

Suspicion mounts among railroaders over ballot fraud as train dispatchers' union announces ratification of deal

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Opposition continues to build among US railroaders to the tentative agreements patterned after the concessionary recommendations of a Biden-appointed mediation board, which the unions are determined to ram through.

On Monday, the American Train Dispatchers Association (ATDA) announced its five-year deal had been ratified by the membership, making it the fourth out of 12 rail unions to have ratified deals with the carriers. These are mostly smaller unions, with the largest, the BLET and SMART-TD, covering tens of thousands of engineers and conductors, scheduled to begin voting later this month. In a statement, the ATDA claimed a 64 percent margin in favor, without giving vote totals.

However, as with last week's announced "ratification" of a contract for the International Brotherhood of Electrical Workers (IBEW), there is widespread suspicion among workers about the results. IBEW members quickly reported massive irregularities in the vote, including a large number of workers, potentially hundreds, who did not receive ballots at all. Even according to the IBEW's own internal figures, the number of "questionable" and "undeliverable" ballots exceeded the narrow 150 vote margin by which the contract supposedly passed. There is growing support among electricians for the demand for a re-vote, as called for by the Railroad Workers Rank-and-File Committee.

"I just know almost everyone I talked to said they voted no," said one West Coast train dispatcher. "There were only a handful that voted yes. ... How is that possible when the contract was just ratified?"

In previous contracts, train dispatchers have complained that many of them were not mailed ballots by the union, the same allegation made by electricians against the IBEW. "I have had that thought of voter suppression in some form," one train dispatcher told the WSWs in September. "I mean, once National knew that the error/excuse was two mailing lists, it should have been a super easy fix: merge the lists. But I don't accept the two-list theory, because on the first day of employment the union reps go around and have you sign up and take your first month's union dues."

Another dispatcher told the WSWs that increased union dues were taken out of his last paycheck, which should not have taken effect until after the new contract was ratified. The worker says he suspects this is because the ATDA and the carrier were treating the new contract as though it were already ratified. The WSWs has not been able to independently verify this.

But the outcome of the vote, as well as the nearly two-thirds margin, raised eyebrows because the ATDA membership is a hotbed of opposition. They voted by 99 percent to strike in early August. Much of the chaos in the rail industry's operations and, in particular, in the erratic scheduling for engineers and conductors has been made worse by huge levels of understaffing for dispatchers, where individual offices are responsible for setting schedules for vast geographical regions.

Meanwhile, electricians continued to express their outrage and disbelief over the IBEW vote on social media. "It's amazing how some of us received our

ballots a day before the deadline,” one worker sarcastically observed on Facebook. On Reddit, one worker said, “I’ve been at the same address for 22 years, my ballot never came. They knew the [election] contractor would f*** it up.” Another declared, “The unions are corrupt. It’s time to wildcat.”

“This is America. How is this happening,” one worker asked in disbelief. Another responded, “The US is just three corporations in a trench coat pretending to be a country.”

One carman, responding to the discussion, asked whether legal action could be taken by workers against the IBEW, before adding, “My two cents here; the union leadership and carriers have already gone full send on these contracts together. Their intent is to 100% force these contracts through ratification ... my union, TCU, was doing a victory lap over 49% participation; which at the very least meant only 25% of the union [voted in favor]. If people are truly upset with it, then on instances like this, the members are going to have to push back.”

The next union to finish voting will be the Brotherhood of Maintenance of Way Employees Division (BMWED), where balloting ends on October 9. In one indication of the widespread opposition among maintenance of way workers to the contract, Local 0591 of the BMWED in Chicago issued an open letter to the union leadership late last month denouncing the deal and calling for a national strike.

The two largest unions, SMART-TD and BLET, will not even begin voting until late October, even though they reached their agreements with the carriers on September 15 in 11th hour talks sponsored by the White House to avert a strike. The voting process is being deliberately stretched out in order to buy time for the considerable opposition to the deal to dissipate. It is almost identical to the one proposed by the Presidential Emergency Board (PEB) in August with the addition of three unpaid days off per year for medical appointments.

Meanwhile, the unions are using threats and intimidation to try and wear down workers. “At my local union meeting Tuesday we were told this contract was a done deal,” one engineer said on social media. “We haven’t even voted yet, and several other unions haven’t voted.”

In the latest in a string of highly defensive statements,

SMART-TD President Jeremy Ferguson denounced what he called “misinformation” on social media Tuesday. “A recent accusation is circulating that if the majority of the membership votes not to ratify the tentative agreement, SMART-TD will override the NO vote and force the tentative agreement on the membership.” Ferguson wrote. “This is materially **FALSE** [emphasis in original]. Your International leadership does NOT have the ability under the SMART Constitution to overturn a vote. In the event that the majority votes no, we would go back to the table until a resolution is either forced on us by Congress or a resolution that the SMART-TD membership would ratify is presented.”

Significantly, Ferguson does not address the specific proposal, first floated by former SMART-TD public relations director Frank Wilner in *Railway Age*, to use binding federal arbitration in order to de facto overturn a “no” vote. However, even Ferguson’s denial contains the caveat, “until a resolution is forced on us by Congress,” i.e., that a “no” vote would be overturned, albeit by Washington.

But the union apparatus has relied heavily on the threat of Congressional injunctions to wear down workers’ opposition, on the grounds that they have no other choice but to accept the deal. In his last statement, Ferguson even claimed the Commerce Clause of the US Constitution effectively barred workers from striking by giving Congress the power to override workers’ First Amendment-protected right to strike.



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