

# American Airlines seeks contempt of court ruling against pilots

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A federal judge will rule Saturday morning on whether to hold the Allied Pilots Association in contempt of court for defying his order that American Airlines pilots return to work and end their "sick-out" against the number two US carrier.

On Friday attorneys for the airline argued that the union was flouting US District Judge Joe Kendall's February 10 temporary restraining order and should be held accountable for the company's losses. They said the pilots' action had already cost American \$50 million in lost revenues.

American Airlines canceled nearly half its flights on Friday, stranding thousands of passengers on the eve of a holiday weekend. Citing disruption to vacation travel, President Bill Clinton told the pilots and the airline to "set aside the dispute over the weekend and resolve [it] at the bargaining table."

The cancellations have affected passengers in Chicago, Dallas, Miami and New York, as well as throughout the Caribbean and Latin America, where American is the largest US carrier.

After a day of hearings in a Dallas courtroom Judge Kendall said would not rule on the motion until 10 a.m. CST/11 a.m. EST Saturday. "I am not going to shoot from the hip. I am going to carefully consider the issues and the law," he said.

Timothy Ahern, the airline's vice president for operations, told Kendall that 745 weekend flights had already been canceled and that more than 2,400 of the carrier's 9,200 pilots were still out. Ahern told the judge that American was losing \$1.2 million in gross revenues for every 100 flights canceled, and that nearly 5,000 flights had been dropped since the work action began. About 500,000 passengers had been affected, he said.

American attorneys told Kendall that leaders of the

Allied Pilots Association were subtly encouraging the pilots to continue the sick-out. "The union leadership is prepared to bring this airline down if they can't get their way," American attorney Dee Kelly said. "They seem to be totally oblivious, Your Honor, to the harm they have done to the general public and the company."

When Kendall asked APA President Rich LaVoy how strongly the union had urged pilots to resume flying, the union official told the judge, "Our honest intent was to immediately get a message out. Our pilots are intelligent people; I think they understand that a judge is a powerful man." LaVoy also said he would do more to get members back to work: "If I have to drive around with a loudspeaker on top of my car."

It is not clear whether the union officials are entirely in control of the action. LaVoy testified that individual pilots were angry with the airline after years of poor labor relations. "I think our members are very upset. This thing has now got a life of its own," LaVoy said. "We are doing everything we can to get our members to fly."

Michael Boyd, a chief executive of a Colorado-based consulting firm that once advised the union, told the *New York Times*, "The union leadership cannot control its rank and file, and at this point, it's the grass roots."

The federal judge's temporary restraining order further infuriated the pilots. "Say no to the TRO" was one message spread by pilots on Internet bulletin boards after Kendall's ruling.

The protest has been provoked by American's practice of paying less to pilots at Reno Air, which American's parent company AMR Corp. bought last year. Pilots insist that this violates the Scope Clause in their contract which prevents AMR from owning and controlling another carrier and operating it with pilots other than those on the American Airlines pilot

seniority list.

As one American pilot explained on an electronic forum, "In essence, SCOPE prevents the out-sourcing of American Airlines pilot jobs. Without this protection, AMR could acquire low-cost, low-pay carriers, transfer assets and routes (jobs) to these cut-rate carriers, and slowly shrink American Airlines."

The pilots want retroactive pay increases for Reno pilots, who earn half the wages of American pilots, but the company wants to phase in pay raises gradually over a 12- to 18-month transition period.



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