

Captain's Authority: Don't Leave Home Without It

One of the defining characteristics that elevate a "profession" beyond the more general category of "occupation" is the expectation that the professional will uphold a code of altruistic standards for the profession and will exercise independent professional judgment in the performance of his or her duties.

The occupation of airline pilot fits those requirements, which is why ALPA members refer to the calling as a profession and not just a "job." In addition to negotiating for Association members all of the terms of any job—pay rates, benefits, working conditions—ALPA promotes and defends its members' ability to function as a professional in the workplace. Pilots routinely exercise their judgment, based on experience as well as training, to perform complex tasks in environments where a mistake can cost lives and enormous amounts of money.

ALPA's Code of Ethics and the ability to exercise independent professional judgment apply equally to all cockpit crewmembers. However, the circumstances of air travel have made necessary an additional layer of professional authority and responsibility, what is known as "captain's authority."

The concept of captain's authority dates back to maritime history. Ships at sea cannot be governed by democracy. A ship can have only one judge, jury, and enforcer of rules and behavior. That is the captain. "The captain's word is law" was the law in maritime transport long before the first airplane ever got off the ground.

Many characteristics of maritime travel were carried over into the fledgling aviation industry, and captain's authority likewise became one of aviation's basic tenets. FAR 91.3 (a) states: "The pilot-in-command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft." FAR 121.535 (d) further states: "Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsible for the safety of the passengers, crewmembers, cargo, and airplane."

Case law (much of it in connection with liability suits) also firmly supports this principle and grants broad (although not unlimited) discretion to the captain in fulfilling this responsibility. For example, any assessment of a captain's decision must be weighed in view of information known to the crew at the time (not after the fact) and must be balanced against the probable risks and consequences involved, the availability (or lack thereof) of options, and the short amount of time available for decision-making. To be sure, a captain may be called to defend his or her decisions, but the regulations and case law frame a strong presumption that the captain is exercising sound professional judgment in these situations.

Given that the concept and application of captain's authority rests on such a strong regulatory, legal, and historical

framework, one might think that there would be no significant challenges when pilots exercise their rights in pursuit of their professional responsibilities.

In this case, one would be wrong.

First of all, attempts by greedy or ill-informed managements to push pilots into actions that go against their professional judgment have been with pilots for as long as they have been professional. Indeed, one of the reasons that airline pilots accepted the then-revolutionary concept of unionizing the profession was that, in the early days, captain's authority was more desire than reality.

Some of ALPA's biggest battles with management in the 1930s were as much about captain's authority and other intangibles as they were about money. Even today, when organizing the pilots of some of the smaller to mid-sized airlines, safety ranks higher than pay or benefits in what many pilots want out of ALPA representation.

Pilot-pushing isn't limited to smaller airlines, either. Don McClure, a retired Eastern Airlines captain who now works in ALPA's Engineering and Air Safety Department, still has vivid memories of life under Frank Lorenzo after he



“If a captain’s decision is challenged by his management, the FAA or the courts, ALPA has always stood 100 percent behind the captain. Captains can be assured that ALPA will use all of its resources to defend and preserve their authority because that is the keystone to a safe and secure flight.” —Jim Johnson, ALPA’s Senior Managing Attorney

acquired control of the once-proud Eastern Airlines.

“We’d report to the gate, and the airplane would have all kinds of problems,” McClure notes. “And they weren’t just minor deferred maintenance items; they would be things that no captain in his right mind would want to take off with. You had to really have confidence in yourself and in ALPA’s backing to stand up to those people. But I knew what I was talking about, and I knew that ALPA wasn’t going to let me twist in the wind, so I’m sure I made any number of Eastern passengers unhappy, sitting there at the gate until my airplane was fixed.”

The love of money may be the root of all pilot-pushing, but not all challenges to captain’s authority are motivated by profit. While the events of 9/11 have brought massive changes to the U.S. airline industry—including the potential for airline managements’ cutting corners in safety—one thing that no one could have foreseen was a new type of head-on collision between captain’s authority and aircraft security.

In its broadest sense, aircraft security is one form of aircraft safety. The captain bears the same authority and responsibility to keep his or her aircraft secure from attacks by others. Unfortunately, while knowing when and how an equipment failure threatens your safety is relatively easy, deciphering whether the actions of passengers present a threat, let alone judging the level of security risk you may be facing, can be distressingly difficult.

Specifically, this refers to the proliferation of incidents and subsequent civil rights lawsuits arising out of the behavior (or even mere presence) of individuals who appear to pilots to be of Middle Eastern or Arab origin.

Perhaps the most widely publi-

cized of these occurred shortly before Thanksgiving 2006, when six Muslim imams were removed from a US Airways airplane before departure from Minneapolis. The resulting sensational news coverage and finger-wagging editorials left the impression that this was racial profiling and prejudice at its worst.

Without going into details—a lawsuit already has been filed—the facts about the circumstances and the passengers’ behavior in the airport and aboard the aircraft strongly suggest otherwise. Based on what the crew knew at the time, it appears to have been a prudent and defensible decision.

Nevertheless, events such as this can have a chilling effect on the exercise of captain’s authority. No one wants to be accused of racial bigotry. Nor does any pilot want to be perceived as a Chicken Little who is overreacting to 9/11. After all, virtually all of these events appear (in hindsight!) not to have involved real terrorist threats. But as any gambler will tell you, just because the odds are 99-to-1 in your favor doesn’t mean that the next roll of the dice won’t be your last.

A chilling effect means exactly that. It’s not that pilots would never again exercise captain’s authority whenever such a potential threat appears. The concern is that in marginal situations, pilots might have a tendency to shade professional judgment toward inaction rather than toward the proper and justifiable response. Regardless of which seat you occupy in the cockpit, as an ALPA member you need to know that you have the full resources of ALPA backing your professional decisions and actions.

ALPA fought hard to establish these principles in the early days of air transport and has stood resolutely behind its members even as the likes of Frank Lorenzo and his clones have tried to strip you of your authority. Professional standards and captain’s authority are not just the underpinnings of your status as a profession, they are its very essence.

“If a captain’s decision is challenged by his management, the FAA or the courts, ALPA has always stood 100 percent behind the captain,” says Jim Johnson, senior managing attorney in ALPA’s Legal Department. “Captains can be assured that ALPA will use all of its resources to defend and preserve their authority because that is the keystone to a safe and secure flight.”

One of the first priorities of ALPA’s president, Capt. John Prater, is to restore this profession to its proper place in society and the airline industry. As with any undertaking of this kind, the leader can lead, but the rest must follow and do their part. Captain’s authority (along with the willingness to use it) is the very foundation of aviation safety. Use it wisely, but above all, use it!—*John Mazor, Senior Communications Specialist*

