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DEATH AND INJURY IN INTERNATIONAL AIR TRANSPORT

PETER MARTIN*

I AM greatly honoured by your invitation to come here to Dallas to address you. But you must not think that my views are those of anyone but myself. Thus, they are not necessarily those of operators, manufacturers, insurers or even my partners. They are mine and I take full responsibility for them while recognizing my debt to all those who have enabled me to discover what the problems are and to guess at how they might be solved.

It is a commonplace that outside the United States there has been remarkably little litigation arising out of death and injury suffered by passengers in the course of international air transport. I believe the reasons for this are:

1. The effectiveness of the reversed burden of proof system of the Warsaw Convention, the Warsaw Convention as amended at the Hague and the Montreal Agreement, (coupled with the existence of certain special contracts relating to compensation such as that introduced by British European Airways and now adopted by British Airways and others) in bringing about reasonable settlements without the need for liability trials.

2. The fact, as I believe it to be, that outside the United States injured passengers and families of passengers killed in aircraft accidents are—or were in the past at least—less litigious and more inclined to settle for modest, fixed-limit-damages in accordance with national law methods of assessment rather than engage in the expense and uncertainty of litigation for the purpose of breaking the Convention limit or proving the liability or negligence of manufacturers and others. Certainty of some compensation was traded off against the uncertainty of full compensation of negligence of manufacturer and others.

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3. The fact that previously, when accidents were smaller, there was much less publicity for them than there is now. The world-wide circulation of information results, of course, in far greater world-wide interest in these bigger accidents of today, and this is coupled with contact between the families of victims on an international scale. The best example of the results of this trend is the newly found Japanese taste for litigation—unheard of 10 years ago.

4. Leaving aside the political problems, the well known difficulties of discovering facts relating to aircraft accidents, particularly in countries where discovery of facts in litigation cannot be conducted by the same sort of processes as the deposition taking process in the United States, coupled with the less adventurous spirit of lawyers faced with strictly applied rules of evidence and an apparently unchallengeable system of law.

5. Respect by the judiciary for the Convention system in most countries outside (and even most States within) the United States.

Although the intention of the Warsaw Convention/Hague Protocol system was to create a system of compensation for death or injury arising out of international air transport which would have the result of providing quick settlements without litigation because of the reversal of the burden of proof and the availability of what were originally regarded as adequate damages, we all know now that time had eroded the effectiveness of the system. The damages available under the provisions of the Warsaw Convention, the Warsaw Convention as amended at the Hague and even the Montreal Agreement, are generally regarded as insufficient to meet the damages suffered by a large variety of passengers and their dependents in cases of injury or death. We seem little nearer the universal implementation of the Guatemala Protocol principally because of questions relating to the method of valuing "Convention" gold francs and these will not now be answered quickly. Although a few carriers have adopted special contracts on the lines of the British Airways model, this is by no means a lead likely to be followed universally. By 1st April 1975 British Airways and many other European and non European carriers will have adopted this approach. The delay in the ratification and implementation of the Guatemala Protocol, now four years old, is a particularly poor example of the way the United States sometimes leads the world from the rear in marking time when the rest of the world could be

benefited from its lead even if the lead did not wholly satisfy the United States. The rest of the world is disbenefited by the United States' attitude.

Accordingly, given the law as it stands at present, there is now much more than previously a real anxiety on the part of passengers, their relatives and their advisers on the one hand, and carriers, manufacturers and their insurers on the other to have information about an accident at an early stage which will enable rational and well informed negotiating positions to be adopted on each side, bearing in mind that the carriers' usual offer of convention damages without reliance on its possible defense may not be sufficient to settle the whole claim in present times. Leaving aside the obvious need for information for safety reasons, other needs manifest themselves very quickly. The carrier wishes to know if it can use the defense of unavoidable accident for the purposes of negotiation and whether it is at risk in terms of a possible action based upon its perhaps having caused the accident by wilful or reckless misconduct. The manufacturer wishes to know if it has been negligent or whether strict liability rules will or may apply to his part, if any, in the accident.

Passengers and their advisers wish to know the strength or weakness of their position generally. Thus you have, taking these requirements for information as a whole, a real need for early but precise information readily available to all concerned. Bearing in mind the differences of the law of evidence of most countries, bearing in mind how frequently it is the case (rather than the reverse) that no accident report is published or that it is inadequate when published for the purpose of providing evidence in an action on liability there is now a great and growing pressure to permit access by passengers and those representing them or their estates and dependents to the investigation on an official basis. I cannot support this pressure because I believe the results would be inimical to the fundamental purpose of accident investigation without producing a valuable improvement. Every care must be taken to avoid the pursuit of sectional interests in accident investigation and I just do not believe that those representing passengers could resist this temptation. But I can see why the argument is advanced and, certainly, something will have to be done to meet it. Leaving aside all other issues, I regard it as outrageous in human terms that the

relatives of passengers killed in aircraft accidents often have to wait years to discover in what circumstances the passenger died and sometimes do not discover this at all. In human terms, the inadequacy of performance of many aircraft accident investigation authorities is inexcusable. I can give many, many examples of cases where no accident report has been published at all or where it has taken one, two or three years for it to be published and then, frequently, in terms so imprecise, inadequate or politically biased as to be almost meaningless for any legal, human or safety purpose.

The only proper approach to aircraft accident investigations is that it must establish the facts and that there should be sufficient and speedy publication of the results of the investigation to enable all concerned to learn from it for the sake of the travelling public as a whole. Everything done in such an investigation must be for the purpose of determining accurately all the circumstances and causes of an accident with a view to avoiding repetitions. An ancillary consideration which must now be borne in mind is that the results may be and indeed should be useful for other purposes. Given the immense complexity and expense of settling the legal consequences of an international aircraft accident (or indeed any aircraft accident) these days, all engaged in these matters should have in their hands as quickly as possible after an accident a report of the investigation which is sufficiently comprehensive and objective to enable both the representatives of passengers and the representatives of all potentially liable parties and their insurers to use it as a reliable and complete basis for settling the consequential claims for compensation so as to avoid, if possible, the necessity for long and expensive proceedings in different countries. Admissibility in evidence, whether subject to challenge or not, is a matter which requires careful consideration. More frequently than not, however, there is either no report or a report so inadequate and delayed that litigation becomes inevitable if injustice and hardship are to be avoided. Believing as I do that much unnecessary litigation and consequent unhappiness would be avoided by the early publication of complete reports of thorough investigations, what is really wrong with the present system of investigation of international aircraft accidents under Annex 13 of the Chicago Convention and ICAO Manual of Aircraft Accident Investigation[1]

[1] Doc. 6920-AN /855/4.

is the subject of this paper. Bearing in mind that it is possible only to generalize in a short paper of this kind, I have the following points to make about the system:

1. There is the fact that many countries simply do not apply Annex 13 and the procedures set out in the Manual although they are parties to the Chicago Convention. I must add here that I refer in this paper to Annex 13 because I have in mind accidents which are international in character, that is, accidents (occurring in one state) to aircraft registered in another state. In many domestic accident cases no attempt is made to apply even these minimum standards.

2. Much more important in practice, there are many countries in which Annex 13 and the ICAO Manual are applied in such a way as to render the investigation valueless. This is due to a number of causes. Often the requirements of the local law and of local procedures are applied in a way which produces a sterile interpretation. Sometimes this results from a distrust of the motives of persons and bodies wishing to participate. It also results from conflicting interests between these persons and bodies and the investigating authority. Often there are also jealousies between accident investigation authorities and judicial authorities charged with criminal investigation. There are also political questions. In many cases, difficulties arise due to the inadequacy of local resources and the high costs of mounting a comprehensive accident investigation coupled with a nationalistic refusal or reluctance by the state concerned to admit its shortcomings in this area.

3. There is a conscious or unconscious desire to conduct and conclude investigation in such a manner as to absolve from any possibility of blame the authorities or nationals of the country in which the inquiry is held, particularly if there is adverse publicity of a national agency such as air traffic control or an aerodrome authority during the period immediately after an accident.

4. In the context of tort liability and also the organizational arrangements which are necessary to ensure that evidence is available and can be fully considered by experts, it is plain that there is often ignorance on the part of accident investigators, or so called accident investigators, of the detailed matters of evidence which may be crucial to the determination of the causes of an accident generally. We must not expect accident investigators to be lawyers

or even to have an eye always on the courts, but there is room for some greater degree of understanding of the legal problems lawyers have to face; in some countries, such as the United States and the United Kingdom, the understanding is very considerable but in others it is wholly non-existent.

I should add here that legal ideas may no longer be in step with recent technological advances when it comes to the determination of responsibility. I also believe that accident investigators in some countries are occasionally hoodwinked by interested parties who have much to lose from making available, let alone publishing the facts, and in this context it must be remembered that Annex 13 has no teeth to show, let alone bite with, when it comes to the production of information.

5. Delay places all parties into false negotiating positions on liability, is inimical to the fundamental purpose of accident investigation and is disgraceful in terms of its effect on people as human beings with feelings. Two years for the production of an accident report by the French, for example, is just about the average and this sort of delay is, in my view, wholly unforgiveable, particularly when the report itself shows clear signs of political yard arm clearing. When any one or more of the features I have mentioned is present, the result is that these features tend to reduce or even to extinguish altogether the value of the investigation generally and particularly in the context of liability. In particular, these features are likely to result in the non-availability and sometimes in the total suppression of vital evidence.

A frequent result of some of the features is the exclusion from the investigation process of persons, such as the expert representatives of interested parties of integrity, who might greatly contribute to the usefulness of the inquiry; but who is to know who has integrity and who does not? That is the core of this particular problem.

What are the practical results of these inadequacies in the present system of international aircraft accident inquiry as applied in many countries in the context of liability? In the past, as I have seen it, there can be little doubt that the inadequate performance of certain national aircraft accident inquiry authorities has made it easier rather than more difficult for claims to be settled upon the basis of the system of limited compensation created by the Warsaw

Convention as amended at the Hague by the Hague Protocol and refined by the Montreal Agreement and the British Airways type special contract. Where it was plain to both sides, as it so frequently was, that no facts were likely to be available in the short term upon which an action to "break" the Convention system might be mounted, there was undoubtedly pressure to settle claims against the carrier within the two year period. Actions against manufacturers were so rare as to be almost non-existent. Right or wrong, this is the way it was, and it is remarkable how little pressure for change there has been from the public. But in the last few years, as I have said when I began, things have changed and they have changed for two main reasons.

The first reason for change, as I suggested at the outset, is because the Warsaw/Hague/Montreal special contract damages have become inadequate to meet general standards of damage awards in many jurisdictions. I will not enter here into the gold clause argument because it is not really relevant to what I want to say here. I set out below a table which I have had prepared to show what capital sums are now required in England to produce certain annual incomes, using as a method of calculation the system laid down by the House of Lords in the important case of *Taylor v. O'Connor.*[2]

STATEMENT OF CAPITAL SUMS REQUIRED
in the U.K.
TO PRODUCE ANNUAL AMOUNTS
(OF CAPITAL AND INCOME) FOR 44 YEARS
FOR A WIDOW AGED 35 YEARS

ANNUAL AMOUNT	*CAPITAL SUMS REQUIRED*		
	Interest at 3% p.a.	*Interest at 4% p.a.*	*Interest at 5% p.a.*
1,000	24,254	20,549	17,663
2,000	48,509	41,098	35,326
3,000	72,763	61,646	52,988
4,000	97,017	82,195	70,651
5,000	121,272	102,744	88,314
6,000	145,526	123,293	105,977

NOTES:

1. The 'Annual Amount' shown above has been calculated on the basis described by Lord Pearson in the House of Lords

[2] (1971) AC 115.

case of *Taylor v. O'Connor*;[3] that is to say it is made up partly of income and partly of capital.

2. It is assumed that the capital fund would be invested privately and not utilized in the purchase of an annuity. This would give greater flexibility and allow periodical changes in investments to provide the required income and endeavour to keep pace with inflation and other economic or taxation considerations.
3. The income element of the annual sum will be subject to tax. The rates of 3%, 4% and 5% used in the example indicate the required net rates of interest, after deduction of tax from higher gross amounts.
4. It does not seem practical to make specific provision for taxation in the present figures but the effect must be considered. In the early years the income proportion of the annual amount will be relatively high and thus liable to the higher rates of tax whereas in later years the amounts will comprise mainly capital and the income may fall below the tax exemption limits.
5. It has been assumed that the annual sum will be payable for the full period of expectation of life of the beneficiary concerned, namely 44 years in the present examples.

Although methods of calculation differ, these figures are typical of many countries outside the United States. It can be seen at once that U.S. $10,000, U.S. $20,000 and even U.S. $75,000 or even the Guatemale Protocol U.S. $120,000 will not provide the sort of damages which in many typical dependancy cases are needed to compensate for death of a breadwinner. What is the result? The result is that from the very outset after an accident, injured passengers and the families of passengers killed in an accident begin now to look for ways in which they can obtain damages in excess of limited compensation amounts either by means of actions under Article 25 of the Convention against the carrier or against the manufacturer of the aircraft, air traffic control or some other third party agency. These steps are not taken because of the need for money only. Grief, rage, fear, and a desire to be revenged on "big business," also play a strong, if often wholly irrational, part in much of the new litigation. These personal attitudes are fed by slanted publicity and, in my view, the irresponsible activities of the so-called "plaintiffs' bar." This brings me to my next point.

[3] *Id.*

Although it is perhaps remarkable that there have been so very few actions world wide arising out of death and injury in international air transport during the last few years and outside the United States, I ask you to look at a table prepared to show jet total losses during the ten year period from 1965 to 1974 which I set out below.

1965-74 JET TOTAL LOSSES
(Scheduled & Non-Scheduled)
(Western world aircraft & operators)

	Total Losses	*Passenger Fatalities*	*US Built Jets*	*Non-US Built Jets*	*US Operators*	*Non-US Operators*
1965	9	249	9	0	7	2
1966	15[1]	452	10	5[1]	3	12[1]
1967	12	355	8	6	6	6
1968	28[2]	344	20[3]	8	7	21[4]
1969	17	529	12	5	4	13
1970	26[5]	548	18	8[6]	11[7]	17[8]
1971	10	348	7	3	4	6
1972	25[9]	1028	17	8[9]	6	19[9]
1973	32[10]	923	24[10]	8	9[10]	23[10]
1974	21[11]	1228	15[12]	6[13]	9[12]	12[13]

[1] Inc. Trident lost on flight trials.
[2] Inc. 9 Beirut losses and 3 ground losses.
[3] Inc. 9 Beirut losses and 2 ground losses.
[4] Inc. 9 Beirut losses and 3 ground losses.
[5] Inc. 4 A/C destroyed on ground by Palestinian terrorists.
[6] Inc. 3 A/C destroyed on ground by Palestinian terrorists.
[7] Inc. 2 A/C destroyed on ground by Palestinian terrorists.
[8] Inc. 2 A/C destroyed on ground by Palestinian terrorists.
[9] Inc. VFW-614 lost on flight trials.
[10] Inc. JAL 747 destroyed by Palestinian terrorists. Also Pan Am 707 at Rome and 1 ground loss.
[11] Inc. 4 ground losses (inc. 1 in Cyprus).
[12] Inc. 2 ground losses.
[13] Inc. 2 ground losses (inc. 1 in Cyprus).
Source: Airclaims Limited, London.

It is immediately obvious from a study of this table that the number of aircraft built in the United States and totally lost each year far exceeds the number of those built outside the United States totally lost, while at the same time the number of non-United States operators of these same aircraft involved in accidents far exceeds the number of United States operators. What conclusion, however crude, may be drawn from these statistics? My conclusion must be, and we are now beginning to have to face

the facts, that there may in the future be more and more actions (in the United States and elsewhere) against the manufacturers of aircraft and their ancillary equipment and engines by passengers injured in accidents or the families of passengers killed in accidents involving non-U.S. carriers whether such actions against the manufacturers are justified on facts and whether the litigants are United States citizens. Actions against air traffic control or airport authorities will, in my view, be fewer as government agencies are notoriously hard to sue in almost all countries.

Bearing in mind the activities of what must now be described, I suppose, as the "international plaintiffs' bar" in the United States, it can be seen at once that it is a matter of the utmost simplicity for an action, whether ill founded or well founded, to be brought against the manufacturer in the United States and for discovery procedures to be begun for the purpose of trying to force the defendant or defendants into an early settlement position so that damages may be recovered in addition to those which may be recoverable, whether in the United States or elsewhere, from the carrier under the limited compensation provision. Often, such litigation is begun before there have been any negotiations of any kind—often to the distress of the plaintiff parties who find the delays hard to understand—let alone bear! They often just do not know what the issues are and are not advised either of the issues or kept informed of the progress of the litigation by those representing them. They are, I assume, sustained by promises, life insurance and social security! It is inevitable that heavy litigation must result because neither the manufacturers nor even the carriers can allow the risk of jury awards of damages in some United States jurisdictions to go unchallenged, particularly when the accident victims are domiciled in jurisdictions where damage awards on the scale usual in the jurisdiction of their domicile are far smaller than jury awards in the United States for persons in similar circumstances. The classic case is the non-dependency death case where serious philosophical differences in the theory of damages occur from country to country. In other words, it is inevitable that carriers and manufacturers can and must fight to prevent what they see as unjust enrichment as contrasted with fair compensation. That is the pattern of the future—unless the basic rules of the game are quickly changed. But this is a whole subject in itself which merits long

and careful debate for which, sadly, we have no time here. I must add that I believe that those of us who work on the defense side are acutely aware of the injustice of the limited compensation system as it is at present, we regret the slowness of international negotiation on Guatemala, and we view with concern the possibility of more and more litigation against manufacturers and others (and between carriers and manufacturers) which must result from the lack of uniformity in approach to liability questions and to damage awards in different countries.

I am not one who believes that litigation purges defendants of wickedness and that a jury trial purifies the soul. I do believe that litigation in personal injury or death cases should be unnecessary. I believe that much of the aviation litigation that is now becoming so commonplace even outside the United States need not take place if, but only if, the process of fact finding could be speeded up to enable all the parties concerned to be given some rational basis for negotiations at the earliest possible moment. This must be coupled, however, with an abandonment or radical revision of the limited compensation system although I hope that such abandonment or revision could be still combined with a continuation of the reversal of the burden of proof. I doubt whether even the Guatemala Protocol or the European special contract experiment will avoid the need for very radical change in the existing system soon. I believe that it is as a result, very largely but not entirely, of the inadequate implementation of ICAO standards coupled with the inadequacies of the Warsaw/Hague/Montreal system and the activities of the plaintiff's bar that heavy litigation has become so much a commonplace now, whereas in the past the reverse was true.

If the facts are known, then the parties negotiate; if they are not, they do not. However I am bound in honesty to add that discovery procedures (and in particular depositions) do have a marked effect on the attitude of parties to negotiate, but it is a costly feature of the United States litigation scene which I should prefer not to spread! There are undoubtedly conflicts in procedure that arise when investigations are carried on for pure accident protection purposes and when investigations are carried on for the purpose of enabling fault to be proved as part of an enforcement or litigation process. There is the well known conflict between frank disclosure of accident/incident information on the one hand and the risk of

prosecution or litigation on the other. There is also the question of the role of the aircraft accident investigator in legal proceedings. These conflicts are not surprising since there are many areas where accident prevention of legal process touch particularly in the search for facts. Indeed, a paradox occurs assuming you accept the premise that tort and criminal law systems serve as a deterrent to unsafe behaviour yet have a negative influence on the open exchange of safety information. What is required to put this problem right is some modification of Annex 13 and the Warsaw/Hague system after an international conference on the subject by giving the accident investigators sharper teeth and modernizing the convention system in order to make the compensation of victims of international aircraft accidents more a matter of certainty and less of a lottery than it is now becoming. I am sure, however, that limited compensation systems themselves will have to disappear altogether if any measure of accord is to be reached with the United States and if such accord is to include potential tort feasors other than carriers. It is something which all of us concerned with this topic should want to achieve but it will not be easy. Just for once, could not the divided parts of our profession combine to produce a major change in the law instead of feeding on the inadequacy of the existing system?

A sub-topic I want to discuss in this paper is the question of what I describe as "immediate post accident actions." Under this heading I list all those matters of human relations which are dealt with in the emergency accident procedures of reputable carriers. Sadly, I have discovered that few of those carriers with whom I have been concerned have any idea of what should be done in the matter of human relations after an accident and this is particularly true if an accident occurs to an aircraft outside the country of its home base and in a country where there are ethnic, religious and language differences. It has surprised me, year after year, that where an accident occurs in these circumstances, neither IATA nor ICAO nor any one else besides the airline itself, its insurers and the hard-pressed local authorities are able or willing to give any help in dealing with these complex matters of notification of families, identification and disposal of human remains and many other problems of a related nature. Accidents are about death and destruction—not litigation—and should be looked at in this

way by those with power to influence change for the better. I believe the industry could and should foster a study of this problem and that this should be done quickly before we have another major disaster involving 350 deaths or more. Should we not be thinking of some centralized system of help to be given to carriers in these circumstances? You have only to consider the problems faced by airlines whose aircraft has an accident involving serious personal injury or loss of life in a country outside the country of its home base where it may have only a small staff separated from that base by 8, 10 or 12 hours flying time and the barriers of race and religion to realize just how serious the immediate problems can be particularly if the local search, rescue and hospitalization facilities are not of the highest standard.

My second point concerns the activities of the "international plaintiffs' bar" to which I referred earlier. The fact is that in the last few years the "international plaintiffs' bar" has, in aviation matters at least, emerged from the relative seclusion of the United States to become a major trading force outside the United States. I am reminded by their activities of the immigrant runners of the mid-19th century who profited from the ignorance, poverty and misfortune of those from England and Ireland who chose the United States as a home and who journeyed to and arrived there penniless to seek their fortune. In the past few years, I have seen evidence of abuses of the theoretically respectable system of the contingent fee which should, in my personal view, be the subject of the closest investigations by the judicial authorities and the responsible bar associations of the United States. I fail to see why the contingent fee system and all that goes with it should be necessary in the context of aviation accident litigation if we can produce at least some of the reforms I have outlined above, but I well recognize all the arguments for its existence and continuation. Given the abolition of jury trial, which in my view is quite unsuitable for the complex task of assessing facts and damages in modern times, given fixed costs for legal work and the system of payment into court such as exists under the English Rules of the Supreme Court, coupled with an actuarial system of assessment of damages, which takes account of inflation and taxes, I am sure that quicker, cheaper and more adequate compensation could be obtained for victims of aircraft accidents. More for the victims and less for the lawyers

must be the right approach. I know that I am asking a lot since the contingent fee system and a jury trial are as American as apple pie. To the outsider, however, much of the system is depressing—particularly the lack of serious settlement negotiations for the benefit of clients which have so characterized much recent litigation. Years pass and we are not even told what the claims are worth while the litigation is kept running to justify the contingent fee. Clearly, we should all take active steps to bring about reforms for a very important reason.

Quite apart from my personal feelings for or against jury trials, contingent fees and all the rest, I believe that aviation litigation, such as we are experiencing in the United States, seriously damages public confidence in the relative safety of airline operations and the relative airworthiness of aircraft products. It also gives rise to nightmare anxieties about the wickedness of big business and the inefficiency of governments. We all know that there is some probability, capable of mathematical calculation by reference to statistics, of accidents to aircrafts either as a result of operational inadequacies or manufacturing defects. Everyone knows this. But the effect of the litigation is, in my view, not so much to bring about improvement, although it certainly should do so, but rather to create what is often a wholly unjustified suspicion that all operations and all aircraft products are inadequate or unsafe with the result that litigation breeds further litigation and greater uncertainty. I must add that litigation may have, and I believe does have, a counterproductive effect on air safety. The manufacturers who become aware of a weakness in their products do go to great lengths to conceal that weakness by avoiding publication of information about it because they know that the moment an accident occurs in which this weakness may be a feature the very publication of the information giving a warning may be regarded as admission of culpability by the manufacturer. In this context, it is worth noting that the confidential exchange of safety information within the IATA Accident and Incident Exchange Group has been sterilized between United States carriers because of the fear that the defect report may lead to the exposure of a carrier or carriers to damage claims.

In summary, I am concerned with the present inadequacies of many operators in the context of immediate post accident pro-

cedures. I am concerned with the inadequacies of many national aircraft accident investigation authorities in the context of Annex 13 and the ICAO Manual. I am concerned about the slowness of compensation in cases involving a multiplicity of potential defendants because they have no basis for negotiations. I am concerned about unnecessary litigation and the activities of those to whom litigation has become an industry itself in which the profit motive outweighs the interests of the consumer of their product. I am concerned about the inadequate policing, not just of airlines, manufacturers and others engaged in aviation, but also of the legal profession itself. I know that the human condition is imperfect and unhappy and I know that bringing about change in the conduct of human affairs is slow, but I am not beyond hoping that, slowly but surely, men of goodwill concerned with a truly international and human problem may bring about improvement. This must result in speedy, just compensation based upon knowledge of the facts and the assessment of damages by an established and acceptable method of calculation which will avoid the slow moving wheel of fortune that litigation really is. It must at the same time advance the cause of air safety.

We must make our government change the system, not try to change it through the courts slowly and at vast expense in time, human feelings and money.