

BUCK & KNAPP
ATTORNEYS AND COUNSELORS
TRINITY BUILDING
FORT WORTH, TEXAS

Feb. 21, 1941.

RE: HOUSE BILL NO. 319.

Mr. O. M. Mosier
American Airlines, Inc
New York Municipal Airport
New York, N. Y.

Dear Red:

This will thank you for copies of your letters to Mr. R. J. Bowen and Mr. Robert Smith, in regard to House Bill No. 319, which was introduced by representative Jack Love, Tarrant County, Texas.

When in Austin Thursday I learned of the introduction of this bill and another establishing a State Department of Aeronautics, for supervision and control of flying, which diverts the full gasoline tax for the expenses of administration. The latter is substantially the same one that you and I have been fighting since you went with Braniff.

I talked with Bob Smith last Saturday and he is doing some effective work in cooperation with us. We are receiving the full aid of the major oil companies who anticipate a decrease in gasoline sales if H.B. 319 is passed. They expect that gasoline requirements of interstate operators would be purchased out of Texas. We are trying to organize the opposition.

The fact that Rhinehart Rower, City Attorney of Fort Worth, is presumably the author and sponsor of this bill, coupled with the further fact that Sam Bothwell, City Manager, inferentially informed me ninety days ago that he favored such a bill, and the circumstance that a Fort Worth representative introduced it strongly, indicates that Mr. Bothwell has concluded to increase revenues

at Meacham Field, through State Legislation, which would have the effect of accomplishing indirectly, what the City of Fort Worth can not do directly, insofar as American Airlines is concerned, because of the existing airport contract between A. A. Inc. and the City, the provisions of which prohibit the assessment of any tax, fee, charge or impost against A.A.Inc., on account of the ownership, sale, use, service or delivery of fuel and lubricants to its own aircraft (see paragraph 1, page 9, of the contract.)

If this assumption is correct, then the action is subversive, and the bona fides of the City's representatives is subject to question. The City's need for revenue at the airport is obvious and no doubt pressing, but the faithful discharge of its contractual obligations in all their intendments should not be sacrificed on the alter of expediency.

With the support that will be obtained from municipal representatives who are men of considerable political influence and experience, House Bill No. 319 stands a good chance of final passage, unless an organized and efficient opposition is brought into play. Likewise, the bill creating a Department of Aeronautics may be passed. I will appreciate your advice and suggestions in the matter.

The question of whether H. B. 319, if passed, would entitle the City of Fort Worth to the refund which American Airlines has been receiving, in view of the provision contained in the existing contract, presents an interesting question of constitutional and contractual law which I would favor litigating in the event it becomes necessary.

With kindest personal regards and best wishes, I am

Yours very truly,

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cc: Mr. C.R. Smith
Mr. R.S. Pruitt
Mr. Amon G. Carter ✓
Mr. Hollis Thompson
Mr. Robert Smith

Raymond E. Burr