Wisconsin case critical thinking

Law, Criminal Justice

Please type your name here

Please type your Institution name here

Air Wisconsin v. Hoeper Case

Facts of the case

The respondent of this case was the pilot Hoeper and the petitioner was Air Wisconsin Airlines Corp. When Air Wisconsin ended its operations from Hoeper's home base, Denver, on an aircraft that he was qualified to fly, he was supposed to get another certification to fly a different type of aircraft, if he needs to continue in his job. After Hoeper was unsuccessful in clearing the certification process in his first three efforts, the company agreed to offer him yet another chance, but the final chance. However, Hoeper failed to succeed even during the last attempt of going through a simulator session. His response to this failure was rather furious as he raised his voice, tossed his headset, used vulgarity in his words, and started accusing the instructor of " intimidating the situation."

Air Wisconsin engaged Hoeper on a flight to Denver on the United Airlines. However, the people at the company were extremely concerned as they were aware of the fact that Hoeper was a Federal Flight Deck Officer (FFD). Such officers are the pilots who are certified and have the legal permission to carry weapons along with them in the flight. They also knew he was agitated because of his failure in the simulator test. Hence, they called the Transportation Security Authority (TSA) and notified them about Hoeper being an FFDO who possibly could carry arms, while also stressing about the fact that they were apprehensive about his " mental stability." Not irrationally, TSA ordered Hoeper to get off the plane.

Eventually, Hoeper filed a lawsuit again Air Wisconsin on grounds of defamation in the Colorado state court. The airline retorted that it was exempt from suit according to the Aviation and Transportation Security Act (ATSA), as this particular act permits airlines and their employees exemption against civil liability in case suspicious behavior is reported. This exemptions is precisely under the 49 U. S. C. §44941(a), not including situations where such disclosure is " made with actual knowledge that the disclosure was false, inaccurate, or misleading" or " made with reckless disregard as to the truth or falsity of that disclosure," §44941(b)." Surprisingly, the Colorado trial court repudiated the motion to terminate an employee on grounds of immunity, and the outcome was that Hoeper won a whopping $1. 2 million as a defamation judgment.

However, this judgment was reversed by the Supreme Court stating that the trial court had made a mistake in submitting the question regarding immunity to the jury but and that the mistake was innocuous. Endeavoring under the premise that even factual statements do not meet the requirements for ATSA immunity in situations where they are made thoughtlessly, the trial court alleged that Air Wisconsin was not permitted to immunity as its statements to the TSA were made with thoughtless disrespect of their certainty or fallaciousness.

In the above case, Justice Sonia Sotomayor stated that the law offers airline employees immunity in majority of cases in order to make sure that they will freely mention even borderline security issues. " In directing the TSA to ' receive, assess, and distribute intelligence information related to transportation security,' Congress wanted to ensure that air carriers and

their employees would not hesitate to provide the TSA with the information it needed,”

Justice Sotomayor also claimed that for most cases, the Court would reverse this tenacity to repudiate immunity for considerably actual reports, on the notion that the individual preparing the report had not yet collected sufficient information that helps in ascertaining the degree of certainty of the truths or information presented in the report.

Procedural History

The statutory language in the Supreme Court’s judgment pertaining to the reversal of the Colorado trial court’s decision of this case is both regulatory and informative.

Suggestively, the TSA Act encourages airlines as well as their employees to report any kind of suspicious transaction related to a probably desecration of law or guideline, associated with aspects like “ air piracy, a threat to aircraft or passenger safety, or terrorism,” among others, to any worker or representative of the “ Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer.” 49 U. S. C. §44941(a) (emphasis added).”

Airlines as well as their staffs are exempted from civil liability to any individual, in case of such disclosure made. However, immunity is not granted for disclosures that are made “ with definite knowledge that the revelation was false, imprecise or disingenuous or even with thoughtless disrespect as to the certainty or falsity of such disclosure 49 U. S. C. §44941(b).

The exclusion to immunity is specifically aimed at the so called “ bad

actors,” not the employees of the airline who inform about the legal concerns pertaining to the safety. The broadly-worded immunity according to the Act is intended to motivate airlines and also their employees to inform about any kind of suspicious activity without any kind of fear about being punished or onerous litigation even in situations when reporting of such information is done in good faith eventually turns out to be untrue.

The recalcitrant judgment given out by the Colorado Supreme Court precisely delineates the reason behind the majority being incorrect. Correspondingly as significant for the current drives, the dissenting judgment of the Colorado Supreme Court precisely elucidates the reason behind review of the Court being so important. First of all, “ the majority misinterprets the New York Times standard” by holding “ that ATSA immunity is lost when a statement is made recklessly even though it may be true.” Pet. App. 30a n. 2.”

Fairly, as the dissent recognizes, the principles as expressed in the case of New York Times v. Sullivan, 376 U. S. 254 (1964), encompass the prerequisite that the petitioner must substantiate that a specific declaration is false, Pet. App. 29a, quoting the case of Philadelphia Newspapers, Inc. v. Hepps, 475 U. S. 767, 773-75 (1986)).

Secondly, the dissent perceives that the majority's narration of what would have possibly happened according to them, the appropriate phrasing of the report to the TSA, attracts nothing more than rebellious disparities that make hardly any difference to the complete analysis (Pet. App. 34a).

Thirdly, the dissent identifies the eventual truth that at the bottom, the rational of the majority essentially threatens to exenterate ATSA immunity

and challenge the federal system for reporting likely dangers to the safety of the airline, to the TSA (Pet. App. 37a).

Personal Opinion

Essentially, The Colorado Supreme Court claimed that airlines might be regarded to be liable for reporting possible security issues without conducting an adequate amount of scrutiny to validate or substantiate such reports about possible threats.

Consequently, the lower courts might take advantage from the review as well as the guidance offered by the Supreme Court on the scope as well as application of the specific statute.

The significance and supremacy of free speech with respect to the social and government fabric that exists, with specific references to the safety context related to this case constitutes a supplementary persuasive reason for the review of the Court. Airline employees, as forefront eyewitnesses, should not be deterred from reporting concerns related to the safety of the airline by obligating them to adapt to a scripted version of rules and regulations. Besides, courts also should not call retroactive fouls in the face of the most minutes of the deviations in terms of the phrasing of the report.

References

Barnes, R. (2014, January 27). Supreme Court ruling backs airlines in reporting possible threats. Retrieved from The Washington Post: http://www. washingtonpost. com/politics/supreme-court-ruling-backs-airlines-in-reporting-possible-threats/2014/01/27/c2fb97d0-876c-11e3-833c-33098f9e5267_story. html

Ganzfried, H. M. (2012). Brief of DRI - The Voice of the Defense Bar as Amicus Curiae in Support of Petitioner. Consel for Amicus Curiae.

Justia. (2014, January). Air Wisconsin Airlines Corp. v. Hoeper - 571 U. S. (2014). Retrieved from Justia - U. S. Supreme Court: https://supreme. justia. com/cases/federal/us/571/12-315/

OYEZ - US Supreme Court Media. (2013). AIR WISCONSIN AIRLINES CORP. v. HOEPER. Retrieved from OYEZ - US Supreme Court Media: http://www. oyez. org/cases/2010-2019/2013/2013_12_315#opinion

Rosenzweig, P. (2014, January 27). Air Wisconsin v. Hoeper. Retrieved from Lawfare : http://www. lawfareblog. com/2014/01/air-wisconsin-v-hoeper/