

Law Professor: Senior Pilots Coalition to Sue to Overturn Pilot Age Discrimination Law

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The following statement was issued today by the Senior Pilots Coalition via its attorney, Jonathan Turley, the J.B. and Maurice Shapiro professor of public interest law, George Washington University Law School:

"The Fair Treatment for Experienced Pilots Act, recently signed into law as Pub. L. No. 110-135, will be challenged on a variety of grounds. Due to poor drafting and clearly unconstitutional components, the law, signed into law on December 13, 2007, presents something of a target-rich environment. Pilots will seek declaratory and injunctive relief under the Declaratory Judgment Act, 18 U.S.C. 2001 et seq. If successful, the law will be declared null and void.

The Act specifically mandates that flights with a pilot in command over age 60 must have a pilot who has not yet reached age 60 assigned to the flight deck crew. It further mandates that any person who turned age 60 prior to December 13, 2007 cannot serve as a pilot unless the carrier treats the person as a new hire pilot. It denies meaningful relief to our clients. The new law is poorly written and expressly denies carriers the right to treat older pilots fairly, even countermending prior contractual positions between pilots and their companies ...

In my view, the law can be challenged in federal court on a number of grounds, including but not limited to the violation of the Equal Protection Clause, the Due Process Clause, Bill of Attainder Clause, the Takings Clause, and the interference with the right to contract ...

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 ... Obviously, the best outcome would be a legislative fix ...

The first step, however, is to seek judicial relief. If legislative relief comes, it would be welcomed. Otherwise, we can seek our remedies from the courts."

For the full text of the Turley statement, go to <http://www.seniorpilotscoalition.org/> on the Web.)

Source: Senior Pilots Coalition, Washington, DC

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