President Biden intervenes in rail talks in last-ditch effort to head off national strike

Tom Hall
23 November 2022

Fight for your right to strike now! The Railroad Workers Rank-and-File Committee will be holding an emergency meeting this Wednesday, November 23, 2022, at 7:00 p.m EST / 4:00 p.m. PST. Register here.

Railroad workers: Take up the fight for rank-and-file control! Join the Railroad Workers Rank-and-File Committee by sending an email to railwrfc@gmail.com, texting (314) 529-1064, or filling out the form below.

President Biden is "directly" involved in contract talks in the rail industry, following Monday's rejection of a White House-backed deal by members of SMART-TD, the largest rail union, the White House confirmed in a press briefing Tuesday.

While the White House has been intimately involved every step of the way in the process, the fact that Press Secretary Karine Jean-Pierre made a point of making this known shows the seriousness with which the government takes the situation. They are determined to prevent a rail strike, which Jean-Pierre described as "not acceptable." She cynically claimed that the government's campaign to impose a substandard deal is necessary to protect "American families" from the impact of a walkout.

Transportation Secretary Pete Buttigieg underlined this in comments to News Nation yesterday. "We've got to get to a solution that does not subject the American economy to the threat of a shutdown," he said. "We don't have enough trucks, or barges, or ships in this country to make up for the rail network."

Buttigieg declined to say whether Biden, the self-described "most pro-union president in American history," would support railroaders if they went out on strike. "I don't want to get into a scenario over battle lines that haven't fully been drawn yet," he said. "But I will say is that we certainly believe in collective bargaining."

In fact, through the veneer of "collective bargaining" with a union apparatus totally integrated with management and the state, the strategy of Biden has been to prevent a strike and impose a sellout. Meanwhile, Biden and the Democrats—together with the Republicans—have been preparing for months behind the scenes for congressional action to block a strike and unilaterally impose a deal if necessary.

But railroaders have already dealt a serious blow to the public face of this campaign. The White House now finds itself in a similar situation to that which it faced two months ago, when Biden earlier personally intervened to broker a deal before the original strike deadline of September 16. The White House called negotiators from both the unions and the carriers to Washington for marathon talks, which ended only on the morning of September 15, when Biden announced a settlement from the White House Rose Garden to much fanfare. He then took a victory lap in the press, claiming that he had successfully averted a national strike.

Workers, however, were livid over the deal, that was virtually identical to the unpopular recommendations from a Presidential Emergency Board (PEB) in August. The only change was the addition of three unpaid sick days per year for doctors' appointments—up from zero—which had to be scheduled between Tuesday and Thursday, at least one month in advance. Two months of continuous delays and intimidation tactics by the union bureaucracy, who presented the vote as a "choice" between accepting the deal or having it imposed upon them by congressional injunction, failed to quell this anger.

When asked, neither Jean-Pierre nor Buttigieg had any explanation yesterday for why workers rejected a deal which the White House had claimed was a major victory for workers.

Workers in the 11 other rail unions hailed the contract rejection. "I'm glad that they did not fold over like the other unions. I'm rooting for them!" one worker said. A retired railroader said, "Keep fighting! I remember getting screwed by the sellout unions. At union meetings, the most famous saying was, 'You are out of order, brother!'"

The wife of a locomotive conductor said, "Rejecting the contract or the proposed agreement was the right move. I thought all along they should have struck from the get-go. They need to take a stand and make it hurt. Show them they're serious. This is their livelihood. This is their well-being.

"Everybody was about to go on strike [in September], and then magically they came up with a tentative agreement. But we didn't see that for weeks. They were lying or being intentionally deceitful to avoid a strike right before elections."

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Divisions over how to proceed

The current deadline for a national strike, which is self-imposed by the unions, is December 9, little more than two weeks from now. A strike would potentially be joined by members of SMART-TD, which rejected the contract Monday, the Brotherhood of Railway Signalmen (BRS), the Brotherhood of Maintenance of Way Employes (BMWED) and the International Brotherhood of Boilermakers (IBB), who together account for nearly half of the national workforce of 120,000. However, it would have the effect of a strike by the entire workforce because railroaders in the other eight unions would honor the picket lines.

A strike in the leadup to the Christmas holiday would have a particularly powerful effect, stopping the 40 percent of freight which is shipped on the railroads and costing roughly $2 billion a day. The corporate press has sought to mobilize public opinion against the railroaders by conjuring images of mass shortages. However, a strike would enjoy mass support in the working class, who would be emboldened to press for their own demands in other industries.

The unions, the White House and the carriers are all determined to prevent a strike and impose a deal, one way or the other, including, if necessary, through congressional injunction. But it appears that there are divisions over how best to proceed.

The White House, while preparing to support action by Congress, has made clear that its preferred outcome is the passage of a deal by the unions before it reaches that point. This is in keeping with the Biden administration's preferred strategy of using the trade union bureaucracy to enforce labor discipline, which the administration has also used to block strikes in oil refineries and the West Coast docks this year.

That, however, depends in part upon the willingness of the carriers to reach a new deal. Here, it is not a question of giving up major concessions to workers, but of patching up the same contract with just enough worthless fig leaves for the union to claim there are "gains." This strategy was used to ram through the deal for railroad machinists this month after they earlier rejected the contract in September.

However, the rail carriers have reportedly refused to budge an inch in the latest rounds of talks. On Monday, the BMWED issued a statement accusing the carriers of engaging in collective punishment. "It is our belief that railroad management simply seeks to punish their employees for attempting to exercise their democratic rights to reject a tentative agreement and engage in collective action to gain paid sick time off. They do not want this campaign to succeed because it would prove that solidarity works."

This, however, is also a damning indictment of the BMWED itself and the other rail unions, whose conscious sabotage of railroaders has only emboldened the carriers. Earlier this month, the BMWED suddenly extended its November 19 strike deadline, itself imposed through a secret deal worked out with the railroads in advance of the initial vote in case workers rejected the deal, to December 9, while falsely implying that workers could not strike without explicit permission from Congress.

Last month, BMWED President Anthony Cardwell lashed out against opposition from the Railroad Workers Rank-and-File Committee, which opposed the extensions as a violation of the will of the membership, and threatened to leave workers on their own if they engaged in "unsanctioned" strike action.

In comments to Politico Monday night, SMART-TD President Jeremy Ferguson predicted congressional intervention as the most likely outcome, adding that a new deal was not "really in the cards." But Ferguson, in order to browbeat workers into accepting a deal, has presented government intervention as a *fait accompli* for months, even falsely equating the possibility of an injunction with a Constitutional ban on strikes.

In spite of the civil war atmosphere in Washington, as well as the failure of either party to gain a popular mandate in the recent congressional elections, it is all but certain that both Republicans and Democrats in Congress will quickly come together to pass an injunction, as they did to shut down the last national rail strike within hours in 1991.

However, this would be fraught with serious political dangers, above all, the potential response in the working class to any move to openly rip up railroaders' democratic right to strike. Unlike in 1991, massive pent-up anger and opposition in the working class is fueling a wave of strikes across the US and around the world. Indeed, it is far from certain that an injunction, if issued *after* the start of a strike, would succeed in getting railroaders back to work.

The outcome will ultimately be determined in struggle. This requires two things. First, rank-and-file railroaders must organize themselves to oppose the sabotage of the union bureaucracy and to countermand decisions which violate the will of the railroaders. Second, the entire working class must be mobilized to come to the defense of the railroaders in order to force Congress to back down.

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