

BOOK REVIEW

THE REGULATORY PROCESS—WITH ILLUSTRATIONS FROM COMMERCIAL AVIATION. By Emmette S. Redford. University of Texas Press. 1969. Pp. 336. \$8.00. Reviewed by Sidney F. Davis*

The title of Dr. Redford's book is inviting to students of regulatory proceedings who have never found a satisfactory one-volume work on the subject; it is especially inviting to those who are involved in regulatory matters within the aviation industry. Unfortunately, the book is a grave disappointment.

For the unindoctrinated the book serves little useful purpose because of a compulsion for excruciating detail and the use of the most complex regulatory jargon without explanation. For the less naive, several glaring errors render the book of dubious value as a reliable reference tool.

Dr. Redford's Chapter I will frighten away all but the most determined readers because, in that chapter entitled "Prospectives for the Study of Government Regulation" Dr. Redford suggests that the study of governmental regulation is almost a mystical matter which must be related to the metaphysical world. For example, in an attempt to put the study of the regulatory processes into focus, the subject is described as a "universe of social action" for which "ecology is an essential element in the study of behavior in the functioning and for which anatomy is a second element required in the study." Another sampling:

"The anatomy of a universe of social action [the regulatory processes being a series of social actions] will differ from that of an animal organism in at least two respects."

However novel this approach in the dissection of the regulatory processes, it is one that adds meaningless confusion to an already highly complex subject.

One of the early chapters of Dr. Redford's book deals with the relationship of the Congress and the various regulatory agencies: in this instance specifically the relations between the Congress and the Civil Aeronautics Board. Dr. Redford's book is copyrighted in 1969, but in it he makes constant reference to Senator Mike Monroney as though he were still in the Senate. Senator Monroney was defeated for re-election in the fall of 1968. Nonetheless, one would expect that the Senator continues

* Assistant to General Counsel, Delta Air Lines, Inc.; B.S., U.S. Naval Academy (1956); J.D., University of Florida (1963).

active in civil aviation matters in the Congress after reading Dr. Redford's book. While this might be excusable on the theory that the book was written sometime before Senator Monroney's departure and the author merely failed to update his text, the chapter describing his influence on civil aviation matters is tantamount to a glorification of the gentleman:

“His [Senator Monroney's] strategic position, interest, and competence help make him a strong and effective leader on all matters affecting civil aviation in the Senate and, in fact, have made him one of the dominating figures in the national aviation picture. One is led to surmise that his position as a leader in civil aviation is much more important than that of a member of the Civil Aeronautics Board.”

Those involved in proceedings before the Civil Aeronautics Board will no doubt take strong issue with much if not all of the foregoing statement. While there can be no dispute that Senator Monroney had a large influence on civil aviation matters while he was in the Senate, many of his doings were controversial and Dr. Redford's line in this respect is hard to swallow. The suggestion that the Senator's position is [was] more *important*—influential, perhaps—than a Board member is quite unacceptable.

In Chapter 5, Dr. Redford examines the “administrative center at work”—in this case the CAB. For some reason Dr. Redford chose the *General Passenger Fare Investigation* of the early 1950's as the regulatory case to be followed step by step. While there is no doubt that the case is of tremendous historical importance to the industry, it is one of a kind and it would have been of much more value had he chosen one of the typical licensing cases which comprise the bulk of matters coming before the Board. In any event, the tracing of the various steps in the case becomes bogged down in painful minutia resulting in a loss of the over-all picture for the reader, while this single chapter consumes precisely 33-1/3% of the book's total pages.

Dr. Redford describes the various bureaus within the Civil Aeronautics Board and herein makes his most glaring errors. For example, he describes the “Bureau of Air Operations” as the:

“. . . largest unit within the CAB. It carries responsibility for development of all aspects of the program of economic regulation, except compliance in accounting and statistical reporting, including matters related to domestic and international routes . . . and rates. It has the responsibility for developing and presenting the public's

position on routes and on rates before the Examiners and the Board.”

In actuality, the Bureau of Air Operations, as such, was abolished several years ago. More correctly, the Bureau of Air Operations was divided into two bureaus—the Bureau of Operating Rights and the Bureau of Economics. Today, the Bureau of Operating Rights participates in matters related to routes; the Bureau of Economics, matters of rates. There are several other factual errors concerning the composition of the Board and the various bureaus and staffs under it.

Dr. Redford devotes an entire chapter to the Air Transport Association, which is an association comprised of a majority of the scheduled air carriers in the United States. This chapter, which traces the history of the Association and describes its functions and organization, is one of the most informative chapters of the book. The chapter successfully portrays the many-faceted operations of the ATA, but conspicuous by its absence is the fact that the ATA plays a very small role in the actual regulatory proceedings of the industry, which raises the question of what the chapter is doing in the book in the first place.

In summary, Dr. Redford's book is not easy reading; it seems to digress from the central theme and is both repetitive and unnecessarily detailed. It cannot be recommended for an introduction to the regulated industry or as a reference tool.

