

A reply to BMWED President Tony Cardwell: Who has the right to “sanction” a strike—the bureaucracy or the workers?

The Railroad Workers Rank-and-File Committee
27 October 2022

The following open letter to Brotherhood of Maintenance of Way Employes (BMWED) President Tony Cardwell was drafted and approved by the Railroad Workers Rank-and-File Committee (RWRFC). Contact the RWRFC by sending an email to railwrfc@gmail.com, texting (314) 529-1064 or filling out the form at the bottom of this page.

Sign up for the committee’s text information network: Text “rail” to (866) 847-1086.

The Railroad Workers Rank-and-File Committee is holding its fourth public meeting this Sunday, October 30, at 7:00 p.m. Eastern Time. “The unions say they won’t ‘sanction’ a strike. That decision rests with workers, not the bureaucracy!” Register for the event [here](#).

Dear Mr. Cardwell:

We are writing to respond to your open letter of October 26 to the BMWED membership, in which you attacked “anonymous” “fringe groups” with “dangerous ideas of unsanctioned work stoppages.” We feel all the more obliged to respond because your letter sums up the bureaucratic arrogance of the officials at all 12 unions, not just at the BMWED.

You did not mention who you were referring to, but it is obvious that the target of the letter is the Railroad Workers Rank-and-File Committee. We have been organizing and campaigning among our coworkers to build democratic structures to give railroaders the means to countermand your endless bureaucratic delays of our right to strike. This includes your extension of the “status quo” until “five days after Congress reconvenes”—approximately November 19—following members’ rejection of your tentative agreement two weeks ago.

First of all, let us say that even though you refuse to identify us, there is nothing “anonymous” about us. We conduct our work publicly, holding well-attended online public meetings, organizing informational pickets and distributing and discussing our statements with our coworkers. This is in naked contrast to you, Mr. Cardwell,

and the officials in all 12 unions, who conduct your business outside of the view or control of the rank and file.

In your letter, you declare: “Not only is an unsanctioned work stoppage illegal, but an uncoordinated strike is short-sighted and will not produce the result that at least one anonymous group is claiming.” You continue: “Unions that have engaged in illegal strikes have been hit with catastrophic financial penalties. … BMWED will not support or condone an illegal work stoppage and our bylaws prohibit strike wages or other benefits for an illegal strike.”

We condemn this statement in the strongest possible terms. This is nothing more than a naked attempt to scare our coworkers back into line, that you felt the need to say it indicates that the sentiment for strike action is overwhelming, and that workers are tired of being told what they can and can’t do by unaccountable officials.

Your statement is an open declaration that you and the BMWED leadership are prepared to act as strikebreakers, siding with the companies and the government against us. You threaten legal and financial penalties and the withholding of strike pay for any “unsanctioned” strike—unsanctioned because you, Mr. Cardwell, will refuse to sanction it. You then try to cover your tracks by claiming the union is prepared to sanction “coordinated self-help”—i.e., not necessarily a strike—at some point in the future, but the rest of your letter makes clear you are determined to make sure that this never occurs.

What gives you the right to claim sole authority to “sanction” a strike? Workers have already “sanctioned” it long ago. BMWED workers voted by 99 percent in favor of a strike; in BLET, 99.5 percent; in the IAM, 80 percent. Workers have spoken again and again with one voice that we are prepared to strike for what we need and deserve. But you and the bureaucracy in the other unions have simply ignored this. In the IBEW, there is even evidence to suggest that the contract was “passed” through fraud. It is not up to you and your fellow bureaucrats to override us and tell us

what to do.

What you say about a strike being “illegal” is a flat-out lie. For three years, you have had the anti-strike provisions of the Railway Labor Act as a convenient cover for your inaction. But all of that went away on September 16, with the end of the last “cooling-off” period. There are, at present, no legal limits to striking or any other form of “self-help” which workers are under. We repeat, for the benefit of our coworkers: **We can now legally strike at any time.**

It is true that Congress would try to intervene with anti-strike legislation. But that has not happened yet, and we should be putting ourselves in the strongest possible position to answer this threat. **The ideal period to strike is right now**, in the final weeks before the midterm elections, when Congress is in recess and the political cost of congressional intervention would be greatest.

By extending the strike deadline to “five days after Congress reconvenes,” you are doing the exact opposite, putting *Congress* in the strongest possible position to answer *our* strike threat. All of the other unions are also delaying until after the midterms. The BLET even invited Nancy Pelosi, who already drew up anti-strike legislation in the House, to its national convention in early October. There is no other explanation for this except that you *want* the threat of Congressional intervention hanging over our heads, to give yourselves ammunition to ram this deal through and frighten workers with the threat of “illegality.”

You make the significant confession in your letter that the extension of the strike deadline is not due to any legal reason at all, but a secret agreement which you worked out with the carriers. This “stipulation,” you write, was a condition of the carriers’ agreeing to the TA which workers voted down. To our knowledge, this is the first time this has ever been admitted publicly. Your announcement of the extension on October 10 declared only that the rejection “results in a ‘status quo’ period” and that “there could be no ‘self help’ until after the 19th,” without explaining why or on whose authority. You wanted to create the impression among workers that it was due to some obscure legal requirement, perhaps under the terms of the RLA.

Mr. Cardwell, no genuine workers’ representative ever would have agreed to this, much less concealed it from us. Little wonder this has dragged on for three years. Why would the carriers ever budge if the other side of the table was prepared to make such concessions? The NCCC [National Carriers’ Conference Committee] said on October 19 that it refuses to consider any changes to sick leave or anything else that deviates from the framework set by the Presidential Emergency Board. And why would they, if they know you will never “sanction” a strike, and you are allowing them and Congress to dictate what workers can and

can’t do?

We have to give up all of our demands, while the carriers give up virtually nothing. What “stipulations” did you require from the carriers? Nothing. If the negotiating process were controlled by rank-and-file workers, it would go something like this: “Give us our sick days, COLA, lower the years of service for vacation, leave our health care alone. ‘Stipulate’ to that, and we won’t walk out.”

If your arguments that it is “illegal” for us to strike were true, then that could only mean that America is a dictatorship where workers have no rights, with yourselves acting as policemen. We cannot deny the fact that the government is controlled by the rich and has always sided with them against workers, but we still have First Amendment rights, whether you recognize it or not.

In conclusion, Mr. Cardwell, we inform you that workers’ patience is at an end. We are tired of being bureaucratically denied the rights entitled to us by the Constitution and that every other American enjoys.

You accuse the RWRFC of being a “fringe” group. You are the fringe, Mr. Cardwell, not us. We have voted to strike and to reject your garbage contracts. We, the workers, outnumber you 1,000 to 1. The RWRFC was formed to give voice and organization to railroad workers against the attempts to bureaucratically silence us.

You say in your letter: “Workers must be wary of a group throwing disruption grenades from behind a wall of secrecy.” We agree wholeheartedly! Only that applies to you, not to us.

Mr. Cardwell, on behalf of our 120,000 coworkers, we give you the following instructions: **If you are not willing to abide by the will of the membership, then get out of the way.**

But if there is one thing your letter did, it makes the following crystal clear: **We, the rank and file, must take control of this situation ourselves. Brothers and sisters everywhere, organize your own networks, get your rail yards on the same page, share this letter and prepare to fight.**

Sincerely,

The Railroad Workers Rank-and-File Committee



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wsws.org/contact