



14-02

January 24, 2014

## *More Tilting at Windmills*

We want to begin by thanking our hundreds of volunteers who have been working tirelessly during the first three weeks of January. With the new FAR 117 regulations and two major IROPS, teams of ALPA Pilot-2-Pilot (P2P) and Delta Pilot Network (DPN) volunteers have been deployed throughout the system; on the phones, in crew rooms, and flying the line to assist our fellow pilots in understanding the complexities of FAR 117.

DPN 24/7 was manned throughout the holidays and into the New Year, fielding literally hundreds of calls related to the new regulation. ALPA's Scheduling and Contract Awareness committees have been busy compiling data throughout the month, and will ensure that our pilots are properly compensated and that our contract is followed. While we continue the important daily work of assisting pilots with contract and scheduling issues, several aspects of the DPA's latest bulletin deserve a discussion.

### **Brady Settled, No Assessment**

For many months, indeed years, the DPA has been telling Delta pilots that we had to get out of ALPA to avoid being assessed for damages in the case of *Brady v. ALPA*. They have gone so far as to tell us that we must accomplish this separation by March of 2014 or else we will each be subject to thousands of dollars in assessments to pay for the \$1.7 billion verdict that DPA predicted would be imposed.

The time has come to discard their hollow predictions and hyperbole and deal with the truth. The truth is that all of DPA's claims about how the *Brady* case would turn out - claims that have been the heart of its campaign to discredit and decertify ALPA - have turned out to be utterly false. The *Brady* matter has been settled. There will be no assessment of pilots. No ALPA member will pay an additional penny in dues or assessments to fund the *Brady* settlement. And there will be no \$1.7 billion verdict. This settlement will be handled without any impact on member obligations or services.

We, of course, regret that we have to pay *any* money to resolve this matter. The decision on how TWA pilots were integrated into American Airlines was the result of the choices made solely by that pilot group's leadership - not ALPA - in the face of the potential liquidation of their airline, following a dozen years without a profit and three trips to bankruptcy court. In our view, holding ALPA responsible for their decisions was a significant misapplication of federal labor law. Nonetheless, it was also important for us to bring this matter to a conclusion and allow our membership to move forward rather than dealing with the uncertainties of years of litigation. The settlement mitigates any potential risk concerning the matter, and therefore is the correct course of action.

Now that this is behind us, it is important that Delta pilots not lose the forest for the trees. The DPA has told so many lies it is almost impossible to keep track. You know some of them - Brady will bankrupt ALPA, ALPA criminally hacked DPA's website, DPA's counsel is responsible for the Eischen Award (UAL seniority integration), most of our dues money is spent on regional pilots - and a legion of others.

DPA bears no responsibility for representation of any pilot, and freely engages in serial misrepresentation without the sort of liability which could be imposed against an actual union if it engaged in such tactics. If DPA were somehow certified as your representative and persisted in using similar tactics in negotiations and contract enforcement, the interests of Delta pilots would be deeply and irreparably damaged, as has been the case with the US Airways pilots under USAPA's representation.

## **JetBlue**

The DPA has often criticized ALPA for seeking to organize JetBlue pilots on grounds that representing pilots at more than one carrier is an inherent conflict of interest. This is an especially interesting criticism in light of the fact that the DPA continues to use a law firm whose principal labor client (now that it has been fired by USAPA and APA) is the Aircraft Mechanics Fraternal Association (AMFA); an organization which claims that all mechanic and related employees in the airline industry should be in the same union in order to be properly represented.

JetBlue pilots approached ALPA seeking both its representation and resources in finally achieving a working agreement that reflects the industry standard. All professional pilots will benefit if JetBlue pilots are successful in achieving their goals. The greatest threat to our efforts to achieve the sort of ground breaking contract our members want and deserve in 2015, aside from the division and waste of resources caused by the DPA, is the economic advantage that many of Delta's competitors enjoy by providing substandard pay, benefits, and working conditions for their pilots. JetBlue pilots are not, contrary to DPA's assertion, our enemy.

DPA's pledge that it will "stand strong with the Company" in the halls of Congress is also interesting in light of its constant insinuations that ALPA is too cooperative with Delta. ALPA, of course, has a history of working with Delta on regulatory and legislative matters where we are in agreement and have common interests. In those cases in which Delta is pursuing its competitive interests against other carriers, such as slot competition, Delta ALPA has always assisted where we believe it serves our members' interest.

## **The DPA "John Doe" Lawsuit**

The DPA recently announced that it has filed a lawsuit in New York City against an unknown "John Doe" for allegedly hacking its website. This lawsuit is in addition to the purported FBI investigation which DPA claims has been ongoing since November. Inasmuch as ALPA is not party to the lawsuit, we can only reiterate what we stated back in November when DPA first accused ALPA of criminal involvement in the hacking of its website; neither ALPA nor Delta ALPA has ever hacked DPA's website or encouraged, authorized, or facilitated hacking by any ALPA officer or member. Moreover, based on the information which we could lawfully gather, we are highly skeptical that any Delta pilot hacked or intentionally interfered with the functioning of DPA's website. ALPA will gladly cooperate with any governmental investigation of this incident, but in the more than two months since DPA first made its allegations we have not been contacted by any agent of the FBI or any other authority on this matter, nor have we received any information about such an investigation or whether it is active.

As we have written many times before, the stage is now set to build on C2012 and make historic progress with C2015.

Everything the DPA has ever claimed about ALPA has been revealed as lies, distortions, and distractions from the important work of improving the pay, working conditions and benefits of the Delta pilots. Cervantes himself never imagined so much tilting at windmills. It is time to leave the sideshow scare tactics, unfulfilled promises and vanishing countdown clocks where they belong - in the past - and move forward into the future.