

## William P. MacCracken, Jr.: America's First Federal Regulator for Aviation

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### The Wild West in the Skies

By the 1920s, the general public and commercial enterprises quickly grasped the huge potential and promise of aviation. It offered the speedy delivery of mail, dramatically shortened travel time, and excited the imagination with several high-profile flights, such as Charles Lindbergh's trans-Atlantic trip in 1927. The public became accustomed to the "flying machines," and the world of commerce gladly embraced aviation for its money-making potential.

U.S. aviation crackled with activity, but many feared chaos in the skies as they became filled with unregulated aircraft and uncertified pilots. This explosive growth, plus the absence of oversight, seemed a sure recipe for disaster. Believing the nascent aviation industry needed Federal regulation to ensure safety, those with commercial interests in air transportation pushed the government to establish aviation safety standards. Fortunately, President Calvin Coolidge understood the clear need for regulation and, on May 20, 1926, signed the Air Commerce Act. The primary architect of the milestone bill was William P. MacCracken, Jr.

### A Perfect Match



William P. MacCracken, Jr.

Born in Chicago, Illinois, in 1888, MacCracken was the son of a physician. A visionary and a pioneer in aviation law, MacCracken earned a Ph.B. degree in philosophy from the University of Chicago in 1909. (A Ph.B. indicates additional academic work or research.) He continued at the same institution, receiving his J.D. degree in 1911.

Immediately after being admitted to the bar, he established a law practice in Chicago and was

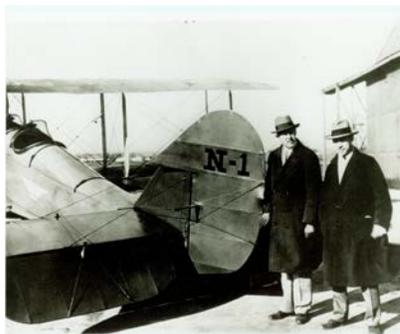
well on his way to carving out a predictably comfortable and privileged life. But, World War I interrupted the expected narrative of MacCracken's personal history. He enlisted in the U.S. Air Service, where he received flight training, an experience that altered his life forever when it awakened a lifelong passion for aviation and aeronautics. Eventually, MacCracken served as a flight instructor himself and remained at that assignment until the war ended.

It was clear from the outset that MacCracken would do important work in his life. After the war, he returned to his law practice in Chicago and began to lay the foundation for a distinguished career. MacCracken became actively involved in politics when he became the Assistant Attorney General of Illinois in 1923 and later the Assistant State Attorney of Cook County in 1924. A staunch member of the American Bar Association, he served as its Secretary from 1925 to 1936. With a nod to his interest in aviation, he served on the Association's Committee on Aeronautical Law from 1920 to 1926 (and during several other subsequent time periods). From 1922 to 1926, he was a member of the board of governors of the National Aeronautical Association. By chance, his experiences and educational background groomed him for the significant role in aviation safety that he later assumed.

In the mid-1920s, with pressure from those wanting to establish viable commercial aviation enterprises, President Calvin Coolidge needed someone to help establish the crucial foundation for U.S. aviation regulation as well as conceive long-term plans for fostering the vital industry. Who better understood the intricacies of the law and had a solid foundation in aviation than MacCracken? President Coolidge, likely impressed by MacCracken's credentials, wisely selected him to help author the Air Commerce Act. Known for his gifts of persuasion, MacCracken surely brought into play the logic learned in academia, his sharply honed verbal skills, and his deep knowledge of aviation and aeronautics. His skill and knowledge ultimately convinced Congress of the need for Federal oversight of aviation.

### **The First Federal Regulator for Aviation**

Assistant Secretary of Commerce for Aeronautics William MacCracken, Jr. (left) with his deputy, Clarence Young



The Air Commerce Act 1926 instructed the Secretary of Commerce to foster air commerce;

designate and establish airways; establish, operate, and maintain aids to air navigation (but not airports); arrange for research and development to improve such aids; license pilots; issue airworthiness certificates for aircraft and major aircraft components; and investigate accidents. Since so much of the industry was tied to commerce (mail delivery and commercial air travel), it made sense to locate the government's new Aeronautics Branch within the Department of Commerce. MacCracken became the first Assistant Secretary of Commerce for Aeronautics, reporting directly to Secretary of Commerce Herbert Hoover, the future U.S. President.

### **First Steps: Getting Certified**

MacCracken wasted no time getting into action to make U.S. aviation safer. In November 1926, Louis Hopewell Bauer, MD, became the first medical director of the Aeronautics Branch. Bauer, appointed by MacCracken, soon selected a large core of aviation medical examiners from across the United States to give medical examinations to pilot applicants. Despite the protestations of his son, Bauer appointed William P. MacCracken, Sr., as one of the medical examiners.

On December 7, the first airway light beacon erected by the Aeronautics Branch began operation. The beacon was located 15 miles northeast of Moline, Illinois, on the Chicago-Dallas air mail route. On the same day, the Aeronautics Branch made its first official airworthiness inspection of an American aircraft when Inspector Ralph Lockwood tested a Stinson-Detroiter before its delivery to Canadian Air Express.

On December 31, 1926, MacCracken issued the first Air Commerce Regulations. The regulations required all aircraft engaged in interstate or foreign commerce to be licensed and marked with an assigned identification number. Pilots of licensed aircraft were required to hold private or commercial licenses. Commercial pilots were classed as either transport or industrial. Mechanics repairing aircraft engaged in air commerce had to secure either engine or airplane mechanic licenses, or both. Owners, pilots, and mechanics affected had until March 1 (later extended to May 1), 1927, to place their applications on file. Pending action on these applications by the Aeronautics Branch, those applying by the specified date could continue operating as previously until July 1, 1927. Failure to apply as required was punishable by a \$500 fine. The regulations also prescribed operational and air traffic safety rules.

Under the new regulations, the Aeronautics Branch issued Aircraft Type Certificate No. 1 to the Buhl Airster C-A3, a three-place open biplane. On April 6, 1927, MacCracken received the first Federal pilot license. He had offered the honor of the first license to Orville Wright, but Wright declined because he no longer flew and said he did not need a piece of paper to prove he was the first. MacCracken next asked Charles Lindbergh if he would like to be the recipient of pilot license No. 1, but Lindbergh believed that the lawyer/pilot had more extensive experience and, so, was a more appropriate choice.

The first aircraft mechanic's license followed only 3 months later.

In April 1927, the Aeronautics Branch acquired three aircraft: two Buhl Airsters (open cockpit) and one Stinson-Detroiter (cabin plane) for inspection purposes. Two months later, the Branch issued its first airways strip map – Moline, Illinois, to Kansas City, Missouri. By the end of fiscal year 1928, which ended on June 30, 1928, the Department of Commerce succeeded in developing a practical radio navigation beacon system. MacCracken's Branch engineers conducted two series of flight tests on the New York-Cleveland airway between July 1927 and February 1928. During fiscal year 1929, the Aeronautics Branch standardized a type of four-course radio range system in which pilots listened to aural signals to determine if they were on course. By June 30, 1929, the Branch reported that seven of these standard radio beacons were in operation, providing a continuous radio-marked course from Omaha to New York and from Key West to Havana.

MacCracken's efforts did not go unnoticed. On January 14, 1929, the Aeronautics Branch received the Aero Club of America Trophy for 1928 for its outstanding development of airways and air navigation facilities. Robert J. Collier had established the award, first presented in 1912, to honor the previous year's most outstanding contribution to U.S. aeronautics or astronautics. (In 1922, the Aero Club of America was incorporated as the National Aeronautic Association, which assumed administration of the award and renamed it the Robert J. Collier Trophy in 1944.)

MacCracken's efforts did not slow down after the award. In January 1929, his fledgling organization turned on Beacon #25 at Miriam, Nevada, on the San Francisco-Salt Lake City Airway, completing the lighting of the transcontinental airway by closing the final 20-mile unlighted gap. The following month, the Aeronautics Branch established a Field Service Section that assumed certain duties performed by the former Airport Section, including assistance to municipalities and other organizations desiring to establish or improve airports. Five airport specialists, including the section chief, toured the United States to inspect sites, confer with officials, and address civic groups. The Branch also issued a rule requiring flying schools to be federally licensed.

William P. MacCracken, Jr., resigned as Assistant Secretary of Commerce for Aeronautics on October 1, 1929, and returned to his law practice.

### **After His Government Work**

Highly motivated and innovative, as well as brimming with ideas on how to improve aviation, MacCracken accomplished quite a bit during his tenure as head of the Aeronautics Branch. In a March 1930 *Collier's* magazine article titled "Flight Savers" that he penned, MacCracken proudly cited some

of the air regulations instituted during his time as head of the Aeronautics Branch. The reader senses his immense satisfaction in having supported the establishment of uniform national legislation to govern commercial aviation.

Despite his retirement from government service, MacCracken soon became embroiled in controversy. President Herbert Hoover signed the Watres Act on April 29, 1930. That act amended the Air Mail Act of 1925 and gave the Postmaster General very broad regulatory control over contract mail route locations, route consolidations and extensions, contract bidding conditions, service conditions, equipment and personnel accounts, and compensation. Postmaster General Walter F. Brown asked MacCracken to chair a series of meetings to determine which airlines would be awarded air mail routes. On May 19, 1930, Brown and MacCracken held the first of a series of meetings with representatives of the large commercial airlines to discuss air mail routes to be awarded under the Watres Act. The majority of the airmail contracts went to the three major airlines at the time: Boeing Air Transport, which became United Airlines; Transcontinental Air Transport, which later merged with Western Air and ultimately became TWA; and Robertson Aircraft Corporation, which later became American Airlines.

Many smaller operators complained the contracts had been unjustly auctioned off to the larger airlines because they could not match the bids made by the bigger, more established airlines. In 1933, Senator Hugo Black led a Senate investigations committee that called into question the legality of Brown's decisions. MacCracken, or "Mr. Mac" as he became known, refused to testify before Congress regarding the charges of favoritism in his and Brown's actions. Congress called MacCracken a lobbyist and held him in contempt. In the aftermath of the Senate investigation, and with the subsequent inauguration of Franklin D. Roosevelt as President, the new Postmaster General James A. Farley announced on February 9, 1934, the cancellation of all existing air mail contracts, effective midnight, February 19. On June 12, President Roosevelt signed the Air Mail Act of 1934, which again allowed for the commercial contract of air mail services.



Congressional Sergeant at Arms Chesley  
Jurney (right) reading MacCracken's order of  
arrest for contempt

Despite the media attention, the “Spoils Conference” had little effect on MacCracken’s solid reputation. He continued with his private law practice. In addition to serving as the Secretary of the American Bar Association, MacCracken also lobbied for many trade groups. For example, from 1942 to 1968, he served as a Washington attorney for the American Optometric Association. His many awards included being decorated as an officer of the Order of the Crown of Italy, designated Elder Statesman of Aviation in 1959, and chosen as the recipient of the prestigious Wright Brothers Memorial Trophy in 1959. The lawyer/aviator with a sharp mind and diverse interests died in 1969 at the age of 81.