

Action against dissidents in airline contract struggle

US court orders seizure of Northwest flight attendants' home computers

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Northwest Airlines last week began court-authorized searches of the home computers of flight attendants whom the airline suspects organized a sick-out over the New Year's holiday. Two computer forensic experts, hired by Northwest, seized the computers of a rank-and-file flight attendant who operates a web site and electronic bulletin boards, and copied the hard drives from the computers of 21 individuals, including private e-mail messages. The investigators also spent two hours searching computers at the Bloomington, Minnesota offices of Teamsters Local 2000, which represents Northwest's 11,000 flight attendants.

Last month, after a high number of sick calls from flight attendants forced the company to cancel flights over New Years, Northwest sued the union and individually-named flight attendants, alleging they had violated federal law by orchestrating a sick-out. US District Judge Donovan Frank in St. Paul, Minnesota agreed and issued a temporary restraining order prohibiting Teamsters Local 2000, its leaders and specific flight attendants from encouraging or participating in "sick-outs" or other illegal job actions. The judge gave Northwest the right to seek evidence relating to the job action, including searching through the e-mails of 43 individuals, well beyond the number of people named in the original lawsuit.

The company has particularly targeted two dissident flight attendants, Kevin Griffin of Honolulu and Ted Reeve of North Hollywood, California, who operate web sites and electronic bulletin boards that have been critical of both the company and the union. Flight attendants have been fighting for a new contract since September 1996 and are anxious to recoup concessions that the union granted to the now highly profitable airline earlier in the decade. Last August, flight attendants used Internet forums to organize the overwhelming defeat of a contract

proposal endorsed by Local 2000 and Teamsters General President James Hoffa.

Northwest accuses Griffin and Reeve of inciting the alleged job action. The company's attorneys cited anonymous postings calling for a sick-out on Griffin's message board nwaflightattendants.com during the request for a temporary restraining order. These messages were usually followed by urgings from Griffin that participants not advocate illegal activities.

Griffin, a veteran Northwest flight attendant, was forced to surrender his Packard Bell desktop and Fujitsu laptop to investigators from the firm of Ernst & Young last week. The two examiners flew to Hawaii from their Washington DC and Texas offices to confiscate the machines. Afterwards Griffin said, "I didn't think they had the right to come and get your home computer."

Jon Austin, a spokesman for Northwest, defended the search, saying, "In the age we live in, the normal course of discovery includes taking depositions, producing documents and these days more than ever looking into the content of computers. So many documents and communications these days are purely electronic in nature," he said.

The threat of court-authorized searches of home computers has already had its desired effect. Postings to Griffin's web site have slowed down significantly. Of those who aren't afraid to comment in the open forum section of the web site, a much smaller percentage of the writers are identifying themselves, Griffin said. "It's like they are running scared, with good reason," he added.

Reeve said the judge's order means that he must be particularly cautious about what information he posts on his own site, "lest the company accuse him of supporting a sick-out and therefore violating the district court's order."

Free speech advocates denounced the searches. “This kind of precedent could have a very chilling effect on the exercise of speech rights, and could set a very bad precedent for privacy,” said Jerry Berman, executive director for the Center for Democracy and Technology, a leading privacy rights organization based in Washington DC.

“If Northwest succeeds in gaining access to the hard drives of the home computers of its employees, it will certainly put a chill on the uses employees everywhere make of their home computers,” said Beth Givens, director of the Privacy Rights Clearinghouse in San Diego.

The concern for democratic rights was not echoed, however, by the flight attendants' own union, Teamsters Local 2000. On the contrary, earlier this week the Teamsters officials entered into a deal with Northwest and the federal court that paves the way for the continued persecution of the rank-and-file flight attendants.

On Sunday, February 6, Northwest Airlines and Teamsters officials reached an agreement that suspended legal action against the union and halted the discovering proceedings against 19 of the 21 individuals named in the lawsuit—all officials in the local union. The temporary settlement does not apply to Kevin Griffin and Ted Reeve, who were not even invited to the settlement talks.

The following day Judge Frank gave his approval to the deal and ruled that legal action against the union would be suspended while negotiations for a new contract continued. The judge also ruled that if a settlement were reached and ratified by union members, Northwest's lawsuit would be dismissed. But if flight attendants violated the ban on job actions, or if negotiations collapsed and a legally-sanctioned strike was threatened, the lawsuit could be restarted.

Under the settlement Griffin and Reeve, who were not represented by union attorneys because they are not Teamsters officers, are still subject to the company's discovery efforts and a possible injunction if the restraining order is violated. They face the threat of potentially massive fines at the very least, if not imprisonment. In addition Northwest has filed a lawsuit in Honolulu in an attempt to identify anonymous writers who have allegedly libeled company officials on his web site. The two defendants face a February 15 hearing before Judge Frank.

The Teamsters bureaucracy undoubtedly welcomes the efforts to suppress their members' use of the Internet. Since organizing the e-mail campaign that led to a 69

percent defeat of the contract last summer, these web sites have been the focus of continued rank-and-file opposition to the union's efforts to impose a pro-company contract.

The Local 2000 leadership has rejected the demands of workers on the web site as too radical. Local president Billie Davenport denounced the dissidents, saying, “I don't want this union to run on the voices of a small minority. Don't think that what 300 to 400 members are screaming for is what 11,000 members want.” A former local leader, Mollie Reiley, added, “We've got a group advocating anarchy.”

Davenport said Monday that the union complied with the court's order and never tried to disrupt Northwest's flight operations and never would without the permission of the National Mediation Board. Asked by a newspaper reporter from the Minneapolis-based *Star Tribune* why she did not fight harder against the searching of home computers, she said the union had nothing to hide and “we believe there was enough privacy protection.”

While the union agreed to suppress job actions by its members, at the same time it collaborated with the courts to deny workers their right to due process. Neither the union nor the court even notified Griffin and Reeve that they were named in Northwest's lawsuit, and therefore the workers have had no opportunity to defend themselves. Nor were they allowed to participate in a January 7 telephone conference in which the union agreed that the temporary restraining order be extended to February 19.

Both workers are pursuing legal action against the trampling of their First Amendment rights, and are seeking to present their case to the appeals court. Their attorney, Barbara Harvey, said, “A grave injustice has been done to these two individuals, because the order is a blatant case of restraint of speech that has historically been forbidden.”



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