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### Captain Michael Gitt Papers - ALPA All Members Memos, 1948

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To All ALPA Members - 3 - August 31, 1948

strike, be reinstated as working employes of the company."

In the interim, Baker, backed by the ATA and other air lines on April 23, 1948, came up with a new wrinkle which was a petition filed with the CAB on challenging the jurisdiction of the Civil Aeronautics Board to decide violations of Section 401-L of the Civil Aeronautics Act, the pilots' section, and the Railway Labor Act. This move was thinly veiled and designed principally to stall and confuse. A hearing was held on this petition on August 12, 1948, and your chairman has a letter dated August 24, 1948, and a copy of the ALPA brief that was present by us during these arguments before the CAB. It will be well worth your while to borrow this copy and read it carefully. Among other things, it includes the history of ALPA's legislation since the early 1930's. A decision has not yet been handed down by the Civil Aeronautics Board but one is expected daily.

When this decision has been rendered, the next action will have to be determined, based on what it contains; however, if the CAB follows the provisions of the Civil Aeronautics Act, namely Sections 401-(1),401-(h) and Section 1002 (a), (b) and (c) of said Act, it will decide that it does have full and complete jurisdiction as was contemplated by Congress when it passed the Civil Aeronautics Act in 1938.

The next hearing before the CAB will be on the actual revocation of Baker's license. There may be some other legal maneuvering in the interim but it will be short-lived as the end of the road is approaching for Baker's spree of violating the law and his agreement and virtually thumbing his nose at the Federal government with one hand while the other hand he is collecting the wherewithal by which his company has grown from practically nothing, and he from a poor man to a millionaire. So much for that!

Now, here is a resume of the other legal actions in this case. Baker was sued in New York on April 13, 1948, by the National pilots for back pay and improper payment of their salaries. This suit is progressing satisfactorily.

Baker and National Airlines were also sued on April 13, 1948, by the National pilots and the ALPA for \$1,000,000 damages for causing this strike. This suit is also moving to trial.

Recently, Headquarters took stock of the situation and, in view of Baker's sagging financial condition, we felt it was our duty to file a suit asking that a receiver be appointed for the company. Baker owes the pilots in the neighborhood of \$100,000 and it would create a bad situation if the company failed financially. ALPA might even be criticized for not taking the proper steps to protect the back pay of its members. This suit is being filed this week and will be pushed with every possible vigor.

That gives you a quick picture of what has taken place during the last six months on the legal front in the National Airlines strike situation and lest we forget this is in addition to all the other ALPA activities which have been way above normal in both extent and cost.

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Now we come to the highlights of this letter and something that each member of the ALPA should think over carefully in the spotlight of common sense and his own conscience.

The hearing before the CAB on August 12, 1948, proved conclusively that this is now more than a fight between National Airlines and its pilots, as represented by the Air Line Pilots Association, but it is a major league battle between the air carriers as represented by the ATA and its affiliate, the Air Lines Negotiating Committee against ALPA and the violence and far reaching thrust being made is against the very heart of our entire structure of Federal laws governing, regulating, and protecting all the conditions of employment of the air line pilots - Section 401-L of the Civil Aeronautics Act and Title 45 of the Railway

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