

SPC Update 06/01/2008

To all:

June 11th is rapidly approaching and is the date of filing our initial round of briefs to the U.S. Circuit Court of Appeals in DC. The proximity of that filing has caused a lot of unwarranted and uninformed internet chatter, and in some cases direct accusations. Since many of you may not have received all of this or my response, I will provide it here. As plaintiffs you are entitled to the facts as they are.

One such false charge states that the SPC has an "open-ended lawsuit that targets not just specific provisions but the age change law in its entirety." That is absolutely false. Every case before the court has a docket number; so when you read these false accusations ask yourself and then the accuser to site the case number where this open-ended lawsuit may be found. In this instance, it does not exist.

I have been asked repeatedly to state that the SPC does not seek to roll back the age change portion of HR-4343. I will say it again, WE DO NOT! Anyone involved should know that the case before the court is about the unlawful denial of waivers to fly past age 60. That is what the DOJ is trying to dismiss and uses HR-4343 language as their excuse. The following is the response I sent to clarify where this case is and WHO put the HR-4343 language on the table before the court. It is factual.

"The SPC did not have any part in writing HR-4343. We all know where that came from. The SPC did not support the language of HR-4343 because it is clearly "unlawful" in the majority. Others did and now leave the legal mess for us to clean up. Most importantly, the SPC did not put the language of HR-4343 before the U.S. Court of Appeals. That was done by the DOJ in their filing under the "protection for compliance" section of HR-4343 in order to dismiss our existing suit over the denial of waivers. The court is now addressing HR-4343 because the DOJ put it there. The court is not required to toss out the entire law, not is it their practice to do so. We have not asked the court to overturn the age change provision. We did not introduce R-4343 to the court at all. We will now argue HR-4343 in the Court of Appeals because the DOJ put it there as their basis for dismissal of the waiver case, and we must respond to its "unlawful" language. All of this is a matter of the court record for those who dispute the facts."

Now, those are the facts. The age change came with a lot of unlawful provisions. We will not compromise on those unlawful provisions. To do that is to throw the constitution into the trash can. You can be part of the problem or part of the solution. I hope and suggest that it's time for all pilots to become a part of the solution.

In the last update I told everyone that Professor Turley would be presenting a briefing on the law and this case. The date is now final, and your attendance is heartily requested as a plaintiff in our legal case. The briefing will take place on Capitol Hill on Wednesday, June 25th from noon until 2 PM. There will be invited members of Congress, the press and you as the SPC plaintiffs. Entry will be by invitation; so please RSVP to me via e-mail that you will attend. If you plan to bring family kindly indicate that as well. I will respond with the invitation "pass" to this briefing. Without question, this is an event that all plaintiffs should endeavor to attend. This is about your future. We are an organization that is over 92% military veterans. Each of us needs to be standing with Professor Turley on June 25th and send that message loud and clear.

The last item is the assessment payment of \$600 to all our plaintiffs. That assessment was published in the March updates and after. This is just a reminder. Please make your account correct. I and other board members will be in Virginia Beach much of this week working on sponsorships for the golf tournament. This past week we received another important endorsement from the First Tee Foundation for this event. If you need to contact me, it will be easiest to call my cell at 603-494-2826. Get your team together and sign up. Most of all, come to Washington, DC on June 25th and stand up with us.

Lew Tetlow  
SPC