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Report of Aeronautical Law Committee

Minn. L. Rev. Editorial Board

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REPORT OF AERONAUTICAL LAW COMMITTEE

TO THE MINNESOTA STATE BAR ASSOCIATION

RECOMMENDATION NO. 1

This special committee recommends that it be made a regular committee of the State Bar Association. It was instructed at the last annual meeting to assist in the passage of the proposed constitutional amendment to be submitted to the voters of the State at the November election. This amendment is to allow the State to aid municipalities in the construction of airports and airways.

RECOMMENDATION NO. 2

The committee asks the Association at its annual meeting to determine the functions of this committee and to what extent the committee shall take part in passing on certain kinds of legislation relating to the Federal control of aviation.

REPORT

The committee has had one meeting which was held at the St. Paul Athletic Club on Saturday, December 4, 1943. A considerable number of committee members were present. Mr. Russell L. Frazee of Bird Island was appointed Secretary.

It had been called to the attention of the committee that there was legislation pending in Congress known as the Lea bill H.R. 3420 providing for general Federal control of aviation. The meeting was largely given up to a discussion of this proposed bill. We had present Hon. William C. Green, Assistant Attorney General, in charge of Aviation matters, Robert Aldrich, the new Superintendent of the Metropolitan Airports Commission, E. I. Whyatt, Vice President of Northwest Airlines, and Robert Bowen, representing the Junior Association of Commerce of Minneapolis.

Mr. Green presented objections to the following provisions of the Lea bill, which

- (a) Permit the condemnation by the Administrator of existing airports;
- (b) Grant to the Administrator or to the Commission, and remove from the states, the power to regulate air commerce;
- (c) Provide for zoning of all airports by the Administrator, particularly unless the provisions as to zoning are so amended as to specifically permit the enactment and enforcement of zoning and safety regulations by the states and their political subdivisions;
- (d) Provide for training programs to be carried on by the Administrator in competition with private air schools, air clubs and instructors.

Mr. Whyatt argued in favor of the Bill and in favor of Federal control. Mr. Whyatt's argument was that commercial aviation can hardly be confined to state lines and that there should be no distinction made between interstate and intrastate commerce so far as navigation of the air is concerned.

The members of the committee present did not think that the committee should take official action on the merits of the Lea bill, but the chairman was instructed to write the members of the committee to get their views on the subject as individuals. This was done and a majority of the committee thought Mr. Green's objections were valid.