

LAW AND CONTEMPORARY PROBLEMS

VOLUME 15

WINTER, 1950

NUMBER 1

FOREWORD

Air Cargo is a phrase to kindle one's imagination—so much so that it is difficult not to be swept away by the brilliant prospects envisioned by so many for this industry. Although air express operated for several years prior to World War II, and, during the same period, there had been sporadic but short-lived attempts at other carriage of freight by air, it was primarily such dramatic military operations as those of the Air Transport Command in "flying the hump" and accomplishing successfully other movements of essential freight quickly by air over tremendous distances and obstacles, that provided the necessary stimulus for the birth and development of air cargo. The end of the war made available vast quantities of surplus aviation equipment, convertible to cargo operations, and also released a large number of men highly trained in the techniques of air freight transport and eager to explore its future possibilities.

Since the war, growth has been rapid, though not perhaps as swift as some early enthusiastic forecasts predicted. This growth has also revealed the complex nature of the problems facing the newborn air cargo industry. These problems, which the articles in this symposium illustrate, range widely: The relation, and differences, if any, between air cargo and air express; the uncertainties presently existing concerning air cargo insurance and carrier liability for losses; the place of the forwarder; the establishment of rates that will be high enough to make the carriers self-sustaining and yet low enough to attract a sufficient volume of traffic for the most economical operations; and, finally, the extent to which, as well as the manner in which, competition and newcomers should be encouraged or limited in this industry.

It is not surprising that solutions to all the above questions have not yet been found. Indeed, it may be doubted if wise answers can now be given to all of them, when many essential statistics and other facts appear to be fragmentary or lacking, and while the well-established regular passenger-mail-express-freight carriers, receiving government mail pay, have such different viewpoints from the air cargo carriers who receive no mail pay.

Congress has, of course, attempted to provide for the over-all development and regulation of civil aeronautics, notably through the Civil Aeronautics Act and the Civil Aeronautics Board. To what extent Congress has muddled rather than clari-

fied matters is, to say the least, debatable. As Mr. Carter points out, the standards of the Act often appear inconsistent, if not unworkable. Within this framework provided by Congress, the CAB¹ has been and is struggling to work out many of the issues discussed in this symposium.

Finally, the international picture, which in turn decisively affects our national defense policies, may, through such episodes as the Berlin Airlift, well prove to be a crucial factor in the immediate development of air cargo.

ROBERT KRAMER.

¹ Various members of the CAB as well as of its staff were invited to contribute to this symposium an expression of their viewpoints on the problems of air cargo. To the editor's regret, none (except Mr. Feldstein) accepted these invitations.