

Judge upholds strike injunction at BNSF: US capitalism disciplines the working class while preparing for war

Tom Hall
24 February 2022

A federal judge in Texas issued a ruling Tuesday upholding a previous anti-strike injunction against 17,000 conductors and engineers at the BNSF Railway (Burlington Northern Santa Fe). The original injunction was issued last month after workers overwhelmingly voted to strike against the company's new "Hi Viz" attendance policy, a points-based system designed to squeeze more availability out of the existing workforce and pave the way for layoffs and cost-cutting.

Almost immediately afterwards, BNSF lawyers went to court to block a strike under the reactionary Railway Labor Act (RLA) of 1926. In Tuesday's ruling, Judge Mark Pittman frankly admitted that the express purpose of this act was to all but ban strikes and "[set] out a mandatory and 'virtually endless' process of 'negotiation, mediation, voluntary arbitration, and conciliation.'"

The injunction is a major assault on the democratic rights of workers. It amounts to frog marching BNSF workers onto the job at gunpoint: "Mouths shut! Get to work!" It not only bans strikes and work stoppages but "picketing, slowdowns, sickouts or other self-help."

The ruling is binding not only against the unions but individual members and "all persons acting in concert or participation with any of them." Courts could attempt to use this language to target activity that is clearly protected by the First Amendment, including workers talking among themselves or even reading about their struggle on the *World Socialist Web Site*.

Faced with a massive resurgence of the class struggle, driven by the unchecked spread of COVID-19 in workplaces, runaway inflation and impossible work schedules, the capitalist ruling class is reviving all of the anti-democratic methods that it used to crush

workers' resistance in previous generations.

This includes not only threats by management but direct state intervention. Hospitals and schools have been kept open this winter through the use of National Guard troops and even police as scabs. One judge in Wisconsin issued an injunction this year against health care workers leaving their jobs, citing "public interest."

Judge Pittman justified his original ruling by similarly declaring that banning a strike in the name of supply chains was also in the "public interest." In other words, the rights of workers, including their right to strike and their First Amendment right to free speech, are declared inferior to the supposed "right" of companies to make profits.

The drive by Berkshire Hathaway and the other Wall Street owners of the Class I railroads to squeeze out every last cent through job cuts and other measures has driven freight rail supply chains into the ground, with derailments and fatal accidents happening regularly and trains regularly running hours and even days behind schedule.

But the reference to the inviolability of "supply chains" has an added significance given the advanced plans by the Biden administration for war with Russia over Ukraine. The aim of this campaign is to attempt to suppress the enormous social tensions at home and within Washington itself through a torrent of patriotic, warmongering propaganda and to enforce "national unity" by putting American society on a war footing.

Transportation Secretary Pete Buttigieg put this most bluntly in comments last year referencing the prospects of conflict with China, when he declared, "The new China challenge provides us with an opportunity to come together across the political divide. At least half

the battle is at home.”

There is a staggering hypocrisy in Washington’s professed deep concern for the national rights of Ukraine while it is savagely attacking the democratic rights of workers at home.

The corrupt, pro-corporate unions are critical to Biden’s strategy. The BLET (Brotherhood of Locomotive Engineers and Trainmen) and SMART-TD (International Association of Sheet Metal, Air, Rail and Transportation Workers—Transportation Division) unions at BNSF, obviously aware of the deep opposition and frustration among railroaders, issued a letter criticizing the ruling but called on workers to allow the process to play out. However, as Judge Pittman himself admitted, the entire legal process established by the RLA and other labor laws is designed from start to finish to benefit the companies.

Not even workers’ contractual rights are respected under this framework. BNSF was allowed to unilaterally change its attendance policy without even the pretense of negotiation, and BNSF lawyers arrogantly gloated in court that no judge has ever sided in favor of allowing workers to strike in more than three decades. They compared workers’ opposition to Hi Viz to Don Quixote tilting at windmills. Even as the unions counsel workers to have patience and faith in this process, BNSF workers have been without a contract for over two years.

The laws, however, not only benefit the companies, but they also protect the unions against rank-and-file opposition. Despite their lukewarm criticism of the ruling, there can be no doubt that the union bureaucrats welcomed the ruling because the injunction gives them ammunition against militant workers.

The ruling brings into sharp relief Biden’s claim to be the most “pro-union president in American history.” Biden wants the same sort of state-controlled “labor movement” everywhere as has existed for decades in the railroad industry.

The existing unions are creatures of the state, which depend upon state support for their very existence. Four years ago, this relationship was made explicit by a union lawyer arguing before the Supreme Court in favor of laws requiring nonunion public workers to pay the equivalent of dues. He declared “Union security is the tradeoff for no strikes,” and warned the court that without the unions’ services, “you can raise an untold

specter of labor unrest throughout the country.”

Workers require the means through which they can formulate strategy without intimidation from the union bureaucracy and independent of the entire corporatist labor-state-management framework in which the unions are embedded.

This means the building of a BNSF Workers Rank-and-File Committee, which issued its founding statement last week. The aim of the committee, the statement explained, is to form “an alternative source of power against management, well-heeled union bureaucrats and ‘government by injunction.’”

But above all, the government attacks demonstrate the need to construct a socialist political movement within the working class against the capitalist system. The injunction and other measures like it show workers that they are fighting not one or another greedy company, but the profit system itself and the capitalist government which defends it.



To contact the WSWs and the Socialist Equality Party visit:

[wsws.org/contact](https://www.wsws.org/contact)