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Captain Michael Gitt Papers - The Airline Pilot (ALPA Newsletter), 1949-1964

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Civil Aeronautics Act -- Birth of Modern Air Era

Commercial Aviation Received Tremendous Impetus in 1938
When Civil Aeronautics Act Brought Order to Impending Chaos

By F. Harold Bennett and Ralph Harkenrider

[[image - photograph]]

FIRST MEETING: The organizational meeting of the original Civil Aeronautics Authority as created by the Civil Aeronautics Act was held July 14, 1938. L. to r. (front row): Harlee Branch, Chairman Edward J. Noble, Clinton M. Hester; (standing) G. Grant Mason, Thomas O. Hardin, Oswald Ryan, Lt Col. Sumpter Smith.

The modern era of commercial air transportation really began with the Civil Aeronautics Act of 1938.

Before that aviation had been a "topsy" -- it more or less just grew. There was regulation of a sort, but regulation that was so confusingly overlapping and so helter-skelter in its application that it was letter better than no regulation at all. If there was one thing it wasn't, it wasn't a setup geared to the air age.

Prior to 1938 there were several Statutes and as many Federal Agencies under which the air line industry was required to operate. The Department of Commerce regulated matters affecting safety; the Post Office Department controlled regulation over airmail rates, and the Interstate Commerce Commission exercised an overlapping measure of economic control through its powers to revise rates under contracts let for the carriage of mail. Financial instability of the air carriers was rampant; they were confronted with destructive competition and wasteful duplication; the public was exposed to unreasonable and discriminatory passenger and express rates, and unfair trade practices. As can well be imagined, the air transportation industry was in a condition which can only be described as "chaotic."

The Congress, recognizing the latent possibilities of air transportation under proper regulation and the complete necessity of its development in the Public Interest and for the National Defense passed the Civil Aeronautics Act of 1938.

The desires of the Congress, to be attained by the new legislation, are best expressed by the Act itself. In Section II, entitled, "Declaration of Policy," the Congress states:

In the Public Interest

"In the exercise and performance of its power and duties under this Act, the Authority shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity --

"(a) The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

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"(b) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, assure the highest degree of safety in, and foster sound economic conditions in, such transportation; and to improve the relations between, and coordinate transportation by, air carriers;

"(c) The promotion of adequate, economical and efficient service by air

THE AIR LINE PILOT

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