"At what point shall we abridge the rights of the individual flyer for the sake of the public? Shall we also abridge his flying freedom to protect him against himself?"

(Ending with this month, NATIONAL AERONAUTICS will present some pertinent controversial question in aviation each month with comments from various persons asked to express their opinions thereon with the hope of encouraging exchange of ideas on aeronautical matters of interest to the public. The comments of Mr. Lederer—whose suggestion inspired our policy—will open our "Forum.""

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Aviation and Civil Liberties

These two questions, more than any others, are likely to arouse heated discussions when they are mentioned among pilots, airline executives, airport managers and aircraft manufacturers. If Socrates were invited to enter the controversy, he would probably say: "Man who sits on tacks is better off."

Getting down to brass tacks, it is my opinion, though not a fully crystallized opinion, that the rights of the individual pilot should be abridged at the point where an extension of these rights would endanger the Public Safety or the public welfare. This thought is not new and has been advanced many times.

For example, regulations which govern flying in bad weather around busy airports, I think, should be strictly enforced to reduce the danger of collision in the air. Some of the regulations that govern acrobatic flying are necessary to protect people on the ground. The regulations which fix the lowest flight altitude are also important to protect some latitude in the event of a forced landing, to avoid inconvenience to the public as well as the frightening of horses and cattle. These and other regulations are necessary to protect the Public against definite hazards.

But we must make a distinction between definite hazard and a situation where the hazard is indefinite—the so-called "borderline" cases.

What regulation, if any, should be imposed on a pilot to prevent him, after a precautionary landing in some out-of-the-way field, from cranking his propeller with no one at the controls? The regulations might be predicated on the fact that if spectators gather, they may be injured. But what is the poor pilot to do with no experienced person to help him? Here I believe that the average pilot will discern the danger as quickly as a regulatory body and that homo sapiens will have enough native caution to warn his "public" of any danger, perhaps even ask some of them to hold on to the struts so that the ship will not get out of control. The regulation may, therefore, be unnecessary. Many similar indefinite hazards occur every day in aviation but most of them are handled safely otherwise many more people would be hurt.

I would recommend, in these borderline cases, that intensive education be substituted for any regulation until such time as experience shows that a regulation is necessary. If the educational program is well organized, regulations may not be necessary. Studies in other activities such as automobilizing indicate that even after new safety driving regulations are in force, only about 25 per cent of the increased safety can be attributed to the regulations, the other 75 per cent being due to education and dissemination of data on safe practices.

But then another question arises. How far can the Federal Government recede from minor points of existing regulations, such as regulations which control the operation of airplanes on the ground. who is allowed to operate an airport or municipality to replace the rejected regulations by its own set of rules? This would be likely to create confusion due to lack of uniformity in regulations. The answer might be in the promulgation of a "Code of Good Aviation Practice."

I believe that a similar procedure has been followed by municipalities in connection with the Steam Boiler Code. This code, established by the American Society of Mechanical Engineers, is periodically revised to conform with best practice and has been widely adopted as a standard of regulation by many cities. The Society of Automotive Engineers promulgated an Aviation Safety Code before Federal regulation existed. The National Aeronautic Association, working closely with the Civil Aeronautics Authority and jointly with other organizations might prepare such a code and disseminate it widely.

My answer to the first question, then, may be divided into two parts: 1. Abridge the rights of the individual flyer at the point where the extension of these rights would definitely endanger Public Safety or Public Welfare. 2. In the borderline or indefinite cases, give education a chance to function through a Code of Good Practices. In short, recognize the fact that most people have a considerable amount of caution which they will exercise if forewarned.

The second question is more easily answered than the first. The government should protect a man against himself, when he, as an average man or layman, is unable to acquire easily the necessary experience, knowledge, ability or strength to protect himself and seeks protection. This idea is about as old as civilized man. The average man can not defend himself against an invading Army so he assigns his protection to the government. The average man does not understand enough about the legal arts to differentiate between a qualified lawyer or a quack. Therefore, he has acquired a reasonable degree of protection by insisting that lawyers be licensed or approved by an appropriate board. The average man does not know how to protect himself against bad or inferior meat, so by law the Government Meat Inspectors do it for him.

Returning to Aviation, the average pilot does not know enough about design, stress analysis or aerodynamics to determine whether the airplane he is buying is reasonably safe and airworthy. So by law, the Civil Aeronautics Authority was established to protect him in his airplane purchases.

The average pilot does not have the means or ability to gather and forecast weather information which he needs for the safety of his flights. So the government has established a Weather Bureau to give him the necessary information.

But the average pilot would never want a regulation which would require him to wear sun glasses so that he could make a better landing into the sun any more than he would require a regulation to protect him from slipping in a bathtub. The reason is that in such instances he can and will acquire the necessary experience and ability without the insistence of regulation.

In short the average man should seek government regulation to protect his interests when his own common sense is likely to be inadequate or where he finds that he cannot acquire the necessary knowledge or ability to protect himself.