVE AIR CONFERENCE

I.

WHEREAS, The State of Illinois, by its governor, the Honorable Louis L. Emmerson, the Illinois Aerial Navigation Commission, the Illinois Commerce Commission, the Chicago Association of Commerce, and the Air Law Institute have all cooperated in the calling and sponsoring of the First National Legislative Air Conference; therefore be it

RESOLVED, That a vote of thanks be and hereby is expressed to them for the hospitality, pleasure, and profit afforded to those attending the conference.

II.

WHEREAS, Uniformity of air legislation and regulation among the several States is desirable, it is

RECOMMENDED, That, in so far as the conditions peculiar to each State permit, each State be urged to bring its legislation and regulations into conformity with the Federal regulations as to Air Traffic Rules and the licensing of aircraft and airmen.

III.

WHEREAS, The Conference recognizes that there is a distinct and appropriate field for State regulation of aviation, and

WHEREAS, There is a desire to study more completely the possibilities of flexibility and coordination between the Federal and State governments, it is

RECOMMENDED, That the chairman of the Conference be authorized and hereby is instructed to appoint a Committee to undertake a study of the Province of the Federal and State Governments in the matter of aviation regulation, which Committee shall take cognizance of and consider the peculiar needs of the individual States in this regard.

IV.

RESOLVED,

1. That the First National Legislative Air Conference recommends each State provide by law for the purchasing and leasing or acquiring by other means of ground for Airports and construction of same by municipalities and other political subdivisions of such states and further that, where land is purchased outside the limits of a municipality or other political subdivision of such state, consideration be given to necessary legal requirements, such as enabling acts, so as to permit of the necessary police regulation by the municipality or other political subdivision aforementioned over such airports.

2. That, whereas the usable length of runways is influenced by topographical conditions and hazards of approach, and whereas experience has demonstrated that landing field runways not suitable under all weather conditions may be suitable under certain conditions, it is recommended that, with these considerations in mind, each State provide for the promulgation of regulations setting forth a minimum requirement to be met by all airports and landing fields with suitable provisions covering fields for emergency and temporary use.

3. That each State should undertake the development of a State System of Airways conforming to the standards of the Federal System.
4. That each State require by law the air marking of airports according to the uniform standards laid down by the United States Department of Commerce.

5. That each State require by law marking of Municipalities, said marking to conform to the standard recommended by the United States Department of Commerce, and, further, that a competent State official have authority to remove confusing air markings.

V.

WHEREAS, The increased safety of the air traveling public depends in large part upon the establishment and maintenance of airways linking all community centers, therefore be it

RECOMMENDED, That the Conference go on record as favoring the establishment of a comprehensive system of national airways, giving equal consideration to all sections of the country without regard to questions of population density, but giving greatest consideration where topographical conditions are most unfavorable to flying.

VI.

WHEREAS, The First National Legislative Air Conference has by its deliberations contributed greatly to the knowledge and mutual understanding of public officials, lawmakers and the aviation industry, relative to the legislative and regulatory problems connected with aviation, and

WHEREAS, Such knowledge and understanding is of vital import in building the sound, safe, prosperous conduct of aviation so necessary if this new form of Transport is to make its maximum contribution to the comfort, security and prosperity of the citizens of the United States, and

WHEREAS, The conditions both physical and legal, affecting the aviation industry, are so rapidly and importantly changing, and

WHEREAS, It is believed that a committee appointed for this express purpose could best determine the necessity or advisability, meeting place, time and scope of such conference; therefore be it

RESOLVED, That the Chairman of the Conference be authorized and hereby is instructed to appoint a committee of nine members for such purpose, and that such committee shall prepare and submit suggested rules for voting at such Conference.

VII.

WHEREAS, Such regional meetings as those held by the Western States Aeronautical Association, the Legislative Air Parley of the Midwest States, and others, have demonstrated the advisability of holding such meetings; therefore be it

RESOLVED, That during the interim between the present Conference and the second national legislative Air Conference, the representatives of the various States not already members of some regional organization be urged to organize themselves into such bodies, and that they be urged to hold meetings during the interim period aforementioned; and, further be it

RESOLVED, That the States of each regional group be urged to join in their individual capacities, the National Conference.

VIII.

RESOLVED, That it be the sense of this Conference that the Chairman of the Conference be authorized to communicate with the Secretary of Commerce of the United States relative to a Conference which it has been suggested will be called by the Federal Government and to offer to the Federal Government the full cooperation of this organization and its committees.
Committee appointed, in accordance with Resolution Three, to study the province of Federal and State regulation of aeronautics.

GEORGE B. LOGAN (Chairman), St. Louis, Mo.
WILLIAM M. ALLEN, Seattle, Washington.
W. M. CROOK, Beaumont, Texas.
CHESTER W. CUTHELL, New York, N. Y.
HOWARD C. KNotts, Springfield, Illinois.

Committee appointed, in accordance with Resolution Six, to consider calling a Second National Legislative Air Conference.

JOHN M. H. NICHOLS (Chairman), Milwaukee, Wisconsin.
FRED D. FAGG, JR., Chicago, Illinois.
FAY HARDING, Bismarck, North Dakota.
LELAND HYZER, Miami, Florida.
THOMAS H. KENNEDY, Los Angeles, California.

JOHN M. VORYS, Columbus, Ohio.
JOHN J. WICKER, Richmond, Va.
MRS. MABEL WALKER WILLEBRANDT, Washington, D. C.
REED G. LANDIS (Ex-Officio), Chicago, Illinois.

CLARENCE M. KNOX, Hartford, Connecticut.
THOMAS G. TAYLOR, Harrisburg, Pennsylvania.
JOSEPH D. WOOD, Boise, Idaho.
WILLIAM C. YOUNG, Akron, Ohio.
REED G. LANDIS (Ex-Officio), Chicago, Illinois.
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