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Discussion - Session Four

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DISCUSSION — SESSION FOUR

The comments made by the speakers are their own personal remarks and do not necessarily represent the official view of any organization or agency they represent.

MR. WILLIAM JENNINGS: I would like to direct one question to the airline industries representatives particularly. It would appear that much of the emphasis we have had in the program so far on safety has been the operational aspect. When it comes to informing the passenger of prospective danger that he might encounter and evacuation procedures, particularly, it appears that in the briefings given, when you are trying to tranquilize the passengers about these anxieties, the approach, and the advertising as well, seem to be directed to the concept of better food and drink service from your stewardesses, rather than in selling safety in hopes of gaining better passenger acceptance.

MR. JOHN STEPHEN: Your question is a very good one, and one of which the industry, of course, is profoundly aware. There are two philosophies: one, to assure the passenger and invite attention to the more reassuring aspects of the flight. The opposite viewpoint, I suppose, is best epitomized by a recent airline who retained a certain well-known advertising agency to try the "white knuckle approach" which would discuss the issue quite frankly with the passenger and attempt to deal with it on the basis of laughing it off. This approach did not work; in fact, the airline involved is now merged with another one, and the advertising agency involved is now selling spaghetti. I would agree, speaking seriously, that there is an obligation on an airline to warn the passenger in any way it appropriately can, as to not only the expectation of the passenger to have the ultimate safety precautions taken by the airline, but such negative factors as are appropriate under the circumstances. Certainly that would extend to notice of limitation for liability, for example, which the airline's practice has fallen into some disfavor in the case of the Civil Aeronautics Board which has, as you know, imposed special requirements of its own over and above those previously existing, for instance, in the Warsaw Convention. Even here it is recognized that you have not really told the passenger a great deal when you have told him in the kind of language that all of the various notices involved tell him; the Warsaw Convention prescribes no text; the CAB regulation authorizes a text of notice; the Montreal Agreement prescribes the text of the notice. Then airlines in some instances have notices over and above that, such as the famous red bold face print on the front of the Alitalia ticket which never did get to the attention of the Supreme Court. Be that as it may, the airlines do, perhaps not so much in their advertising, but in their traffic practices, attempt to give passengers notification of those aspects of their flight which a passenger is entitled to have some special notice of. In their day-to-day dealings with the public, admittedly, the traffic and sales people on the airline's side are probably less enthusiastic about this kind of notification than are the operations and other people in the airlines business. It is simply felt not to be conducive to the good of the passenger's state of mind or the airline's operations if, in effect, you put the notorious medical insignia, skull and crossbones, behind the traffic counter. In fact, this very suggestion was made to the CAB at the time it prescribed its Warsaw notice. Actually, what you will do is cause a great deal of damage, not only to air

transport, but you will not accomplish anything by it, because those people who are going to fly, will ultimately fly in any event. If you discourage people traveling by stressing the risk aspect, you have not really accomplished anything for the good of the passenger.

MR. JENNINGS: I would like to make one brief comment on that, a suggestion that might date back to ATA. Many, many dollars are being spent on in-flight movies and entertainment. Possibly a one or two minute film strip on how to open those small emergency over-wing exits and other appropriate instructions might be given in the movie or television film for the advice of the passengers who are aboard that flight. I believe American had a decompression with 103 aboard, and only three of the passengers knew how to apply their masks.

MR. STEPHEN: That is a very constructive suggestion. One that has had a lot of talk.

SPEAKER UNIDENTIFIED: Mr. Stephen, that is a little hard to understand because the hostess makes an announcement at the beginning of every flight, which is required by FAA regulation, on how to use the oxygen mask, under those circumstances. Also, she gives notices to the effect that the seat pocket at the head of every seat gives a detailed description of the emergency equipment and evacuation exits on every aircraft. It is a little hard to understand how passengers would not pay any attention till the docking. Or if they did, they just did not listen, or they did not read the cards. Actually, they do not read the cards, but they are there in each seat.

MR. EUGENE JERICHO: Mr. Peters, you have outlined for us the growing list of litigation against the FAA, both as a defendant and as a potential co-defendant in these aviation accidents. We have heard about the huge expansion efforts of the FAA and its everexpanding involvement in controlling air traffic control. My question to you, sir, is one that causes me genuine concern, and that is, whether it is, in your opinion, realistic and proper for the FAA and the National Transportation Safety Board to, in fact, investigate itself, when more often than not, it has, for instance, the exclusive access to some of the more vital facts and information concerning its own concept.

MR. CHARLES J. PETERS: I think those of you who recall Mr. Allen's description of investigative process will understand that in this investigation of the accident there are interested parties represented in the investigative groups. I think that the Board procedure by which the Board actually investigates the FAA, as well as the air carrier and anybody else that might be involved, is a very good one, because it does have the interested parties working to expose any other party that they think might be at fault. The Board can sit back at the hearing in some of these areas and let the parties examine each other's witnesses. In the investigative process each expert on each investigative group has the opportunity to suggest areas of inquiry. I think that it is a good investigative process. I have found time and time again in litigation the discovery proceedings go on for a long time; the various plaintiffs might bring a lot of experts and spend quite a bit of money on it. I very seldom find them coming up with facts in addition to the facts that the board uncovered in its investigation. Now, when you say the FAA investigates itself, I think we have to investigate ourselves just like the air carrier investigates itself, and the manufacturer investigates itself. Every large employer wants to know if his employees are doing their jobs. I do not know if that is completely responsive, sir, but I think that it is my position.

MR. JERICHO: It is responsive. My only thought was whether it would be

advisable or practical for some other agency, independent in some way, to be in some way able to investigate the FAA as a potential responsible party.

MR. PETERS: I do not know how you can get NTSB more independent than it is. I can assure you they do not look at our action leading up to any accident from a friendly point of view. They are after the facts, and if it is the FAA that has the facts, they get them.

MR. JERICHO: It just occurred to me you are both working for the same boss.

MR. PETERS: No, that is not so. The Secretary of Transportation is head of the Department of Transportation, but he cannot exercise any authority over the National Transportation Safety Board. They are there for housekeeping purposes, much as the CAB was with the Department of Commerce years ago.

End of Wednesday afternoon discussion.