

FLYING HIGH, BRACING FOR IMPACT: THE EFFECT OF GLOBALIZATION ON U.S.
PILOTS AND FLIGHT ATTENDANTS

by

SHERYL ANN ATKINSON BAGGETT

(Under the Direction of Andrew Herod)

ABSTRACT

The political economy of aviation has been historically volatile. This instability continues today and there is reason to believe that this is the permanent economic condition of aviation. It is in this environment that airline pilots and flight attendant unions began and continue to work today. Because pilots and flight attendants are based all over the country, often not living in their assigned domicile, their unions are not spatially embedded in the way in which other unions typically are. While pilots and flight attendants have certainly both profited and gained in some ways from this lack of spatial embeddedness, they are nevertheless embedded in a seniority system that is quite peculiar to the industry. They have essentially exchanged spatial embeddedness for a type of temporal embeddedness in the form of a seniority system. A national airline union with a single seniority list would help protect unions from the instability of the aviation industry.

INDEX WORDS: Airline Pilot, Chicago Convention, Covid, Deregulation, Flight Attendant,
Globalization, Railway Labor Act, Seniority, Title VII, Union

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DEDICATION

To my father-in-law, "Captain Merle"

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I would like to thank Dr. Andrew Herod, who never gave up on me. Andy navigated me throughout this long-haul flight. When I wanted to abort the landing due to turbulent weather, he assured me that the runway was close and guided me through the clouds, until I had safely landed.

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CHAPTER 1

INTRODUCTION

I first became aware of how different airline pilot and flight attendant unions were from other unions more than twenty years ago. At the time, I was personally invested in airline union actions, as I was married to a US Airways airline pilot. The US Airways pilot and flight attendants' defined benefit pension plan had recently been placed in the Pension Benefit Guaranty Corporation (PBGC), a federal agency that insures the pensions for the private sector. Additionally, they had agreed to massive pay cuts and work rule concessions. US Airways filed for Chapter 11 bankruptcy in 2002 and would again in 2004. Bankruptcies in the 1980s and 1990s had already led to the death of Braniff, Pan Am, and Eastern Airlines. Management's rallying cry was "Remember Eastern!" Each airline union had an individual seniority system resulting in multiple, fragmented unions. The threat of bankruptcy and this union fragmentation had weakened flight attendant and pilot unions' bargaining power to almost nothing.

Little was known about these unions by the media and other supposed experts. I had read numerous articles addressing this trend as a good move for airlines. One such article was published in Fortune Magazine in 2003. The author suggested that the much less powerful pilots' union of US Airways, which had agreed to management's request to end its defined benefit plan, should be emulated by other airline unions, specifically by United Airlines pilots. United's pilots' union had negotiated a 55% stock ownership plan which gave them board seats. This premise was cavalier, at best. At worst, it was flawed by the lack of knowledge about the structure of airline pilot unions. I decided to call the author and find out how much he actually knew about the airline pilot union structure. I had my questions written down and was prepared to leave them on his voicemail. I had no expectations of him returning my call, but I figured at least he would

look into my concerns before his next article. To my surprise, he answered his phone. Did he realize that pilots had to retire at age 60? (This age has since changed.) Did he understand that pilot contract negotiations were governed by the Railway Labor Act? Did he know that US Airways Pilots would lose an average of fifty percent of their anticipated retirement benefits because they exceeded the PBGC guarantees? Did he understand that, aside from social security, pilots had no other source of retirement benefits? Had he taken into account that pilots had worked for years under concessionary work rules and pay scales, negotiated based on preserving the defined benefit plan? Did he realize when all of these factors were taken into account, that it was mathematically impossible for pilots to recover financially in the lifetimes of their careers? Most importantly, did he understand that the pilots' seniority system was the reason that the union had no choice other than to capitulate to the demands of management? The Fortune Magazine journalist responded to my critique by sending his wife to interview me. That article was published the following month. Although I was appreciative of the opportunity to be heard, there was still so much information left out about airline pilots' unions. These questions had broader implications, not only for pilots but for all unions. Although these unions' power was affected over the next twenty years by the market, airline pilot and flight attendant unions' seniority systems basically stayed the same.

Most types of workers are geographically fixed within workplaces' locations. This shapes their political practices. For instance, geographically fixed workers can often develop strength in the local community through their links to its institutions and other workers, who may be supportive in a dispute. On the other hand, geographically fixed workers must worry about capital moving to a new location if they become too militant. In contrast, airline crews work in a unique spatial context. Airline pilots and flight attendants are not spatially embedded in the

communities in which are located the airports out of which they fly. Rather, they are based all over the United States and many fly from their homes to these airports each time they go to work. Unlike many other workers who work with the same people day in and day out, airline workers typically fly with a different crew each month. For example, my husband has been based in Charlotte, Pittsburgh, Philadelphia, New York, Washington D.C., and Boston, but we have always lived in Atlanta. He flew with a different crew each month. However, for a brief time aircrews do move together across multiple geographic boundaries.

The spatial dynamics within which airline crews are embedded clearly shape the political practices of their unions in ways that are different from other workers who are more spatially embedded, such as miners and autoworkers. Autoworkers, then, often forge alliances spanning various locations to effectively organize within the ever-shifting landscape of capital investment. This requires establishing connections between their home communities, where capital is currently invested, and other communities to where it may potentially relocate. Autoworkers in one locale might seek solidarity with counterparts elsewhere when companies like GM or Ford attempt to transfer operations from, say, Michigan to Alabama. Through this approach, they can broaden the geographical scope of their political influence, extending from the local level to the regional, national, or even international levels. For airline crews, however, it is not their spatial embeddedness but their temporal embeddedness in their airlines' seniority lists which largely drives their political practices. This seniority governs almost every aspect of their lives. It determines the routes they fly and the bases that they fly out of. It determines their vacation days and their work schedule. It determines the type of equipment that they will fly, and therefore their pay. Presently, each airline has its own separate seniority list for pilots and flight attendants. However, a national seniority list, perhaps encouraged by the growing mergers of

airlines, would effectively transform the geographical dynamics within the industry because it would create a spatial scale of operation that views the territorial boundaries of the USA as the space within which things like seniority would work in the future, instead of seniority being applicable only within each airline. That is, it shifts seniority from being something that is just about temporal embeddedness towards now something that operates in spatial terms, across the entirety of the U.S.'s territory. This would change the political dynamics of the industry.

Likewise, although at present there are limits upon foreign ownership of airlines (all countries in the EU have a limit of 49% foreign airline ownership, for instance), should this change (for instance, were Delta to purchase its partner Air France) and a global seniority list were to be developed, these spatial politics would change again.

Aviation is a crucial catalyst of tourism, economic development, world trade, and social connection. Aircraft make travel available worldwide and provide peripheral nations access to advanced products and technology at an increasingly attainable cost. However, compared to other industries such as banking and manufacturing, the pace at which the air travel industry has globalized has been relatively slow, though increasing liberalization has created significant changes. To understand the airline industry today it is necessary, of course, to understand what it was like in the past. In this regard, it is important to recognize how World War II propelled the economic and geographical expansion of a fledgling aviation industry and how this, in turn, increasingly brought about sovereignty issues as people began to cross geographical borders in aircraft. In 1944 an international aviation conference called the Chicago Convention established rules to govern air transportation between countries, together with rules concerning foreign ownership and consolidation. Since the Chicago Convention, the right of entry to a foreign country has been negotiated through bilateral agreements. Although foreign ownership

restrictions persist, airlines have found ways to skirt laws and treaties that limit international operations.

To outmaneuver many of the economic downsides inherent in the industry and develop a structure to maximize profits, airlines have strategically established hub operations outside their own countries, entered into code-sharing agreements, formed alliances, and benefitted from Open Skies treaties (these latter are international arrangements that liberalize the regulations of commercial aviation). Through the continued liberalization of international aviation, the United States has negotiated more than one hundred such Open Skies agreements. Since the 1990s, airline alliance participation has increased dramatically. Alliances share revenue, routes, and passengers' frequent flier status. Today, all so-called "legacy carriers" are part of major global alliances, allowing the member airline's home base to remain geographically unchanged while simultaneously providing its customers access to the world. In this regard, most of the world's largest airlines are members of one of three groupings: SkyTeam; Oneworld; or the Star Alliance.

Alliances provide member airlines with greater access to more destinations and often include code-sharing agreements. Within an alliance, international routes are based upon agreements between airlines. Code-sharing allows cooperating airlines to market the same seat on an air carrier while using their own brand and air carriers may sell code-sharing seats on flights operated by their partner if that route is included in the agreement. Code-sharing agreements became prevalent among air carriers following the deregulation of the U.S. air travel market in 1978. Similarly, following European Union (EU) deregulation in 1993, code-sharing gained momentum in Europe. These flights are flown using multiple airline codes and flight numbers.

Additionally, airlines expand their route structures by selling code-sharing flights which coordinate with their own connecting flights. However, airline alliances have different levels of network marketing and integration. Thus, “metal neutral” joint ventures allow passenger revenue to be obtained through agreements in which the partners in the alliance are indifferent as to which airline’s brand is painted on the aircraft. Unlike a typical code-share arrangement with an economic incentive for an airline to fly its own airplanes, a metal-neutral arrangement can also be indifferent to which flight crews service the flight. For example, in 2010 United Airlines and Aer Lingus initiated an antitrust immunity joint venture on a Washington, D.C. to Madrid flight. In this situation, United sold the tickets and marketed the flight while Aer Lingus provided the aircraft and hired U.S. staff as cabin crew. The result was that United Airlines received revenue without using United crews.

Significantly, the intense competition that deregulation created for U.S. airlines is increasingly being experienced on a global scale. Overcapacity can drive prices down and labor is often pressured to subsidize operational costs with concessionary contracts. With a globalized labor pool, airlines could hire with an international economic advantage, substituting U.S. labor with less-expensive foreign labor. As key employees, pilots and flight attendants must constantly adjust to the vagaries of the airline business. The potential globalization of airline capital and labor surpluses, then, pose both unique opportunities and challenges to workers whose workplace is a mobile form of fixed capital.

In his book *Labor Geographies* Andrew Herod argues that workers “are active geographical agents whose activities can shape economic landscapes in ways that differ significantly from those of capital” (Herod 2001, 15). He further states that workers make space in certain ways and that “their ability to do so is a potent form of social power” (Herod 2001,

16). A key question that I will address in this thesis, then, is how workers in this industry are affecting the way in which it is evolving within a context of a dramatic global expansion and integration – that is to say, how airline labor is playing a role in reshaping the geography of the industry.

Herod (2003) further contends that all workers, even migrant workers, are spatially embedded in particular places to greater or lesser degrees and that this embeddedness can be a double-edged sword. On the one hand, because workers are often tied to particular places, they may develop strong community networks that can sustain them during periods of industrial unrest (such as during strikes). On the other, because capital can often move elsewhere and workers frequently have less ability to do so, workers' spatial embeddedness often puts labor unions at a disadvantage when negotiating working conditions and pay – if workers' demands are too great, firms may just relocate. In the case of airline pilots and flight attendants, however, although they may be spatially embedded in the communities in which they live, they are usually not spatially embedded in the communities out of which they work. However, the seniority system that has been in place since the inception of airline pilot and flight attendant unions works in a fashion that is quite similar to the spatial embeddedness that shapes other unions' and workers' behavior because it fixes employees within a structure that shapes their possible behavior. Hence, on the one hand, given the capacity challenges of airlines and their ability to move capital or labor to a different space and begin new operations, in a globalized economy airline unions are at a clear disadvantage. On the other hand, however, when pilot and flight attendants do engage in issues such as safety and workers' rights, they do so without the constraints of the seniority system and with much more successful outcomes.

In examining the dynamics of airline labor, it is valuable to compare and contrast with a different sector. Unlike airline pilots and flight attendants, longshoremen are spatially embedded because they are tied to specific ports. After containerization was introduced, spatial embeddedness proved to both empower and constrain longshoremen in labor negotiations. Although Longshoremen had strong unions, they were also vulnerable to shifts in capital. Before World War II the east coast longshoring industry's contracts were negotiated on a port-by-port basis (Herod 2001). However, containerization combined with the newly built interstate highway system marked the beginning of a paradigm shift for the dockers' union, the International Longshoreman's Association (ILA). Manufacturers could use cheaper, more distant ports rather than relying exclusively on ports close to their markets.

Given localist traditions of negotiating contracts on a port-by-port basis, containerization and the annihilation of space by time had the potential to encourage a race-to-the-bottom in terms of wages and conditions all along the East Coast, as shippers whipsawed ports against each other for the cheapest labor rates (Herod 2022).

In response to these challenges, the ILA negotiated agreements that restricted work to ports that could be done in warehouses. In the 1960s the longshoremen began replacing their port-by-port bargaining with a national "master" contract, constructing a new geographic scale of bargaining (Herod 2001). The ILA improved job security and income guarantees across all ports. Negotiations were focused on ensuring uniform protections for all dockworkers. This was accomplished even though there were significant regional differences in interests among both the ILA's local unions and employers. By strategically leveraging their position within the spatial networks of global trade, longshoremen were able to pressure employers to negotiate better wages and working conditions. They demonstrated the power of organized labor to shape the

economic geography of regions and industries. Thus, the union refashioned the economic and political geography of the industry (Herod 2001).

Longshoremen's unions are among the most centralized and powerful unions in the country and in some aspects stand in sharp contrast to airline employee unions. Longshoremen have benefited from globalization because they can cease the movement of imports and exports upon which American consumers and businesses survive. If they strike, Mexico cannot handle the extra cargo and Canada will not unload diverted ships. East Coast ports are unreachable because the Panama Canal is too small to manage the huge Pacific ships (Greenhouse, 2002). Through "spatial sabotage" longshoremen have significantly shaped how the geography of capitalism develops in particular places (Herod 2001, 100).

When comparing the response of the longshoreman to containerization with that of the response of airline pilots and flight attendants to economic and political challenges and changes to their industry (such as those ushered in by deregulation and globalization), one can ascertain that these unions could have faced similar results from the challenges of fragmentation and competition. Longshoremen, like pilots and flight attendants, dealt with fluctuating economic landscapes. These challenges resulted in restructured economic and geographical boundaries. However, while longshoremen strengthened their position through collective bargaining by developing a national contract, pilots and flight attendant unions responded differently after deregulation, ushering in an era of cutthroat competition. Although all three employee groups faced similar challenges, their responses differed significantly. The ILA strengthened their union. Pilots and flight attendants, on the other hand, lost ground, which took decades to recover. These differences within the context of globalization emphasize the need to research how union structures and bargaining strategies shape outcomes for workers. In this thesis, therefore, I will

explore some of the specific challenges faced by airline pilots and flight attendants. The unique environment of pilots and flight attendants has influenced their bargaining strategies and continues to do so today. Based upon my research, I suggest that strong unions, along with universal contracts, could provide air crews the opportunity to use “spatial sabotage” to shape the geography of the industry in their favor.

Following from the above, my research explores some of the challenges which airline unions have had to face over the years and how they have responded. For instance, serious capacity challenges have beset airlines since the federal government deregulated the industry in the late 1970s. Previously, prices and routes were fixed. This meant that the capacity added in good economic times could not be easily removed, a significant problem in an industry that is particularly vulnerable to economic downturns. This was a problem, as firms in most industries usually need to be able to restore any imbalance between capacity and demand quickly. Deregulation, though, helped to solve this issue, allowing airlines greater organizational and geographical flexibility.

In many industries overcapacity, a situation in which more goods are produced, or services provided, than can be sold to buyers, can be resolved by creating what David Harvey calls a new "spatial fix" (Harvey, 2001), by which he means restructuring the geographical organization of the industry. This geographical process of moving capital or labor to a different space and beginning new production, Harvey contends, creates specific globalization conditions. This certainly applies to the globalization of the aviation industry. Overcapacity is resolved through the geographical movement of capital to spaces with labor surpluses and weak labor organization while at the same time increasing effective demand. Although aircraft must land at fixed sites, the natural mobility of aviation capital makes it easier in some ways to create a new

“spatial fix” in this industry than in many others. Conversely, national sovereignty issues can negate the ease of geographical restructuring in the aviation industry. There is no doubt, however, that the “spatial fix” of airline globalization will create new power structures and labor must struggle for control of the new economic landscape. As Harvey warns, like a drug fix, the aviation spatial fix is “temporary rather than permanent, since the craving soon returns” (Harvey 2001, 24).

Such questions are, of course, not unique to the airline industry. However, in most economic sectors in which workers must adapt to global integration these workers are typically fixed to a particular place and space, albeit to varying degrees. This, in turn, shapes the kinds of politics in which they engage, frequently resulting in strategies in which local unions and other place-based actors desire to keep capital local rather than allowing it to flee elsewhere. Airline flight crews, however, are not spatially fixed. For one thing, many pilots and flight attendants commute to their domiciles, which is not merely the place where their flights originate but also the area that is represented by their unions. Crews change with each trip. And, of course, their workplaces are, by definition, spatially mobile. The result is that airline crews’ sense of place is, for the most part, unrelated to that of their coworkers. Ordinarily, then, unlike with other industries, in the airline industry there is little incentive for union leaders to engage in local politics to bring investment to the communities where airline crews live. Rather, unlike most other industries, in the airline industry the inclination of most flight crews is to think in national or even international terms. However, this inclination is challenged by several issues. For instance, unions are in geographically different locations and each airline has its own separate union organizations. Even within these organizations there is no single union for all pilots or for all flight attendants. Solidarity on a national level must therefore overcome barriers established

not only when workers are located in different communities, but it must also make connections between members who work for competing airlines. The result is that bargaining strategies among competing airline employees are geographically fragmented at best and workers are almost always spatially separated.

Airline regulation and deregulation are not only historically significant in understanding today's global airline market but also in understanding the threat that further liberalization presents to a group of workers whose occupational environment is not stationary. Barriers to entry into foreign airline markets have become increasingly elastic through global airline alliances and Open Skies agreements. Some airlines are state-owned and subsidized while others are not and are, therefore, free to move capital across national boundaries. Aviation is an industry full of variables. The constant for airline pilots and flight attendants is that their labor is moveable. The ground for labor agreements can shift at any moment. This raises important questions, such as: will management combat airline liberalization by gutting labor agreements as it did with deregulation and high oil prices?; will U.S. aviation labor and management forge a new alliance to combat airline globalization, or will history repeat itself and the cutthroat business practices of the post-deregulation era prevail?; and will U.S. airline workers be ready for both outcomes?

Given the above context, the research detailed in this thesis focuses upon some of the consequences that global airline liberalization is having on flight crews and their response to this fluid economic structure. In 2020 the airline industry was transformed from a thriving industry with nothing but blue skies ahead to a future clouded by the COVID-19 pandemic. As the industry changed in response to what is popularly called "globalization," a new spatial fix was set into the economic landscape. However, whereas globalization happened over decades, the

pandemic changed the airline industry within weeks. This transformation necessitated historic, sweeping changes in national and international aviation policies. This raises two fundamental questions:

- 1) How did airline pilot and flight attendant unions address the difficulties affecting the aviation industry?
- 2) How did the behavior of labor impact the geography of the airline industry?
- 3) What challenges or advantages do airline crews face, given their lack of spatial embeddedness within the unevenly developing geography of aviation?

Certainly, these are wide-ranging questions. By researching the pilot and flight attendant unions' responses to historical transformations in the industry, I do hope to shed light on some of the ways in which these unions have been most effective in achieving their economic and political goals, compared to the constraints of decentralized unions. Consequently, I will argue that if airline pilots and flight attendants are to be successful in combating the problems of globalization, they will need to take advantage of their lack of spatial embeddedness and not only organize nationally but also globally, rather than through individual bargaining units. However, the embedded nature of the seniority system presents challenges to this.

The thesis itself is organized into seven chapters. Chapter Two explains the design and methodology used in my research. Having provided a brief description of the substantial trends towards globalization of the airline industry, in the third chapter I lay out the history that has led up to today's Open Skies situation. I examine the unique regulatory framework in which flight attendants and pilots organize, work, and negotiate. I also discuss some historical examples of how the regulatory framework affects union bargaining. Chapter Four describes the beginning of airline pilots' and flight attendants' unionization efforts and will include a discussion of how seniority works in the industry. I briefly examine the flight attendants battle for equal rights under Title VII. I explore today's pilot and flight attendant statistics and gender disparities. In

chapter five I discuss the economic structure that airlines have had to operate within and the symbiotic relationship this environment has with flight attendants and pilots. I also include a discussion on the issue of “scope,” which concerns how labor contracts are adjusted when aircraft are shifted to another entity or in code-sharing arrangements. Chapter Six will examine some of the threats airline union labor faces today. It includes a section on the union’s response to threats, such as the Coronavirus pandemic of 2019 as well as Flags of Convenience. Flags of convenience are a type of business model in which an airline registers its operations in a country other than its own. This foreign base of “convenience” is done so as to evade labor laws as well as safety and tax requirements of the airline’s home country. Finally, I conclude with the argument that decentralized unions are less effective in a globalized economy and that a nationally merged seniority system will allow pilots and flight attendants to take full advantage of their lack of spatial embeddedness.

CHAPTER 2

RESEARCH QUESTIONS AND METHODOLOGY

In this thesis I address several fundamental questions. These include: How did airline pilot and flight attendant unions address the difficulties affecting the aviation industry? How did the behavior of labor impact the geography of the airline industry? What challenges or advantages do airline crews face, given their lack of spatial embeddedness within the unevenly developing geography of aviation? To answer these questions I conducted an exploratory study of the airline industry and flight crew unions as they responded to various challenges. These challenges included, but are not limited to, Title VII discrimination issues as laid out in the 1964 Civil Right Act, deregulation, globalization, the September 11, 2001 terrorist attacks, the 2008 financial crisis, and the Covid-19 pandemic. In addressing the research questions, I used a range of sources. My primary data sources included government documents, interviews, archives, policy briefs, and historical documents. Additionally, I used journals, books, industry reports, governmental publications, union websites, and literature authored by union leaders as secondary data sources. This triangulation and synthesis of different data sources enabled me to construct a cohesive account of the spatial and temporal tensions impacting unions in different situations.

I looked at the industry through a historical lens to explain the effects of globalization on airline pilots and flight attendants. The historical view of aviation is a window into understanding the cultural, economic, and political processes that have produced the pilot and flight attendants' unions of today. I also relied upon secondary data sources, such as union websites and books written by union leaders for interview segments to draw out important themes. I first started researching for my thesis before the 2019 Institutional Review Board (IRB) Common Rule revisions took effect. Before these revisions, union leaders who I wanted to interview were required to sign a form. I sent an interview request letter that included my

questions and the IRB form to every major airline's flight attendant and pilot union president's office. These requests were sent both by USPS and by email. I also followed up with a call to each office. One pilot union leader returned my call and agreed to the interview, "sometime in the future", but after multiple attempts, he never nailed down a time.

To be fair it was an extremely tumultuous time for unions, as they were dealing with the aftermath of legislation that affected seniority in the industry. The legislation, known as the McCaskill-Bond statute, was signed into law in December 2007. It prevents union members of acquired airlines from being placed at the bottom of the acquiring airline seniority lists. However, consolidating airline pilot unions' seniority is, at best, a mediated process and, at worst, a litigated one. When pilot seniority lists are merged, it is usually by an arbitrator and is almost always a difficult process, with winners and losers. Consequently, it seemed that union leaders did not want to go on record discussing their members' opinions concerning the establishment of one universal seniority list. After McCaskill-Bond, flight attendants' seniority lists, on the other hand, with one exception, were merged primarily by the date of hire. Given that this was a busy time for unions, giving interviews for a thesis was probably not a priority.

Fortunately, by 2019 most airline seniority lists were complete and when the IRB rules changed, I was able to secure interviews. In May 2020 I interviewed Paul Hartshorn, Jr., Communications Director for the Association of Professional Flight Attendants (APFA). In July 2020 I interviewed Captain Eric Ferguson, President of the Allied Pilots Association (APA), which represents the 15,000 pilots of American Airlines. Both interviews lasted about an hour, by phone, and both union representatives were eager to discuss their response to the COVID-19 pandemic. I had not expected to add flight attendant and pilot union's trajectory through the pandemic to my discussions. The COVID-19 pandemic discussions with both union leaders told

a similar story about union agency and I was compelled to make a course correction in my thesis. Additionally, we discussed the difficulty of union membership that is not spatially embedded, as well as the threats posed to unionism by flags of convenience, cabotage, and various other challenges, including the validity of the seniority system. The response from the APA regarding the possibility of joining ALPA was indirect, and mostly a non-answer answer. After my interview, the board of directors of the APA, the union representing pilots at American Airlines, rejected a proposal to explore joining the Air Line Pilots Association (ALPA). I believe this subject is not closed and will be broached again by the APA in the future. These interviews were much appreciated and very helpful. The interviews brought facts to light that I possibly would not have uncovered using other methods. That said, the union leaders are the gatekeepers of the information and as such control the interviews to a great extent. They did, though, provide a more formal basis for learning more about the industry and added to the knowledge I already had that drew from the decades I have spent riding in hotel vans with crews while tagging along on trips with my husband – these latter conversations were informal and not as guarded, but they were also valuable.

Aviation has a beginning that is finite and particularly personal to me – and from my perspective, not that long ago. I am part of an airline family. My sister-in-law is a retired flight attendant, and I am married to a retired airline pilot. My father-in-law was born in 1920, less than twenty years after Orville Wright first left the ground. He became a “hump” pilot in WWII and then flew for Delta Airlines until 1980. I became a part of this airline family in 1975, living through much of the volatility that beset the aviation industry – starting with deregulation and ending with the Coronavirus pandemic.

My decision to adopt a literature review methodology is grounded in the nature of this research topic. Airline pilot and flight attendant unions represent a complex area of study, influenced by socioeconomic, legislative, and logistical factors. A historical analysis was necessary to fully understand the changes in aviation, which is essential to research the economic landscape within which flight attendant and pilot unions were formed and have evolved. By critically analyzing existing literature, I hoped to contribute to a deeper understanding of the complexities inherent in airline pilot and flight attendant unions, shedding light on the challenges posed by seniority systems within fragmented unions.

The gaps that I found in the research primarily were in three areas. First, there are very few studies that specifically focus on the unique characteristics of airline pilot and flight attendant unions. A broader scope of research is needed to explore these unions, including their organizational framework, bargaining strategies, as well as relationships with management and other union members. Second, little is written in the academic world regarding the fragmentation and seniority system within airline pilot and flight attendant unions. Among the airlines, there are multiple unions with multiple seniority systems representing pilots and flight attendants, based and living scattered over the U.S. This has led to fragmentation and divergent interests, both within unions and among each other. Third, there is a lack of research examining the historical development and evolution of airline pilot and flight attendant unions in response to these changes. The fluid nature of the aviation industry, technological advancements, deregulation, and globalization have significantly impacted union strength.

My selection of research materials was chosen based upon some pre-existing familiarity, which often resulted in promising leads with varying degrees of usefulness. At times, my prior knowledge about pilots' unions provided insights that led to relevant sources. However, there

were also times when I was completely surprised – not so much because my preconceptions were incorrect, but because they were incomplete. One of the most interesting aspects of my research was that, at times, it would take me in unexpected directions. One sentence could send me towards an entirely new direction which might uncover connections and perspectives that I had not previously considered. To be completely honest, I often found myself veering off course. I read a massive amount of material that I did not use and that did not help me with my research. However, occasionally the divergence provided an unexpected twist that led to some of my most relevant research. For example, I completely stumbled on one of my most interesting resources, The Walter P. Reuther Library, Archives of Labor and Urban Affairs, located at Wayne State University (Walter P Reuther Library, n.d.). Within the archive section, the library houses Airline Line Pilots Association (ALPA) files and within the ALPA section is an ALPA Steward and Stewardess Division. Within the ALPA Steward and Stewardess Division records, which go back as far as the 1950s, I found the transcripts of the stewardess' Title VII hearings with the Equal Opportunity Commission. Although it is very time-consuming, in hindsight, I did often have a chaotic approach while reading the literature. However, the unexpected findings led to connections and insights gained, making the time spent worthwhile. While it would have been easier in some respects to have collected more data through interviews, the literature tells its own story. Fortunately, the literature, enhanced by the two union representatives that I eventually interviewed, provided a more comprehensive picture of airline pilot and flight attendant unions. I used interview segments from pilot and flight attendant secondary sources to explore work cultures and union policies that have evolved over the years. The historical approach facilitated discovering themes and patterns that overlapped with human geography theoretical perspectives. It was a useful tool to cover the subject on a broad scale. My goal was to provide comprehensive

background information, highlight the current state of unions, and identify gaps and weaknesses in the existing literature.

CHAPTER 3

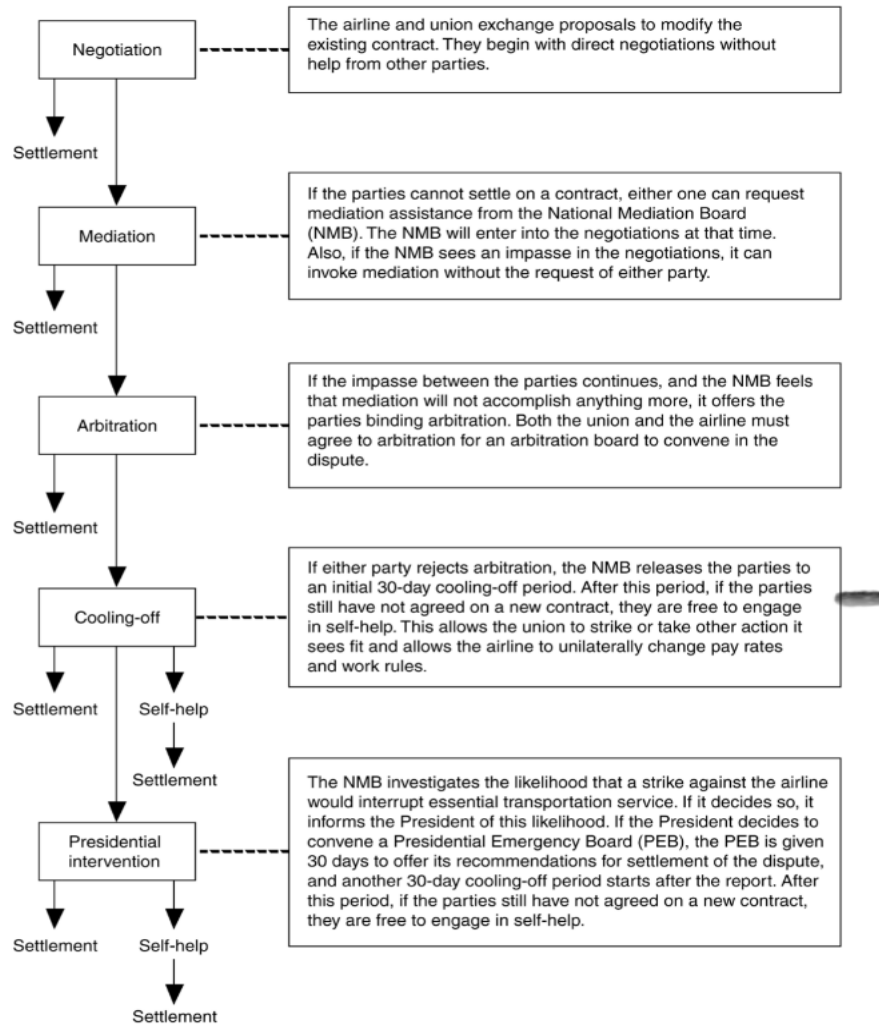
REACHING FOR THE SKY

3.1 Navigating the Regulatory Framework of Airline Pilot and Flight Attendants

The legal restrictions of the regulatory structure within which unions function determine how they organize, strike, and how they negotiate contracts. Moreover, the airline union regulatory structure in the U.S. is influenced by government policy, which is often driven by public opinion. Understanding this regulatory structure enables a rational analysis of union responses to management. Perhaps the most important regulatory structure to understand when researching airline pilot and flight attendant unions is the Railway Labor Act.

In the late 1800s the rail industry linked American cities, helping to develop commerce vital to the economy and the growing industrial needs of the country. Railroads were beset with high operational expenses and adjusted the pay and working conditions of their employees accordingly, which in turn often led to wildcat strikes. After decades of railroad labor conflicts and work stoppages, which frequently became violent and resulted in federal troops pitted against workers, President Calvin Coolidge signed the Railway Labor Act of 1926, which was the first federal law that gave workers the rights to organize and elect representatives, without interference or repercussions from employers (The Railway Labor Act Simplified, n.d.). In 1936, largely due to lobbying efforts of the Airline Pilots Association, the RLA was amended to include airlines. The Railway Labor Act obliges carriers and their employees to exert reasonable, arm's-length efforts to voluntarily settle disputes (The Railway Labor Act Simplified n.d.). The original intent of the RLA was not only to prevent any interruption to commerce but also to guarantee the unimpeded right of employees to join a labor union (The Railway Labor Act Simplified n.d.). The rules mandated by the RLA were devised to support the timely and

systematic settlement of disputes over pay rates, work rules, and working conditions (The Railway Labor Act Simplified n.d.). An important aspect of the RLA is the provision that contracts remain in force until altered and that there is no time limit by which contracts must be negotiated to prevent a work stoppage. In other words, contracts do not expire, they merely become amendable. Both labor and management must preserve the status quo, which means no strikes or lockouts are allowed until all procedures of the RLA have been fully exhausted (The Railway Labor Act Simplified n.d.) (see Figure 3.1).



Source: GAO analysis of NMB data.

Figure 3.1: Collective Bargaining Process Under The Railway Labor Act

(U. S. Government Accountability Office, 2003)

Airlines have extremely high capital costs and are vulnerable to cash-flow interruptions that can be brought on by labor disruptions. Whereas in other industries labor groups are free to pursue their own economic best interest, in the airline industry labor is bound by the provisions of the RLA. This can limit workers' power and keep workers bound to an unfavorable contract for years, given that the Railway Labor Act is advantageous to whichever side (management or labor) has an interest in keeping the old contract in force by dragging out negotiations.

Under the Railway Labor Act disputes are divided into four categories: statutory; minor; major; and representational. Statutory disputes involve the legal status of an employee to be represented by a union and seek representation without interference from their employer. Statutory disputes are not assigned to an administrative agency to enforce but rather are litigated in federal court. For its part, a minor dispute is over how to interpret and implement existing agreements. Such a dispute is resolved in arbitration through the System Boards of Adjustment (SBA). The SBA is a grievance committee, set up by individual carriers consisting of typically two union members, two members of management, and one neutral member. Strikes are not permitted for minor disputes. The third category, major disputes, are disputes over wages, benefits, and working conditions and are mediated by a three-member National Mediation Board, who are appointed by the President and confirmed by the Senate. Again, there is no time limit on the mediation process. The NMB determines the schedule of negotiations and only the NMB can release the parties from mediation. If labor unions and management cannot resolve their conflict through mediation, the Board must use its authority to persuade the parties to voluntarily submit to binding arbitration. Arbitration is not compulsory (The Railway Labor Act Simplified n.d.). If both sides voluntarily agree to binding arbitration, then an Arbitration Board agreed upon by the Carrier and the labor union is convened. If either labor or management declines arbitration and

the NMB determines that the conflict threatens to disrupt interstate commerce in any section of the nation, then the President of the United States is notified (The Railway Labor Act Simplified n.d.). There can be no strikes or lockouts for thirty days, during which time the President can create a fact-finding Emergency Board. If the President does not get involved, the union can strike, or the company can lock out employees. If the President does appoint a fact-finding board, a report with non-binding recommendations for procedures or terms on which a dispute might be resolved is produced. During this phase, a second 30-day cooling-off period is started and, again, there can be no strikes or lockouts. If labor and management do not mutually agree to extend the period, a third 30-day cooling-off period begins once the Presidential Emergency Board submits its report. At this point, often after years of negotiations, both labor and management may act in their own economic interests. However, Article 1, Section 8 of the Constitution's Commerce Clause allows Congress to enforce a settlement. Finally, representational disputes involve disagreements over whether the majority of a craft or class of employees want to be represented by a specific union or to be unrepresented.¹ These disputes also determine if a union's certification continues after a merger and if the two carriers will be treated as one (or two) for representation purposes. Representational disputes, like major disputes, are under the jurisdiction of the NMB (Federal Railroad Administration, n.d.).

The RLA has been amended significantly only twice: in 1934 to create the National Railroad Adjustment Board to arbitrate minor disputes and in 1936 to include airlines under the Act (The Railway Labor Act Simplified n.d.). The RLA, however, can be outmaneuvered. It can

¹The American Federation of Labor emerged around the second half of the 19th century based on craft unionism which combined workers by craft or skill. Craft workers could have various employers and at various locations. The rise of the Congress of Industrial Organizations (CIO) in the 1930s brought about the shift towards industrial unionism, as more workers without specialized skill entered the labor market. Unlike craft unions industrial unions organized workers across trades with a single industry or sector. This approach aimed to unite all workers, regardless of their specific skills or craft, under one union (Britannica Money, n.d.)

be circumvented and, in spite of it, union contracts can be vacated. For instance, soon after deregulation, businessman Frank Lorenzo wanted to slash labor costs but knew that the RLA would pose problems. He started a non-union carrier while simultaneously buying stock in unionized Continental and Eastern. By moving assets from one airline to another, Lorenzo was able to first bankrupt the unionized Continental and then Eastern, thus circumventing the safeguards that the RLA offered labor. While Congress has since changed some bankruptcy laws, in some people's eyes this did not go far enough. Virtually every airline employee group today has agreed to concessionary contracts while their companies "reorganized" under bankruptcy protection. By asking the Court to implement Section 1113 of the Bankruptcy Code, airlines can unilaterally reject their contractual obligations to workers although labor is not allowed to strike in response to such actions. Section 1113 of the Bankruptcy Code, titled "Rejection of Collective Bargaining Agreements," allows a company or "debtor" to reject a contract, provided that they meet certain criteria (Legal Information Institute, n.d.). If a bankruptcy judge grants the company's motion to reject the entire contract, then the current contract is rescinded by the court, and the company is allowed to implement new terms for wages, benefits, and working conditions.

3.2 A Tale of Two Unions (Federal Express ground workers and the federal air traffic controllers)

It is important to distinguish between the Railway Labor Act and the 1935 National Labor Relations Act, also known as the Wagner Act. The NLRA is the cornerstone of U.S. labor law, granting private-sector employees the right to unionize, engage in collective bargaining, and take other collective actions such as strikes. The RLA was first enacted primarily to preserve the working relationship between railroad workers and their employers during disputes. The purpose

was to provide stability in the transportation industry and interstate commerce by avoiding strikes. The ongoing battle between the United Parcel Service (UPS) and Federal Express (FedEx) exemplifies the disadvantages of the RLA to unions.

The battle between the United Parcel Service and Federal Express over labor unions has been a long-standing issue. In 1996, an unsuccessful Senate filibuster attempted to prevent FedEx from reinserting the term “expressed carrier” back into the newly amended Interstate Commerce Act. The term, thought to be meaningless, had been deleted as a part of an amendment. FedEx lobbied heavily to have the wording put back in because, as it turned out, the “expressed carrier” wording determines who is and who is not covered by the RLA. Section 1 of the RLA explicitly states that the term “carrier” includes any express company. This simple change in wording ensured FedEx contract negotiations would remain governed by the RLA (Wilner, 2010, p. 44). At the time, FedEx operated as an airline and trucking company that provided nationwide delivery services for packages via air and ground transport with a fleet of over 500 airplanes and 37,000 trucks. Similarly, UPS started out primarily as a trucking company that offered nationwide package delivery via both air and ground transportation. Its 1996 fleet had over 500 airplanes and 147,000 trucks. FedEx was considered an airline, and its employees were governed by the RLA. UPS, however, was considered a small package delivery business, whose employees were covered by the NLRA (Swoboda, 1996). Additionally, FedEx classified its ground employees as independent contractors, while ironically the pilots, governed by the RLA were not.

In 2009, an amendment was thwarted in the House version of the Federal Aviation Administration reauthorization bill. This amendment would have placed FedEx’s workforce under the NLRA. When the bill was introduced and passed in the House the Teamsters and

FedEx launched PR campaigns. The Teamsters put out a press release and a video showing a flight attendant inside a delivery truck providing safety instructions and the nearest exits (Fleet Owner, 2010). FedEx called the NLRA addition to the bill a “Brown Bailout.” While allowing the FedEx workers to work under the NLRA was not a bailout, the term “bailout” carried very negative connotations. The Senate passed another version of the bill without the NLRA-FedEx provision. The deadline for reconciliation passed and the bill did not become law.

This conflict concerning whether FedEx and UPS employees would be covered under the RLA or the NLRA stemmed from how these two laws treat unions. Under the RLA, if a union wants to hold an election, they must collect authorization cards from at least 35% of the craft workers who can be in the union. The next step is that they must get more than half of all the eligible voters (not the majority) to become certified as the bargaining representative. When workers are spread out all over the country, reaching this systemwide threshold is difficult. Under the NLRA, when a union wants to get certification, they can organize worker by worker, at each facility, instead of having to get everybody across the whole company on board. All they need is a majority of the workers who vote at each place. Under the RLA, minor contract disputes must go to binding arbitration. Under the NLRA, workers can strike over these disagreements. Again, for major disputes, the RLA mandates a long mediation process before anyone can go on strike and contracts do not expire, they just keep going until something changes – only the NMB can say when the mediation is over. Under the NLRA, once a contract ends, workers can go on strike. Historically Congress has interpreted its authority to intervene in RLA strikes as being derived from the Commerce Clause of the Constitution and although it does not happen often, the threat of Congressional intervention (usually on the side of management) looms large over railway and airline employees (Wilner 2010).The reason FedEx

continues to fight (and lobby) so furiously to keep its employees under the RLA umbrella is because the RLA is management-friendly, particularly since deregulation. This also holds true for pilot and flight attendant unions.

3.3 PATCO

President Ronald Reagan was sworn into office in January 1981. His alignment with conservative politics was almost immediately effective after he took office. Although labor was still politically powerful, the “Reagan Revolution” would significantly impact labor’s influence in America. The Professional Air Traffic Controllers Organization (PATCO) endorsed Ronald Reagan in 1980. In January of 1980, under President Jimmy Carter a “National Air Traffic Control Contingency Plan for Potential Strikes and Other Job Actions by Air Traffic Controllers” was designed. It included the FAA and the Justice Department’s list of PATCO activists to arrest, complete with plans for injunctions, fines and criminal proceedings (Twarog 2006). Langhorne M. Bond, then head of the FAA, sent letters to controllers with details of the plan, warning that “the best way to handle such a situation was to let people know in advance exactly how we were going to operate. Predictability is important in a strike situation” (Pear 1981). The air traffic controllers mistakenly believed that they had a friend in the White House with President Reagan. When the air traffic controllers threatened to walk out, Reagan made it clear he was not going to tolerate a strike and a line was drawn in the sand. PATCO did not anticipate and was not prepared for President Reagan’s unconditional response. The air traffic controllers’ fatal mistake was to believe that they were irreplaceable. Reagan had already begun to successfully implement his economic programs when he was shot, outside the Washington, D.C. Hilton hotel in early 1981, making him even more popular. Before Ronald Reagan replaced the air traffic controllers in 1981, it was uncommon for American employers in the private sector to

bust unions by permanently replacing workers who had gone on strike. Reagan also forced a lifetime ban on rehiring the strikers, though that was later lifted by President Bill Clinton. Some strikers were jailed and fined. In October 1981, the Federal Labor Relations Authority decertified PATCO. When President Reagan fired the air traffic controllers nearly 60 percent of the American public agreed with his actions. A closer look at the polling data suggests that this was partially because, when asked, the vast majority (68 percent) believed that air traffic controllers should not be allowed to strike. Public opinion polls for another profession might have had a different result. Thereafter, however, private sector employers took a similarly hostile stance when workers went on strike. The message that President Reagan sent to labor was received, both by the airlines and their unions. In the decade that followed, strikes decreased while presidential interventions, court-recognized work actions, and the median length for contract negotiations increased for airline unions.

These examples demonstrate complexities involved in labor regulation, collective bargaining and government oversight. Parallels can be drawn between these unions that play a vital role in keeping their industries moving, whether the flow of air traffic or the flow of goods. In all cases, it is clear that the regulatory structure a union works under is perhaps the most significant factor under which collective bargaining takes place. Finally, unions are controlled by the legislative process. This legislative process is often influenced by public opinion. Unions must always have a clear understanding of the direction that the political wind is blowing.

3.4 Pattern Bargaining

Moving from the regulatory framework of unions, it is important to pivot to another component of airline pilot and flight attendant contract negotiations. One of the goals of unions has been to make wages and benefits uniform within an industry, preventing competition among

workers. One tactic used to accomplish this is called “pattern bargaining.” In terms of the aviation industry pattern bargaining is a system of bargaining that occurs when a contract at one carrier is used as the standard for other carriers. Regardless of whether the contract is superior or inferior to the previous contract, the new contract with one air carrier is signed and other airlines or its unions use that agreement as a precedent to demand the same contract.

Before deregulation (which will be discussed in the following chapters) airlines could pass along increased cost of labor contracts to the customer. Over time, however, regulation led to ratcheting up the value of labor agreements. After airline deregulation, air carriers began pushing back on unions, reversing historic gains, because airlines were now competing based on ticket prices. This led to a ratcheting down in the value of labor contracts. In the deregulated environment, new entrant airlines, many of which hired nonunion pilots and flight attendants, produced downward pressure on wages, benefits, and work rules. For example, in 1984 American pilots introduced the B scale (newly-hired employees performing the same job for the same company at a lower rate) for newly-hired pilots. American Airlines was rapidly expanding into the territory of Piedmont Airlines. Under competitive pressure, Piedmont’s management insisted on the implementation of a B scale as part of a new agreement with its pilots. This process was continually used by airline management post 9/11, to achieve concessionary contracts in a “race to the bottom.”

Recent pilot contract negotiations provide a prime example of effective pattern bargaining leading to the achievement of significant improvements. First up among the big four airlines, in March of 2023, Delta’s pilots agreed to an industry-leading agreement. American Airline’s pilots followed with an even better contract. However, before American’s pilots ratified the new contract, United’s pilots signed on to a still better agreement. This led to American’s

management improving their offer. Of course, Delta's pilots have a provision requiring the company to match the compensation of their peers, plus one percent. Because of pattern bargaining, in January of 2024, Southwest pilots approved a new agreement providing significant pay raises and other contract improvements. The practice of pattern bargaining has been used in the aviation industry throughout its history and it still is today. It has been used to the advantage as well as the disadvantage of pilot and flight attendant unions. A basic understanding of pattern bargaining and the regulatory structure, under which pilot and flight attendants operate, is an important component of this thesis.

An exploration of the regulatory structure of aviation, then, is a crucial first step in understanding the responses of airline unions in contract negotiations. However, it is equally important to explore the history of aviation, which provides context for these regulations. Today's airline pilots and flight attendants embrace a past intertwined with daredevils, inventors, entrepreneurs, risk-takers, and activists. However, despite their differences these workers ultimately unionized under a common cause – safety.

3.5 From Postal Routes to Pan Am: Commercial Aviation Begins

From its beginning the pursuits in aviation required perseverance, and human ingenuity. It was fraught with danger – both known and unknown. Although aviation certainly had a practical purpose it was also thrilling. Over time, significant shifts in global history accelerated technological advancements. It was in this environment that commercial aviation emerged. This is a history connected by innovation and entrepreneurship propelled by government support.

In 1903, Orville Wright's first powered flight traversed a history-making 120 feet, shorter than the wingspan of today's average jumbo jet. By 1969, Neil Armstrong and Buzz Aldrin had flown 238,857 miles to land on the Moon. Since its inception, air travel has challenged

geographical boundaries and altered the course of human history. Aviation first influenced twentieth century economics through transporting mail and cargo. By transporting passengers, aviation has not only changed the world's economy, but it has also transformed cultures, simultaneously compressing time and space. Aviation has also redefined modern warfare, completely realigning the world's power structure.

In 1911 the first letter marked "Aeromail" was flown to the Mineola Post Office, only ten miles from Nassau Boulevard, Long Island, where the flight had originated (Kane, 2003, p. 91). Even though the U.S. Post Office supported the use of aviation to deliver the mail, it was not funded by Congress until 1916 and, even then, only \$50,000 (about \$1.5 million today) was appropriated (Kane 2003). The first official airmail service did not begin until after World War I had ended in 1918. This airmail route was from New York to Washington, D.C., with a stop in Philadelphia, which was necessary to change pilots and airplanes (Kane 2003, 92). The airmail service started with four Curtiss Jenny planes, manufactured by the Glen Curtiss factory, the first aircraft factory in the United States. The day before the first Post Office flight, it was discovered that hastily printed stamps, designed specifically for airmail service, had been sold to the Washington Post Office with a picture of the "Jenny" in an inverted position, and these stamps would become some of the most valuable ones ever (mis)printed (Kane 2003, 95). Later that year de Havilland military observation planes were added to the service, but they were subsequently withdrawn and modified because the gasoline tank had been located behind the cockpit, such that a crash landing virtually guaranteed a fiery death "when the pilot found himself pinned between a ruptured fuel tank and a red-hot Liberty engine" (Kane 2003, 97). This earned the planes the name "flying coffins." Flying airmail was believed to be the most hazardous job in the country, as thirty-one of the first forty pilots hired were killed in crashes (Smithsonian National Postal

Museum , n.d.). The de Havillands were also known for reaching perilous, high landing speeds, partially because they were too heavy. As one pilot remarked after a forced landing, they had “the gliding angle of a brick” (Scott, 2016, p. 7). This was not helped by the fact that weather conditions can change dramatically and without warning. In those early days, when weather halted all surface road traffic, “neither snow nor rain nor heat nor gloom of night,” it was claimed, stopped pilots from delivering the mail – all without any communication with ground crews, navigational aids, radios, or aerial signposts, landing on poorly-lit and poorly-designed landing fields (Kane 2003, 95). Although the government did not make a profit from flying mail, the advances brought to aviation because of the post office airmail system hastened the growth of the U.S. commercial aviation industry.

World War I triggered a huge power shift in aviation. More vulnerable to attack than isolated countries such as the United States, it was important for European countries to develop their military aircraft. While the U.S. armed forces gave little attention to aviation, World War I hastened early aviation advances in Europe. Hence, when the U.S. entered World War I, American pilots had to use British and French aircraft. Thus, the countries of Europe had more pilots, more aircraft, and outspent the United States on military aviation. In 1910, the United States had only 18 licensed pilots and 193 in 1912. But in much less populous France, there were 339 licensed pilots in 1910 and 968 in 1912. Both Germany and Great Britain had many more pilots than the United States. In 1912, the militaries in France, Germany, Russia, Great Britain, and Italy had more aircraft than the United States (France had 25 times as many). In 1913, France spent more than 60 times the aviation budget of the United States, Russia and Germany 40 times, and Great Britain 24 times as much. But even so, no country had any aircraft that were

specifically designed for combat. None were equipped to drop bombs or had any type of gun, let alone a machine gun (Gropman, 2013)

The post-World War I setting helped facilitate European commercial aviation. Railroads within the war zone, from Belgium to France, sustained widespread damage. Unlike major American cities, many European cities were separated by water, which shaped how the industry developed. Thus, crossing the English Channel was as significant to commercial aviation as it was to the military. Following the lead of the Royal Air Force, which converted two Handley Page 0/400 bombers into His Majesty's Air Liners, the *Silver Star* and the *Great Britain*, entrepreneurs in France and Britain used leftover bombers as a source of equipment (Heppenheimer, 1995, p. 6). In 1919, using a modified World War I Vickers Vimy bomber, British aviators John Alcock and Arthur Whitten Brown made the first non-stop flight across the Atlantic Ocean in less than seventeen hours. They flew 1,950 miles from St. Johns, Newfoundland to Clifden, Ireland (Taylor and Munson 1976, 141). During the Great War both men had been prisoners of war – Alcock had been taken prisoner after making an emergency landing behind enemy lines, while Brown, a navigator, was shot down behind German lines – and, though, in different POW camps, had spent much of their time thinking of when the war would end and flying across the Atlantic. Serendipitously, both men went to work at the Vickers aircraft factory after the war, which led them to form what would become a historical partnership to accomplish their mutual dream (Fasolino, n.d.). The journey of the Vimy, though, was plagued with difficulties. The flight started on a clear summer day but, when evening fell, a thick blanket of fog covered the airplane. After several hours, they finally flew out of the fog and were able to navigate by the stars. With the dawn came massive clouds producing hail and turbulence so severe that, with one particular nosedive, the plane came so close to the ocean that Alcock tasted

salt on his lips (Fasolino, n.d.). Ice continually formed on the wings and engine, forcing Brown to climb out during flight to chip it off. Eventually, despite their best efforts, one of the engines shut down, leaving no other option but to reduce their altitude to a perilous height to melt the ice. Finally, when they reached Ireland, they mistook the waving and yelling locals as fans. Actually, the crowd was trying to warn them that they were about to land in a bog (Fasolino, n.d.). The wheels descended into the bog and the Vimy nosed over, but the two aviators were uninjured. Alcock and Brown were knighted by King George V. They were also presented the Northcliffe prize by Winston Churchill, the Secretary of State for War and Air.

Even with a great need and numerous attempts, however, operating costs proved too high for the number of passengers a plane could carry commercially in these early days. At first, Winston Churchill refused to help the fledgling airline industry, stating that “civil aviation must fly by itself; the government cannot possibly hold it up in the air” (Heppenheimer 1995, 7). For their part, French airlines cut their fares, confident that Paris would cover their losses. Within months the British airlines went out of business, prompting Churchill to reverse his stance. Consequently, in 1924 the British government agreed to combine and fund all its carriers for the next ten years (Heppenheimer 1995, 9).

Meanwhile, spurred on by the international airmail delivery of sixty letters from Vancouver, British Columbia, to Seattle in 1919, the U.S. government was also exploring the idea of subsidizing airlines (van der Linden, 2002). The first regular international airmail service also began in Europe in 1919, with a route between London and Paris. This drove the U.S. Congress to pass the Air Mail Act of 1925, also known as the Kelly Act, which was created to “encourage commercial aviation and to authorize the postmaster general to contract for the mail service” (Kane 2003, 102). Despite the shaky take off, the airmail program quickly became a

profitable enterprise. Soon, planes specifically designed to carry mail were built and civilian pilots were hired to replace the army pilots. Private companies carrying airmail ushered in the beginning of the U.S. commercial aviation industry.

In the early 1920s, there were other entrepreneurs – pilots who would own or lease a field with a shed used to keep airplanes. They contracted passengers and goods, day to day, at an agreed-upon price to an agreed-upon destination (Solberg, 1979, p. 31). Aero Limited, formed by Inglis Uppercu, was a much more organized form of commercial flying. Using the shoreline and numbers painted on lighthouses as navigational aids, Aero Limited employed seaplanes to transport passengers between Miami, Bimini, Nassau, and Havana with twin-engine flying boats built for the Navy during World War I (Solberg 1979, 31). Uppercu also later formed Aeromarine West Indies Airways, which published timetables and carried passengers on scheduled routes. This type of flying was a natural progression of aviation. Flying along shorelines did not require runways and passengers seemed to feel safe at low altitudes above the water. Although at first phenomenally successful, Aeromarine Airways went out of business in 1923, following a series of well-publicized crashes with numerous fatalities. In addition to public relations difficulties, commercial aviation needed to attract more than passengers to support scheduled routes with planes, pilots, and mechanics. It also needed Wall Street investment. This missing element would be found with Juan Trippe, son of William Trippe, senior partner of White, Weld and Company (Solberg 1979, 33). In 1910, Trippe had witnessed Glenn Curtiss complete the first flight from Albany, New York to Manhattan, along the Hudson. This was unlike the excursions made on sunny days around pastures and airfields. Even for Curtiss, who had progressed from bicycle racing to building and racing motorcycles, a flight through an unknown landscape and largely unpredictable weather was considered suicidal (Shulman, 2002).

Curtiss was much more than a daredevil, however. He was a prolific inventor, who was recruited by Alexander Graham Bell to join his Aerial Experiment Association. Working with the AEA, Glenn Curtiss designed their third aircraft, the June Bug, which he flew to win the Scientific American Trophy, given to the first American airplane completing a flight of at least 1 km. This flight was also a milestone in commercial aviation because it was the first official public flight of an airplane in the United States (Shulman 2002). Later, Curtiss would modify the June Bug with floats and rename it the Loon. Curtiss continued to design seaplanes, eventually designing the Triad because it operated on land, sea, and air. Designing, building, and flying the first aircraft to take off from a ship, he was fundamental to the development of the U.S Navy's aviation program. Curtiss trained the first Navy pilots and is known as the "Father of Naval Aviation" (Smithsonian National Air and Space Museum 2007). This period also marked the beginning of the Wright brothers' patent war. Curtiss refused to pay license fees for the use of ailerons to the Wright brothers, who claimed the patent. The Wright brothers, who worked mostly in secret, began a protracted battle against Curtiss and other early aviators over who owned "the aeronautical principles that made flight possible" (Trainor, 2015).

In the small world of aviation, many names would surface and overlap again and again. Trippe learned to fly while serving in the Navy during World War I. After returning to Yale to complete his college degree, he organized a flying club. When Trippe began working on Wall Street it was for an investment house that gave him access to cost figures for the transportation industry (Solberg 1979, 34). Later, Trippe and some of his Yale college friends bought nine surplus Navy trainers and started New York Airways. However, it was his political connections that proved most beneficial. As Trippe told it later, some of his best Yale friends came from Pittsburgh, from the very district represented by Congressman Clyde Kelly, chairman of the

House Post Office Committee. Trippe and friends, one a railroad president's son, helped persuade Kelly to introduce a bill in 1925 opening flying of airmail to private contractors (Solberg 1979, 34).

Trippe's Colonial Air Transport was granted Air Mail Route No.1, New York-Boston, one of five contracts granted. The route connecting Chicago and St. Louis went to Robertson Aircraft Corporation, who hired Charles Lindbergh as chief pilot. The Chicago-Dallas route went to National Air Transport, backed by money from Chicago and Wall Street, while the route that connected Salt Lake City with Los Angeles was awarded to Western Air Express with funding from some of the wealthiest men in Southern California. The Salt Lake City to Pasco, Washington route went to another California-based outfit, Varney Air Lines. Only two weeks later, a sixth contract was awarded to Henry Ford to carry mail between Chicago and Detroit and Cleveland and Detroit. Varney later became United Airlines. Robertson merged with other companies and eventually became American Airlines. Western Air Express became TWA (Solberg 1979, 34-35). Juan Trippe established the Aviation Corporation of the Americas based in Florida which later became Pan Am and expanded his government contracts in 1927. Through the heavy lobbying efforts of Juan Trippe, Pan Am was selected by the United States government to be its "chosen instrument" for overseas operations. Pan Am would enjoy a near monopoly on international routes. Added to Pan Am's Cuba route were lines serving Mexico, Central America, the Dominican Republic, Haiti, and Puerto Rico (PBS Chasing the Sun, n.d.)

3.6 Establishing Sovereignty to International Aviation Agreements

With the introduction of flight and the ability to easily cross physical borders came new questions of sovereignty. Although foreign air carriers were typically either partially or entirely state-owned or controlled, U.S. airlines have always been private entities, apart from a brief

period in the 1930s when the U.S. Army Air Corps flew the mail. Both U.S. and foreign air carriers have historically received government subsidies of one form or another and these subsidies, first in America and then overseas, did not begin to appreciably abate until the latter quarter of the 20th century. Historically, airline viability was often a two-way street. For their part, governments wanted the power, wealth, security, and prestige associated with control over their own airspace, in addition to the protection of markets for the sale of their own aviation products and services which were built and supplied by their nation's labor force. Concurrently, the national air carriers and corollary aviation industries relied heavily on government financial support, including the legal protection of monopolies and oligopolies, as well as a host of direct and indirect financial subsidies. Since its earliest days aviation was connected extensively to governments in both Europe and the U.S. In the 1930s, the U.S. airline industry depended on government subsidies for survival and payment for the carriage of mail was a primary source of income (Dempsey, 1987, p. 318). Imperial Airways, which later became the British Overseas Airways Corporation, provided commercial service to Europe and linked the Empire to South Africa, India, and other parts of Asia. Since airplanes can easily cross territories, which can be considered a violation of sovereignty, maritime law was inadequate for regulating air commerce. Consequently, a basic legal framework was a necessary step towards international aviation. The legal foundation for the airline industry was unique in that prior to a carrier operating in another country it was necessary to first negotiate a treaty with the destination country's government. Bilateral and multilateral agreements were established through decades of international conventions and conferences that produced air service agreements which were initially rather restrictive, controlling pricing, capacity, schedules, and product and service specification.

The first conference on international aviation was convened in Paris in 1910 and attended

by 19 European states. Although a few basic principles governing aviation were settled, “Those attending could not come to any basic agreements. They were divided between the concept of a freedom of the air, paralleling that of the sea, and the concept of national sovereignty that extended into international airspace” (Kane 2003, 360). World War I presented new and more pressing questions regarding international aviation law. On March 6, 1919, the Paris Convention, also known as the Convention Relating to the Regulation of Aerial Navigation, established three important sub-commissions to address legal, technical, and military aspects of international aviation (Kane 2003, 360). However, the Convention’s influence was limited because in the 1920s aircraft were not yet capable of worldwide transport (Kane 2003, 360). The participating nations voted for complete and exclusive sovereignty over a state’s territory, thus establishing the theory of sovereignty of air space and laying the groundwork for governments to regulate aviation in their national airspace. This represented a departure from international maritime law, which had allowed freedom of the seas. This national air sovereignty principle assured governments continued involvement in international aviation. In 1926 the Ibero-American Convention Relating to Air Navigation was formulated at a conference held by Spain, Portugal, and 19 Latin American countries as a reaction to what was perceived to be the unfair voting procedures of the Paris Convention, but it was never registered with any international body (Kane 2003, 360). Modeled after the Paris Convention, a Pan-American conference was held in 1928 to recognize “that every country had complete and exclusive sovereignty over the air space above its country and adjacent territorial waters” (Kane 2003, 361).

Although the Paris Convention had resolved many aviation matters for European countries, the nations of the Western Hemisphere found it inadequate. The Havana Convention of 1928, agreed to by 21 Western Hemisphere countries, “guaranteed the right of innocent

passage of aircraft and formulated the rules for international air navigation between the contracting states relating to aircraft identification, landing facilities, and standards for pilots. It also stated the right of each country to set the route to be flown over its territory” (The U.S. Centennial of Flight Commission, 2011). Accountability of air carriers for damage to human life and property was not addressed until 1929, when the Warsaw Convention determined air carriers’ accident liability for international carriage of persons, luggage, or goods.

World War II interrupted civilian flying. However, wartime research and production accelerated innovation in aviation. Significantly, development of the jet engine facilitated long-distance travel in a shorter time. The impending Allied victory, with its seismic change to the world order, meant that the political structures previously governing aviation were no longer relevant. Clearly, civil aviation would soon become an important facet of international relationships. A longtime champion of aviation, Franklin Roosevelt felt that air transportation was the first pathway to healing the wounds of war (Shane, 2019). He and Winston Churchill realized that a post-war aviation policy would become necessary. They believed that an organization modeled after the United Nations would be the proper path to enacting new rules governing international civil aviation and arranging the guidelines for transatlantic and other international aviation (International Civil Aviation Organization, 2023).

In this context, representatives of fifty-two nations met in Chicago, from November 1 to December 7, 1944, to "make arrangements for the immediate establishment of provisional world air routes and services" and "to set up an interim council to collect, record and study data concerning international aviation and to make recommendations for its improvement" (International Civil Aviation Organization 2023). Of course, with the war still raging Japan and Germany were not invited. Conspicuously, Saudi Arabia and the Soviet Union refused to

participate. The attending nations that met at the Chicago conference were in pursuit of a rigorous economic strategy that would also recognize national sovereignty. The Chicago Conference, also called the Convention on International Civil Aviation, called for an independent body to address international technical standards and procedures, as well as economic rules regarding international aviation (International Civil Aviation Organization 2023).

The United States entered the Chicago negotiations as the world's dominant aviation power, both in terms of aircraft production and technological expertise. It would emerge from the war with a tremendous fleet of long-range transport planes readily convertible to civilian use, as well as a massive industrial infrastructure which, when fully converted to civilian production, would be capable of producing large numbers of commercial aircraft. In addition to this obvious advantage in production capability, the American aircraft industry had achieved a number of important technological breakthroughs during the war years which would ensure its supremacy for decades to come.

Ultimately, the objectives of the conference were thwarted by economic conflicts between the United States and the United Kingdom. Hence, one group of countries, led by the U.S., argued for a multinational, free-market environment that provided for an organization to make recommendations that dealt with technical aspects of international aviation only. Roosevelt believed in strong participation from the airlines of all nations in the post war aviation market (Shane, 2019). “In the American view, reliance on commercial air carriers to provide the quantity and quality of transport services demanded by consumers was preferable to economic regulation by government fiat” (Dempsey 1987, 312). Whereas the U.S. favored a multinational, free-market approach, others, especially the United Kingdom, were concerned that this would lead to unrestrained competition with the U.S. Consequently, the U.K. argued for a more

restrictive environment in which the governing body would be sanctioned to allocate international routes, regulate frequency of flights, and fix rates. The British members of the delegation believed that their aviation industry needed a period of recovery in order to compete with the U.S. (Dempsey 1987). Essentially, “the U.S. wanted ‘freedom in the air’ while the U.K. wanted ‘order in the air’” (Shane, 2019). The Chicago Conference stipulated that an independent international regulatory body, the International Civil Aviation Organization (ICAO), an agency of the United Nations, would set standards and regulations for the orderly, safe, and efficient development of international civil aviation throughout the world (International Civil Aviation Organization 2023). The constitution which was finally adopted by the Conference was a compromise between the American and British positions. However, a major accomplishment, and one that is still applicable to international aviation agreements, was the development of the framework within which civil air transport would eventually function.

Despite their differences, by the end of the weeks-long meeting the representatives in attendance put forward a set of rules, which were to become effective on April 4, 1947. These were the Nine Freedoms of the Air, which were designed to establish air carriers’ rights to enter and land in countries other than their home country (see Table 1). However, the U.S. and the U.K. were only able to agree upon the first two Freedoms proposed. The Chicago Convention, then, failed to produce an agreement on implementation of multinational agreements. Bilateral agreements instead became the norm.

Table 1: Nine Freedoms of the Air

First Freedom. The freedom to overfly a foreign country from a home country en route to another without landing. Also called the transit freedom.

Second Freedom. The freedom to stop in a foreign country for a technical/refueling purpose only. A flight from a home country can land in another country for purposes other than carrying passengers, such as refueling, maintenance or emergencies.

Third Freedom. The freedom to carry traffic from a home country to another country for purpose of commercial services.

Fourth Freedom. The freedom to pick up traffic from another country to a home country for purpose of commercial services. (The Third and Fourth Freedoms are the basis for direct commercial services, providing the rights to load and unload passengers, mail, and freight in another country. They are commonly reciprocal agreements.)

Fifth Freedom. The freedom to carry traffic between two foreign countries on a flight that either originated in or is destined for the carrier's home country. It enables airlines to carry passengers from a home country to another intermediate country, and then fly on to third country with the right to pick up passengers in the intermediate country. Also referred to as "beyond right". This freedom is divided into two categories: Intermediate Fifth Freedom Type is the right

to carry from the third country to the second country. Beyond Fifth Freedom Type is the right to carry from second country to the third country.

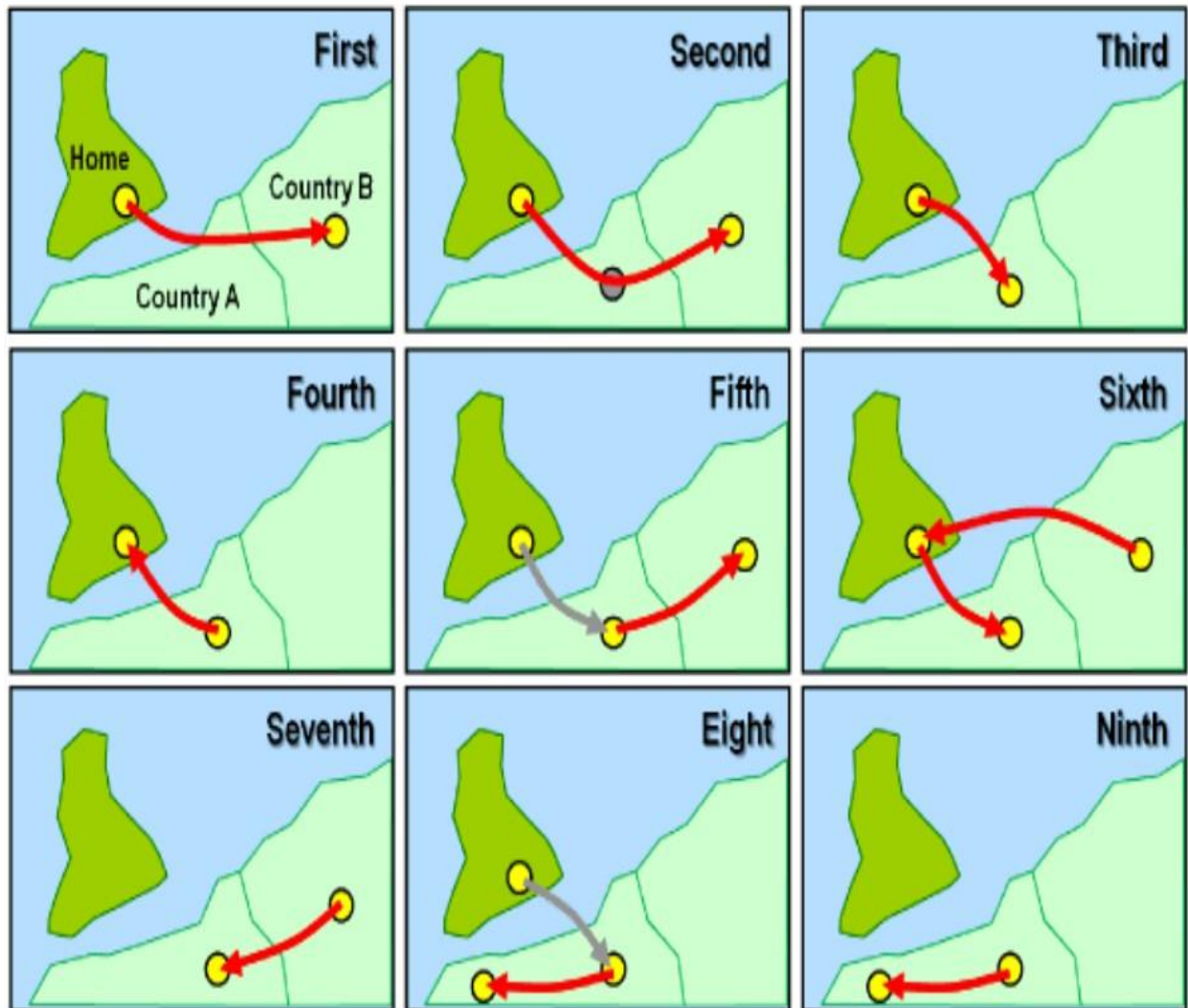
Sixth Freedom. The "unofficial" freedom to carry traffic between two foreign countries via the carrier's home country by combining third and fourth freedoms. Not formally part of the original 1944 convention, it refers to the right to carry passengers between two countries through an airport in the home country. With the hubbing function of most air transport networks, this freedom has become more common, notably in Europe (London, Amsterdam).

Seventh Freedom. The freedom to base aircraft in a foreign country for use on international services, establishing a de facto foreign hub. Covers the right to operate a passenger service between two countries outside the home country.

Eighth Freedom. The freedom to carry traffic between two domestic points in a foreign country on a flight that either originated in or is destined for the carrier's home country. Also referred to as "cabotage" privileges. It involves the right to move passengers on a route from a home country to a destination country that uses more than one stop along which passengers may be loaded and unloaded.

Ninth Freedom. The freedom to carry traffic between two domestic points in a foreign country. Also referred to as "full cabotage" or "open-skies" privileges. It involves the right of a home country to move passengers within another country (Rodrigue, 2020).

Nine Freedoms of the Air



https://www.mcgill.ca/iasl/files/iasl/air_traffic_rights_2017.pdf

Figure 3.2: Nine Freedoms of the Air

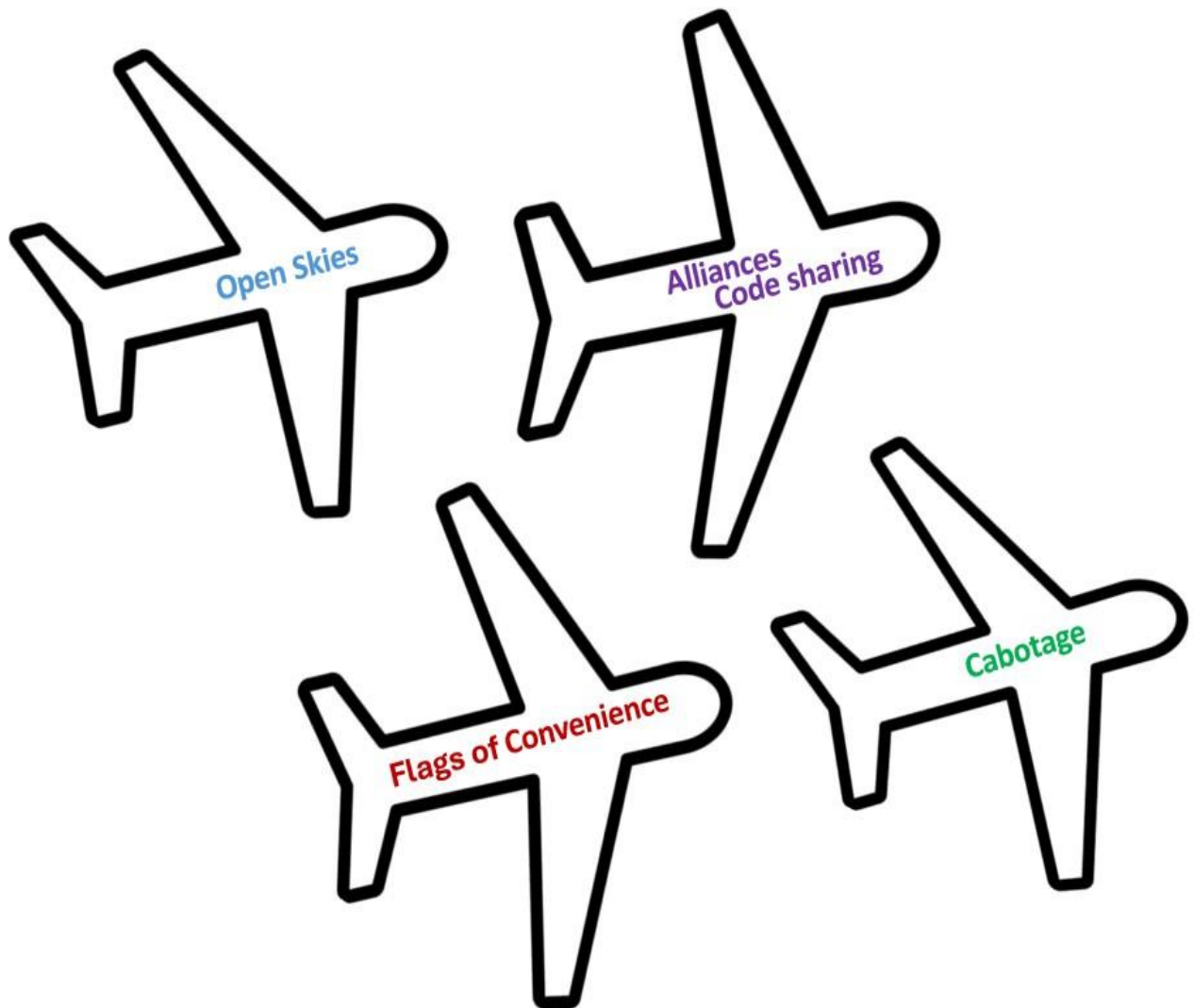


Figure 3.3: Chicago Convention-Layers of Complexity

Open Skies agreements are international agreements between **governments**, which allow two or more countries' airlines to fly from any city within one country to any city within the other country. The Chicago Convention encouraged multi and bilateral agreements. Deregulation created more demand when the Carter administration started negotiating for more agreements. However, demand did not really pick up until the 1990s. They are designed to be pro-competition, pro-consumer, and pro-growth (U.S. Department of State, 2021). These agreements ordinarily create more jobs for pilots and flight attendants because they open up more routes. However, they can become problematic when carriers are government-subsidized, such as the Persian Gulf carriers which can compete at a lower cost.

Alliances, such as Star Alliance, Oneworld, and SkyTeam, are formal agreements between two or more **airlines**. This gives airlines greater access to destinations, and they often include code-sharing agreements. They can also include marketing strategies, and frequent flyer programs.

Code sharing agreements are partnerships between **airlines** which publish and market the same flight allowing them to expand their network without necessarily operating the flights themselves. Code sharing benefits the airline but does not typically create more mainline pilot and flight attendant jobs in the U.S.

Flags of Convenience allow airlines to register their aircraft in **another location** other than its home country. These “convenient” locations have more business-friendly regulations, employment, and tax laws than those of the home country. The Chicago convention includes ownership and control laws that somewhat help to prevent the practice.

Cabotage is the right of an airline to take off and land, between **two airports within the borders** of one country, by an aircraft registered outside of that country. However, article 7 of the Chicago Convention gives countries the right to prohibit the practice.

Figure 3.4 : Explanation of Figure 3.3

In 1946, delegates from the United States and the United Kingdom met in Bermuda to settle the remaining issues and the Bermuda I agreement was signed. Although not the first bilateral agreement, the Bermuda I agreement between the United States and the United Kingdom is considered the “father” of modern bilateral air transport agreements (Kane 2003). This time both the British and the U.S. had significant bargaining assets. “The principal British advantage was geographic in nature; by controlling numerous strategic landings and refueling locations around the globe, Britain, with its vast Empire upon which the Sun never set, could restrict American access to a number of important trunk routes. The primary U.S. advantage was its much-publicized domination in aircraft production and aviation technology” (Dempsey 1987, 315). It was agreed that the International Air Transport Association (whose members are airline corporations) would be responsible for determining air fares, subject to approval by the governments affected (Dempsey 1987, 315). Bermuda I therefore became “the prototype for bilateral air transport agreements throughout the world over the next thirty years” (Dempsey 1987, 316). The result was that national governments continued to be an integral part of international civil aviation policy.

3.7 The Flight from Regulation

Once private airlines’ economic viability became a reality, regulation of the industry became a necessity (Dempsey 1987, 318). Civil aviation policy was established in the United

States with the Air Commerce Act of 1926, giving the Department of Commerce regulatory power over the industry, followed by the Civil Aeronautics Act of 1938, which was the beginning of economic regulation (The Library of Congress, 2020). Through the Civil Aeronautics Act, Congress created a Civil Aeronautics Authority, which later became the Civil Aeronautics Board (CAB) (The U.S. Centennial of Flight Commission 2011). The Civil Aeronautics Board was authorized to control the economic growth of U.S. airlines by approving routes and airfares, along with regulating entry and exit into the aviation market, the pricing of airline services, as well as carrier agreements and mergers. The Civil Aeronautics Act of 1938 was a constitution upon which the U.S. aviation industry could expand and develop (Kane, Air Transportation 2003, 112). Revisions were made to the Civil Aeronautics Act regarding safety by the Federal Aviation Act of 1958. However, no substantive changes were made concerning economic or regulatory provisions (Kane 2003, 114). From 1938 through 1976, the CAB continued to regulate the industry. Not only had the U.S. aviation industry been regulated to a greater extent than most other industries, but until 1975 this federal regulatory control had continuously increased (Kane 2003, 303). Unlike any other segment of American enterprise, then, the air carriers had found themselves, wholly or in part, under government control since their inception in the 1920s. It was the action of the Federal Government, through the Post Office promotion of airmail, which led to the creation of the commercial air transport industry. Since governmental control was so positive, hardly any action could be taken without Federal knowledge or approval. This was true in the area of air carrier economics as well as safety (Kane, Air Transportation 2003, 303).

Under the aegis of this government regulation, during the late 1970s the CAB permitted a large number of American air carriers to provide service to London. The British believed that

this American expansion under Bermuda I resulted in an imbalance of benefits, favoring the U.S. (Dempsey 1987, 330). In 1977, as Bermuda I was about to expire, Bermuda II, which predominantly addressed U.S. – U.K. relationships, was signed. Bermuda II limited the number of carriers designated to serve specific routes and restricted capacity, which considerably affected American carriers' Fifth Freedom rights (Sion, 1981). [The Fifth Freedom right, which is sometimes called “beyond rights,” allows a carrier to take passengers from its own country to a destination of another country and then carry passengers from this foreign country to other international destinations (Rodrigue 2020).]

Meanwhile, in 1970, with a looming economic recession, Pan American Airlines launched the first Boeing wide-bodied commercial flight. The Boeing 747 was powered by four efficient turbofan engines and called a “wide-body” or “twin-aisle” aircraft because its fuselage differed from that of the “narrow body” aircraft with a single aisle that runs the length of the cabin (Smithsonian National Air and Space Museum. , 2007). Soon more wide-body designs would be purchased by commercial airlines, such as the McDonnell Douglas DC-10, the Lockheed L-1011 TriStar, and the Airbus A300. These wide-bodied aircraft greatly increased airline capacity. Only three years after the first wide-bodied plane was introduced by Pan American, Arab members of the Organization of Petroleum Exporting Countries (OPEC) would impose an embargo against the United States in retribution for U.S. support of Israel in its war against Syria and Egypt. This had negative effects on U.S. aircraft producers and airlines, who were now facing an impossible balancing act – an economic downturn, massive increases in the cost of oil, and new orders for airplanes that pushed airlines' needs to fill more seats. The CAB reacted to the impending crisis by allowing airlines to raise ticket prices while, at the same time, restricting route capacity.

Public opinion, as well as consumer advocacy, shifted towards favoring the deregulation of airlines. Future Supreme Court Justice Stephen G. Breyer, working as a counsel for the Judiciary Committee, then chaired by Senator Edward M. Kennedy, encouraged the Senator “to embrace a cause that moderated the Senator’s image as a doctrinaire liberal: deregulation—of the airlines, trucking, and the natural-gas industry” (Toobin, 2005). In 1975, Senator Kennedy, with an eye on a bid for the White House, began hearings on airline and trucking deregulation. Although Kennedy did not win the Democratic nomination for President, with Jimmy Carter as President “the nation had a firm disciple of transportation deregulation in the White House” (Dempsey 1987, 325). President Carter appointed Cornell University economics professor Alfred Kahn to serve as Chairman of the U.S. Civil Aeronautics Board. As a response to Kahn’s recommendation, Congress passed the Airline Deregulation Act of 1978, which discontinued the CAB’s economic regulation of the airlines as well as the federal government’s control over airfares and services. Many aviation scholars believe that 1978 was the year of the most far-reaching regulatory changes since the Chicago Convention (Dempsey 1987, 335). But there was a significant difference: Chicago had been a multilateral consensual resolution of conflicting national political and economic interests; the Carter Administration’s approach was one of unilateral insistence of pro-competitive ideology upon a world acclimated to the existing legal and economic order of regulated competition (Dempsey 1987, 335).

The 1978 free market policies of dogged insistence of a unilateral, laissez faire ideology thrust upon a globalized regulated industry led to more than three decades of cutthroat competition, overexpansion, and artificially low fares. With deregulation came the end of The Mutual Aid Pact (MAP), an agreement among most of the air carriers that was approved by the Civil Aeronautics Board in 1958. Further limiting union power, if a member airline’s unions

went on strike, other MAP airline members would compensate the struck airline. The airline whose union was striking was entitled to payments from MAP member airlines, equal to the increase in revenue for the non-striking airlines, minus any added operation expenses incurred from the extra business due to the strike (Kaps, 2012, p. 123). “Windfall” payments were made by carriers that profited from new business as a result of a strike. In 1962, the agreement was altered to a guarantee of 25 percent of its operating expenses lost by the strike. This agreement was modified again in 1969, to a sliding scale, starting at 50 percent during the first fourteen days of a strike, which would be reduced to 35 percent for strikes lasting more than four weeks. In 1970, Northwest Orient received \$46 million in aid from other MAP airlines, resulting in a profit of \$44 million for the year. In that same year, United Air Lines lost \$40 million but paid nearly \$17 million to Northwest Orient under MAP (Kaps 2021, 123). Over its lifetime, the MAP moved more than \$610 million dollars between its members. In 1978 the MAP was repealed (Kaps, 2012, p. 123).

3.8 Deregulation to Airline Consolidation

The 1978 cessation of the U.S. aviation economic regulatory structure demonstrates the inherent perils of supply-side economics in an unregulated global airline industry. The deregulation of the U.S. industry increased access and lowered airfares at the expense of the airline employee, wreaking havoc on the airline industry as a whole, which posted a net loss of more than \$60 billion in that time period (Kenney, 2011). The number of major carriers in the United States has fallen dramatically and more than two hundred upstarts have come and gone.

Following deregulation airline consolidation proceeded at a steady rate. Forced to quickly adjust to new economic realities, many airlines simply did not survive the upheaval. Icons of American aviation, such as Eastern, Pan Am, and Braniff, succumbed while several merged to

become new, larger entities. USAir, already an amalgamation of several airlines, merged first with PSA in 1986 and then Piedmont in 1989. By the late 1990s, the now renamed USAirways sought to merge with United, though without success. Continental weathered a pilots' strike following its acquisition by Texas Air in the early 1980s and soon combined with Peoples Express. Delta successfully linked up with Western in 1986, while American's merger with TWA in early 2001 completed the post-deregulation phase of consolidation.

The horrific and catastrophic events of September 11, 2001, thrust the industry into a downward spiral, creating a new desperation for yet more consolidation. With the industry's very survival in question, costs – particularly those for labor – needed to be decreased in a dramatic fashion. The airlines' penchant for oversupply of available seats also needed to be brought under control. Delta's acquisition of Northwest in 2008 made it the world's largest air carrier until being eclipsed by the United/Continental combination in 2010. Low-cost leader Southwest's acquisition of Air Tran, also in 2010, opened new opportunities for that company to pursue international destinations. USAirways, after two trips through bankruptcy court, merged with America West in 2005 and finally in 2014 the two airlines combined with American Airlines, making it the largest airline on the planet. This phase of consolidation resulted in four large air carriers closely matched in terms of market share. Meanwhile, the major players in Europe, including British Airways and Air France, have bolstered their route systems with ownership stakes in some of their weaker counterparts. Lufthansa, unique among its peers, acquired a 19 per cent stake in US carrier Jet Blue in 2007. Lufthansa subsequently shed its stake in Jet Blue in 2015.

In light of these ongoing changes, in late September 2012, Silim Kalias, Vice President for Transport of the European Commission, called for implementation of tougher rules to ensure

fair competition and protect its airlines. As he put it (Hofmann, 2012): “Archaic ownership and control restrictions” must end to guarantee airlines access to new capital. In the past decade there have been limited developments in ownership opportunities. Interestingly, Australia has the most liberal rules allowing foreign ownership of its domestic airlines, although the rules are more limited for their international carriers.

When they were first signed, the 1919 Paris Convention and the 1944 Chicago Convention adhered to the doctrine that every nation has exclusive sovereignty over the airspace above its territory while establishing the foundation within which civil air transportation progressed. Most countries that controlled their national airlines were unwilling to open domestic air routes to foreign competition and international aviation agreements were somewhat fragmentary. International aviation agreements were made route by route, carrier by carrier. However, these bilateral arrangements have since evolved into a complex system. In particular, Open Skies agreements, which minimize government involvement in the determinations of air carriers regarding routes, cities to serve, capacity, pricing, and what equipment to use, have continued to increase rapidly since the 1990s. Fundamentally, Open Skies agreements are international agreements which allow two or more countries’ airlines to fly from any city within one country to any city within the other country. An Open Skies agreement removes limitations on the number of international routes that airlines are allowed and permits unrestricted capacity, frequency, and type of aircraft on those routes. Pricing is determined by market forces and can be rejected only if both governments agree (U.S. Department of State, 2006). Cargo services between countries can include a third country, using flights that are not connected to its homeland. Aviation safety and security is addressed only by each government agreeing to

“observe high standards of aviation safety and security, and to render assistance to the other in certain circumstances” (U.S. Department of State 2006).

Although the United States began seeking Open Skies agreements as early as 1979, it was successful at signing only a few bilateral or multilateral agreements until 1992, when it ratified the U.S.-Netherlands Open Skies agreement. When the United States and the Netherlands signed the world's first "Open Skies" accord this removed government participation in commercial airline decisions about routes, capacity, and pricing. In 2007, a new "Open Skies" agreement was signed by the United States and the European Union, replacing Bermuda II. Today, Open Skies agreements are commonplace in the aviation industry. While current Open Skies agreements do not include easing of airline ownership and control restrictions, they do allow passenger and cargo airlines to operate routes and destinations based on market forces, thereby minimizing government intervention. By 2011, the U.S. Department of Transportation and the Department of Commerce had completed negotiations with 101 Open Skies partners. Currently, more than 70 percent of U.S. international departures fly to Open Skies partners (U.S. Department of state, 2006). This liberalization of the aviation industry could ultimately lead to continued benefits for consumers and further increase profits for corporations. With the goal of removing market barriers and increasing access of airlines to global capital markets, Open Skies agreements certainly led to heightened competition. (see appendix B).

3.9 Barnstormers to Airline Pilots

“Are you crazy? The fall will probably kill you.” Butch Cassidy

To understand today's air crews, it is important to understand not only the discovery of flight, but also the human beings who physically experienced flight for the first time in history. There were very few “known knowns,” but many “known unknowns.” However, in early

aviation the “unknown unknowns” were deadly – still these, mostly men but also a few women, continued to climb into “cockpits,” completely exposed to the elements, with nothing to secure or protect them. In the years preceding World War I, pilots were typically either involved in the building and production of airplanes or they were aviation adventurers and daredevils known as “Birdmen” (Orenic, 2009, p. 9). These pilots were often self-taught. Americans often perceived pilots as heroes but believed that flying was dangerous, as many Birdmen plane crashes were “sensationalized by the press” (Orenic 2009, 9).

The first U.S. transcontinental flight involved a series of sensationalized stops, which were often crash landings. In 1911 Calbraith Rodgers left Sheepshead Bay, New York, endeavoring to fly to the California coast on a quest to win a \$50,000 prize offered by William Randolph Hearst. To avoid the Rocky Mountains, Rodgers flew from New York to Chicago, then south to San Antonio, Texas, and along the United States-Mexico border to Long Beach, California, making seventy stops in forty-nine days. Of those stops, Rodgers crash landed at least sixteen times (California Institute of Technology Archives, 2016). When Rodgers “landed,” his plane was regularly mobbed by people who wanted a keepsake of the momentous flight, typically a piece of the aircraft. Rodgers navigated his trip by following railroad tracks. Beneath the plane was a private train paid for by meat packer J. Ogden Armour, carrying a team of machinists with enough spare parts to rebuild complete airplanes, together with first aid supplies in case needed by the pilot. Later called “America's first flying billboard,” Rodgers’s plane advertised Armour’s soft drink, with “Vin Fiz” spelled out on its rudders and underwings. Although the thirty-day time limit had passed by the time that Rodgers reached Kansas City, he continued his pursuit of being the first man to cross the U.S. by plane. Crash landing in pastures without any weather forecasts or navigation tools was perilous, even under the most ideal

conditions. Rodgers was routinely injured along the way, falling out of the plane fifteen times during those crash landings while, at the California border, hot oil splashed in his face and steel was driven into his arm when a cylinder burst (Morrow & Charles, 2010). On November 5 Rodgers landed in Pasadena, California, and America had been crossed by plane for the first time. Soon after his transcontinental flight Rodgers crashed landed, breaking several bones (including both legs) in an attempt to reach the Pacific Ocean. With his legs still in casts, on November 10, 1911, Rodgers reached Long Beach, California (Morrow and Charles 2010). Although he did not complete his flight in thirty days, the crowds that followed him continued to grow. Landing on the beach and taxiing his wheels into the Pacific Ocean, Rodgers was greeted by 50,000 fans. Although Rodgers died tragically in 1912, after striking a flock of seagulls while flying a spare model that had been carried in the train during the transcontinental flight, this first transcontinental flight opened the door to long distance air travel for both people and cargo. Additionally, Mabel Rodgers, Calbraith's wife, promoted an airmail service by selling postage stamps for items to be carried on the Vin Fiz, launching the prospects of airmail service.

The first "passengers" were people who came to the county fair looking for a joyride in which they could circle the fairgrounds in an open plane for five dollars (Solberg 1979). In spite of aviation's dangerous reputation, a number of unsuccessful attempts were made at commercial air service. Perhaps one of these attempts would have eventually succeeded if not for the timing of World War I, which instantly transformed aviation from flights of fancy to a military industry. The press coverage of World War I pilots again helped to shape the public's attitudes about aviation. Nevertheless, advances in commercial aviation were inhibited during the war by military projects. In 1917, Congress earmarked \$640 million – at that time, the largest ever special cause appropriation – for purchasing army aircraft (Orenic 2009, 10). Twenty-nine

thousand airplanes were ordered from an industry that had produced a total of fewer than two hundred planes. There were no engines or instrument companies and fewer than a dozen designers available (Smith, 1965, p. 39). Flying instructors were scarce. Only a few of the forty instructors in the entire country were familiar with modern planes (Smith 1965, 39). When the war ended, America was flooded with a surplus of airplanes. Pilots flew without a license. There were no federal or any other institutional maintenance checks on airplanes. Flight schools were also unlicensed (Heppenheimer 1995, 5). While barnstormers flew from town to town offering rides for a few dollars, other “professions” included air taxies, crop-dusting, sky writing, aerial mapping, and bootlegging (Heppenheimer 1995, 6). For his part, famous daredevil Charles Lindbergh joined Harold “Shorty” Lynch in the summer of 1922, although he did not actually fly the plane. Leaflets rained down on small towns and rural hamlets announcing that "Daredevil Lindbergh" was going to be in the area. Crowds were entranced as Lindbergh stood on a plane's wings as it did a loopy loop, or hung from its underside, seemingly, by his teeth alone (Azevedo, 1999). Lindbergh wanted to be the one flying the plane and acquired his first aircraft, a surplus World War I Curtiss Jenny. When Lindbergh found that he could not make a living at barnstorming he joined the Army Air Service Cadet Program in San Antonio, Texas, in March of 1924 (Azevedo 1999). Three years later, in a single engine monoplane, called *The Spirit of St. Louis*, Lindbergh became the first person to fly solo nonstop across the Atlantic Ocean. In 1932, Amelia Earhart’s solo flight across the Atlantic Ocean made history. Earhart and Lindbergh would become the subject of mystery and intrigue for decades. Tragedy befell the two shortly after their transatlantic flights. In 1932, Lindbergh’s 20-month-old son was kidnapped from his nursery at the Lindbergh’s home and Earhart’s plane vanished over the Pacific Ocean in 1937.

As for transporting passengers and cargo, at first Americans did not particularly need or want aviation. The landscape was connected by a quarter-million miles of efficient railroads that linked isolated agrarian communities with major cities. However, in 1914 the St. Petersburg-Tampa Airboat line had a successful run as the first regularly scheduled airline service in the U.S., with Tony Jannus – who, in 1912, flew the first plane from which a parachute jump was made – flying passengers on a Benoist flying boat between the two cities (The Virginia Aeronautical Historical Society, 2022). Europe, on the other hand, with a different geography and a distinct perspective, was actively making its own aviation history. The Wright brothers were flying somewhat in secrecy and much of Europe doubted their claims, with newspapers in Paris calling them liars (Parks, 2011). While the Wright Brothers have been generally viewed as the first to make a successful powered flight, like most historical events, determining “firsts” can be contentious. Indeed, there is wide-ranging evidence that German immigrant Gustave Albin Whitehead, who designed and built early flying machines, flew several times in his own powered aircraft in 1901 (Klein, 2016). Similarly, all over the world men were attempting to fly. Wealthy Brazilian Alberto Santos-Dumont designed and built the first dirigible, flying it around the Eiffel Tower in 1901. He famously presented one-quarter of the purse to his crew and the rest to the poor people of Paris (Klein 2016). After mastering lighter than air machines, Santos-Dumont progressed on to heavier than air technology, making the first public flight in Europe, flying a winged aircraft in 1906 (Crouch, 2012). Already ill with multiple sclerosis, Santos-Dumont grew despondent over the use of the airplane as a weapon in war and took his own life in 1932 (Crouch 2012).

The race for breaking records in aviation continued as two Frenchmen, Gabriel Voisin and his brother Charles, established one of the first aircraft manufacturing companies in the

world. For his part, Henry Farman purchased a Voisin airplane to fly the first complete circuit of one kilometer in 1908 (This Day in Aviation, 2023). Records set by Santos-Dumont and later by Farman were recognized around the world. Aviation, then, was changing the map of the world just as four decades of conflict and hostility between the Great Powers would come to a head. In 1909, Louis Blériot, French airplane manufacturer and aviator, made the first flight of an airplane between continental Europe and Great Britain, crossing the English Channel and prompting H. G. Wells's forewarning that "England is no longer, from a military point of view, an inaccessible island" (Taylor & Munson, 1976, p. 75). With a letter of introduction and a plane borrowed from Louis Blériot, in 1912 Harriet Quimby, the first American woman to become a licensed pilot, also became the first woman to cross the English Channel. Quimby had become the new spokesperson for Vin Fiz, following the death of Calbraith Rodgers. Less than three months later, her own life ended tragically when the plane she was flying forcefully hurled forward, Harriet lost control, and her passenger was thrown from the plane. Moments later, Harriet was also tossed out of the plane. Both plunged to their deaths in front of a large gathering of onlookers (PBS Chasing the Sun n.d.). In 1912, after surviving an emergency landing when an airplane's single engine failed in flight, Igor Ivanovich Sikorsky designed and flew the first four-engined plane (Smith, 1965, 113). As pioneer pilots were writing the opening chapters in the story of powered flight, Ferdinand Graf von Zeppelin created what is widely considered the first commercial airline in 1912, using the dirigible to carry more than 34,000 passengers (Taylor and Munson 1976, 109).

The first Black woman, Bessie Coleman, a grandchild of slaves, obtained her international pilot's license on June 15, 1921, from the Fédération Aéronautique Internationale (Alexander, 2018). Coleman was a manicurist living with her brothers in Chicago. When her

brothers came home from serving in WWI with stories of pilots, Bessie knew that this was both something that she wanted to do and also something that she would not be able to accomplish in the United States – being both female and Black. Moving to France was only the first step that she had to take to become a pilot. She first had to learn French to fill out her application to flight school. Refusing to speak in segregated spaces, Coleman gave speeches in schools, theaters, and churches and founded a school. She captivated audiences all over Europe and the United States with her flying performances. While teaching flying lessons she encouraged women and African Americans to become pilots (Alexander, 2018). While performing in the still segregated Texas, Coleman refused to work in a stadium with separate gate entrances. Unfortunately, Bessie Coleman, like so many early aviators, met an untimely death in 1926, when a loose wrench got stuck in the engine of the aircraft causing the plane to flip over. Well-known civil rights activist, Ida B. Wells-Barnett, officiated Coleman's funeral service. In 1977, African American women pilots established the Bessie Coleman Aviators Club (Alexander, 2018).

The story of aviation, however, is not only one of technological advances. It is one of human courage, innovation, and tragedy. Despite aviation's challenges, the first pilots paved the way for the aviation industry. A greater understanding of today's pilots can be achieved by reflecting on the early days of flight and the determination of the first aviators to defy gravity.

CHAPTER 4

CHARTING THE COURSE: PILOT AND FLIGHT ATTENDANT UNIONIZATION

4.1 Empowering Aviators: Airline Pilot Unionization

Commercial aviation had more obstacles to overcome than gravity, financing, and airports. Unlike ground or water transportation, travel by air often had to be conducted without clear sight of the ground. “Even when the atmospheric disturbances were not severe enough to cause storms, they laid down blankets of cloud and fog that blocked the Earth from view” (Solberg 1979, 42). Although early planes came equipped with fuel and oil pressure gauges, as well as revolutions per minute indicators, pilots had to learn to navigate with only adaptations of the compass and the barometer. When pilots began flying the mail, a clock, used to time turns, the airspeed indicator, and a gyro instrument (called the turn-and-bank indicator) were also added to the panel in front of the pilot (Solberg 1979, 42). With these instruments pilots could maintain airspeed and altitude. This was the state of the art instrumentation by the year 1928, a quarter of a century after the Wrights first ventured into the new element. These instruments were still not fully exploited because the pilot lacked the technology to fly when clouds or darkness prevented him from keeping the horizon in sight. But they helped at certain moments when the pilot lost his bearings – at dusk, for instance, when he lost his natural horizon, when lights blended together in the dimness, and he could not tell whether he was flying right side up or not. Airplanes were not ready, navigating systems were not ready, communications were not ready, and pilots were not ready to do the kind of flying that these instruments made it possible for them to do (Solberg 1979, 43).

Most of the pilots who flew the air mail were ex-military who had resigned their commissions and become civil servants. Although they were experienced, these pilots often

found it difficult to improve upon the track record of railroads for delivering the mail, even when everything went right. The single-engined biplanes used by the Air Mail Service could not complete the long-haul flights without a stop for refueling. Furthermore, weather, terrain or a problem with the antiquated war-surplus airplanes could quickly make a flight perilous. In 1918 Assistant Postmaster General Otto Praeger, who by all accounts knew nothing about aviation, planned a route that linked the two major economic centers of New York City and Chicago. The route of the flight took pilots over the Allegheny Mountains, which were covered with dense forest and ran southwest to northeast through Pennsylvania. This topography, combined with the frequent fog, low-lying clouds, wind, turbulence, and no place to land, earned the route its name of the “Hell Stretch” (Hopkins, *Flying the Line* 1982).

The mail carrier general in charge of the airmail, Albert Sidney Burleson, was appointed by Woodrow Wilson in 1913. Burleson often bragged that he was able to accumulate annual surplus funds by “eliminating wasteful and extravagant methods of operation and making no expenditure for which adequate service has not been rendered” (Hopkins, *Flying the Line* 1982, 26). In his 1919 annual message to Congress, Burleson foolishly stated that “The high standard of daily perfect flight is being maintained regardless of weather conditions” (Hopkins, *Flying the Line* 1982, 26). Airmail pilots said that Praeger would look out his department window and if he could see the Capitol dome, he expected all mail flights to be flown that day (Solberg 1979, 18). Praeger, notoriously ignorant about aviation, “once told a convention of aeronautical engineers that a commercial flying machine should be able to land in a city lot near the heart of town, instead of on a 40-acre field where the commuters live” (Hopkins, *Flying the Line* 1982, 26). By the second year of airmail operations Burleson and Praeger expected a high percentage of completed flights. Although over 90 percent of the flights were completed, the bureaucrats had

begun to be openly critical of pilots when they failed to maintain efficiency norms, which were established for the Washington-New York flight path but impossible to maintain when flying the “hell stretch” (Hopkins, *Flying the Line* 1982, 26). The Post Office officials routinely ignored complaints about the problems that plagued the aircraft.

Even though the East Coast had experienced extremely harsh weather in the summer of 1919, the non-pilot supervisors insisted that the pilots fly their routes. By midsummer, within a two-week period there had been fifteen crashes, two of them fatal, prompting the Eastern Division to issue an official decision, following the precedent set by the U.S. Army, which allowed the pilots to determine if the weather was acceptable for flight. This decision encouraged pilots to come to a unified agreement. If any one pilot refused to fly, all pilots would refuse to fly (Hopkins, *Flying the Line* 1982, 27). In July 1919, Leon Smith, also known as “Bonehead”, leaned on his de Havilland smoking a cigarette as the scheduled takeoff time came and passed. Smith had earned the name “Bonehead” because he had been hit in the head by a propeller and survived, albeit partially scalped (Hopkins, *Flying the Line* 1982, 24). A thick blanket of fog had covered the field, reducing visibility to less than one hundred yards. When the weather did not improve the Field Manager, Harry Powers, reported to Washington. The wire sent back from Prager said “Fly by compass. Visibility not necessary” (Solberg 1979, 19). When Smith still refused to fly Powers called in a second pilot, E. Hamilton Lee.

Lee knew about flying in fog without the help of instruments, radio beacons or weather reports. Only a few months earlier Lee had experienced a near-death flight after hitting a wall of fog over Staten Island.

If a pilot got caught in clouds or fog and lost sight of the horizon, it was not long before he lost control and fell. Ham Lee had barely escaped that fate in the fog off Staten Island.

When the clouds were low, you had to fly close to the ground, close enough to see it; the lower the clouds, the lower you flew, dodging steeples and jumping trees and telephone lines. Doing just this, Ham Lee almost rammed into the ship coming out of New York Harbor. Elsewhere the fliers followed the railroads from town to town; in bad weather they almost collided with oncoming locomotives (Solberg 1979, 20).

Lee, who flew thirty years with the Air Mail Service and later with United Airlines and was called the “flyingest airline pilot,” wrote about the experience.

It was the biggest flight of my life. I flew in that soup for maybe an hour while I tried to shake off the sensation that I was losing level flight when I wasn't. My experience in aerobatics saved me, I had to sit in that soup, letting down slowly, making turns, looking not for sky but for water. When I finally saw the water, I kept enlarging my turns until I saw the shoreline. I saw a field and was measuring it for a landing when I had to pull up over the trees. Back in the soup, I had to do it all over again: careful turns, round and round, until I came out over the water, then wider circles till I saw the ground. This time I went for it. A tree top tore the fabric of my plane – a bough ripped through the fuselage and ripped my pants. I landed on Staten Island, after all. I called up Belmont Park. They weren't surprised. They came with a barge from Long Island and found me near shore, and I went back to Belmont Park with them, the plane and the mailbags. They said, “You better not fly tomorrow.” But I'd heard too many stories about that. When your nerves are on edge, you may lose it if you don't go right back up. I did, next day, but I shook all the way to Philadelphia (Solberg 1979, 19). Lee knew about flying in fog without the help of instruments, radio beacons or weather reports. Only a few months earlier he had experienced a near-death flight after hitting a wall of fog over Staten Island. Lee, just

back from Philadelphia, agreed with Smith's decision not to fly in zero visibility. Praeger wired his response: "Discharge both Pilots Lee and Smith" (Solberg 1979, 19). As agreed, all pilots on that run immediately went on strike and, for three days, not a single mailbag was flown. Misreading public sentiment, Praeger issued a press release citing postal regulations as the reasons for the firings. When the pilots replied with an open letter released to the press, Praeger sent an anonymous telegram accusing the pilots of "conspiring against the government" (Hopkins, *Flying the Line* 1982, 28). He later tried unsuccessfully to whip up patriotic anger towards the pilots for describing their concerns about the safety of the British-manufactured de Havilland as a "calumny on our aeroplane industry" (Hopkins, *Flying the Line* 1982, 28). In truth, the pilots had already voiced concerns about flying the de Havilland. Burleson and Praeger were unwavering and insisted upon using the surplus supplies of the DH-4's. The pilots requested a "stabilizer," which was the basic needle and ball-type turn-and-bank indicator, costing approximately \$75. The answer was "Steer by compass. Turn indicators are too expensive" (Hopkins, *Flying the Line* 1982, 28).

Praeger, a former editor of the conservative *Dallas Morning News*, had already demonstrated his hostility for labor organizations and made it clear that he intended to replace every pilot from the hundreds of applications on hand (Hopkins, *Flying the Line* 1982, 28). This proved to be more difficult than he had anticipated when the press, sympathetic to the pilots, asked probing questions and Praeger soon revealed his lack of knowledge about aviation, as well as his disdain for labor. Praeger had not only misjudged public sentiment, but he was also backed into a corner on his refusal to equip the planes with inexpensive stabilizers. After Praeger

asserted that they were not commercially offered, a *New York Times* reporter revealed that this was not the case.

With public opinion squarely on the side of the pilots, Congress announced that two standing committees in the House would investigate. The pilots issued a public statement saying, “We will insist that the man who risks his own life be the judge – not somebody who stays on the ground and risks other people’s lives” (Hopkins, *Flying the Line* 1982, 29). The pilots returned to work after Praeger agreed to meet with a committee of pilot representatives to examine their grievances. In the end pilots experienced only a partial victory. Praeger agreed to a pay raise as well as a compromise to the decisions regarding weather. Praeger also agreed to hire field managers, ordinarily pilots who would make the decision to fly. If the pilot disagreed, the field manager would have to fly the field himself to prove that conditions were indeed flyable. If the field manager was not a pilot, he would be required to sit in the mail bin behind the engine while the pilot flew him to see if conditions were safe (Solberg 1979, 19). Leon “Bonehead” Smith, however, was not rehired.

At the time, the principal business of airlines was to transport the mail rather than passengers. It was at this stage that pilots first understood the need for unionization. For this first generation of pilots, the most crucial problem was not pay but safety (Hopkins, *Flying the Line* 1982, 18). As a result of the 1919 strike, pilots understood the importance of forming an association through which they could communicate with one voice through a spokesperson. They also learned that they had to have a means to communicate with each other. Perhaps the bitter pill was the realization that it was crucial to formulate a plan to protect their jobs. In the years that followed, pilots formed the Air Mail Pilots of America. However, without an affiliated organization it soon disbanded. They hired an attorney but without union dues this soon became

too expensive. Within months, pilots found themselves dealing with the unresolved problem of non-pilot administrators making economic decisions, while showing no knowledge or regard to the risks of flying. These decisions, which required pilots to compete, motivated them to take risks (Hopkins, *Flying the Line* 1982, 30). Nonetheless, the seed had been planted. Although the Air Mail Service was eventually phased out and pilots were working for private airlines, the vast majority supported forming a pilot's association (Hopkins, *Flying the Line* 1982, 30).

Management had pushed unsafe flying, often resulting in the death of the pilot. In response, in 1931 David Behncke founded the first airline pilots' union, the Air Line Pilots Association (ALPA). Today, most airline pilots belong to a union. ALPA membership grew rapidly, and it has remained the largest airline pilot union. ALPA is affiliated with the International Federation of Air Line Pilots' Associations (IFALPA), which provides international solidarity and gives local assistance to pilots overseas. However, IFALPA is an organization primarily concerned with safety and security standards. While IFALPA does give a global voice to airline pilots, it has no authority in contract negotiations. (See appendix C.

4.2 Grey Skies: The Struggles of the Flight Attendant Labor Movement

The first pilots certainly had to be free thinking, fearless pioneers – every flight was, to some degree, a risk to life and limb. Flight attendants were brought on the scene to show the world that flying was safe. As such, they were also expected to assume gendered roles on the job. The sexist demands of the job were inseparable from their personal lives and choices. Every aspect of flight attendants' lives was intruded upon, and nothing was off limits. In some respects, it was a sign of the times; in others it was the nature of the aviation beast. Flight attendants sought this career knowing what they were facing. These were “known knowns.” Most flight

attendants took the bad with the good because this was still a unique, exciting experience like no other on Earth.

In 1922, as airline passenger service grew, Daimler Airways of Britain saw a need to hire “cabin boys” to aid air travelers (Kirkwood, 2014). Airlines were competing with steamships and railroads, which employed African Americans at low wages as porters on their luxury Pullman cars. Black house cleaners were hired to attend to the needs of white women at an even lower wage. The Pullman Company justified these low wages because the affluent white passenger was expected to tip for everything from food to pillows. The same was true of ocean liners, which employed stewards and a few stewardesses. Travelers expected racial dominance as part of the experience when purchasing a ticket (Barry, 2007, p. 16).

Airlines banned tipping and hired attractive, upper-class white men to host as well as serve their customers (Baldanza, 2023) Barry 2007, 16). While flying was exciting and perhaps more direct than traveling by train or ocean liner, the unpressurized planes of the 1930s were also expensive, noisy, cold, bumpy, and dangerous. By 1926 Stout Air Services of Detroit hired the first American airline male couriers. These “couriers” were young, sons of wealthy steamship and railroad financiers who were also financing upstart airlines. Food was eventually brought on board as it was difficult to find along stopover points (Kirkwood 2014). After the stock market crash, in an effort to cut costs airlines stopped hiring couriers and instead began requiring the copilot to serve food and drinks. In 1930, registered nurse Ellen Church persuaded Boeing Air Transport that young, registered nurses on board would reassure predominately male passengers of the safety of air travel. Church, a pilot herself, realizing that she would have little opportunity to become a copilot, instead accepted the job of chief stewardess to recruit and supervise seven other nurse stewardesses (Nielsen, 1982, p. 8). Passengers flew in wicker seats bolted to the floor

that the stewardesses kept secured with wrenches in between serving food and keeping the passengers' calm. Six years later, the introduction of the DC3, which held up to twenty-one passengers on coast-to-coast routes, facilitated the profitability of flying and solidified the presence of the flight attendant. The "fly girls" became one of the most successful marketing strategies in the history of aviation.

World War II forced airlines to drop the nursing requirement due to the numbers of nurses joining the war effort. Even with only half of the aircraft available for commercial aviation and passenger demand increasing, the nursing requirement was the only restriction dropped for female stewardesses. Meanwhile, in 1928 Pan Am was hiring only male stewards between the ages of 23 and 32 years old. Pan Am continued to hire only male stewards until 1944. These stewards had to be fluent in three languages, meet certain physical requirements, have graduated from high school, and have experience serving food in first class establishments. Unlike their male counterparts, stewardesses were required to quit when they married or became pregnant and were expected to retire or transfer to a ground job when they reached their mid-thirties. They could weigh no more than 115 pounds or stand no more than 5 foot 4 inches tall and be no more than 25-years old (Kirkwood 2014).

In 1945, Ada Brown led stewardesses from United to file for certification under the Railway Labor Act and form the first labor union of flight attendants in the United States, the Air Line Stewardesses Association (ALSA). ALSA quickly secured better pay raises and duty hour limits. "ALSA also won stewardesses the right to see their own personnel files and established grievance machinery for them to challenge disciplinary action and dismissals" (Barry 2007, 64). The leaders of ALSA prevailed, although they had poor odds of ever getting off the ground. There were many obstacles to overcome for union organizers, including logistical problems.

Flight attendants worked in small groups, geographically dispersed. It was difficult to get stewardesses together in the same place, let alone collect dues from their paltry salaries. This same geography that made it difficult to organize also made it more costly to organize (Barry 2007, 65). This was in part due to the Railway Labor Act, which required union representation by “carrier or class” and a local worker, which would include stewardesses based in several different cities (Barry 2007, 64). The marriage and pregnancy requirements that resulted in a rapid turnover of flight attendants led to a union membership that was in constant flux. Thus, a company delay was a company win.

By the end of World War II, organized labor’s numbers had grown to a third of America’s work force. Workers who had supported the war effort expected higher pay and better working conditions, particularly from employers that had profited during the war, such as the airline industry (Barry 2007, 64). Stewardesses were generally making the same wages in 1945 as the women who were hired on the first flights in 1930. However, the stewardess of 1945 saw herself as being very different from the typical union worker of the day. They were also quite different from the postwar picture of domesticity. “Stewardesses were especially apt icons of glamorous femininity for the postwar years as working women who dramatically transcended domesticity, yet reassuringly represented it” (Barry 2007, 62). A stewardess was young and unmarried, so her job, which entailed caring for passengers, was seen as a precursor to her future role as a homemaker. In fact, a stewardess was unlike the typical homemaker. She was an independent traveler, whose job provided exposure to the powerful, the rich and famous (Barry 2007). On the one hand, she saw herself as an independent worker helping to lead the airlines to prosperity. “But as Edith Lauterbach, a union pioneer at United, later contended, stewardesses

more often ‘came from families where Daddy just didn’t want his daughter to belong to a union’” (Barry 2007, 66).

Conversely, the charismatic David Behncke was successfully establishing the Air Line Pilots Association as a union of elite, white collar, male workers. More than a decade had passed since the days of daredevil barnstormers who made a living at county fairs selling rides on airplanes. By 1931, airline pilots wore a uniform similar to that of a naval officer and were federally licensed. The Depression, however, spared few workers and pilots knew that they must unionize if they were to keep the gains that they had made in income and work rules, as well as the safety procedures that they had paid for in blood. Behncke knew that in order for ALPA to be taken seriously by management, it had to establish formal ties with organized labor. An affiliation with the American Federation of Labor (AFL) would give ALPA what it needed: political influence and muscle (Hopkins, *Flying the Line* 1982).

The AFL urged ALPA to support other airline labor groups in organizing from the beginning of their affiliation (Barry 2007, 69). It was not until the 1940s, when other international unions, such as the Transport Workers Union, the International Brotherhood of Teamsters, and the International Association of Machinists, began to recruit blue-collar airline workers that ALPA decided to charter affiliate unions, on a craft basis (Barry 2007, 69). ALPA wanted its union to be exclusively for pilots and was reluctant to include ALSA members.

Soon after its founding, ALSA, short on funds and resources, had sought the advice of ALPA, which had already experienced negotiations under the complicated Railway Labor Act and had an established working constitution and bylaws. Although rank-and-file pilots were sometimes supportive of ALSA’s cause and had been known to donate money from their personal funds, the relationship between pilots and flight attendants mirrored the gender and

class struggles of the United States. Flight attendant and pilot unions did not escape the complicated social constructs that molded the American workplace, and, in fact, these cultural lines were even more defined in the aviation industry.

While Brown encouraged ALSA to seek help from ALPA, she still wanted independence from the pilots' union. At first ALPA unofficially helped ALSA but eventually withdrew support because it had already begun to establish unions based upon various classes of airline employees, under the ALPA growing authority (Nielsen 1982, 34). In 1946, ALPA established the Air Line Steward and Stewardess Association (ALSSA). ALSA, with its small operating budget, struggled to aid flight attendants during the grievance procedure that they had fought so hard to establish. Meanwhile, the numbers of flight attendants joining ALSSA was rapidly growing, although the Transport Workers Union was the official bargaining representative for Pan Am's mostly male flight attendants (Barry 2007, 70). By 1949, ALSA could no longer support itself alone and merged with ALSSA (Walsh, 1994, p. 50). ALSSA's affiliation with the powerful and much needed AFL was only through ALPA. The six hundred or so ALSA flight attendants pushed the union membership of ALSSA to more than three thousand. Ada Brown married and was expected to resign her position as president of ALSA.

The flight attendants and pilots continued to fight over the autonomy of the flight attendants. They also had fundamental differences regarding the direction of union membership. Members of ALSSA understood that government safety certification and licensing for its occupation was paramount if flight attendants were to attain true professional status. Kathleen Barry, author of *Femininity in Flight*, examined the importance of safety certification, both in terms of the profession, as well as contract leverage and the effectiveness of strike threats.

Early union organizers believed that without certification, cabin crew would find job security elusive and lack significant leverage in negotiations. Union contracts would eventually provide some security and improvement to work rules, but without federal intervention, flight attendants stood little chance of convincing airlines that they should be treated as indispensable safety workers (Barry 2007, 74).

ALPA was not supportive of the idea of certification for flight attendants, nor did it share ALSSA's need to establish a union shop clause. This is because, according to Georgia Panter Nielsen, in *From Sky Girl to Flight Attendant*, ALPA officers thought that "if these 'ticketed girls' went on strike they could not easily be replaced by scabs" (Nielsen 1982, 57).

Additionally, some pilots pushed back on the licensing of flight attendants because they were concerned that it undermined the concept of one authority (the captain) on the aircraft (Nielsen 1982, 57). ALPA could afford to believe that it would earn dues-paying members on a voluntary basis. This was a luxury that ALSSA, with its high membership turnover and significantly lower incomes from which to collect dues, could not afford. ALSSA also wanted an independent charter from the AFL. With fewer than fifty percent of the flight attendants paying dues, ALSSA was constantly short of funds and consequently beholden to ALPA. ALPA did not push back, at least publicly, on the shop clause but "was less forthright, but apparently effective, in opposing safety certification for flight attendants by federal aviation authorities" (Barry 2007, 74).

In 1951, ALSSA elected as their President Mary Alice Koos, a flight attendant for Capital Airlines. This made her the first and only female president of an international union. At the time there were eighteen million women in the workforce and three million were union members (Nielsen 1982, 56). ALSSA also applied for independent affiliation with the AFL in 1951, followed by two additional applications in 1954 and 1957. In 1959 ALSSA applied for an

independent charter with the newly formed AFL-CIO. The flight attendants presented quite a conundrum for the male-dominated AFL, which had encouraged ALPA to include the flight attendants under their umbrella of airline employees.

There were power struggles within and between unions. ALPA had the authority to veto any decision made by an ALSSA president. Within ALSSA, the male flight attendants from Eastern were disproportionately influential. Although male flight attendants were a small percentage of the overall membership, only a minority of the female membership was active in the union, unlike their male counterparts. Male flight attendants, who were not bound by the no marriage rule, stayed in the profession longer and could garner the necessary support from the rank and file. A male flight attendant, Rowland Quinn, became president of ALSSA. Fortunately, Quinn, a former pilot in the U.S. Air Force, proved to be a formidable negotiator for the union. Quinn continued the push to gain autonomy from ALPA, which proved to be more complex with time. The Transport Workers Union (TWU) had been part of the CIO (Congress of Industrial Organizations, the more radical counterpart to the older AFL). The AFL had merged with the CIO in 1955. The AFL-CIO wanted ALSSA to remain part of ALPA because now there were two unions representing flight attendants (ALPA and the TWU), and a split would make three. The TWU's membership had grown beyond Pan Am and the flight attendant membership numbers were gaining on ALPA. Also, during this time the Teamsters, with links to organized crime and under federal scrutiny, had been expelled from the AFL-CIO. Teamster President Jimmy Hoffa had openly expressed ambitions to organize transportation workers, including the airlines. Despite ALSSA denials of any association with the Teamsters, the rumors of merger discussions and further exposure to union raids, fueled by the press, continued (Barry 2007, 85). The AFL-CIO also wanted to resolve the disputes that existed between ALPA and ALSSA

because the AFL-CIO believed that the pilot's union was violating the intentions of the Landrum-Griffin Act (Barry 2007, 83). The Landrum-Griffin Act, also known as The Labor-Management Reporting and Disclosure Act (LMRDA), protects the rights of the individual union member. The Landrum-Griffin Act mandates that union members will be permitted to select and elect their own leader candidates. It further protects the privacy of union members by allowing members' views to be kept in the union meetings.

In 1958 ALSSA needed assurance that the pilots would not cross the flight attendants' picket line at Eastern. Although a strike was avoided, ALPA never made the commitment to stand with the flight attendants. Later that year, during a flight attendant strike with Lake Central Airlines, the pilots crossed the lines (Nielsen 1982, 83). In 1960, perhaps the proverbial straw that severed the relationship between ALPA and ALSSA was a hearing scheduled by ALPA, at the AFL-CIO's request, investigating ALSSA election irregularities. Weeks later, and a year after yet another failed attempt to split from ALPA, Quinn ordered all files and physical properties of ALSSA, including the carpet, moved from the ALPA property. ALPA responded by revoking ALSSA's charter and filed ten charges against Quinn. ALPA appointed temporary ALSSA officers who ordered union workers to return to work as if nothing had happened. These events led to an extremely divided ALSSA rank-and-file membership (Nielsen 1982, 69). The fifty-two suits and countersuits that ensued continued into the mid-1960s. ALPA had assets of \$4.5 million as compared to ALSSA's \$200,000. As a result of the dues checkoff agreement from the 1950s, management at many airlines legally held dues deducted from paychecks in escrow, limiting ALSSA's income. Management also used the legal battles as an excuse to refuse to negotiate new contracts or address grievances already on the table. Although United Airlines claimed that they could not negotiate the now-amendable contract because they were unsure of

the legal ground in signing off on a contract with either ALSSA or ALPA, United knew that their flight attendants were underpaid and offered interest-free loans during the Christmas season of 1960 (Nielsen 1982, 82).

With nowhere else to turn, ALSSA applied for a charter with TWU. The TWU was required by the AFL-CIO to reject ALSSA's charter. The AFL-CIO contended that the TWU charter to ALSSA raided ALPA, which was also an AFL-CIO union. When the TWU accepted ALSSA's application, all four unions became part of the legal battles that lasted at least four years (Nielsen 1982, 74-80). Meanwhile, to fill the void that Quinn had created, ALPA formed the Air Line Pilots Association, Steward and Stewardess Division. ALPA S&S was a division within the parent union and was not granted a charter. The top elected officer served as Vice-President of ALPA S&S.

During 1961 and 1962, twenty-nine elections involving the representation of 8,700 flight attendants were held between ALPA and TWU. ALPA's S&S division won elections representing approximately 3,580 flight attendants, almost evenly splitting the membership (Nielsen 1982, 76). This would be the face of the union representation of airline flight attendants until 1975. Changes in the types of aircraft used also played a role in these conflicts. Significantly, the wide-bodied jet had a larger complement of flight attendants than narrow bodied planes and so flight attendants increasingly began outnumbering pilot crews on planes. ALPA pilots were soon to be outnumbered 2 to 1. In 1973, when the ALPA S&S division pushed for autonomy, pilots, tired of bankrolling the flight attendants and worried about being outnumbered, generally agreed on the separation. Although there were a few hurdles, this time the split was more amicable (Nielsen 1982). The new Association of Flight Attendants (AFA) became an independent affiliate of ALPA. Over time some airline groups splintered off, but the

AFA remained the union representative in contract negotiations for 14,000 flight attendants on thirteen carriers and received its own charter from the AFL-CIO in 1984 (Barry 2007, 199). Often, the airline pilots' union leaders did not respond to flight attendants' unions in a supportive manner (Tiemeyer, 2013). Flight attendants eventually fought and won their own battles.

By 1970, ALLSA Local 550 and the TWU were experiencing inter-union growing pains. The Civil Rights Act had passed in 1964, making it illegal for employers to discriminate on the basis of sex, had opened male purser positions to female flight attendants. Some female flight attendants believed that gender issues (such as weight limits for flight attendants) were not adequately addressed by the predominately male leadership. In 1977, TWA flight attendants established the Independent Federation of Flight Attendants (Barry 2007, 202). Later that year American flight attendants broke off from TWU and formed the Association of Professional Flight Attendants. Pan Am flight attendants also broke rank from TWU that same year and became the Independent Union of Flight Attendants. When the dust settled, more than 16,000 flight attendants were in unaffiliated unions and no longer part of the male-dominated TWU (Flint, 1978). The new unions that emerged at the end of the 1970s were far more militant than those from the previous decades. These more aggressive, but nonetheless fledgling, union leaders began to once again lobby for federal safety licensing. However, deregulation would soon challenge the entire aviation industry.

4:3 "Free, White, and Over 21" But Not Equal: Title VII and Flight Attendant Unions

The history of flight attendants is a history of activism. Activism that led not only to social justice within the airlines but also, in broader terms, to all professions. By researching flight attendants' unions through a historical lens, I uncovered evidence of union solidarity that has endured and remains the guiding principles of contract negotiations today. This historical

context highlights the legal battles of flight attendants and demonstrates their commitment to gender equality in their profession.

From the outside, given the norms of the time, stewardesses had it good compared to other women in the workforce. My mother, for example, did not have a high school education but she was smart and hardworking. She was thin, pretty, and as poised as any stewardess. I remember the first time that I actually saw my mother working at the sewing plant, in the early 1970s. I could not pinpoint her at first, in the deafening noise that a sea of sewing machines make, with backs bent over them- almost all of whom were female. The building was cinderblock with only a few windows, which were completely obscured by industrial sized fans. There was no air conditioning. My eyes instantly started to burn from the chemical used to dye the shirts that she was making. Eventually, I recognized her lint covered head. Some women wore scarves but that was not my mother's style; the dust was particularly thick on her Aqua-Net-shellacked football helmet hair style. About fifty percent of her coworkers were African American women, with whom she shared garden clippings and recipes over lunch. At the sewing plant, if a worker did not make production they would be fired, but that wasn't my mother's problem. She quickly excelled at each new sewing station at the plant, edging closer to my college-educated, middle management, dad's salary. However, she would often be moved to a new station to slow down her production, and, at least temporarily, lower her pay.

My mother managed to make more money at manufacturing jobs than most of the other work that she could have found in rural Georgia. Although she made as much money as the stewardesses of that era, my mother and most blue-collar laborers of any gender had very little in common with, and perhaps even less sympathy for, airline stewardesses. But the perception of the glamorous stewardess was at odds with reality. The airlines' violations of the stewardesses'

human rights were egregious. Stewardesses had an uphill battle fighting discrimination based on appearance, gender, age, weight restrictions, and marital status-- and one that was unprecedented.

When nurse-turned “sky girl” Ellen Church boarded a Boeing 80A in 1930, making \$125.00 a month, the nation was entering the worst economic depression in American history. The median family income was \$20-\$25 a week. Unemployment had risen to 23.6 percent in 1932 and hovered at over 20 percent until 1936, when it dropped to 16.9 percent. Female flight attendants joined the 21.9 percent of women in the U.S. workforce. By 1940, almost 15.5 percent of all married women were employed. For the vast majority of these women, working outside the home was not a luxury but, rather, a desperate attempt to put food on the table and supplement their husband’s wages. Employment did not lighten the workload at home, as the typical woman spent 50 hours a week doing domestic work as well (NOAA History 2006). “A Gallup poll in 1936 reported that 82 percent of the respondents believed that wives with employed husbands should not work outside the home, and three-fourths of the women polled agreed” (NOAA History 2006). The majority of people polled would have supported laws prohibiting married women from working. In fact, twenty-six states either considered or enacted some sort of legislation that was prohibitive to married women workers (NOAA History 2006).

Given the historical context of gendered labor, the first flight attendant employment agreement was congruent with the social constructs of 1930s America. Strikingly, however, the airline industry adhered to Depression Era hiring practices for the next three decades. With growing numbers of flight attendants delaying marriage, in 1953 American Airlines announced that any flight attendants still working at age 32 would be forced to retire from passenger service. To appease the flight attendants’ unions, the application of the policy would begin with new

hires. Other airlines followed American's lead and, by 1965, fifteen of the thirty-eight carriers in the U.S. with government-certified routes had adopted a mandatory retirement policy of age 32 or 35. When the untimely mandatory retirement of thirty-two kicked in, flight attendants were not left with retirement plans with which to support themselves. Nor did they have the idealized wife and mother status to fall back on. Instead, they found themselves without a job and unmarried in a culture that considered a 35-year-old an old maid. Stewardesses, as a male passenger observed in 1966, were "America's vestal virgins" (Barry 2007, introduction).

As early as 1948, flight attendants tried using their grievance procedures to prohibit the marriage ban. But arbitrators continued to rule in airlines' favor on the basis of the contractual agreements' unions had signed (Nielsen 1982, 84). When asked to consider existing discrimination laws, the arbitrators claimed no such laws applied. In fragile and complicated contract negotiations, invariably with other issues such as pay and work rules on the table, marriage and age requirements were the first on the chopping block.

When the industry was regulated, the idea of the flight attendants' sexual allure had as much to do with profit margins and the pervasive sexism of the aviation industry as with American culture. By the 1960s the "girl next door" image of the 1930s and 40s had morphed into a much more sexualized version of a young, single woman. The age and weight limits, along with marriage restrictions, took on new significance with the target customer – the male businessman. By 1965 U.S. airlines reported that they interviewed one million women to fill ten thousand stewardess positions (Nielsen 1982, 82).

In 1962 ALSSA decided to take their age discrimination battle to the public. Eight flight attendants held a press conference and asked the reporters to pick out the older women. When this proved impossible, Barbara "Dusty" Roads, one of four flight attendants over 32, asked: "Do

I look like an old bag?” (Barry 2007, 122). Reporters snapped a picture of the flight attendants and asked the public to weigh in. Roads was one of the fortunate few flight attendants “grandmothered” in, already employed before the airlines implemented age restrictions. President Kennedy’s Commission on the Status of Women had opened the door for public debate on women’s issues in the U.S., such that by the mid-1960s efforts by other women’s labor groups had gained momentum and were enjoying some victories (Cobble 2004, 178). However, flight attendants, who had used collective bargaining and the grievance process to contest gender discrimination in their workplace, had been largely ineffective (Barry 2007, 124). The Civil Rights Act of 1964, though, opened the door for ending gender discrimination and flight attendants were among the first to pass the threshold. At first glance, Title VII of the Act appeared to give some airlines a push to engage in small changes on age and marriage rules in contract negotiations. Ultimately, however, it took the legal system to make substantive change.

4.4 Title VII

The Civil Rights Act of 1964 was not popular with Congressional Republicans and Southern Democrats. Only one day before the House vote, Representative Howard Smith, Chairman of the House Ways and Means Committee, added a sex discrimination provision to the proposed bill. Many regard this as an attempt to derail the Act, although some historians believe that Smith, a segregationist who was against civil rights legislation, preferred a bill with a ban on sex discrimination (Bird 1997). We may never know which of these two concerns motivated him, but what is known is that Rep. Martha Griffiths (D-MI), the first woman to serve on the Ways and Means Committee, had intended to introduce an amendment to include women but knew that Smith would bring much-needed southern Democrat coalition votes. Martha Griffiths supported the measure during debate, and the bill ended up passing largely due to her actions

securing the required number of liberal votes. Griffiths later lobbied for the bill's passage when it entered the Senate (Bird 1997). The Equal Employment Opportunity Commission (EEOC) and the judicial branch further clarified the Act's directives. The EEOC was established to enforce the 1964 Civil Rights Act. For their part, the fate of flight attendants rested on a clause in the Act's Title VII, specifically a "bona fide occupational qualification" (BFOQ) clause which protected employers' ability to keep gender-based discrimination if the employer could demonstrate that enforcing Title VII would result in revenue loss. The airlines argued that married stewardesses would do just that.

The flight attendants had their work cut out for them. In an interview with PBS, Union activist Dusty Roads recounts her first encounter with the EEOC:

The bill said that the Equal Employment Opportunity Commission would begin operating on July 1st, 1965. We were on their doorstep. We walked in and looked around at a sea of black faces. Their typewriters were still in boxes. This woman came up to us, two blondes in stewardess uniforms, and she said, "What are you doing here?" And I said, well, we have a problem. She said, "You're white, you're free, and you're 21. What is it?" I said, "Honey, sit down, I got a long story to tell you." So we helped unpack the typewriters and she started typing away. Most of the women in the office were very intelligent, well-educated black ladies who figured that most of the discrimination was going to be against black women. What a big jolt this was for them. We sat down and told them the story of discrimination in the airline industry and they just, oh, they couldn't believe it. I told her they don't fire the pursers. Oh, type, type, type. They don't fire the flight engineers. Oh, type, type, type. And they don't fire men in cabin service. We thought we had our case won on that because there were TWA pursers and there were

Pan American pursers at the time and I think Northwest had some too and they weren't fired. Only the women were. So if that's not blatant, sexual discrimination... (Roads 1995)

In September of 1965, the EEOC issued its guidelines on sex discrimination. Although the guidelines did not address the airline industry, the EEOC did find that “any rule banning or restricting married women’s employment but not married men’s was sex discrimination prohibited by Title VII” (Barry 2007, 156). Success for the flight attendants came slowly and in piecemeal fashion. TWU local president Colleen Boland garnered more media attention and public sympathy when she testified at hearings in the U.S. House of Representatives. Citing Title VII, a neutral arbitrator ruled in favor of an ALPA-S&S grievance against Braniff Airline’s no-marriage rule. With a mounting number of complaints from flight attendants charging that airlines were violating Title VII, and airlines asserting that they were excluded under the exception, the EEOC decided to hold public hearings on airline employment policies. Meanwhile, the flight attendants began to use state laws against discrimination as a back-door approach to fight marriage and age rules. In 1966, the New York State Commission for Human Rights (NYSCHR) found that airlines were indeed violating state age discrimination laws. Unfortunately, the cases filed with the NYSCHR were bogged down in the courts for years. Barry 2007, 142-144). The EEOC rulings set precedents for the legal system “to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party” (National Archives 2022). Fearing the loss of the male business traveler airlines were prepared to take their chances in the courts. It would take years for federal judges to come to a consensus on sex discrimination cases.

The flight attendants’ big break came in December of 1965 when the EEOC issued its first ruling on a complaint brought by Judith Evenson against Northwest Airlines (Barry 2007,

156). Aileen Hernandez, the first woman commissioner appointed to the EEOC, was assigned the case and ruled that with no marriage or age requirements for male flight attendants, there was cause to assume that Northwest Airlines had illegally discriminated against Evenson when it terminated her. Northwest responded by asking the Commission to officially rule on BFOQ specifically and argued that male flight attendants had different job descriptions. The EEOC was then inundated with charges filed from stewardesses industrywide. The Commission decided to hold public hearings at which employees, union officials, and airline executives testified. The Air Transportation Association's attorneys had taken over representation for the airlines and argued that men could not possibly do the same job as a "pretty girl" (Franklin 2012). United Airlines claimed that male flight attendants could not "convey the charm, the tact, the grace, the loveliness that young girls can – particularly to men" (Barry 2007, 158).

In 1966, Martha Griffiths questioned the BFOQ principle as it applied to stewardesses in the public eye and behind the scenes. In an address to the House, Griffiths delivered a speech regarding flight attendants and Title VII:

'Can any Equal Employment Opportunity Commissioner seriously believe that the business of the airlines would suffer if all of them hired flight attendants on the basis of their individual qualifications and ability?' Griffiths asked. 'Do they really think for one moment that men or women make plane trips for the sole purpose of having a female—or male—flight attendant serve them lunch or give them an aspirin?' In an earlier congressional hearing, she had made the point with less nuance. 'If you are trying to run a whorehouse in the sky,' she said, 'get a license' (Menand 2014).

Upon reading Griffiths's speech, which was circulated at the conference of state Commissions on the Status of Women, many called for an outside organization to help women

navigate the upcoming legislative and legal battles. That summer the National Organization for Women was created. “The first thing NOW did was to seek a writ of mandamus against the E.E.O.C., compelling it to perform its legal function. For Title VII was the only statutory weapon the women’s movement had” (Menand 2014). Griffiths continued to mentor the flight attendant union leaders throughout the EEOC hearings, advising them on lobbying and public relations.

On November 9, 1966, the Commission voted that the age and marriage rules violated Title VII and that sex was not a BFOQ (Barry 2007, 159). Before the EEOC could release the entire decision, the airline industry won a preliminary injunction, in federal court to enjoin the EEOC from publicly issuing its decision. Remarkably, their reason was that the decision was sexually biased because, they claimed, Aileen Hernandez had ties to the National Organization for Women. Colleen Boland was on the NOW board of directors. She and legal counsel from TWU and ALPA argued for the stewardesses in court (Barry 2007, 160). Aileen Hernandez resigned as EEOC Commissioner, in October 1966, “in frustration over the inaction on this issue [flight attendants] and other cases which had drifted on for more than a year in spite of the time requirements of Title VII” (Feminist Majority Foundation 2014).

In 1967 a federal court granted ATA’s request for a permanent injunction to the EEOC, forbidding it from announcing its decision on airline discrimination. The EEOC was further ordered to drop the investigation entirely or rehear the arguments and issue another decision. When the EEOC issued another decision based upon previous testimony records, the ATA sued and won again. In September of 1967, the EEOC held another public hearing with airlines and union leaders repeating the same arguments. Finally, on February 24, 1968, the EEOC issued its ruling that airline marriage and age restrictions violated Title II, specifically stating that sex was not a BFOQ (Barry 2007, 160).

Title VII also opened the aviation industry door for male flight attendants. Celio Diaz Jr., a married father, was turned down for a job as a flight attendant with Pan American World Airways explicitly because he was male. Diaz filed a class action suit against the airline. The judge ruled in favor of Pan Am based upon BFOQ of Title VII. The appellate court reversed in *Diaz v. Pan Am*. When the U.S. Supreme Court refused to hear Pan Am's request for an appeal, men began to enter the flight attendant occupation in much greater numbers (Barry 2007, 165-170).

In 1970 Mary Laffey filed a class action lawsuit against Northwest Airlines for equal pay after becoming the first female purser. Although their job descriptions were virtually the same, the male stewards received better pay and enjoyed better working conditions which included having their own rooms on layovers. Only the stewardesses had weight restrictions. By the time her case went to trial nearly 70% of her stewardess coworkers joined the suit. In 1974, the judge ruled that Northwest Airlines had to pay back salary with interest and reimbursement for the difference in room rent (Barry 2007, 170). The wheels of justice moved slowly, as it took eleven years for the U.S. Supreme Court to uphold the ruling for the stewardesses, who were awarded \$60 million (<https://www.kpbs.org/news/2024/02/16/american-experience-fly-with-me>).

In the midst of these legal victories, the image of the seductive flight attendant persisted, and a boggling juxtaposition emerged. National Airlines launched the sexually suggestive "Fly Me" advertising campaign in 1971. Meanwhile, "Shirley Chisholm was running for the Democratic Party's presidential nomination and Ruth Bader Ginsburg was creating the Women's Rights Project at the American Civil Liberties Union" (Wulfhart 2022, 159). Flight attendant unions illuminated the paradoxes of the times.

In 1972, two Eastern Airlines flight attendants, Sandra Jarrell and Jan Fulsom, filed a discrimination lawsuit over weight limits and grooming standards. They later formed the non-union organization, Stewardesses for Women's Rights (SFWR) (Wulfhart 2022). Although Congress added the Pregnancy Discrimination Act to Title VII in 1978, weight restrictions remained on the books until the 1990s. Most airlines today have replaced weight monitoring with proficiency tests or weight requirements in proportion to height. Nevertheless, flight attendants' battle for the democratization of their job was ahead of its time and influenced many professions outside of the airline industry. This activism is still evident in the flight attendant unions today and has helped them remain a powerful force through some of the worst times for aviation. It has also opened the door to other groups. For instance, flight attendant unions' efforts towards inclusivity have helped the career become one of the most desirable for the LGBTQ community. U.S. airlines rank among the highest scores on the Corporate Equity Index, created and published by the Human Rights Campaign Foundation, a LGBTQ advocacy group. The Corporate Equity Index (available at www.hrc.org/resources/corporate-equality-index) is a tool that assesses standards in policies, practices, and benefits relevant to lesbian, gay, bisexual, transgender and queer employees. American Airlines has earned a perfect score since its start, twenty years ago (news.aa.com 2022).

It is important to note that as late as the 1960s, Black women were on their own without union help when fighting racism. Stewardesses were not only negotiating for better working conditions, but they were also fighting for civil rights. However, flight attendants' unions did not battle racism at first because the airlines were not hiring women of color as stewardesses. One of the unwritten stewardess qualifications was to be white. Pat Banks, an African American from New York, completed a stewardess training program in 1956 and was not hired by three airlines

that interviewed her simply because she was black. She filed a complaint with the New York State Commission on Discrimination. Four years later she won and was hired by Capital Airlines, making her the first Black woman to sue the commercial flight industry for discrimination. Even after Pat Banks was hired, very few people of color were employed as stewardesses.

The most minor challenge Banks and other women of color faced was having to wear makeup that didn't come close to matching their skin color. A more serious regular occurrence was ostracization while on layovers. By virtue of the fact that so few women of color were hired by airlines, these women were always of junior status and the only non-white member of an ever-rotating crew. Even in the late 1960s, Black stewardesses were routinely humiliated when assigned rooms, alone in remote, unsafe areas of the hotels (Francis, 2024). In part because of the difficulties that she faced on the job, Banks ultimately worked as a stewardess for only a year (Black Flight Attendants of America, INC., 2021).

Title VII of the Civil Rights Act was a turning point for airline stewardesses. Their fight for gender equality in the workplace would be the beginning of fundamental change. Progress was slow and came incrementally. Not unlike the women's movement as a whole, stewardesses unions appeared to be oblivious to the intersectionality of gender, race, and class. In the 1960s women of color had to fight for change outside of stewardess union organization. Still, the stewardess unions, early post-Civil Rights Act actions laid the foundation for greater inclusivity and diversity in airline flight attendants and their union representation in the years to come.

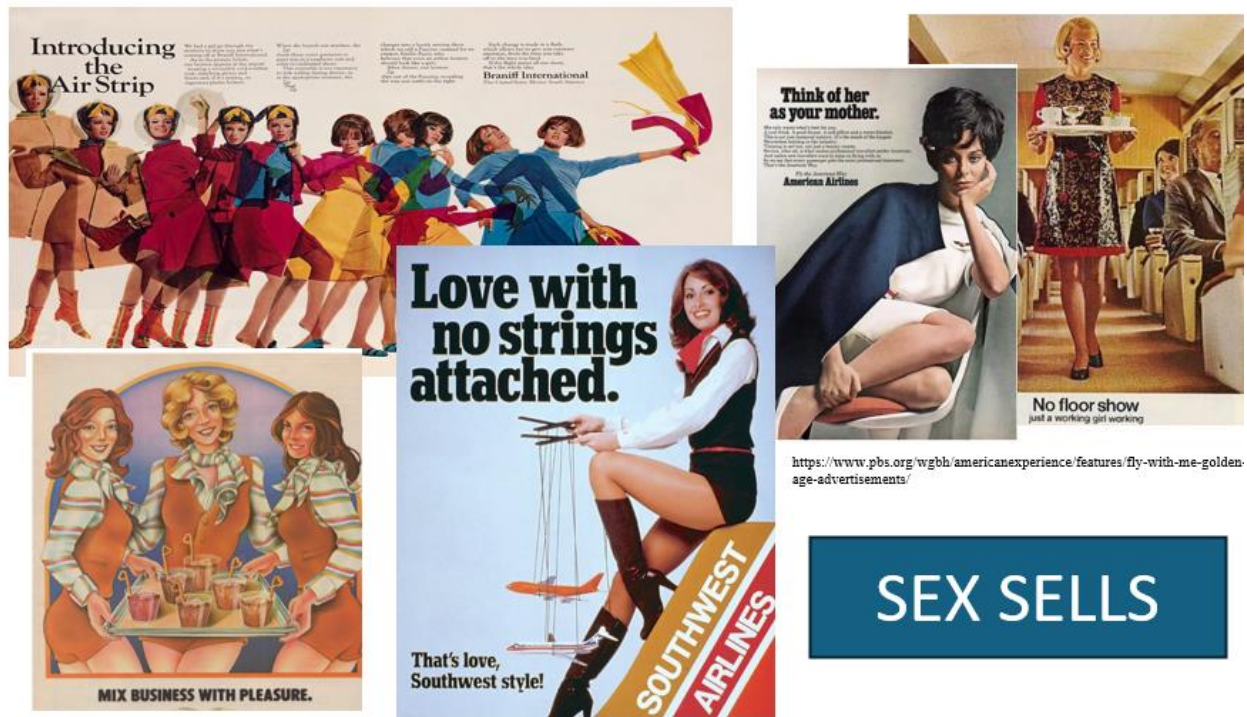


Figure 4.1: Sex Sells



<https://www.destinationtips.com/air-travel/golden-age-air-travel-really-golden/8/>

Figure 4.2: Working “Girl”

4.5 Seniority, Seniority, Seniority

Before moving on to the next few sections it is important to establish a fundamental understanding of seniority systems for pilots and flight attendants. Most U.S. airlines use a hierarchy system for their pilots and flight attendants called a seniority list. As flight crews are hired at an individual airline, they are assigned a seniority number corresponding to their date of employment, or as it is commonly known, their date of hire. Within a new hire class, age determines the seniority number. Occasionally, the number is based on social security numbers with the lowest number being the most senior. Rarely, the seniority numbers are distributed alphabetically according to last name. Flight crews understand from the beginning of their careers that seniority is everything. Seniority radically impacts compensation, job security, and other benefits such as vacation and trip assignments. Seniority determines the equipment flight attendants work and pilots fly and the rank that is held on that plane. Both of these factors govern pay rates. Additionally, seniority determines where a crewmember is based.

Once assigned this number, the order of the seniority list never changes – with a few caveats. The most common way that a pilot or flight attendant's relative position on the seniority list changes is when someone more senior retires or when more pilots or flight attendants are hired and added to the bottom of the list. The other circumstance that changes seniority is when airlines merge with or acquire other airlines. The seniority lists of the consolidated airlines will be merged into one list. In this situation, seniority can stay the same but more often seniority can be lost or gained.

Although not as much of a factor today, in the past airline bankruptcies had an enormous impact on seniority. With so few major airlines today, bankruptcy is not as much of a threat. If an airline was liquidated, its employees were thrust back into the marketplace, where they became new employees at the bottom of the seniority list with another airline. An unhappy pilot or flight attendant cannot readily take their skills - and market it to another airline. Airline mergers and acquisitions typically generate particularly contentious seniority issues. In an effort to mitigate some of these deleterious effects on labor, in 2007 the McCaskill-Bond Amendment was passed. This required the fair and equitable integration of seniority lists resulting from mergers for employees subject to the Railway Labor Act. In economic downturns, if an airline is forced to downsize, junior pilots and flight attendants will be the first furloughed.

Such integration is important because longevity with the airline determines pay rates, with compensation topping out at 12-15 years, so that each year one can look forward to a raise on their anniversary date. For pilots, moving from first officer to captain triggers a large pay increase. Additionally, flying larger airplanes, particularly on international routes, pays more money. Being locked into the seniority system limits choice as it is expensive to leave once established with a major carrier, and thus unlikely.

Despite some protections against arbitrary firing being offered by seniority systems, flight crews are still at the mercy of the market. Management can use economic slumps to drive wages down for much longer than the length of the downturn. This is made easier because of the Railway Labor Act and the seniority system. In the past seniority was often a disadvantage in contract negotiations because pilots cannot take seniority from airline to airline. Seniority, though, is not only good for the pilots; it is also good for the airline passenger. Pilots will joke that they “will be the first at the scene of a crash.” In fact, the repercussions of any mistakes of

the pilots will always be visited upon the flight crew. Seniority does not only affect the air crews' quality of life; it affects their *very* lives. For this reason, air crews have always insisted on the seniority system as the only way to climb the ladders of their careers. Decisions made by air crews are based strictly on safety and are not made based on the airline's bottom line. Unlike many other jobs, currying favor with management will not facilitate a promotion. There is no pathway to jump ahead of a pilot hired at an earlier date.

Although the seniority system presents itself as treating people equally, based upon their length of service, there are, though, significant gender and racial disparities in the airline industry. A historical context reveals the past barriers that persist in today's airline workforce. However, supply and demand has created shortages of pilots and has led to a wide range of projects that will likely lead to both pilots and flight attendants' unions increased diversity.

4.6 They Don't Call It "Cockpit" For Nothing

There are significant gender and racial disparities in the airline industry. A historical perspective reveals the past barriers that persist in today's airline workforce. However, supply and demand has created shortages of pilots and has led to a wide range of projects that will likely lead to both pilots and flight attendants' unions increased diversity.

In the United States, more than 95% of airline pilots are male. Only 3.4% of U.S. airline pilots are Black, 2.2% are of Asian descent, 0.5% are Hispanic or Latino. Women make up just 4.6% of the airline pilot workforce in the U.S. Most pilots have a college degree, and many have graduate degrees. To meet the FAA minimum requirements, pilots must first either train in the military or undergo expensive training and earn ratings as a civilian. Ordinarily, once they acquire minimum standards, civilian pilots often become flight instructors until they can advance to a low-paying regional carrier, where they can work for years before moving to a major airline

(Bjorkman, 2023). The statistics for flight attendants come much closer to mirroring society. Flight attendants in the U.S. are 75.2% women, and 24.8% men, with 17.5 percent Black, 5.4 percent Asian and 15.3 percent Hispanic or Latino (U.S. Bureau of Labor statistics, 2020) (Data USA, 2022). Although flight attendants are not required to have a college degree it is recommended for job applicants. Air carriers ordinarily train their own flight attendants in about seven weeks (Johnson 2002).

Flight attendants' demography has changed dramatically over time. After Title VII the airline industry had to abandon many of its hiring practices and the demographics of flight attendants began to change. Deregulation of the industry eventually led to a decrease in hiring of flight attendants and those who were hired were often older workers, at times furloughed from other airlines. The fallout from the September 11th, 2001, terrorist attacks accelerated large numbers of layoffs, which came from the bottom of the seniority list. Those flight attendants who were left were forced to postpone retirement. As a result of these trends, flight attendants have become older when compared with the rest of the U.S. workforce (Saenz & Evans, 2009)

Why are these gender discrepancies so pervasive among airline pilots and flight attendants? The most obvious reasons stem from past hiring practices and the prerequisites required to apply for the jobs. In the case of flight attendants, for many years airlines were hiring only females for stewardesses' positions. Women who wanted to be pilots faced another obstacle. Eighty percent of airline pilots came from the military pipeline. Pilot applicants had to have at least two thousand hours of flight time as well as an air transport pilot license. The average cost to obtain these credentials outside of the military was about \$100,000, not including the cost of a college degree. Although the Army recruited more than 1,000 female fliers to replace male pilots during WWII, after hostilities ended, they were all dismissed and their

service records were sealed (Weintraub, 2023). In the mid-1970s women were first allowed into experimental Navy and Air Force flight training programs. In the years that followed female officer candidates trickled into military flight training (Johnson, 2022). In May 1980, the first women graduated from U.S. military academies (This Day in History, n.d.).

Prior to 1993 women were not allowed to fly aircraft used in combat, which greatly influenced the trajectory of their military career. For the handful of women who had the resources or borrowed enough to obtain the flight time and ratings needed for an airline pilot job, the clock was ticking because for years the airlines stopped looking at resumes when candidates reached the age of 30. Even when the airlines started accepting older applicants, the clock was still ticking. The former mandatory retirement age of 60 (increased to age 65 in 2007) meant that every year older a pilot was on their date of hire, the less time they had to climb up a seniority ladder with a finite height. There is also the question of children. When would women who just spent their 20s preparing for the job application fit in having children? If they were fortunate enough to be hired, their 30s would be spent paying off their training debts, while making a low salary, working the worst schedules on reserve (on call) status. On the other hand, a woman could look at the option of becoming a flight attendant. The airline's flight attendant training is unpaid, but it is for only seven weeks. Unlike pilots, flight attendants can choose to work on any type of airplane, thus allowing for a more varied schedule. Because most pilots are hired in their late twenties, there will always be someone younger who is more senior to a female pilot who prolongs starting a career to have children. It will not be possible to retire at the very top of the seniority list. Certainly, having children is also a difficult undertaking for flight attendants as well. However, after a long leave of absence, a pilot will require more training to return to work.

In all the steps it would take for a female to become an airline pilot and even after the goal is obtained, anyone other than someone born male and white would likely take the journey alone, without other female colleagues. Even today, only about 7% to 12% of Navy pilots are female, depending on the year (Toropin, 2023). During all those years when it was just one to a handful of females in training, what sort of space and rules had to be carved to “accommodate” them – alone? How much more difficult was it for females to succeed because of their scarcity? The scarcity in numbers increases as a female climbs the ladder and continues through a career as a commercial pilot. The major airline carriers still have not resolved this issue. Companies make policies for pilots based on the collective bargaining agreements which are driven by 95% male unions, where maternity leave and breast-feeding policies are not top priorities.

Because of these small numbers, there are many things about being a female pilot that companies have not been forced to address. However, the day of reckoning on one issue has arrived for airlines on breastfeeding, a key aspect of motherhood. The Affordable Care Act of 2010 included a requirement for employers to provide workers with a clean, private space and break time to pump milk for their babies. Because the rule applied to minimum wage and overtime law, airline pilots were excluded. From the beginning of its enactment, airlines pushed back saying that they were a unique industry. In December 2022, loopholes in the statute were addressed when the federal Fair Labor Standards Act (FLSA) was amended by the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act. Airlines For America, a trade association for the seven largest US carriers, continued to lobby against the law saying, “The ability to perform both routine and emergency safety functions throughout the entire duration of a flight is fundamental to the jobs of both pilots and flight attendants” (Puckett, 2023). Five Frontier airline pilots and the U.S. Equal Employment Opportunity Commission (EEOC) filed a

lawsuit in 2019 against the company for discriminating against pregnant and breastfeeding employees. In December of 2023, a settlement was reached in favor of the pilots (U.S. Equal Employment Opportunity Commission, 2023).

Today the shortage of pilots is a driving economic force that will reverse the scarcity of female pilots in the future. Companies have seen the handwriting on the wall, after giving huge raises only to have barely enough pilots to run the airlines. Most major airlines have started programs to specifically recruit women and people of color. In 2023, former American Airlines CEO Doug Parker and his wife established a nonprofit whose mission statement includes attracting more women and people of color to the occupation (Ewing, 2023). Meanwhile CEO of United Airlines, Scott Kirby, has announced that “Over the next decade, United will train 5,000 pilots who will be guaranteed a job with United, after they complete the requirements of the Aviate program – and our plan is for half of them to be women and people of color” (PR Newswire, 2021). United committed \$1.2 million in scholarships. This was matched by the airline's credit card partner, JPMorgan Chase, to support women and people of color who are accepted to United Aviate Academy.

Now that the doors are starting to genuinely open for women and minorities to become pilots, optimistically it will be transitional change that results in more male flight attendants as well. How will these changes modify union membership and in terms of this research, how might these changes impact seniority and universal contracts? While it is not possible to predict the future, the past gives helpful clues on what might be expected. There is evidence that increased participation by women in an occupation results in lower wages for both men and women. A 2022 study from Cornell University shows that when women enter fields in large numbers, pay declines for the same jobs that more men were doing (Harris, 2022). The study suggested that

greater job flexibility and lower prestige could explain the decline in wages. If this is the case, the future of diverse pilot and flight attendant unions is difficult to predict. Although the airlines will have to offer more job flexibility in exchange for a more diverse workforce, the prestige of both jobs will not likely change.

This thesis has already discussed stewardess's activism in response to the sexism dispensed from mostly male passengers and all male airline management while working with all male pilots. In thinking about the possibility of more diverse unions, the AFA's "trademark" strategy of CHAOS merits a closer look (Association of Flight Attendants -CWA, AFL-CIO, n.d.). CHAOS stands for "creating havoc around our system" and is a good example of "spatial sabotage", mentioned in the introduction of this thesis. The first time that the AFA utilized the CHAOS strategy was in 1993. Alaska Airlines had been negotiating a new contract with the AFA for three years. As permitted by the RLA, after a thirty-day cooling off period ended management was allowed to impose a contract with cuts in work rules, pay and pension benefits (Association of Flight Attendants -CWA, AFL-CIO, n.d.). Management trained 500 office workers and hired additional scabs to permanently replace the flight attendants if they went on strike. Knowing that a strike would result in massive job losses, the flight attendants came up with an approach that would preserve jobs and hit back at the company. Rather than a full-blown strike, only a handful of flight attendants would strike on any given day. The CHAOS strategy has two components that make it extremely effective. First, the time, place and details are kept secret, even from other union members, until it actually happens. Second, the flight attendants planned these strikes strategically, to do the most damage. The flight attendants passed out leaflets to other workers and to passengers on the planes as well. They utilized media coverage, held rallies, and picketed, wearing bright green t-shirts.

Passenger traffic fell dramatically before a single Alaska Airlines flight was struck.

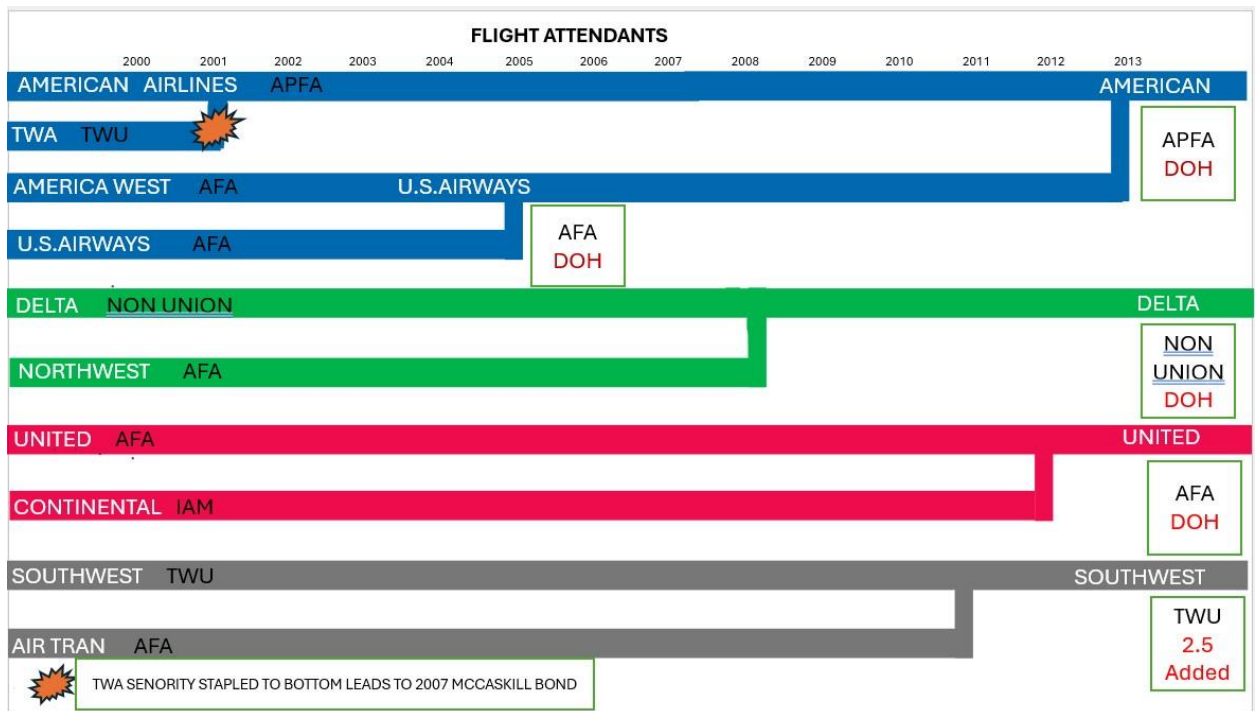
Management was forced to fly its replacement Flight Attendants on nearly every flight for almost two months, anticipating random strikes by CHAOS strikers. This emptied headquarters and brought a halt to all normal office work, causing further disruption to the company (Association of Flight Attendants -CWA, AFL-CIO, n.d.).

As the CHAOS job action persisted, flight attendants were threatened, disciplined, and illegally suspended by management until the AFA took them to federal court. The court ruled that under the RLA the flight attendants had a right to intermittent strikes. Two weeks after the federal court's ruling the flight attendants signed an industry leading contract with management (Association of Flight Attendants -CWA, AFL-CIO, n.d.). Since 1993, CHAOS has been used effectively many times. The mere threat of CHAOS is sometimes enough to encourage management to come to the table. The responses of flight attendant unions to management are unique. Often these tactics are born from a necessity, such as management's ability to quickly replace flight attendants. Are these also gendered responses? A future with more diverse pilot and flight attendant unions will answer this question.

In terms of the questions of seniority integration the last two decades of mergers offer some clues as to the behavior of pilot and flight attendant unions. TWA flight attendants were stapled to the bottom of the combined seniority list. Pilots fared slightly better with 60% placed at the bottom. In every merger since Mcaskill Bond, with only one exception, all flight attendant seniority integration has been done according to length of service or date of hire. No merger has been arbitrated. In fact, the AFA's bylaws stipulate date of hire and assert that arbitration leads to bad working relationships. They further state that the arbitrator, by definition, makes a decision without any stake in the end result (AFA Alaska, 2016).

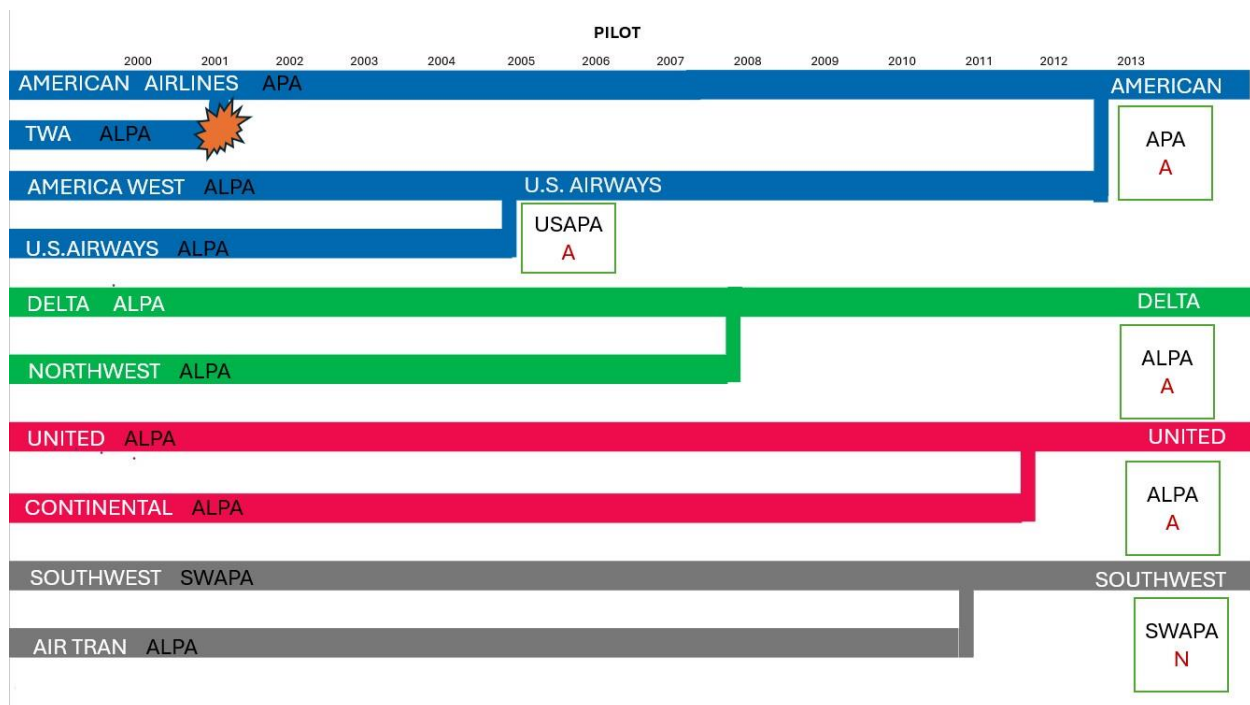
In contrast, with only one exception, pilots' unions' seniority integration has gone to arbitration. Date of hire is not part of any of their bylaws. In all arbitrations it is almost impossible to be completely fair and equitable. Although all of the arbitrated pilot seniority list mergers have been contentious, one of the most litigious mergers was between America West Airlines and USAirways. In 2007, the USAirways pilots refused to adhere to the arbitrated list and pulled out of ALPA, creating their own union called, US Airline Pilots Association (USAPA). In 2008, America West pilots sued the US Airline Pilots Association (USAPA) and USAirways. Meanwhile, the company, now making a profit, used this dispute between the pilots to keep its pilots working under a contract negotiated during bankruptcy. The dispute never ended. The seniority list from a 2005 merger was finally resolved after the company merged again with American Airlines in 2013, when all three pilot groups went to arbitration (Reed, The Street, 2014).

The one exception to both the pilots' and the flight attendants' seniority merger's (among the largest four airlines) is the merger of Air Tran and Southwest in 2011. Southwest flies only the Boeing 737 while Air Tran flew mostly the Boeing 717 (see Figure 4.4). The merger was "negotiated" based on a threat by Southwest management not to include the 717 flight crews in the merged Southwest pilot workforce. The Southwest flight attendants added two- and one-half years to their seniority, while still protecting the Air Train flight attendants' base (PR Newswire, 2011).



AFA- Association of Flight Attendants
 APFA-Association of Professional Flight Attendants
 TWU- Transport Workers Union
 IAM -International Association of Machinists
 DOH-Date of Hire

Figure 4.3 : How Flight Attendant Seniority was Merged



ALPA-Air Line Pilots Association
 APA- Allied Pilots Association
 SWAPA-Southwest Airline Pilots Association
 USAPA-US Airline Pilots Association
 A- Arbitrator
 N-"negotiated"

Figure 4.4: How Pilot Seniority was Merged.

Statistics reveal that women and minorities are seriously underrepresented as pilots and men are underrepresented, to a lesser extent, as flight attendants. These disparities have occurred largely because of the lack of opportunities for women to achieve the prerequisite skills necessary for the occupation. Today's pilot shortage, though, could change these statistics, especially as airlines are actively recruiting women and minorities. This shortage persists even after 2007, when the Federal Aviation Administration raised the mandatory retirement age from 60 to 65. Raising the retirement age for pilots and cutting fleet capacity during the economic downturn postponed a long-predicted pilot shortage. However, the wave of pilot retirements, along with the changes to safety and rest rules that require increased pilot training and reduced fatigue, combined with the expected growth of international travel had aviation forecasters predicting pilot shortages even before the COVID-19 pandemic. Further adding to the shortages, when airlines had to cancel thousands of flights due to the pandemic, they offered very attractive early retirement packages to employees. In 2021, not only did airline traffic rebound but also some airlines announced multiple new routes. Moreover, programs to recruit women and people of color are beginning to address these inequalities. These initiatives will undoubtedly bring more women into the pilot profession. Perhaps by changing societal and corporate gender bias, the flight attendants may also become more diverse. These changes will influence the behavior of both pilot and flight attendant unions to a perhaps more unified approach to seniority integration in mergers. However, the seniority issues will still exist when pilots and flight attendants voluntarily move from airline to airline because a newly hired flight attendant or pilot will always go to the bottom of the seniority list, regardless of age, experience, or qualifications.

CHAPTER 5

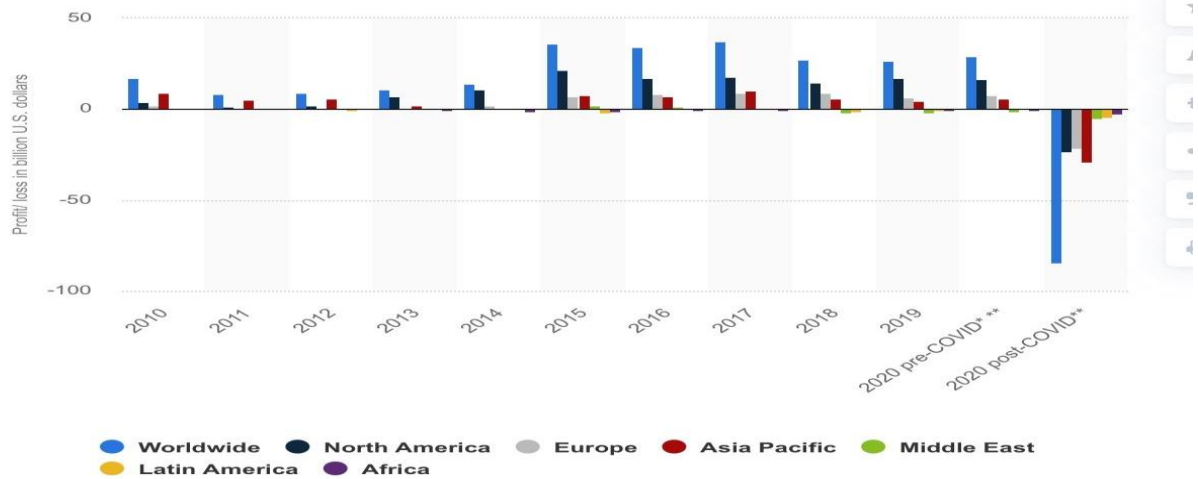
TURBULENCE: CHALLENGES OF NEGOTIATIONS IN A VOLATILE INDUSTRY

5.1 Economics and Scope

The worst sort of business is one that grows rapidly, requires significant capital to engender the growth, and then earns little or no money. Think airlines. Here a durable competitive advantage has proven elusive ever since the days of the Wright Brothers. Indeed, if a farsighted capitalist had been present at Kitty Hawk, he would have done his successors a huge favor by shooting Orville down...As of 1992, in fact—though the picture would have improved since then—the money that had been made since the dawn of aviation by all of this country's airline companies was zero. Absolutely zero.” - Warren Buffett (Dion, 2010)

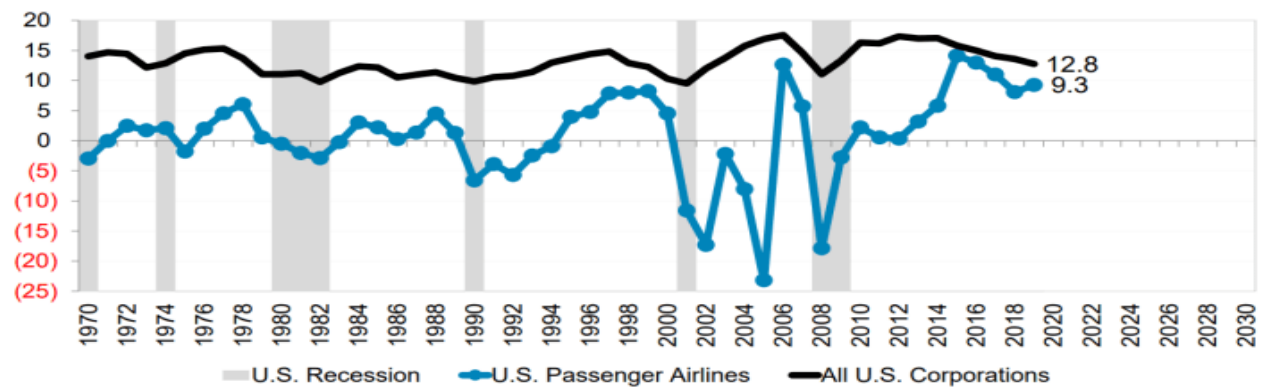
The airline industry is a service industry. However, it does have a product: a seat on an airplane. There is no shelf life for this product. Once a plane leaves the gate, that seat, if empty, is perished merchandise. The average profit margins for the US airline industry have varied significantly over the past 25 years, with periods of profitability and losses. Profit margins for the US airline industry have been influenced by factors such as fuel prices, competition, and economic conditions. Airlines are particularly vulnerable to disruptions to their cash flow. The only thing that has been consistent in the commercial aviation industry is its low profit margins and high fixed costs (see Figures 5.1 and 5.2).

(in billion U.S. dollars)



© Statista 2020

Figure 5.1: Profit and Loss of Commercial Airlines Worldwide From 2010 to 2020



Source: ATA Annual Reports (1970-1976), A4A Passenger Airline Cost Index (1977-present); Bureau of Economic Analysis

Note: Recessions highlighted in gray

Figure 5.2: Profitability of U.S. Airlines Lags U.S. Corporate Average Pre-Tax Profit

Margin (%) (Heimlich, 2018)

Fuel is one of the highest operational expense of airlines (U.S. Department of Transportation, 2019). Unlike in many other industries, airline capital is extremely mobile, although it is restricted by airport gate availability (Brown Johnson, 2002). The airline market is the sum of city pairs rather than a single market (Brown Johnson 2002). Therefore, the market is driven by the number of airlines competing for a route and these routes form hubs. One of the ways used to build so-called “fortress hubs” is to employ regional jets (RJs) to feed traffic from smaller cities. Major carriers’ contract with regional airlines to fly these mostly short- to medium-haul routes. Some of this flying is done by carriers wholly owned by a major airline.

Historically, RJ pilots have been paid substantially less than pilots who fly for major carriers. They also have less generous benefits and more onerous work rules. This is ostensibly because RJ pilots have tended to fly smaller planes. Regional jet pilots are also on a separate seniority list, yet these pilots are members of unions, often the same union as the pilots who fly the mainline routes that they feed. Over time, RJ pilots have flown increasingly larger planes, without a significant increase in pay. This outsourcing of labor is made possible through scope clauses negotiated in mainline pilot contracts. A scope clause determines what type of flying can be done by pilots who are not employed by the major carrier, limiting the flying that the regional carriers can do under the mainline’s brand name. Airlines have increased the amount of flying done by regional pilots while simultaneously decreasing mainline flying. Initially, the demand for regional jets was driven by scope clauses in the contracts between airlines and pilot unions that restricted outsourcing to aircraft with fifty seats or fewer. However, post-September 11, 2001, high fuel prices, airline bankruptcies, and consolidation led to universally concessionary contracts that allowed larger and larger regional aircraft.

Today the fifty-seat, the seventy-seat, and possibly even the ninety-seat aircraft, are predicted to become obsolete (Baldanza, 2023). The Federal Aviation Administration has forecast that “By 2030 only a handful of 50 seat regional jets remain in the fleet” (FAA Aerospace Forecast Fiscal Years 2022–2042, 2022). The highest growth is forecast for aircraft with more than one hundred seats, prompting the development of larger aircraft by the regional jet manufacturers. Because these larger aircraft exceed the seating capacity allowed by scope clauses, mainline pilots will be required to fly them. In the context of airline liberalization and collective bargaining, this is a particularly important issue. Typically, scope clauses address international flying as well. A unique example of the potential for outsourcing labor was illustrated when United Airlines marketed flights as its own but Irish carrier Aer Lingus actually did the flying. Aer Lingus pulled pilots, planes, and flight attendants out of their own system to fly from United’s major hub of Washington, D.C., to Madrid, Spain, staffing the airline with US-based, non-union workers to keep costs low. During bankruptcy negotiations, Northwest Airlines, in an effort to “whipsaw” flight attendants (i.e., play them against each other), proposed outsourcing 75% of its international flying. The company was unsuccessful because of strong scope provisions already in place (Northwest Airlines Flight Attendant Agreement, 2009). These examples of how airlines and their employees react to overcapacity demonstrate the potentially deleterious impacts of international liberalization on labor.

Airline employees negotiate on an airline-by-airline basis and contracts vary greatly from carrier to carrier. There is no centralized industry seniority list, and these disparate negotiations work to the advantage of management. Management understands the consequences of the airline seniority system. These idiosyncrasies, along with bankruptcy laws, help foster a competitive attitude rather than a cohesive entity between airline employees, even though they may belong to

the same union. In reality, airline employees are often pitted against each other, facing a Hobbesian choice.

Geography can work to the disadvantage of the flight crew in collective bargaining, particularly in a global setting. Airline workers have already experienced the negative effects of competition from fellow union members in the U.S. This has magnified with globalization. However, to be effective workers must take wages and working conditions out of competition (Herod 2001). Unions' failure to do so invariably leaves them vulnerable to employers who are either multilocal or who are geographically footloose and not tied to any particular location and who can then pit workers in different regions against one another (a practice most commonly called "whipsawing") on the basis of what may be quite significant geographical variations in wages and conditions (Herod 2001, 102-103).

Unlike other transportation workers like longshoremen, who control strategic locations that cannot be moved, an airline pilot and flight attendant move a product from one place to another. Longshoremen's unions are among the most centralized and powerful unions in the country and stand in sharp contrast to airline employee unions. Longshoremen have benefited from globalization because they can cease the movement of imports and exports upon which American consumers and businesses survive. If they strike, Mexico cannot handle the extra cargo and Canada will not unload diverted ships. East Coast ports are unreachable because the Panama Canal is too small to manage the huge Pacific ships (Greenhouse, 2002). Through "spatial sabotage" longshoremen have significantly shaped how the geography of capitalism develops in particular places (Herod 2001, 100). Although flight crews do not have the advantage of a fixed port and the RLA will not allow wildcat strikes, there is still much to learn from longshoremen. In the 1960s the longshoremen began replacing their port-by-port

bargaining with a national “master” contract, constructing a new geographic scale of bargaining (Herod 2001). Thus, the union refashioned the economic and political geography of the industry (Herod 2001). Strong international unions, along with universal, restrictive scope clauses, could provide air crews the opportunity to use “spatial sabotage” to shape the geography of the industry in their favor.

5.2 Compensation

Compensation for pilots and flight attendants is a significant factor in airline operating budgets. Their unions are comprised of highly skilled workers, who ensure not only the efficient but, more importantly, the safe operation of the airlines. Salaries and benefits can put a strain on airline operating budgets and are often negotiated based on the overall economic conditions within the industry,

Before deregulation, in 1978, few professions paid higher wages than that of a commercial airline pilot. Neither airline management nor airline unions were prepared for the upheaval that commercial aviation would face in the years immediately following deregulation. The airline industry was forced to become more competitive leading to cut-throat competition and more financial instability. Commercial airline pilots’ compensation and job security rapidly began to reflect the vulnerability of the airline unions. When the sharp economic recession of 1982–83 reached bottom, the overall jobless rate for airline pilots approached 20 percent. By Department of Labor reckoning, airline pilots suffered from unemployment at nearly double the national average for all workers. Surprisingly, nobody felt much sympathy for either airline pilots in general or for their union, ALPA. If the overall unemployment rate for ordinary workers had been that high, Congress would have taken action, and the President would have reacted. But owing to the prevailing opinion that airline pilots were “overpaid and underworked,” this

holocaust of jobs in the nation's airline cockpits evoked only yawns. Indeed, many people believed that airline pilots, whose reputation for haughtiness and self-assurance approached the legendary, were deserving of the comeuppance that the Airline Deregulation Act of 1978 had visited upon them (Hopkins, 2000, p. 12)

In the twenty years that followed, studies reported varied results for the effects of deregulation on pilot and flight attendant wages – many even stated that there were no long-term consequences for both pilot and flight attendant compensation. Pierre-Yves Cremieux believed that this was incorrect, pointing out that “most of these studies relied on cross-sectional analysis of a few years' data” (Cremieux, 1996). Cremieux based his results on 34 years of data from the Department of Transportation's Form 41 and airline workers' unions. Form 41 is the Department of Transportation's financial information on large U.S. certified air carriers. It includes “balance sheet, cash flow, employment, income statement, fuel cost and consumption, aircraft operating expenses, and operating expenses” (Bureau of Transportation Statics, n.d.). The results of his study, published in *Industrial and Labor Relations Review*, were conclusive: “Flight attendants' earnings were at least 12% lower by 1985 and 39% lower by 1992 than they would have been if deregulation had not occurred, and the corresponding shortfalls for pilots were 12% and 22%” (Cremieux, 1996).

The airline industry remained unstable during the 1990s. Concessionary contracts, which included B-scale wages of the 1980s, were often replaced with new concessionary contracts. With the advent of widespread use of regional jets union contracts necessarily began to include more comprehensive scope clauses. It was on this backdrop that airlines were faced with perhaps their biggest challenges – regaining profitability after the September 11th attacks, followed by the 2008 financial crisis. “While many observers hypothesized that wages would stabilize as the

shakeout from deregulation attenuated, wages never managed to find a floor in the decade after 9/11. According to a Government Accountability Office analysis, pilots' median weekly earnings fell another 9.5 percent from 2000 through 2012—lower wage growth than 74 percent of the other professions included in the GAO's review" (Friedrich, 2017). After the numerous airline bankruptcies during the post-September 11th era, airline workers experienced deep pay cuts, layoffs and the loss of defined benefit retirement plans. When the dust had settled after the financial crisis, a significant number of U.S. airlines had declared bankruptcy. This was followed by a period of acquisitions and mergers. At the end of the decade only the "big four" major airlines were left – Southwest, Delta, United, and American. One could describe the early 2000s as the "dark before the dawn" for airlines and airline unions. Pilots and flight attendants started seeing much improved contracts after 2013.

The only thing predictable about the airline industry is its unpredictability. No one could have predicted the COVID-19 pandemic. The flight attendant and pilot unions' bargaining power post-pandemic was also different from what they had experienced in the past. Not only had the unions learned from their mistakes but, also, they had quickly learned how to navigate in the new landscape brought about by consolidation. Pilots and flight attendant unions for the major carriers no longer work under concessionary contracts. Additionally, pilots have benefited from a pilot shortage and senior captains at the major U.S. airlines will be making over \$500K per year.

CHAPTER 6

TODAY'S THREATS TO AIRLINE CREWS

6.1 Flags of Convenience

The term “flags of convenience,” also known as “flagging out” and sometimes described in the benign term as “open registry,” refers to registering a ship in a sovereign state different from that of the ship owners. The ship then flies the flag of that state in which it is registered and, as such, operates under the regulations and laws of that state in which it is registered, rather than the one in which it is owned. Flags of convenience yield economic advantages, such as lower labor costs and tax advantages for the ship’s owner. An understanding and brief history of flags of convenience (FOC) is necessary for this thesis. The practice of using flags of convenience has emerged as a prominent concern for airline crews regarding globalization.

Although it is difficult to say exactly when the practice of changing a vessel’s flag to that of another country started, undoubtedly flags of convenience evolved organically with the expansion of nation states. All the reasons that facilitated the need for nation states also applied to national ship registration – that is to say, patriotism, national security, and economics. Furthermore, in early times the need for international maritime commerce with foreign registries was practically nonexistent (Odeke, 1997). This state of things did not last long. By the beginning of the twelfth and thirteenth centuries evidence emerged for the need of registration in foreign countries. A number of factors justified this change. First, the emergence of nation states in Europe following the break-up of the Holy Roman Empire gave rise to nationalism and rivalry among the major maritime nations. Secondly, these rivalries led to years of political and economic competition and eventually to wars. It was then that flags of convenience emerged as a number of ship-owners sought to hide their true identity and nationality. Thirdly, the Industrial

Revolution and voyages of discovery internationalized maritime commerce and ended the need to restrict registration to domestic registries. Finally, but not least, the internationalization of maritime commerce led to emergence of *laissez faire* and the supposed end to protectionism (Odeke 1997, 24-25).

During the war of 1812, some American ships operated under Portuguese flags to sidestep British and American restrictions. In the 19th century, U.S. and Latin American slave traders operated under what were tantamount to flags of convenience to elude international agreements that prohibited the slave trade (Carlisle, 1981, p. xiii). During prohibition, American ship owners registered their ships in Panama in order to serve alcohol onboard (Carlisle 1981, 15). Also, during the 1920s the United Fruit Company transferred its American flag to Honduras to transport bananas cheaply from South America to the U.S. Today, as in the past, this practice has been justified so that Americans can pay less for produce as well as other shipped goods (Mendelson, 2014, p. 79). During the Cold War, the U.S. took advantage of Liberia's poverty by registering under its non-aligned flag. This allowed the U.S. to avoid the prevailing tensions with the Soviet Union. The use of open registries continued to increase and, by 1968, Liberia held the world's largest fleet of re-flagged ships (Carlisle 1981). In more recent history, FOC enabled owners to conceal their identities. In 2014, the Israeli Navy intercepted an Iranian shipment of weaponry bound for Hamas organizations operating in Gaza. The ship was a Panamanian-flagged civilian cargo ship (Mendelson 2014, 158). The weapons found were identified as Syrian-manufactured.

Today more than 70 percent of the world's commercial ships operate under flags of convenience. "The once all-powerful and dominant post-World War II U.S.-owned and U.S.-flagged merchant fleet has disappeared" (Mendelson 2014). Indeed, Norwegian Cruise Line's

Pride of America is the only cruise ship that is registered in the U.S., and this is because the ship tours Hawaii, year-round. FOC operations allow ship owners to not only avoid taxes, but it also enables them to evade environmental regulations, as well as health and safety regulations, and to hire crews from the most economically depressed nations. While the shipping industries had established an international law of “Freedom of the High Seas,” aviation had established protections of “closed skies” through the conventions (Snodgrass, 2015). However, these protections have been altered as, perhaps, an unintended consequence of Open Skies agreements and pilots and flight attendants are now finding many alarming comparisons between the shipping industry and aviation.

One example perhaps illustrates why this situation is significant for US airlines. Norwegian Air International (NAI) and Norwegian Air UK (NAUK) are subsidiaries of Norwegian Air Shuttle (NAS). NAS is headquartered in Norway, NAI is based in Dublin, Ireland, and NAUK is based in London. Norway is not an EU-member state. However, the Irish commission for Aviation Regulation has included Norway, Iceland, and Lichtenstein as non-EU states, which are parties to the Agreement on the European Economic Area and, as such, Norway is considered a party to the U.S.-EU Open Skies Agreement (Snodgrass 2015, 269). When it comes to aviation, then, Norway is, in essence, an EU-member state and consequently NAI’s status as a wholly-owned subsidiary of a Norwegian air carrier is not an obstacle to its registration as an Irish carrier. NAI, headquartered in Ireland, is 50 percent owned by Norway, making Ireland’s registry open to NAI and satisfying the ownership and control requirements of the U.S.-EU Open Skies Agreement (Snodgrass 2015, 269-270). While flying Norwegian’s services to the U.S. and other long-haul routes they can circumvent Scandinavian regulations and labor costs while undercutting U.S. legacy carriers. There have been arguments on both sides of

the debate as to whether or not NAI is a FOC. However, for the purposes of this thesis, I would argue that it is, particularly because of its threat to pilots and flight attendants.

In recent years, a set of new players has emerged on the global air market which are also bringing challenges to US carriers: airlines from the Persian Gulf, including Emirates, Etihad Airways, and Qatar Airways. Much of the reason for this has to do with the way in which the global economy is developing. Hence, as one observer of the industry has remarked: “Just a decade ago, the Gulf trio ran 19,000 flights a year to and from Europe. This year [2015] it will touch 40,000. The reason is simple geography. Four billion people, many in the world’s fastest-growing economies, live within an eight-hour flight time of the region” (Critchlow, 2015). U.S. and European airlines claim that these Persian Gulf airlines have benefited from unfair trading practices. U.S. airlines, in particular, have accused them of having an unfair advantage, asserting that they have received subsidies from their governments over the past decade. In March 2015, U.S. carriers jointly released a report claiming that “This subsidized support includes interest-free government ‘loans’ with no repayment obligation, government grants and capital injections, free land, airport fee exemptions and more” (Lang, 2015). Recently, the United States and the United Arab Emirates began negotiating an agreement to resolve issues of government subsidies to Emirati airlines to which the major U.S. airlines have objected. The deal would oblige Emirates and Etihad Airways to voluntarily open their accounting books, which should prevent obscuring billions in subsidies. Emirates and Etihad also say that they have no proposals to add additional flights to the United States from Europe. A similar agreement was achieved in January between the U.S. and Qatar. Although none of the three Middle East carriers pay corporate income tax, in December 2017 the U.S. Senate dropped a tax-reform bill, targeted at the Gulf

airlines, calling for foreign airlines from nations without U.S. income tax treaties to pay corporate taxes where American carriers operate fewer than two services a week.

The U.S. carriers, however, are not as geographically threatened by the Gulf carriers as are their European counterparts. The Persian Gulf carriers have already created competitive pressures that have forced financially weaker European airlines to reduce labor costs. In response to pressure from carriers such as Lufthansa, which is losing passengers to the Gulf airlines, several European countries have begun to limit flights from the United Arab Emirates. Likewise, Canada has placed restrictions on Gulf airline access, straining diplomatic ties (Carey, 2015). On the other hand, some countries are forming alliances or outright ownership with Gulf carriers. For instance, Etihad briefly had a 49% stake in Italian air carrier Alitalia but have subsequently pulled out. Other countries, such as Australia and several in Latin America, have also chosen to strengthen alliances with the Gulf airlines. There are, though, several issues other than economics to consider. The unusual coalition of American Airlines, Delta Air Lines, United Airlines, the Air Line Pilots Association, the Allied Pilots Association, the Airline Division of the International Brotherhood of Teamsters, the Association of Flight Attendants-CWA, and the Association of Professional Flight Attendants have formed a group called “Partnership for Open and Fair Skies.” They are lobbying the U.S. government to protect fair competition by limiting expansion into the U.S. market. The Partnership for Open and Fair Skies claims that the Persian Gulf countries have poor working conditions, openly enforce gender and sexual orientation discrimination, and impose weight and appearance standards on their employees. The lobbying group continues to address these and other issues, such as government subsidies to state-owned airlines and the lack of corporate taxes, which they claim distorts the international aviation market and undermines fair competition. A third issue that threatens the major U.S. airlines and

thus, as seen in the past, threatens airline labor is discussed by Allen I. Mendelson, former Deputy Assistant Secretary of State (Transportation Affairs) and an Adjunct Professor at Georgetown University Law Center. Mendelson, who argues that NAI is indeed an FOC airline and that the Middle East air carriers are indeed subsidized, also points out that carriers are in, effect, subsidized when the Export-Import Bank of the United States (Ex-Im Bank) provides loans at reduced financing (which they have done for more than a decade) to Middle East carriers (Mendelson 2014).

6.2 The 737 MAX Crisis

The grounding of the Boeing 737 MAX is illustrative of the global impact of aviation safety. After two fatal accidents, both the AFA and the APFA strongly advocated for grounding the airplane, on March 12th, 2019. Pilots' unions did not express support for such action until after the FAA announced the grounding, a day later, on March 13th. In her June 2019 testimony before the House Transportation and Infrastructure committee, AFA President Sara Nelson recounted airline flight attendants' decades long commitment to public safety. Flight Attendants continue to receive questions from the traveling public about the 737 Max. "There remains confusion about the progression of 737 aircraft models. It is common for crew to receive questions when working the 737NG about whether the aircraft is safe. This signals a fundamental question about the progression of the 737 aircraft models and whether or not the Max should have been designed as an entirely new aircraft type. This is an example of questions that will need to be answered within the process to safely return the 737 Max to flight and regain public confidence" (The Association of Flight Attendants-CWA (AFA-CWA), 2019).

In October 2019, while the 737 MAX remained grounded, Nelson continued to raise concerns with the aircraft. She declared that, "We have been clear throughout this process and

repeatedly in public forums, that we will not work the 737 MAX until and unless we have full assurance from regulators around the world, our colleagues in the flight deck, engineers, and our airlines that the 737 MAX is safe” (The Association of Flight Attendants-CWA (AFA-CWA), 2019). The troubled aircraft’s future was further complicated by the COVID-19 pandemic but was recertified in November 2020.

6.3 Coronavirus Pandemic of 2020

The coronavirus pandemic of 2020 presents yet another crisis for airline labor to contend with. Pilots and flight attendants collaborated with management to find mutually beneficial solutions to address what was certainly an existential threat, with an impact demonstrably worse than 9-11 or the financial crisis of 2008. Whereas globalization has created tremendous business opportunities, it unfortunately hastened the spread of the virus. It was almost a foregone conclusion that massive layoffs were looming for the airline industry as soon as October of 2020, when employee payroll protective provisions in the Coronavirus Aid, Relief and Economic Security Act (CARES Act) expired. Many airlines implemented various programs of voluntary temporary and permanent leaves of absence to mitigate economic damage caused by the extreme reduction of flights throughout the air transportation system.

When the coronavirus first appeared in Wuhan in December 2019, the three major U.S. carriers that serve China (American, Delta, and United) were slow to respond to an emerging health crisis. Quickly assessing the serious nature of the threat, on January 29, 2020, the Allied Pilots Association, the union that represents American’s pilots, directed its members to refuse working flights to China. Two days later, the Trump administration finally made it official by banning airline service to China. As was the case following the terrorist attacks of 2001, faced with economic ruin the airline industry had to quickly secure emergency funding in the form of

grants and loans from the federal government. AFA President Sara Nelson advocated for specific provisions of the aid package known as the CARES Act to protect employee wages and benefits at least until September 30th, 2020.

6. 4 Union leaders' perspectives on threats

During my interviews with Paul Hartshorn, Jr., Communications Director for the Association of Professional Flight Attendants (APFA), and Captain Eric Ferguson, President of the Allied Pilots Association (APA), union organizing issues were highlighted. Flight attendants and pilots are some of the most challenging people with whom to communicate. They do not live in one place. Unions must operate within an expansive geography. The APFA has eleven crew bases across the country, with union representatives at each base. Some flight attendants live outside of base and commute to work, adding yet another distinctive element to the union. It is quite complicated to make sure that every union member from every region is on the same page and involved in union activities. Fortunately, today's technology makes communication much easier than it was in the past and over time the union leadership has devised a system which involves an information chain that reaches all its members and allows its membership to seamlessly communicate back with leadership.

Both Captain Ferguson and Paul Hartshorn, Jr., discussed the union's response to the threats facing airline crews today. Of course, COVID-19, as a worldwide catastrophe, at first had no near-term end in sight. However, this crisis presents an opportunity, indeed an imperative for pilots and flight attendants to cooperate on a global scale more closely. At the time of the interviews the wounds as well as the lessons of Covid-19 were noticeably salient to airline unions. It is important to note the timing of these interviews. They were conducted after the fog of the COVID war had lifted and the unions, for the first time, had emerged from a financial

crisis relatively unscathed. Also, these interviews were conducted prior to the board of directors of the Allied Pilots Association (APA) rejecting a proposal to create a Merger Exploratory Committee to join ALPA. More than half of the union membership had favored the merger talks.

Captain Ferguson explained that the idea of a seniority system represents a bedrock principle of airline pilot unions – and it is one that enhances safety. The early founders of the Air Line Pilots Association established their union to resist management’s pilot-pushing tactics which had created an unsafe flying environment. Captain Ferguson said that, if instead of a seniority system, a meritocracy existed, pilots would compete among themselves for promotions. Ferguson also said that various metrics would have to be used to evaluate merit, such as on-time performance and fuel usage. He added that, eventually, such competition could lead to cutting corners, thereby compromising safety. Originally, seniority systems rewarded date of hire. But, over time, and particularly after deregulation, when airlines arose and failed at a tremendous pace, seniority was adjusted for other factors. Essentially, though, a pecking order, derived from length of service, has been established within which pilots cannot compete. Captain Ferguson emphasized that pilots could focus their attention on a safe operation without worrying about retribution from management. Other safety-related employee groups, including flight attendants and mechanics, are also governed by the same basic principle.

Captain Ferguson clarified that the principle of seniority exists to a lesser extent within the European Union. Ryan Air, one of the largest air carriers in Europe, has very tense relations with its pilots and does not strictly respect a defined central seniority system, setting up a competitive dynamic. Pilots work under individual contracts at far-flung domiciles, typically in countries with lax labor laws. Without a central labor agreement, Ryan Air is free to open and close pilot bases at will as a tool to keep labor in line. One of the threats from airlines operating

under flags of convenience (like Ryan Air) is their reliance upon employing pilots who lack the protection of a labor agreement with a single seniority list. These airlines base their operations in countries with minimal standards regarding such areas as duty and rest specifications. As Captain Ferguson put it, “Without a standard pecking order, all those things cut into the margins of safety, and we have to protect the margins.” Consequently, the APA regularly monitors and addresses the threats of flags of convenience. As Captain Ferguson noted, “At the APA we never mix safety with bargaining. We never mix safety with politics. It’s sacrosanct. The role of the union is to ensure the commercial interest of the airline doesn’t wipe out the safety interest because it can easily happen. At American Airlines, the union and management collaborate very closely on safety issues. The company looks to us for leadership. Senior leadership understands the importance of a union and appreciates the throttle or governor we place on their actions by safeguarding safety, first and foremost. Ultimately the company’s success depends on a safe operation and a seniority list helps to ensure that.”

Captain Ferguson conceded that the COVID-19 pandemic was such an unprecedented, acute crisis that it drove all airline unions and all airline managements to cooperate closely in the interest of the very survival of the industry. Unions and managements united to lobby Congress to invest in aviation’s critical infrastructure. Captain Ferguson recalled that with so few people flying, airlines realized early in the crisis that competitive interests had to be put aside. In comparing the 9-11 crisis, Captain Ferguson stated that while the downturn was bad, it was comparatively short lived, with passenger loads returning to more normal levels within six weeks after the attacks. Describing the role of a union that was dealing with a novel situation day after day, Captain Ferguson said, “We’ve never seen a crisis so deep or so long.” Captain Ferguson recalled how the APA had to become more proactive and try to anticipate each new aspect of the

crisis. As the APA President, upon identifying the threat to the health and safety of crewmembers, he issued an edict to shut down flying to and from China on January 29, 2020, well before the pandemic was declared. Because flying could not continue under the existing contract, in February the APA proposed a set of protocols to “allow us to fly through the pandemic as best we could.” Finally realizing the depth of the crisis and the desperate need for action, in March, management agreed to the union’s proposal. Some of the APA’s ideas included cleaning protocols and limiting passenger loads to prevent viral spread onboard aircraft. Voluntary early retirement programs allowed American to trim its pilot workforce while protecting the jobs of those who wished to remain. At an unprecedented pace, twelve letters of agreement were negotiated with the company to address all aspects of the pandemic crisis as it affected the pilots. In describing the leadership role of the pilots, Captain Ferguson said “The company looks to the pilot cadre to lead and that’s what pilots do.”

According to Captain Ferguson, Doug Parker, currently CEO of American Airlines, more than anyone else advocated for consolidation to strengthen the airline industry in the post-deregulation era. He believed that a consolidated industry offered capacity control leading to better yields which would also benefit labor. As the head of America West, he made a move towards American Trans Air in 2004 but was outbid by Southwest which bought and then shut them down. In 2005, Parker succeeded in merging with USAirways, becoming the CEO of the combined company. Parker unsuccessfully tried a hostile bid for Delta in 2006, leading to the Delta Northwest merger. In 2008 and again in 2010, Parker tried to make a deal with United. After United and Continental merged, Parker successfully combined American with USAirways in 2013. Captain Ferguson said that he believes that it is this consolidated industry that has been able to withstand such a black swan event as the pandemic. He added that it is this industry that

banded together to convince Congress to provide billions of aid without labor suffering concessions. Every carrier that accepted the money did so on the condition of protecting labor. Captain Ferguson confirmed that “this is the evidence that consolidation created a new world where both labor and management benefit.”

At the present time, the membership of the APA has not generally expressed a desire to merge with ALPA. The APA represents the specific interests of the 15,000 pilots of American Airlines, whereas ALPA represents the disparate interests of thirty-four member airlines. The leadership of ALPA must balance the concerns of the large air carriers like Delta and United with that of smaller carriers such as Air Wisconsin and PSA. They do collaborate with ALPA on issues of safety and advancement of the pilot profession as they did together, in pursuing Congressional support for COVID-19 aid. ALPA is trying to protect and advance the careers of 59,000 pilots, whereas the APA concentrates on bargaining for a single pilot group and administering a single contract. As Captain Ferguson put it, “50% plus one of the members could choose ALPA and I wouldn’t resist it, but I prefer an independent union and clearly American’s pilots do as well.” Ferguson specified that his union does collaborate with other independent unions such as the Southwest Pilots Association (SWAPA) and the Independent Pilots Association (IPA), which represents the pilots of UPS through the Coalition of Airline Pilots Association (CAPA). CAPA is a trade organization and not a collective bargaining unit, focusing on areas of mutual interest including safety and security. “It is effective so that is how we get our force multiplier without being part of ALPA.”

A transnational pilot union would present exceedingly difficult and unique challenges, especially considering the myriad political landscapes such an organization would have to contend with. There is collaboration on safety issues through the International Federation of Air

Line Pilots (IFALPA), but it has no collective bargaining authority. With multiple governmental jurisdictions, a single cohesive labor organization would be hard to develop. Ryan Air is a perfect example of a business that takes extreme advantage of that, making it difficult for its pilots to organize under the auspices of a single union.

With Dallas as its headquarters, American has pilot bases all over the country, from Boston to Miami to Los Angeles and points in between. That dispersal could be a disadvantage, but with a mobile workforce with access to free air travel, pilot representatives from the various domiciles have the ability to meet face to face. If all pilot reps lived in the DFW area, it would blind leadership to the demographically diverse interests of the membership. The COVID-19 pandemic did force the adoption of virtual meetings, but as things have begun to return to normal, pilots can now come together in person with proper safeguards. Ferguson added, “American relies on business travelers for significant revenue and it would be almost hypocritical if we continued to conduct virtual meetings.”

The U.S. prohibits cabotage, which is when an airline operates a domestic flight between airports within the borders of one country, by aircraft that are registered outside of that country. Clearly, cabotage would have detrimental effects on labor. Captain Ferguson adds that it also would have a negative effect on safety. He indicated that with cabotage as well as flags of convenience, labor is taken offshore to the lowest bidder. These companies are then trusted to place safety over commercial interests. As he put it, “We cannot allow our citizens to be subjected to greatly degraded safety margins because the commercial interest overwhelmed the desire to have a safe, standard playing field.”

The APFA is a Union comprised of 28,000 Flight Attendants of American Airlines which prides itself on its democratic process which governs through direct election of their Union

representatives. Its diverse membership retains voting power on all Constitutional changes. Its leader, Paul Hartshorn, Jr., pointed out that the current union officers assumed office on the 1st of April 2020. Only a few months earlier, in February, American Airlines had cancelled only one flight to Hong Kong due to COVID-19. By April, the airline was reducing flights 85% system wide. The new officers had virtually no time to receive the baton from the previous officers and respond to an ever-changing state of emergency.

The September 11th terrorist attacks were extremely difficult and flight attendants did have some experience and training in reacting to hijacking threats from which to pivot into the post-911 era. Paul Hartshorn described those early days: “It became all hands on deck, whether you like it or not. COVID is like nothing the airline has ever experienced before. We've never seen a complete drop off in demand, almost down to zero percent within weeks -a couple of months, if you will. It's a shock we've never seen. There's no road map on how to handle this. 9/11 taught us a lot of things about how we handled hijacking threats. We changed the way we looked at hijackers as opposed to how American had taught us beforehand. COVID was different- there was no experience to draw from.” The APFA almost immediately became focused solely on helping flight attendants navigate through procedures that would keep their passengers safe, but also measures that would, above all, ensure the flight attendants safety as well. They did so while trying to preserve their jobs as much as possible.

Hartshorn said that the focal point for information about the pandemic was necessarily with the Centers for Disease Control. At the beginning of the COVID-19 outbreak, the CDC said that masks needed to be saved for frontline doctors and nurses and first responders who were dealing with this unknown virus. The flight attendants were told that they didn't need to wear masks. However, the leadership, gathering information from the CDC guidelines, ascertained

that this virus was airborne. Even before schedules were reduced, at a time when airlines were flying at full capacity, not only did the flight attendants know that this virus was airborne, but they were also aware that the virus could be deadly. Thus, the priority for the new officers was to get a mask mandate on board all aircraft. At first, the airlines were reluctant, again because of the PPE shortages. As time passed the APFA began partnering with other flight attendant and pilot labor unions throughout the industry, forging lasting relationships. It was a tough battle. The goal was to push the airlines to include mask mandates for passengers. At the onset of the pandemic, only the flight attendants were required to wear masks. The idea of flight attendants, ostensibly, being required to protect passengers was perplexing. While there was some known protection from the virus for unmasked passengers, clearly the flight attendants were not protected from the passengers. Convincing the powers that be that passengers must also be required to wear masks was an uphill battle for the flight attendants. At first the airlines were reluctant to move towards a passenger mask mandate. Although it was perhaps an inconvenience to passengers, this safety protocol, now considered the standard, was the result of the concerted efforts of the transportation unions, mainly flight attendants and pilots, lobbying Capitol Hill.

At the time, aircraft cleaning protocols involved a once-nightly sanitation, after completion of all flights of the day, which was typically seven or eight legs. Although planes are cleaned between flights, in terms of disinfecting they were only cleaned overnight. Again, flight attendant unions lobbied leaders on Capitol Hill to require substantial disinfecting in between flights and heavier cleanings at the end of the day. The flight attendant unions relied on various medical teams and universities to establish cleaning regimens that would enhance safety for the customer as well as the flight attendants.

Although initially safety and the health of the flight attendants was the most immediate concern for the union during the COVID-19 pandemic, the focus on job security quickly became a priority. Navigating the preservation of jobs was uncharted territory. Once 85% of the flights were canceled it was painfully obvious that there would not be demand for 28,000 flight attendants. Worse yet, the unknowns about how the aviation industry would react to a health pandemic immediately led to questions regarding the flight attendants' own health insurance. The union had to quickly pivot from health and safety concerns for its members to mitigating the effects of such a large surplus of employees at American airlines. The likelihood of disconnecting so many flight attendants from not only their employment but also from their health insurance was an urgent concern.

There were no announcements regarding layoffs, but the union leaders knew that it was coming, for American Airlines flight attendants and for the thousands of flight attendants with airlines nationwide. The job of threading the needle between the two objectives -- keeping American Airlines afloat while securing some sort of job preservation and insurance benefits for the flight attendants -- had a very narrow pathway. That pathway was found through the CARES Act and the union's government affairs team, who practically camped out on Capitol Hill for months lobbying Congress. The CARES Act, through the Payroll Support Program (PSP1), which provided federal aid to the airline industry, had to be used to maintain employment by providing funds to cover employee wages, salaries, and benefits. Through the work of the union about 7,960 members signed up for voluntary leave or early retirement out of 25,300 total and about 7,200 flight attendants signed up for three-, six- or 12-month leaves. Approximately 760 took early retirement.

Lastly, during the interviews we touched on four areas that my thesis is addressing regarding future concerns for airline unions, which are: flags of convenience; code sharing; cabotage; and climate change. The APFA believes that flags of convenience threaten not only passenger safety but also the careers of flight attendants, because they use third-party staffing agencies. For this reason, they support the Fair and Open Skies Act, which will safeguard against the threat of flags of convenience. The government affairs committee analyzes threats of both cabotage and flags of convenience. This committee reports to the union leaders and is the lobbying arm of the union. The union regularly monitors code-sharing agreements to ensure adherence to the collective bargaining agreements by the company. Finally, the APFA is keenly aware of the issues that climate change presents for the airlines. They know that, like the COVID-19 pandemic, they will need to be prepared for the expected and the unexpected.

CHAPTER 7

DISCUSSION AND CONCLUSION

“But there is no map of the invisible air. The land and Sea miles that separate places remain the same. But airplanes cancel the surface barriers and change the proximity of places inevitably, as all peoples continue to become closer neighbors, they will have a more direct influence upon each other. No phase of our lives will be immune to the effects of this new propinquity.”

A.N. Kemp

There are no lateral career moves in the airline industry – no transfer of rank, benefits, or salary. If a pilot or flight attendant moves to another airline, they must start at the bottom.

Regardless of experience or age, any new start is with probationary pay and benefits as well as the least-desired flight schedules and vacation times in the most junior positions. Pilot and flight attendant unions negotiate with their own airline through decentralized committees. Any threat to their company is a threat to seniority and airlines are notoriously vulnerable to external factors.

Unlike pilots, flight attendants almost always use date of hire when airline seniority lists are merged. Combined with the potential of a globalized workforce, this embeddedness allows airlines to calculate flight attendants and pilots from the capitalist perspective as merely a component of the passive geography of labor. I have argued that flight attendants and pilots are not spatially embedded, but rather they are temporally embedded by their seniority system. This temporal embeddedness serves to diminish the agency of flight attendant and pilot unions.

Without this burden, I argue, pilots and flight attendants would otherwise have the advantage of unembedded networks on a national scale, thus giving them more agency on a national and global scale.

The aviation industry, now a major component in the globalized economy, has only existed for a little more than one hundred years. While many innovations have made the world a smaller place and have done so over a relatively brief period of time, few have progressed with

limited knowledge and at such a high human cost. A mere eight years after Orville Wright flew only 120 feet, the first air mail pilot flew ten miles from the Mineola Post Office, dropping mailbags from the plane to be picked up by the Postmaster. When the distance that an airplane could travel extended beyond sovereign nations, the Chicago Convention established the rules granting the privilege to enter another country's airspace. Commercial aviation proceeded to fundamentally change the world's geography as airplanes transported people beyond their birthplace. As pilots' and flight attendants' national employment became international, unions assumed the task of developing the world's largest nongovernment safety system.

Initially the Railway Labor Act was heavily lobbied for by ALPA but, over time, the US law that governs how airline pilots and flight attendants resolve labor disputes became a tool used by management to slow down contract negotiations during profitable times for the airlines while unions were still working under concessionary agreements. The RLA requires airline unions to negotiate under a different set of rules than other private sector employees, who are governed by the National Labor Relations Act. The U.S. has seen a decline in all union membership over the past thirty years and, after the firing of the Professional Air Traffic Controllers in 1981, the number of major strikes began a steep decline. All workers became more vulnerable and, although pilots and flight attendants negotiated contracts under the rules set by the RLA, it was clear that public opinion was shifting against unions. It is in this framework that pilots and flight attendants interact with the legislative process and bargain with management.

Aviation changed trade and business communications, both within a country's boundaries and internationally. It changed the way wars were fought. In the beginning commercial aviation necessarily had regulatory protections and rules. These protections and rules had to eventually not only encompass the safety of the passengers but also where planes would land and how they

would keep from running into each other on the way. Aviation quickly became a way to enter another sovereign country's territory, so regulations had to include multinational considerations and agreements, often with state-owned carriers. By the early 1940s, the Civil Aeronautics Board, created under the 1938 Civil Aeronautics Act, had the authority to decide which airlines would be allowed to operate and where they would do so. They regulated fares and, notably, they also controlled mergers. Additionally, using bilateral agreements, the Chicago Convention established rules that would govern the international market. It was in this environment that the first aviation union contracts were made.

Commercial aviation was built on the backs of men and women who challenged gravity with their very lives. Today pilots navigate with precise sophisticated equipment, often in ever changing, harsh weather conditions and limited visibility. Unlike many other fledgling industries, the commercial aviation business experiment was done using human subjects and it changed the way that human beings experienced geography. Additionally, the airplane is a multifaceted environment for workers. Flight crews must address a gamut of issues ranging from life threatening, complex problems to the mundane. They must master the airplane's technology as well as communicating with passengers. Safety is the reason that these unions first existed, and safety has remained, throughout their history, their number one concern.

It is difficult to imagine the circumstances that the first aviators faced as they climbed on board an airplane designed to move forward at a speed high enough to force air to rapidly flow over the wings, resulting in lift. The first aviators had to believe that the plane would remain in this state of lift, until they were ready to land, while navigating with only the most rudimentary instruments such as an altimeter, a clock and a compass. Landmarks on the ground, including bonfires, guided aviators to their destinations with the sounds of the engine and wind on the

plane to help estimate airspeed. The first pilots climbed into the unknown “machine” made of spruce ash wood with muslin fabric covering, propelled only by a 12-horsepower engine. It was under these conditions that many of the first aviators lost their lives. They were not delusional about the danger involved. Many were daredevils and risk takers. Many were engineers, who built as well as flew the first planes. Whatever the true reasons might have been, most aviators would say that flying was “in their blood.” This fundamental part of an aviator’s character is still one of the things that unite them as workers even today. The awareness of this intense desire to fly is also ingrained in contract negotiations with management.

Although the first “stewardesses” came on the aviation scene as nurses to demonstrate the safety of flying, they were also keenly aware of the risk involved and most shared a love of aviation. For women, becoming a flight attendant was virtually the only entry into the field of aviation. The first flight attendants worked under competing ideologies. Being a flight attendant was a key to independence but tightly bound to the sexism of the day. Flight attendants’ roles were diverse. They were perceived as nurses, mothers, waitresses, sex objects and, in an emergency, authoritative first responders. This division of roles soon became problematic and flight attendants decided to garner the respect that they not only deserved but needed to perform their jobs and earn a fair wage. Consequently, flight attendant unions were among the first groups, under Title VII of the Civil Rights Act of 1964, to file lawsuits with the Equal Employment Opportunity Commission for discriminatory hiring and employment practices. Unlike pilots, flight attendants have evolved into a much more diverse group over time.

The generation of aviators who became commercial pilots soon after the barnstormers, for the most part, had a less adversarial relationship with management than the post-deregulation pilots. Contract negotiations could certainly be an antagonistic process but, importantly, one

based less on competition than it would become after deregulation. Flight attendants, on the other hand, in addition to pay, even in a regulated industry, had to combat discriminatory working conditions that were based on gender, age and race. These policies included restrictions on weight, marital status and pregnancy. Flight attendant unions learned very early on that their strength was in numbers and worked together to improve their working conditions. Historically, airline pilots and flight attendant unions followed different trajectories, but at the time of the writing of this thesis the unions seem to be on a similar path.

Today's retiring airline pilot probably learned to fly in the military and was likely hired before the age of 30 by one of the ten trunk carriers which made up nearly 90 percent of the industry. They are overwhelmingly white and male. Many also have family connections to aviation. The Airline Deregulation Act of 1978, a move that was supposed to lead to economic gains for the flying consumer, along with the glut of pilots looking for a job post U.S. involvement in the Vietnam conflict, made the commercial job market very competitive. The first year with a commercial airline was a probationary period, without union protection and very low wages. The next three decades of their career was likely filled with an adversarial relationship with not only management but to some extent with other pilots working for competing airlines. These ex-military pilots had close, enduring friendships during their service. On the same teams while in the military, they were now working for rival airlines, with fragmented union representation.

The liberalization of the airline industry that led to multiple bankruptcies and fierce competition exerted a downward pressure on wages for all airline employees, but particularly on those whose employment was based on a seniority number, assigned to a specific airline. The industry had become a two-tiered system. The legacy, hub-and-spoke carriers were competing

with small, short-haul, upstart airlines. In the early 1990s, Open Skies treaties led to greater international competition and lower airfares. Although the industry became particularly unstable after deregulation, with the fluctuation of fuel prices adding more volatility, the 9/11 terrorist attacks accelerated and exacerbated its problems. After 9/11, the U.S. government provided a \$15 billion aid package. This aid was much more advantageous to airline corporations than it was for its workers. Ten billion dollars of the aid package was in the form of loan guarantees for an industry that already had immense financial problems. There were no specific protections for airline employees in the 9/11 bailouts. In fact, in some cases the loan guarantee was subject to further concessions by the employees. Post 9/11 the industry experienced multiple bankruptcies. In 2008 the global financial crisis led to a wave of accelerated consolidations, which dramatically slowed hiring.

Over time, the stronger airlines outlived the weaker airlines. Although it took some time to recover after 9/11, in spite of all of the downturns airline travel has grown over the long term. By the time the COVID-19 pandemic hit, American Airlines, Delta Airlines, United Airlines and Southwest Airlines dominated the domestic airline market. Airline profits were at record highs. Not unlike most of the rest of the world's economies, the COVID-19 pandemic illuminated the shifting relationship of airline unions with management. Airline unions had learned valuable lessons from the 9/11 government loans and, in a consolidated industry, this knowledge had power. When airline executives lobbied Washington for help, this time they were side by side with flight attendants and pilot unions. Preserving airline unions' jobs, health care and safety were made part of the conditions of receiving bailout money.

In this thesis I have sought to make an argument that airline pilots and flight attendants are not spatially embedded in their work. However, they have developed their own temporal

embeddedness through their seniority systems and decentralized bargaining. This research is, of course, important to pilots and flight attendants. In today's globalized economy, with increased numbers of employees working remotely, without spatial embeddedness, research on the physical geography of unions is relevant. It is important to note that a seniority system is an essential part of airline safety. With no internal ladder climbing, the temptation of cutting safety measures for the corporate bottom line is taken out of the equation. Creating a national seniority list and pay scale is fraught with problems. It is easy to understand that pilots and flight attendants who are working for strong airline carriers would not want a revocation of their relative position, when more senior workers from failing airlines are hired with their airline. However, this one change would protect them not only in this vulnerable industry, but it would also safeguard their jobs from globalization. Since the deregulation of the airline industry, flight attendants' and pilots' pay, benefits and working conditions have been shaped by the price mechanism built into commercial aviation. Wages are determined by supply and demand, but also by negative impacts of the market, such as high oil prices, pandemics, financial crises, and terrorist attacks. In addition, they face the constraints of negotiating contracts under the RLA and the fact that commercial aviation is part of a nation's national security. Because pilots and flight attendants cannot move laterally from airline to airline, they are forced to sell their labor less competitively.

I believe that the longshoremen alliance of competitive unions that created a national, master contract (Herod, 1997) is an example of what airline pilots and flight attendants can achieve. Through negotiating as one union, with a national seniority list, flight attendants and pilots could protect themselves from externalities of the industry. As one union, they could form international union relationships that would help to weather the negative effects of globalization.

Additionally, I believe that pilots and flight attendants have been most successful when they worked with other airline unions. Throughout history flight attendants' unions have united as advocates for workers' rights, beginning with their fight against sex discrimination in the workplace. Flight attendants and pilots have always been at the forefront of establishing aviation safety regulations. Their unions have successfully lobbied for crew rest protocols, including fatigue mitigation measures. After the terrorist attacks of 9/11 flight attendants and pilots successfully collaborated with airlines' response to issues of security. Together, pilots and flight attendants lobbied successfully against the incursion of the Gulf carriers.

I briefly researched the possibility of pilots and flight attendant unions merging. However, in the past, when flight attendants joined ALPA, the representation was very uneven and ultimately unsuccessful. Although the union dynamics of both pilots and flight attendants have changed significantly over time, I believe that many of the same issues would still be problematic. More research needs to be done on the different strengths and vulnerabilities of each of the two unions.

Airline Unions have learned from the past that they must lobby as aggressively as management. Sara Nelson, international president of the Association of Flight Attendants-CWA, has been recognized as a "star of the labor movement" (Kitroeff, 2019). Nelson is politically engaged, particularly with Senator Bernie Sanders. She is active on social media and is a frequent guest on CNN, CNBC, Fox Business and MSNBC. "She is among the best-known labor leaders of the 21st century, and she is among the few who are not white men" (Reed, Forbes.com, 2020).

Ideally, in order to combat the volatility and elasticity of geographic boundaries of the airline industry, pilots and flight attendant unions could have formed a universal seniority

system. The best case would have been a global seniority system. After my research I understood the difficulties that flight attendant and pilot's unions encountered when forming one union. Although many of the gendered difficulties of the past no longer exist, the two unions still have different memberships and different goals. Should a union focus on individual agency or the power that is found in numbers? The answer to this question is another thesis. Although pilots' unions have not adopted a universal seniority list, consolidation of the industry has almost created one – at least in the U.S. The 2019 COVID-19 pandemic gave pilots and flight attendants more negotiating power to the already-consolidated airlines. Furthermore, the unions had learned the pitfalls of disasters from the 2008 financial crisis. Fewer and fewer pilots are trained by the military. Those pilots who signed on with the airlines after the Vietnam war endured lost wages and defined benefit retirement plans – all for a career that had lost much of its shine. Thus, the airlines emerged from the pandemic with a severe pilot shortage. After years of downward economic pressure on commercial airline pilots there was waning interest among potential replacement candidates, leading to severe shortages.

Recognizing the spatial challenges posed by the lack of geographic embeddedness among airline workers is critical to understanding how unions respond to the shifting economic forces. The contrasting effects of spatial agility on pilot and flight attendant unions' solidarity and negotiating power suggest the potential for a more globally integrated approach. The questions about the future of pilot and flight attendant union durability in the face of increasing globalization have not been completely answered. Examining the past does give insight to the future. The aviation industry's rapid transformation, stemming from both globalization and unforeseen events, underscores the importance of understanding the past to navigate the future. The need for adaptation and strategic responses is more crucial than ever. The evolution of flight

attendant and pilot unions laid the groundwork for identifying strategies that can effectively address challenges that inevitably lie ahead. In an ever-changing aviation environment, where national and international policies will shift, airline unions must always be aware of the political winds. Flight attendant and pilot unions must contend with multifaceted, dynamic market conditions in order to maintain and improve workers' rights, safety, and job security. This thesis reveals the complex relationships among the market economy, globalization, the airline industry evolution, and airline unions. An understanding of spatial dynamics and the historical context is vital for shaping effective strategies that will empower pilots and flight attendant unions and enable them to navigate the uncertainty of the aviation landscape.

Pilot and flight attendant unions were born of necessity in times of adversity. Today, although they may see nothing but blue skies ahead, unquestionably storm clouds are just over the horizon.

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APPENDIX A: MERGERS

Timeline of consolidation, mergers, and regulatory developments in the airline industry from 1978 deregulation to the post-2015 period.

1978: The beginning of airline deregulation in the United States.

Late 1970s - Early 1980s: Deregulation increases access and lowers airfares, leading to financial challenges for the airline industry. Icons of American aviation, Eastern, Pan Am, and Braniff, either merge or declare bankruptcy.

Early 1980s: Continental is acquired by Texas Air, followed by a pilots' strike and later combined with People's Express.

1986: USAir merges with PSA (Pacific Southwest Airlines).

1986: Delta merges with Western.

1989: USAir merges with Piedmont.

Early 2001: American Airlines merged with TWA.

September 11, 2001: The 9/11 terrorist attacks added a major setback to the airline industry, leading to a crisis. Economic challenges and increased security concerns lead to more consolidation and industry-wide concessionary contracts.

2005: USAirways merges with America West.

2007: Lufthansa acquires a 19 percent stake in U.S. carrier Jet Blue.

2008: Delta acquires Northwest, becoming the world's largest air carrier.

2010: Southwest acquires Air Tran, and United and Continental merge, creating further consolidation in the industry.

2012: Silim Kalias, Vice President for Transport of the European Commission, calls for tougher rules in the European airline industry.

2014: USAirways and American Airlines merge, making it the World's largest airline.

2015: Lufthansa sheds its stake in Jet Blue.

Post-2015: Limited developments in ownership opportunities in the airline industry with varying degrees of foreign ownership, determined by countries. (Australia has relatively liberal rules allowing foreign ownership of domestic airlines, although more limited rules apply to international carriers.)

APPENDIX B: OPEN SKIES

Open Skies Agreements timeline:

1919: The Paris Convention is established, recognizing national sovereignty over airspace and laying the foundation for civil air transportation.

1944: The Chicago Convention is established, further solidifying national sovereignty over airspace while providing the framework for the development of civil aviation. (International aviation agreements remain somewhat fragmented.)

1946: Bermuda I agreement between the United States and the United Kingdom, considered the “father” of bilateral air transport agreements is established.

Post-1944: Most countries maintain control over their national airlines and are reluctant to open domestic air routes to foreign competition. International aviation agreements are negotiated route by route and carrier by carrier, resulting in a complex system of bilateral arrangements.

1977: Bermuda II limited the number of carriers designated to serve specific routes and restricted capacity.

1990s: Open skies agreements begin to gather momentum, reducing government involvement in airline routes and pricing.

1992: The United States ratifies the U.S.-Netherlands Open Skies agreement, marking a significant step toward liberalizing air transportation.

2007: The United States and the European Union sign a new "open skies" agreement, replacing Bermuda II, further expanding open skies principles.

2011: The U.S. Department of Transportation and the Department of Commerce complete negotiations with 101 Open Skies partners, and over 70 percent of U.S. international departures are with Open Skies partners.

Present Day: Open skies agreements are common in the aviation industry.

APPENDIX C: AIRLINE PILOT UNION TIMELINE

Airline Pilot Union Timeline:

1918: Assistant Postmaster General Otto Praeger starts the first airmail route. The route runs from New York City to Chicago, including a dangerous section over the Allegheny Mountains known as the "Hell Stretch."

1919: Airmail pilots face harsh weather conditions on the East Coast, leading to multiple crashes and fatalities over several months.

July 1919: In the wake of crashes that occur during bad weather, pilots demand the final authority to determine the safety of a flight. Pilots Leon Smith and E. Hamilton Lee refuse to fly in zero visibility due to thick fog. Postmaster General Praeger responds by discharging both pilots.

1919: Pilots on the same mail route go on strike in support of Smith and Lee, leading to a three-day work stoppage. Congress announces investigations into the airmail service's operations; public sentiment is on the side of the striking pilots.

1920: A compromise is reached after Praeger agrees to a pay raise for pilots and to involve field managers in flight decision-making processes.

1920s: The Air Mail Pilots of America is formed, but without proper organization or funding, it disbands.

1931: David Behncke founds the Air Line Pilots Association (ALPA), the first airline pilots' union, in response to management's unsafe flying practices.

Present Day: ALPA remains the largest airline pilot union and is affiliated with the International Federation of Air Line Pilots' Associations, (IFALPA), which is primarily focused on safety and security standards.

Allied Pilots Association (APA) represent the American Airline pilots.

Southwest Airlines Pilots Association (SWAPA represent Southwest Airline pilots.

APPENDIX D: FLIGHT ATTENDANT UNION TIMELINE

Flight Attendant Union Timeline:

- 1922: Daimler Airways of Britain hires "cabin boys" to be the first flight attendants.
- 1926: Stout Air Services of Detroit becomes the first American airline to hire couriers who attend to passengers on flights.
- 1930: Registered nurse Ellen Church persuades Boeing Air Transport to hire nurses as "stewardesses" to cater to passenger needs.
- 1936: The introduction of the DC3 plane facilitates the profitability of flying and solidifies the presence of flight attendants.
- 1945: Ada Brown leads stewardesses from United Airlines to form the first flight attendant labor union, the Air Line Stewardesses Association (ALSA). The Transport Workers Union (TWU) was the official bargaining representative for Pan Am's mostly male flight attendants.
- 1946: The Airline Pilots Association (ALPA) establishes the Air Line Steward and Stewardess Association (ALSSA).
- 1949: ALSA merges with ALSSA.
- 1951-1957: ALSSA applies for independent affiliation with the AFL (American Federation of Labor) in 1951, 1954 and again in 1957.
- 1951: ALSSA, elects Mary Alice Koos the first female president of an international union.
- 1958: ALSSA loses support from ALPA and the split between the two organizations deepens. (ALSSA wants assurance that pilots will not cross the flight attendants' picket line at Eastern Airlines- ALPA never commits. During a flight attendant strike with Lake Central Airlines later that year, the pilots cross the picket lines.)
- 1959: ALSSA applies for an independent charter with the newly formed AFL-CIO (American Federation of Labor and Congress of Industrial Organizations). The flight attendants' desire for independence presents challenges within the male-dominated AFL, which had encouraged ALPA (Air Line Pilots Association) to include the flight attendants under their umbrella of airline employees.

- 1960: Rowland Quinn, a male flight attendant and former U.S. Air Force pilot, becomes the president of ALSSA. Quinn leads the drive for autonomy from ALPA. A hearing is scheduled by ALPA, at the AFL-CIO's request, investigating ALSSA election irregularities.
- 1960: ALPA revokes ALSSA's charter, files charges against Quinn, and form a new ALPA division of Steward and Stewardesses (ALPA S&S) leading to fragmented membership and legal battles. At first, ALPA S&S and ALSSA each represent about half of the airlines. However, over time ALPA S&S represent the majority of airlines.
- 1973: ALPA's Air Line Pilots Association, Steward and Stewardess Division, want autonomy- pilots generally agree to the separation.
- 1975: Association of Flight Attendants (AFA) officially becomes an independent affiliate of ALPA.
- 1977: TWA flight attendants established the Independent Federation of Flight Attendants. American flight attendants break from TWU and form the Association of Professional Flight Attendants.

Pan Am flight attendants also broke rank from TWU and became the Independent Union of Flight Attendants.

- 1984: AFA receives its own charter from the AFL-CIO.
- 2004: AFA merges with Communication Workers of America (CWA)
- Present day: the Association of Flight Attendants-CWA (AFA-CWA) represents the flight attendants at the following airlines:

Air Wisconsin Airlines

Alaska Airlines

Air Transport International

Avelo Airlines

Endeavor Air

Envoy Air

Frontier Airlines

GoJet Airlines

Hawaiian Airlines

Horizon Air

Mesa Airlines

Norse Atlantic Airways

Omni Air International

Piedmont Airlines

PSA Airlines

Silver Airways

Spirit Airlines

United Airlines

The Association of Professional Flight Attendants (APFA) represents American Airlines flight attendants.

The Transport Workers Union (TWU) represents Southwest Airlines Flight attendants.

**Delta flight attendants are nonunionized