

Rail unions grovel to Congress, as Washington makes contingency plans ahead of Friday strike deadline

Tom Hall
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The Railroad Workers Rank-and-File Committee is hosting a public meeting Wednesday, September 14, at 7:00 p.m. Eastern Time, “Organize to prepare for a national strike!” All railroaders and their supporters are urged to attend and register for the meeting here. To join or contact the committee, send an email to railwrfc@gmail.com or fill out the form at the bottom of this page.

With less than three days to go before the deadline for a national railroad strike, the rail unions are working desperately to work out a deal with the seven Class I freight railroads. The unions, however, are faced with overwhelming opposition from workers, which is seriously disrupting their attempts to bureaucratically enforce a sellout deal.

Rail workers are fighting against a concessions contract proposal issued last month by a Biden-appointed Presidential Emergency Board that includes cuts to real wages and increases to health care costs. It also leaves intact the hated attendance policies that have driven tens of thousands out of the industry.

Despite the civil war atmosphere reigning inside Washington, both parties have indicated that they are prepared to come together to pass legislation to block a strike. Steny Hoyer, the number two Democrat in the House, told Bloomberg News that Congress would intervene. On Monday night, Republican Senators Richard Burr and Roger Wicker proposed legislation to impose the PEB right at Friday’s deadline.

In a groveling letter to congressional leaders for both parties Tuesday, the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers, declared, “We humbly ask you to please let the two sides work this out.”

In other words, the unions are not demanding Congress stay out of a strike that will take place on Friday. Instead, they are begging Congress to give the unions the space and time needed to enforce a deal and avoid a strike. The letter adds, “Now is not the time for short-sightedness, as the fragility of the economy is very real.”

The companies, however, refuse to make even the slightest concessions on the brutal work regime on the railroads, where workers are constantly on call and are unable to schedule time

with their families or even doctors’ appointments. The Brotherhood of Locomotive Engineers and Trainmen, which together with SMART-TD include the majority of railroaders as members, said that they would even soften their bargaining position by asking for *unpaid* sick leave, to no avail.

But SMART-TD’s proposed solution is not a national strike, but a “voluntary agreement”—that is, one reached without Congressional intervention—which it calls the best option for “our members and the nation.” It states, “The only tool left in our shed is an agreement worthy of ratification[!] by our members.” This itself directly contradicts SMART-TD’s and BLET’s own promotion of the PEB’s report as historic a few weeks ago, statements which only enraged workers further.

SMART-TD attached to its letter internal polling showing that a contract patterned after the PEB would be rejected by 78 percent. This is likely a significant understatement of the real depth of opposition. Before the PEB, workers in the BLET voted by 99.5 percent to authorize strike action. But in the SMART-TD poll, when it asks members what the “best option” is, striking is not even cited. Instead, they ask workers to choose between ratifying the PEB and “ultimately [letting] Congress decide” the contract.

SMART-TD adds that even “if intervention does become inevitable, then please hear our request and consider our proposal for the sake of our members’ families.” In other words, the unions passively accept as legitimate and “inevitable” that Congress, which is comprised mostly of millionaires whose own stock portfolios would tank in the event of a strike, can intervene to rip up workers’ democratic right to strike.

For decades, the rail unions have presented the government and even the anti-worker Railway Labor Act, which is aimed at eliminating strikes in the industry, as neutral arbiters. But the whole history of government interventions in the railroads, invariably on behalf of the corporations, testifies to the opposite.

This includes the Great Railway Strike of 1877, which was crushed by federal troops; the arrest of strike leaders of the Pullman Strike in 1894 on trumped-up charges of tampering

with the mail; and the intervention by the Truman administration against strikes in 1946 and 1950. In 1991, the last national rail strike was shut down by a Congressional injunction after only a few hours. The House passed the bill by a vote of 400 to 5, including a freshman member from Vermont named Bernie Sanders.

Among railroaders, a mood of defiance has long taken hold. “We just worked through a pandemic with zero paid sick days, yes zero!” one worker told the WWS. “If Congress forces a contract on us” without sick days, he added, “this will get ugly.”

Another observed, “I believe there have been too many deals agreed to without the voice of the rank and file. Some locals have included in their bylaws that the Chairman has autonomy. That practice should be done away with and everything should be discussed with the rank and file before any agreements are made.”

The anger and opposition of workers to the unions’ betrayals is taking the form of intense interest in the Railroad Workers Rank-and-File Committee, whose statements have been read thousands of times. A public meeting sponsored by the Committee this evening has received over 100 registrations.

The opposition from workers is overwhelming the attempts by the unions to enforce bureaucratic obstacles, including by hiving off the smaller craft unions into separate agreements. The Brotherhood of Railway Signalmen has canceled plans to bring a PEB-patterned contract to a vote, which clearly would have had no chance of passing. Voting concluded last night on a contract for the International Association of Machinists, but although a final tally was not available as of this writing, the union itself seems to harbor little illusion that contract will be ratified. On Monday, the union distributed circulars to machinists instructing them on strike protocol.

The Brotherhood of Maintenance of Way Employees issued a statement declaring that, while their members could not officially participate in a strike due to their decision to extend the cooling-off period, workers should also not cross the picket line of other railroaders in the event of a strike, and that the BMW members would still receive strike pay. This is simply rubber-stamping what the maintenance workers would have done anyway without the union’s approval.

A congressional intervention would be fraught with political dangers for the ruling class. It would intersect explosively with the political crisis in the US in the weeks leading up to critical midterm elections. Moreover, there is also no guarantee that a Congressional injunction would not be simply ignored by workers. Such moves have taken place many times in the past under conditions of rank-and-file rebellions, including the 2018 teachers strikes (which defied state anti-strike laws) and the 1977-78 miners strike, which defied a Taft-Hartley injunction by President Jimmy Carter.

Both Congress and the White House would vastly prefer a deal to be worked out before the deadline. In comments to

CNN, Dick Durbin, the number two Democrat in the Senate, claimed Congress might not intervene, adding that avoiding a strike “depends on the parties in negotiations stepping up to the plate.”

White House press secretary Karin Jean-Pierre declared Tuesday, “A shutdown is unacceptable and will hurt American workers, families and businesses, and they [meaning the railroads and the unions] must take action to avert it.” Late Tuesday night, the Biden administration announced that Labor Secretary Marty Walsh would host talks with both sides at the White House Wednesday morning.

Biden, meanwhile, is making contingency plans in the event of a strike to move freight without the need of the railroads. Jean-Pierre said the White House is reportedly engaged in daily interagency meetings to discuss the impact of a strike on supply chains.

The railroads, meanwhile, are continuing to wind down operations in advance of the deadline. Norfolk Southern’s contingency plans to refuse taking on new freight takes effect today, and Amtrak, which runs almost entirely on lines owned by the freight railroads, has begun to cancel passenger trips. The unions have denounced this as “self help” prohibited before the deadline by the Railway Labor Act, contrasting it to their own loyal observance of the law by keeping workers on the job working under normal conditions.

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