

The First Federal Aviation Regulator

Background

May 20, 1926: President Calvin Coolidge signed the Air Commerce Act of 1926 into law. The act 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.



MacCracken Takes Charge

On August 11, 1926, William P. MacCracken, Jr., took office as the first Assistant Secretary of Commerce for Aeronautics. He thus became the first head of the Aeronautics Branch, created in the Department of Commerce by Secretary Herbert Hoover to carry out the Secretary's responsibilities under the Air Commerce Act of 1926.

Born in Chicago, IL, in 1888, MacCracken was the son of a physician. He earned a Ph.B. degree in philosophy from the University of Chicago in 1909. (A Ph.B. indicated additional academic work or research.) He continued at the same institution, receiving his J.D. degree in 1911. He opened his own law practice before enlisting in the Army where he received his flight training.

MacCracken, who had assisted in drafting the Air Commerce Act, brought to the position experience as a World War I Army pilot, as chairman of the American Bar Association's committee on aviation law, and as general counsel of National Air Transport, a contract mail carrier he helped organize in 1925.

With the appointment of MacCracken as its chief, the organization of the Aeronautics Branch proceeded rapidly. Secretary Hoover believed that the duties imposed by the Air Commerce Act should be carried out by existing Department of Commerce components. Although five principal units made up the Aeronautics Branch, which ranked as a bureau, only two were structurally part of the new Branch - the Air Regulations Division and the Air Information Division. The other three units followed directions from the Branch concerning work to be undertaken, but received detailed guidance and administrative support from other bureau-level components of the Department. The Airways Division was organized within the Bureau of Lighthouses, the Aeronautical Research Division within the Bureau of Standards, and the Air Mapping Section within the Coast and Geodetic Survey.

Safety Firsts

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 designated aviation medical examiners from across the United States to give 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, 1926, 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, the first Air Commerce Regulations became effective. The regulations resulted from many conferences between the Aeronautics Branch and pilots, operators, manufacturers, the Army, the Navy, and the Post Office Department. They 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 were required to secure either engine or airplane mechanic licenses, or both. The regulations also prescribed operational and air traffic safety rules.

On March 29, 1927, the Aeronautics Branch issued Aircraft Type Certificate No. 1 to the Buhl Airster C-A3, a three-place open biplane. By the end of fiscal year 1927, which ended on June 30, 1927, the federal government had issued a total of 9 aircraft type certificates. By the end of fiscal year 1928, the total had reached 47; by the end of fiscal 1929, 170; by January 15, 1930, 287.

On April 6, 1927, the Aeronautics Branch issued the first Federal pilot license. MacCracken 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 MacCracken deserved the honor. The first aircraft mechanic's license followed only 3 months later.

On June 30, 1927, the Aeronautics Branch announced that its first airways strip map was available for purchase: Moline, IL, to Kansas City, MO.

On July 1, 1928, the Commerce Department began using teletype machines to transmit aviation weather information. Among the first airport stations to receive teletypes were those at Hadley Field, NJ, Cleveland, OH, Chicago, IL, and Concord, CA. Those units were all connected with the central office at Washington, DC, from which data were exchanged for all locations.

During fiscal year 1929, which ended on June 30, 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 was able to report 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. This type of navigation aid became the standard civil air navigation aid, and retained that status until after World War II.

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.)

On October 1, 1929, William P. MacCracken, Jr., resigned as Assistant Secretary of Commerce for Aeronautics and was succeeded by Clarence M. Young, the Director of Aeronautics.

Post Aeronautics Branch Activities

Despite his retirement from government service, MacCracken went back into private law practice where he represented a number of commercial air carriers. He soon became embroiled in controversy. President Herbert Hoover signed the McNary-Watres Act on April 29, 1930, which 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, known as the Spoils Conference, to determine which airlines would be awarded air mail routes. 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 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.

MacCracken filed a petition of habeas corpus in federal courts to overturn his arrest, but after litigation, the U.S. Supreme Court ruled that Congress had acted constitutionally, and denied the petition in the case *Jurney v. MacCracken*.