

SUPREME COURT OF THE UNITED STATES

United States v. S.A. Empresa De Viacao Aerea Rio Grandense (Varig Airlines) et al.

467 U.S. 797 (1984) · No. Nos. 82-1349 and 82-1350 · Decided June 19, 1984

SUMMARY

The Supreme Court considered whether the United States could be held liable under the Federal Tort Claims Act for alleged negligence by the Federal Aviation Administration in certifying aircraft and aircraft modifications. The Court held that the discretionary function exception barred the claims because the FAA certification process involved regulatory and policy-based discretion delegated by Congress. The Court reversed the Ninth Circuit's judgments for the respondents.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Chief Justice Burger
JURISDICTION	Federal
DECIDED	June 19, 1984
DOCKET	Nos. 82-1349 and 82-1350
DISPOSITION	reversed
PROCEDURAL POSTURE	The United States sought review of Ninth Circuit judgments allowing Federal Tort Claims Act claims based on alleged negligence by the FAA and its predecessor in aircraft certification. The Supreme Court granted certiorari and reversed.
STANDARD OF REVIEW	De novo review of the legal question whether the Federal Tort Claims Act's discretionary-function exception barred the claims.
PRECEDENTIAL VALUE	Binding Supreme Court precedent
PARTIES	United States v. S.A. Empresa De Viacao Aerea Rio Grandense (Varig Airlines), John Dowdle, United Scottish Insurance Co., Other passenger families and personal representatives

TOPICS

- administrative law
- negligence
- torts

PRACTICE AREAS

Federal Tort Claims Act

administrative law

government tort liability

aviation regulation

negligence

QUESTIONS PRESENTED

1. Whether the Federal Tort Claims Act's discretionary-function exception bars claims based on the FAA's aircraft certification and compliance-review activities.
2. Whether the FAA's implementation and application of a spot-check system for reviewing manufacturers' compliance with aviation safety regulations constitute protected discretionary governmental functions.

HOLDINGS

1. Claims alleging negligence by the FAA in certifying aircraft for commercial aviation are barred by the discretionary-function exception because the certification process involves discretionary regulatory judgments entrusted to the agency.
2. The nature and quality of the challenged conduct, rather than the status of the government actor, determine whether the discretionary-function exception applies.

KEY QUOTATIONS

"First, it is the nature of the conduct, rather than the status of the actor, that governs whether the discretionary function exception applies in a given case." (467 U.S. at 813-814)

"Judicial intervention in such decisionmaking through private tort suits would require the courts to "second-guess" the political, social, and economic judgments of an agency exercising its regulatory function." (467 U.S. at 820)

"The FAA has a statutory duty to promote safety in air transportation, not to insure it." (467 U.S. at 821)

FACTUAL BACKGROUND

A Varig Airlines Boeing 707 caught fire during a 1973 flight, killing 124 of 135 people aboard; the respondents alleged that the FAA or its predecessor negligently certified the aircraft despite defects in a lavatory waste receptacle. In the companion case, a DeHavilland Dove aircraft crashed after an in-flight fire allegedly caused by defects in the installation of a gasoline-burning cabin heater, which had received an FAA supplemental type certificate. The alleged negligence concerned the FAA's failure to inspect particular aircraft features during its certification and compliance-review process.

PROCEDURAL HISTORY

In No. 82-1349, the Central District of California granted summary judgment for the United States, but the Ninth Circuit reversed. In No. 82-1350, the district court entered judgment for the respondents after remand, and the Ninth Circuit affirmed. The Supreme Court consolidated the cases for review and reversed both Ninth Circuit judgments.

DISPOSITION

reversed

CASES CITED

- Dalehite v. United States, 346 U.S. 15 (1953)
- Indian Towing Co. v. United States, 350 U.S. 61 (1955)
- Eastern Air Lines, Inc. v. Union Trust Co., 221 F.2d 62 (D.C. Cir. 1955), aff'd, 350 U.S. 907 (1955)
- United States v. Muniz, 374 U.S. 150 (1963)
- Rayonier, Inc. v. United States, 352 U.S. 315 (1957)
- Block v. Neal, 460 U.S. 289 (1983)
- Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Commission, 461 U.S. 190 (1983)
- Runyon v. McCrary, 427 U.S. 160 (1976)
- Bishop v. Wood, 426 U.S. 341 (1976)

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