

Judge imposes fines, calls American Airlines pilots extortionists

Jerry White**16 February 1999**

In the wake of a contempt-of-court order and massive fine levied on Saturday by US District Judge Elton "Joe" Kendall, most of the American Airlines pilots involved in a nine-day sick-out have returned to work. Negotiations resumed between management and the Allied Pilots Association Monday, and representatives from the APA are due back in the Dallas courtroom Wednesday to hear what additional damages Kendall might impose on behalf of American Airlines.

Saturday's ruling was extraordinary, both for the severity of the penalty and the language Kendall used. Not since the government vendetta against the PATCO air traffic controllers in 1981 has there been such an open and vicious expression of class hostility. Kendall ranted against the pilots, at one point referring to their job action as a criminal conspiracy akin to a Mafia extortion ring.

Kendall ordered the APA to pay \$10 million as a downpayment on an even larger "eight-figure" fine to compensate for American Airlines' lost business. He also ordered APA President Richard Lavoy and Vice-President Brian Mayhew to pay \$10,000 and \$5,000 respectively.

The pilots launched their job action February 6 in response to a flagrant violation of their contract. The agreement stipulates that in the event American purchases another airline, it must merge the new pilots into the current seniority list and bring them up to the pay and benefit package of the existing American pilots. Instead the airline has declared it will take nearly two years to bring pilots from recently acquired Reno Air, who earn half the wages of American pilots, up to the normal payscale. Judge Kendall contemptuously rejected the legal claims of the pilots.

Kendall was infuriated by the refusal of hundreds of pilots to comply with an order he had issued last week demanding an end to the sick-out. Union officers maintained that they had tried to enforce the order. But Kendall told them, "No one can make someone else go fly an airplane. Particularly if someone is dishonest and willing to lie and say they are sick when they really aren't. Despite all the macho chest beating and mouthing off by anonymous pilots, I have never made that claim. But what a federal judge can do, and what I will do, is make people pay for what they break. So if the activity and consequent damages continue, when all the dust clears, all the assets of the

Union, including their strike war chest, will be capable of being safely stored in the overhead bin of a Piper Cub."

The judge continued: "It is this Court's view that a minor labor dispute has been transformed into nothing more than a shakedown. Even though it may indeed be more economical for American to cave in and pay, in the long run, if you pay extortion today, you typically have to pay it tomorrow. When the pitch is 'pay us what we want or we will cost you more,' it is the type of negotiation one usually sees when doing business with one of the five families in New York."

Kendall betrayed his ignorance and disinterest in the issues that had sparked the job action. He portrayed the dispute as an exercise in sheer greed by the pilots, implying that they saw the merger as a chance to put more money in their pockets at the expense of their fellow workers and the flying public. He declared his action legitimate because "courts have been in existence for centuries to compel parties to live up to their agreements." In reality, his ruling sanctioned an open and provocative violation of the contract on the part of management.

The judge blamed the sick-out on a "radical element" which had supposedly taken over the union, and which was "determined to fly American Airlines into the side of the mountain, taking themselves, the Company, their co-workers and their customers with them." Kendall commended those pilots who worked during the sick-out, saying they were "not scabs, but persons of honor" who were "being held hostage like everyone else". He urged these pilots to "remember this fiasco the next time they have union elections."

Kendall suggested that the pilots were overpaid parasites who advanced themselves by sponging off the government. Pilots "make in excess of six figures," he said, while "working about 78 hours a month, with a maximum of 100 hours per month." They "were taught to fly jets at taxpayer expense in the US military, which of course enables them to earn their six figure incomes."

Judge Kendall is not known for making similar rebukes against Texas oil barons and defense contractors who pocket billions from cost-plus contracts and lucrative tax rebates, compliments of the government.

Kendall claimed that the pilots could have settled the dispute

through the legal mechanisms of the Railway Labor Act. In fact, the pilots have been attempting to proceed along this avenue for years. The Railway Labor Act stipulates that rail and airline workers must wait many months and surmount a series of hurdles before they are legally free to strike. The American pilots did precisely this, going out on strike in February 1997.

Within five minutes of their walkout, President Clinton intervened with an emergency decree ordering them back to work. At that point the pilots felt they had to ratify an unfavorable agreement, supervised by government-appointed negotiators, or face the possibility of Congress imposing an even worse deal.

Now, when American Airlines violates that contract with actions that threaten the pilots' jobs and livelihoods, they try a new tack--a sick-out--and once again the full force of the state comes crashing down.

In other words, the pilots--and by extension all workers--are being told they have no rights at all. In this sense the judge's choice of words fits the substance of his ruling: he speaks the language of the slave master addressing his slaves.

The contempt ruling takes place within the context of a propaganda campaign by the media to stoke up hostility towards the pilots. There has not even been a pretence of objectivity. Night after night the networks have televised scenes of stranded families sleeping in airports, newlyweds whose honeymoons have been ruined, parents kept apart from their children, etc., etc. Those interviewed have uniformly denounced the pilots, some demanding that they be hit with jail terms and even bigger fines.

Kendall may be more extreme than most judges in his mode of expression, but he is typical of the social type that has been installed in the judiciary system over the past 20 years. President George Bush appointed Kendall in 1992 on the recommendation of right-wing Democrat-turned-Republican Senator Phil Gramm. The American Airlines attorneys deliberately sought him because of his pro-business credentials, including a 1996 ruling in favor of telecommunications giants SBC and US West.

It is significant that Kendall's ruling came one day after the Senate impeachment trial ended. There has not been a hint of opposition from any Democrat or Republican to his attack on the pilots. On the contrary, on the very day the Senate was voting on his impeachment, Clinton made a statement calling on the pilots to end their action by the weekend.

This fact says a great deal about the fundamental class interests that underlie the American political system. For all of the ferocity of the political warfare in Washington, when it comes to the basic question of the interests of property and profit versus the needs of working people, there is unanimity among both political parties and all branches of government.

The vindictiveness of the judge is not simply a question of the personality of one individual. The American ruling class is acutely aware that the boom in share values and corporate

profits is dependent on suppressing wages and blocking a movement by any section of the working class to recover the losses sustained in wages and living standards over the last two decades. Again last month, in his testimony before Congress, Federal Reserve chairman Alan Greenspan warned of "wage acceleration" and his fear that low unemployment rates could encourage workers to fight for higher living standards.

Kendall's statements were meant to intimidate not only American pilots and other airline employees, but the working class as a whole.

As always, big business and its official representatives have the advantage of an utterly docile and cowardly trade union movement. The AFL-CIO has not even issued a formal statement of support for the American pilots or opposition to Kendall's ruling.

The AFL-CIO bureaucracy tacitly supports the attack on the American pilots. It calculates that a defeat for the American pilots' union, which split from the AFL-CIO-affiliated Airline Pilots Association (ALPA) in 1963, may provide some feathers for the ALPA/AFL-CIO nest. ALPA, moreover, has already accepted in large measure the type of two-tier wage structure that the American pilots are resisting.

Not a few top union bureaucrats cursed the American pilots for disrupting their own travel plans. They were on their way last week to Miami Beach, one of American Airlines' prime destinations, to attend the annual winter retreat of the AFL-CIO Executive Council at the Fountainbleau Hotel.

It is only a matter of time before broader sections of the working class decide to defy the likes of Kendall. This will pose even more sharply the essential question: how to fight corporate giants when the government itself--including all of its branches and both political parties--is controlled by big business?

The militant resistance of the working class must be guided by a new political strategy. Workers have to recognize that they have no friends in either big business party. They must build their own party, fighting for a program that advances the independent interests of the working class and does not bow to the dictates of the capitalist market.

Se Also:

American Airlines seeks contempt of court ruling against pilots
[13 February 1999]

American Airlines pilots continue "sick-out"
[12 February 1999]



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact