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Captain Michael Gitt Papers - ALPA All Members Memos, 1948

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To ALL ALPA Members -2- August 31, 1948

The National pilots, on July 13, 1948, accepted the Presidential Emergency Board's decision.

The company, with the backing of the Air Transport Association and its affiliate the Airlines Negotiating Committee, after their usual insincere dilly-dallying around, rejected the Presidential Emergency Board's decision, giving a series of excuses that reach a new high in floundering retrogradation completely void of common sense. To illustrate I quote a paragraph from Baker's refusal:

"The recommendations of the Emergency Board that the company reinstate all striking employees at the expense of their duly hired replacements should it become a precedent, would constitute the strike a weapon of force against which management, prohibited from attempting to continue its business, would have no defense. The threat of such action consequently would render employers impotent at the collective bargaining table."

Everyone knows what a scab is. Webster defines the word. Look it up. Its exact meaning is revealing. They have no rights to their jobs, are usually non-principled floaters, and the only reason they take a job it to get what they can out of it for the time being, since no one can establish any legal claim to any job that is taken from another while he is striking legally to better his conditions of employment. In any event, the above-quoted paragraph will give you a clear idea of the thinking of the opposition in this controversy.

Behind the scenes they spread the insidious propaganda that the Association turned down an Emergency Board recommendation in the TWA case. This is not a correct statement because the recommendations of the TWA Emergency Board were not on the issues of the TWA case, but it was on the issue of whether the TWA case was to be settled separately or whether it was to be thrown in with nearly all other pilots' employment agreements not even in these negotiations. Had the Association acceded to these recommendations, it would have meant the destruction of all ALPA agreements and everything for which we have fought since 1938 in rates of pay, rules, and working conditions. All this has been explained in a previous membership letter of January 26, 1948. Therefore, this is another fallacious story that can be relegated to the ATA propaganda scrap heap.

Section 401-L of the Civil Aeronautics Act reads as follows:

"(4) It shall be a condition upon the holding of a certificate by any air carrier that such carrier shall comply with Title II of the Railway Labor Act, as amended."

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On March 25, 1948, the Association filed a petition with the Civil Aeronautics Board for the revocation of the Certificate of Convenience and Necessity of National Airlines, charging them with violation of the Civil Aeronautics Act and their contract. The Presidential Emergency Board stated:

"Section 2, First, of the Railway Labor Act imposes on the Carrier the duty 'to exert every reasonable effort *** to settle all disputes *** in order to avoid any interruption to commerce or to the operation of any carrier growing out of any dispute between the carrier and the employees thereof.' The evidence establishes that this statutory duty has not been performed by the Carrier."

In the White House press release dated July 9, 1948, the following paragraph in this point appeared and I quote:

"The Board found that the Airline had been guilty of violation of the Railway Labor Act, as amended, under which labor law air carriers operate, and recommended that all employees discharged by the company by reason of their going out on

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