

# Railroaders furious as BMWED bureaucracy extends strike deadline once again, at White House's request

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The bureaucracy of the Brotherhood of Maintenance of Way Employees Division (BMWED) announced Wednesday that it was extending the strike deadline for 20,000 rail maintenance workers to December 9, in flagrant violation of the will of the membership.

Not a single worker was consulted before this action was taken. In fact, BMWED members voted by 99 percent earlier in the year to authorize strike action. Late last month, they voted down the White House-brokered contract, which falls far short of their demands. The rejection by the third largest rail union was a major blow to the national agreement and built momentum for its defeat in the vote of 60,000 engineers and conductors, which is currently ongoing.

However, the union had previously worked out a deal in secret with railroad negotiators to block strike action by extending the “status quo” in the event that the contract was rejected. This was pegged to “five days after Congress reconvenes,” likely November 19. The effect of the extension was to give Congress more time to prepare anti-strike legislation and to impose a deal unilaterally. Moreover, it emboldened the carriers, who have refused to make even the slightest concession on critical issues.

But in the days before Tuesday's midterm elections, Labor Secretary Marty Walsh asked the BMWED to further extend the strike deadline, reported *Labor Notes'* Jonah Furman, who has close ties with the union bureaucracies. In comments to CNN, Walsh had earlier called on Congress to intervene if the engineers and conductors rejected the deal; that vote ends on November 20.

Within Washington, there was evidently growing concern that Congress would need more time to prepare, especially in the aftermath of a close midterm election which appears to have created a stalemate, with the possibility of Democrats extending their slim control of the Senate and Republicans winning a narrow majority in the House of Representatives. According to Furman, the BMWED had initially refused Walsh's request but reversed itself the day after the midterms.

Workers who spoke with the WSWs were furious about the extension. “It's a bunch of smoke and mirrors,” a railroader from the Pacific Northwest said. “They [the carriers and the government] get what they want, when they want it, and we [the workers] keep working without a new contract, without anything we've asked for even being considered.

“Our union leaders are useless and have become weak,” he

concluded. “We need to STRIKE NOW while the iron is hot! Not to hurt the economy, but to show them that we mean business, and we're tired of being screwed over!”

The extension underscores the need for railroaders to organize themselves independently in order to countermand decisions by the bureaucracy which violate the will of the rank and file. With both the narrow midterm results and with the Thanksgiving holiday only two weeks away, conditions are objectively favorable for railroaders to fight and win their demands.

Most importantly, there is widespread support for railroaders in the working class, which can be mobilized to put rail workers in a strong position to force the government to back down from its threats. But this mobilization can only be achieved if it is connected with a fight to end the bureaucratic acts of sabotage by the union “leadership.”

The bureaucracy has only doubled down as rank-and-file anger has continued to mount. Last month, BMWED President Tony Cardwell denounced “fringe groups,” by which he meant the Railroad Workers Rank-and-File Committee, whom he claimed were advocating “unsanctioned, illegal strike action.” However, Wednesday's actions make clear that the BMWED has no intention of ever “sanctioning” strike action and is assisting the government in its bid to illegalize a strike.

## How the BMWED tried to spin the extension

The BMWED's statement announcing the extension was a breathtakingly cynical exercise in evasion and double speak, beginning with the title, “BMWED Joins BRS [Brotherhood of Railway Signalmen] and Possibly Other Rail Unions in Our Struggle to Get More in Our Contract.”

“The railroads continue to reject all BMWED and BRS proposals for paid sick leave,” the statement declared. “There are reports indicating the railroads intend to begin ceasing various rail operations within the next few days, in anticipation of a strike on November 20, even though in September they did not start taking such action until five days before the date of potential exercise of self-help.”

In other words, not only have the carriers refused to budge on anything, but they are also planning to violate the “status quo” agreement they had worked out with the union. If that is the case, then further extending the deadline only emboldens the carriers even more.

The statement continued, “These shutdowns would also represent a blatant attempt to cause panic and economic harm to the railroads’ customers and the U.S. economy right before the Thanksgiving holiday.”

But the economic logic of the carriers’ “self-help” applies equally to “self-help” by the workers. A strike now would have its maximum impact. For the ruling class and its political representatives, the overriding concern is not that a strike would damage the “economy” as such but rather the profits and share values of Wall Street, which the union bureaucracies are intervening to protect.

Such action by the carriers “would also be a manipulative attempt to instigate Congress to intervene against the interests of railroad workers,” the statement concludes. In reality, the union is also deliberately inviting Congressional intervention with the extension.

The statement claimed that a major reason for the extension was to win Congress to the side of railroaders and give them more time to *legalize* strike action. “There is no other bill in Congress at this time to allow us to strike; Congresspersons have been consumed with the mid-term elections,” the union wrote. “We will now have an opportunity to educate Congress and obtain a better bill written for Railroad Workers, not the railroads.”

The claim that special legislation is needed to give workers permission to strike is a complete fabrication. Since the expiration of the Railway Labor Act’s final legally mandated cooling-off period on September 16, there have been no legal restrictions on strike action. However, even if Congress did assert (which it does not!) that railroaders could not strike without their explicit consent, this would be a flagrant violation of the Constitution, which protects workers’ right to strike under the First Amendment.

As for the claim that Congress only needs to be “educated” properly and that the only obstacle to this was the distraction of the midterms, this body of millionaires, many of whom are heavily invested in the railroads, has already kept itself well-informed. This is why both parties drafted anti-strike legislation as far back as early September.

In order to bolster its narrative that Congress can be “won” to workers, the BMWED cites the Republican bill in the Senate but not the Democratic anti-strike bill drafted in the House. Only weeks afterwards, the BMWED’s sister union BLET partied with Walsh and House leader Nancy Pelosi at its national convention on the Las Vegas Strip.

The union then claimed that extending the strike deadline to December 9 strengthens the position of maintenance workers because it synchronizes their strike deadline with the BRS, and, if either of them reject their contracts, the BLET and SMART-TD. The point, however, is moot because picket lines by the BMWED, or any other union, would automatically be honored regardless of when a strike took place and would have the effect of a national strike.

Moreover, it was the union bureaucracy itself which originally split up the workers into 12 separate agreements with separate voting timetables, in order to break workers’ unity and help ensure the passage of an unpopular deal. It now raises “unity” when it is a convenient pretext to delay even further.

The statement continued, “With this extension, BLET and SMART-TD will have the opportunity to finish their ratification procedures for any tentative national agreements without disruption.” To describe the first national rail strike in 30 years as a “disruption,” rather than a source of strength and confidence for train crews, can have no other meaning than that the BMWED bureaucracy is hoping to give the BLET and SMART-TD executives more time to try and ram through

their own deals.

The statement ended with pathetic groveling before the carriers to “do the right thing.” It declares: “There is absolutely no reason for the railroads to discontinue services ... causing intentional economic harm to their customers and the U.S. economy. Such a tactic by the railroads is completely unnecessary. There is now more than adequate time for the railroads to come to the bargaining table, engage in good-faith negotiations with us and reach a voluntary Agreement.

“BMWED’s proposal would literally cost one penny of every dollar of the railroads’ record profits assuming full use by every single member. It is less than 2 percent of the \$11.5 BILLION that CSX, NS and UP have spent alone on stock buybacks through the third quarter of 2022.”

It also concludes with a lame warning that Congress “should not intervene and rescue the railroads,” but adds, “If Congress does intervene, then we demand that Congress must side with the workers by imposing the tentative national agreement and carrier specific agreements along with paid sick leave for all railroad workers.”

This toothless declaration is meant for public consumption only. In reality, the BMWED is not “demanding” anything. It is handing Congress and the carriers a blank check and deliberately attempting to sap the initiative of railroaders.

#### **A member of the RWRFC responds**

A maintenance-of-way worker and member of the Railroad Workers Rank-and-File Committee responded to the BMWED statement with the following:

“This extension to the cooling-off period is a complete betrayal. The membership has not agreed to this, nor was even consulted. BMWED officials then had the audacity to lie to the membership by saying there is no bill in Congress to allow a strike.

“We do not need permission from Congress to strike. The provisions of the RLA have been satisfied. The carriers refuse to move from their position; the only course of action is for railroaders to strike.

“Mr. Cardwell, rid yourself of the interests of your friends in Congress, the politicians of both parties who do nothing for the working class. The membership has voted over 99 percent in favor of a strike. Call a strike, the dues-paying rank and file demand it.”



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