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28 FEB 1973



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# Air America pilots find themselves with no job security

By JACK C. LANDAU

Washington Bureau, The Oregonian

WASHINGTON — Air America, the Southeast Asia airline widely reported to be an arm of the Central Intelligence Agency, has managed to squelch a strike by its 450 highly paid pilots.

The modern day soldier-of-fortune style pilots were told, a government source said, they would be fired within 48 hours and replaced by others if they struck over their increased wage demands.

They obeyed the ultimatum, the source said, because they found out they have no kind of job security, either under the civil service laws for government employees or under the National Labor Relations Act for private employees.

An attorney employed in the Washington office of Air America, Clyde Carter, said the pilots signed a new contract two weeks ago "after we informed them that we had plans for continued operations" whether or not they went on strike.

Carter said that the new contract is similar to most commercial airline pilot contracts except that it can only be enforced by proceedings in the court systems of Thailand, Laos, Cambodia, Nationalist China and South Vietnam.

Carter said no one knows how a contested grievance would be handled by the Southeast Asian courts because there never has been a contested grievance under prior contracts.

## Legality in limbo

The pilots' job security problems stem from the legal character of Air America, which claims to be a private corporation and air carrier. Incorporated in Delaware, it has its main headquarters in Taiwan with subsidiary offices in Bangkok, Vientiane and Saigon.

According to government sources and numerous news accounts, Air America is really operated by the CIA and its main business is flying supplies and personnel into clandestine CIA camps in Southeast Asia. When necessary, it is said to be able

to lease from the military the most sophisticated and secret types of aircraft.

A government source, friendly with several of the pilots, claimed they are really "government employees" entitled to the protection of the Civil Service Act or at least, the source said, the rights of private unionized employees of a "government chartered corporation" covered by the National Labor Relations Act.

By claiming to be private, Air America has escaped the cover of the civil service, and by claiming to do all its business abroad, it escapes the U.S. labor law protections.

"I don't happen to believe that every American citizen should have job security protection," said Carter. "They (the pilots) don't find themselves under any disadvantage. Why, the company has increased every offer it made at the bargaining table."

This was contested by the pro-pilot government source, who said: "They are American citizens performing government functions for a government controlled corporation, but they might just as well be on the moon."

## Standing questionable

"They call themselves the East Asian Pilots Association," responded Carter, "but they don't have any legal standing in the United States. American law doesn't have any extraterritorial jurisdiction. In my opinion, their whole association is illegal."

Carter also said that one reason Air America would not comply with all the increased wage demands was "that it happens to be against the wage policy and price guideline policy of this government. The demands they were making would have flown in the face of this policy."

A pro-pilot source said, "That is comical—first they

said they are not covered by American law in terms of bargaining, and then they say they are covered by the wage-price guidelines."

Carter said he did not know the specific terms of the new contract. He said that in addition to regular pay, the pilots also get "area pay" for flying in dangerous territories.

Carter said Air America's work is "predominantly" based on Defense Department and AID (Agency for International Development) contracts.

One Washington reporter who recently returned from Vietnam said he had taken frequent trips on Air America there. "Sure it's AID," he commented wryly, "and you spell that CIA."