

MEMORIAL DAY SHAME: ONLY 2 PERCENT OF VETERAN AIRLINE PILOTS GROUNDED BY CONGRESS ARE REHIRED, MANY FORCED TO WORK FOR FOREIGN CARRIERS

FAA Fails in Court to Get Outright Dismissal of Challenge to 2007 Law, June 11th Is Next Key Court Date; More than 9 Out of 10 Pilots Stripped of Rights are Vietnam, Gulf War Vets.

WASHINGTON, D.C.///May 22, 2008///With the next step less than two weeks away in the lawsuit to overturn a controversial 2007 law that was inaccurately characterized by Congress as remedying "Age 60" age discrimination by the airlines, the Senior Pilots Coalition (SPC) estimated today that only about 2 percent (less than 60) of the 3,000 pilots forced out of the air by the FAA and then stripped of their rights by Congress have been rehired by U.S. airlines.

More than nine out of 10 of the grounded pilots are veterans of Vietnam and the Gulf War. Among the few pilots still flying for airlines are veterans who have been forced by Congress under the terms of the 2007 law to find work with foreign carriers in such remote and often Third World places as Kazakhstan, India and Panama.

SPC President Lewis J. Tetlow, a Vietnam War vet and former US Airways captain who was forced into retirement when he turned 60 on April 2, 2007, said: **"This is truly a Memorial Day shame for America. It makes me sick to my stomach to think that Congress deliberately stripped nearly 3,000 Vietnam and Gulf War veterans of their livelihood, their on-the-job seniority and even their basic right to seek redress in the courts. We are talking about the cream of the crop of American airline pilots who U.S. airlines now have been given carte blanche by Congress to discriminate against at will."**

At issue is the deceptively entitled "Fair Treatment for Experienced Pilots Act," which was signed into law in December 2007 as Pub. L. No. 110-135. The constitutional challenge against the law on behalf of the grounded pilots is being spearheaded by Jonathan Turley, the J.B. and Maurice Shapiro professor of public interest law, George Washington University Law School. When pilots challenged the law almost immediately upon its enactment, the FAA went to court in February 2008 to have the case dismissed, which the U.S. Court of Appeals for the District of Columbia declined to do in April. The next major step in the litigation takes place on June 11, 2008, the court-appointed date for the filing of briefs by parties in the case.

Commenting on the status of the litigation, Professor Turley said: **"We are challenging the constitutionality of the 2007 law. If the pilots are**

successful, the law will be declared null and void. The new law is poorly written and expressly denies carriers the right to treat older pilots fairly, even countermanding prior contractual positions between pilots and their companies. While the Congress is increasingly bestowing immunity on favored parties, this bill is different. It effectively destroys the past seniority of pilots, negates their contractual understandings, and even binds companies in their ability to deal fairly with pilots.”

SPC officials emphasize that the harm done by Congress has been devastating for pilots. Many, including Lewis Tetlow, have been idled and are unable to find work in the United States. Some – including Troy G. Avera, who had been a senior pilot on United Airlines flying top international routes,-- have now reapplied to their old airlines and been told that, after decades of top-flight service and just a few months off the job, they do not even satisfy entry-level requirements. The result is that many of America’s best airline pilots have been forced to seek employment with foreign carriers. For example, Avera is now flying outside of the United States with COPA Airlines in Panama.

Another victim of the FAA and Congress is Herb Holland, who started out flying for the Marines in Vietnam and became a top US Airways pilot. Holland missed the lottery date under the 2007 law by 43 days, which cost him his ability to get a job, his seniority and his right to redress. Holland now can only spend two out of every eight weeks at his home in Phoenix, with the balance of his time in Kazakhstan, where he now is a pilot for the 51-percent state-owned Air Astana.

Describing his situation, Holland said: **“The irony of this is that Uncle Sam paid me to learn how to fly, then sent me to Vietnam to fight for the freedoms and democracy we often take for granted. Now I have been forced by Congress to go to a former Soviet satellite state in order to maintain my livelihood. While I very much appreciate my current job and the people I work with, I am still astonished that Congress would act in the way it did to crush my life’s work and the lives of thousands of other veterans. If this is constitutional ... if this is something that Congress can do with no repercussions ... then the job of no American is safe.”**

The Senior Pilots Coalition is seeking to raise more than \$100,000 online to finance its court case. You can make a secure donation to SPC at <http://www.seniorpilotscoalition.org>.

ABOUT THE SENIOR PILOTS COALITION

Founded in February 2007, the fast-growing Senior Pilots Coalition (<http://www.SeniorPilotsCoalition.org>) has more than 250 members across the United States. SPC is a national pilot organization dedicated to ending age

discrimination in the U.S. commercial airline industry.

CONTACT: Leslie Anderson, 703-276-3256 or landerson@hastingsgroup.com.

EDITOR'S NOTE: A streaming audio replay of this news event will be available on the Web at <http://www.seniorpilotscoalition.org> as of 6 p.m. EDT on May 22, 2008.