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FOREWORD

The very title of this symposium, "Aviation Transport," reflects the still rudimentary impact of air commerce on the legal system, even after due allowance for the innocence or hardihood of the editor. A few years hence, most likely, this title will seem as quaint as would today a 200-page symposium bearing the name "Railroad Transportation." The present title, however, is not a representation that the following pages are a full compendium of knowledge of the legal and quasi-legal aspects of transport by air. Indeed, while this symposium was in course of preparation its scope had to be substantially altered, to avoid duplication, by the appearance in the March, 1945 issue of the *Virginia Law Review* of an excellent symposium on aviation law; and various limitations have forced omission from these pages of the discussion of a number of topics, including financing flight equipment, development of standards and policies under the Civil Aeronautics Act of 1938, conflict of laws developments within and without the Warsaw Convention, relation of air mail policy to rate regulation—to mention only a few. This symposium presents primarily a series of surveys of an economic and legal nature centering about aviation's role, regulation and legal liability, including taxation, and some recent international developments.

In the first article, "The Economic Role of Air Transportation," Irston R. Barnes, CAB economist, presents an appraisal of air transportation's present economic significance and characteristics, as well as of its anticipated developments. Also of an economic nature is the following article by economist Joseph L. Nicholson, briefly pointing out some of the obstacles to optimistically low air rates.

The next three articles deal with various phases of regulation. "Federal, State and Local Jurisdiction over Civil Aviation" by Charles S. Rhyne, is a comprehensive yet compact survey of the diverse governmental spheres of action and regulation. This is followed by a discussion of "Appropriate Areas of State Economic Regulation," by Frederick G. Hamley of the National Association of Railroad and Utility Commissioners, who presents the frequently neglected statement of the case for the States. A further field of regulation, and one in which considerable developments may be expected, is explored by George C. Neal, General Counsel of CAB, under the suggestive title "The Status of Non-Scheduled Operations under the Civil Aviation Act of 1938."

The realm of legal liability is introduced in the next article by Paul Reiber, of the Air Transport Association of America, commenting upon "Some Aspects of Air Carriers' Liability," and touching on such matters as surface damage, personal injuries, *res ipsa*, limitation of liability and suggesting a balance of the conflicting interests. Dovetailing with the foregoing is the seventh article, by John Hunter, of CAA, which goes into various aspects of the dynamic field of airport law, under the title "The Conflicting Interests of Airport Owners and Nearby Property Owners." That "Aviation Law Comes Home to the Main Street Lawyer" is demonstrated by John C. Cooper, retired Vice President of Pan American Airways, whose experiences enables him to make helpful suggestions to the lawyer finding himself in the strange aviation law field.

The history of other forms of transportation indicates that we can certainly expect further legislation concerning aviation. A most timely and informative discussion of the need and prospect for legislation is contributed by S. G. Tipton, Acting President of the Air Transport Association of America, in the ninth article, "Legislative Program for Aviation."

The *Northwest Airlines* case of a few years ago brought into the limelight the matter of taxation and furnishes the occasion for a re-analysis of that topic in these pages by Ronald B. Welch, of the Bureau of Internal Revenue in his article on "The Taxation of Air Carriers," an acute analysis of the competing considerations underlying the tax problem.

The last two articles deal with international matters. An interesting light on "Influences Affecting International Aviation Policy" is given by Thomas Burke, who was for a number of years Chief of the Division of International Communications of the Department of State. The last article in the symposium, "Sequels to the Chicago Aviation Conference" by Richard K. Waldo, Department of State, presents the developments that have taken place as the aftermath of the United Nations' Aviation Conference in 1944. Of interest transcending the aviation field in its implications is the organization and functioning of the Provisional International Civil Aviation Organization, the first administrative body of the United Nations to get under way.

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