Congressional strike ban against railroaders

Labor historians' "open letter" to Biden falls on deaf ears

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5 December 2022

Scores of American labor historians last week signed an open letter to President Biden imploring him not to impose a contract on railroad workers against their will, and thereby outlaw the right to strike.

Biden called for congressional intervention last week after several unions voted down the contract worked up by his Presidential Emergency Board (PEB) in collusion with the rail corporations and unions, whose membership had overwhelmingly authorized a strike in the summer. Biden turned to Congress imposing the deal only after the rail unions' bureaucracies proved incapable of forcing the rotten deal on the rank and file.

By Thursday, both houses of Congress had passed Biden's proposed injunction, with near unanimous support from the Democratic Party delegation. The vote was a stark lesson in class politics. While Congress regularly stalls, indefinitely, any legislation that might in any modest way help working class people, when called on by Biden to strip workers of their democratic and human right to withhold their labor, Democrats and Republicans saluted, clicked heels, "reached across the aisle," and made illegal the rail strike in near record time. So fast, indeed, that the vote was complete even as historians were still affixing their names on the open letter to Biden.

Though their letter is titled "Historians in Support of Railway Workers," it is written from the standpoint of offering friendly advice to the Biden administration, to whom it is addressed. The letter expresses "alarm" at Biden's "decision to ask Congress to impose an unfair and unpopular settlement," which, it correctly notes, "constitutes a negation of the democratic will of tens of thousands of workers."

Yet in spite of acknowledging Biden's machinations, the letter portrays the White House as a neutral, and even friendly, arbiter in the struggle. Referring to anti-labor laws put in place long ago to curb the immense industrial power of workers in critical transportation industries such as rail, the historians write that "History shows … that the special legal treatment of rail and other transportation strikes offers the federal government—and the executive branch in particular—a rare opportunity to directly shape the outcome of collective bargaining, for good or for ill." The letter goes on to cite one example each of "ill"—the federal government using the military to attack rail workers in the Gilded Age—and one of supposed "good," when Woodrow Wilson acceded to the eight-hour day demand among rail workers during World War I.

The signatories hope that Biden might yet follow Wilson onto the "good" side of history's ledger. They write,

> "President Biden, you have vowed to become the 'most pro-union president' in American history. You have said that 'No one should have to choose between their job and their health – or the health of their children…' What do these commitments mean if the women and men who work in an essential industry like rail cannot count on your support in their fight for basic protections?

The letter, also addressed to Labor Secretary Marty Walsh, asks Biden to "put the full force of your Administration behind the eminently just demands of the railway workers." It then calls upon "progressives in Congress to reject any imposed settlement that shortchanges workers and undermines collective bargaining and the right to strike."

The historians' plea fell on deaf ears. Only eight House Democrats voted against it. As for the "progressives" in Congress, including Democratic Socialists of America (DSA) member Alexandria Ocasio-Cortez, they too voted for the injunction. Bernie Sanders, the self-styled socialist from Vermont, ensured the bill's passage in the Senate.

Anyone remotely familiar with American labor history—or, for that matter the half-century long right-wing career of Joe Biden—should not have been surprised. It consists of an unbroken chain of such federal interventions against workers stretching back to the late 1870s. In this long and often bloody history it has mattered not one iota if the occupant of the White House has been a Democrat or Republican.

As I shall have some sharp things to say of this letter, let me state clearly that, to the extent labor historians begin to speak out, this is a most welcome development. I believe many of the signatories, several of whom I have known personally, are surely motivated by a desire to help rail workers. Unfortunately, their open letter has the opposite effect. Instead of clarifying workers on the basic class and historical issues at stake in the present struggle, the letter provides political cover for Biden, who, it implies, is making a mistake that might yet be corrected.

Worse still, the letter puts forward a false interpretation of labor history. The American state has never been a referee between classes, alternately doing "good" and "ill" for workers. It is now, as it has been since the years after the end of the Civil War in 1865, the mechanism through which the most powerful capitalist interests exercise their authority.

No industry expresses this law more than transportation. Have these historians forgotten Republican Rutherford Hayes' mobilization against the Great Railway Strike of 1877? Democrat Grover Cleveland's attack on the Pullman Strike in 1894 and his jailing of Eugene V. Debs? Have they overlooked Republican Warren Harding's crushing of the 1922 shopmen's strike? Did they lose track of Democrat Harry Truman's militarization of the rail lines in 1950? As for the alleged "progressives in Congress," have the historians forgotten liberal Democratic Party icon Sen. Edward Kennedy's crafting of the legislation that led to the deregulation of trucking and the airlines in the 1970s?

The letter refers to the PATCO strike in 1981 which, it notes,

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> "resulted in the jailing of union leaders, the firing and permanent replacement of the striking air traffic controllers, and the decertification of the union) served as the starting gun for an economy-wide assault on workers' rights and organizations. We are still dealing with the consequences today."

But the move against PATCO is presented as a "bad" policy decision by the Reagan administration, not a consensus decision tacitly supported by the Democratic Party and then Sen. Joe Biden—and crafted, in fact, by Reagan's Democratic predecessor, Jimmy Carter.

It turns out there is a lot more "bad" than "good" in labor history, as far as presidential interventions go. But is there an exception to prove the rule?

The one example the historians cite—Wilson's agreement to the eight-hour day in the midst of World War I—is most poorly chosen. It was at best honored in the breach by the lines, a fact that led to numerous wildcats and ultimately to the great 1922 strike, one of the largest in US history. More fundamentally, the problem with labor-state cooperation during World War I, as the late David Montgomery so clearly showed in *Fall of the House of Labor* (1988), is that it prepared the way for a sharp corporate counteroffensive in the 1920s, to say nothing of Wilson's ruthless persecution of militant and radical workers. Wilson, a vicious racist, was no "friend of labor." It is a shame that so many historians who know better offhandedly present him as such in their plea to Biden.

Wilson's attack on class conscious workers in WWI—which included imprisoning Debs under the Espionage Act, the same law now targeting Julian Assange—was repeated during World War II with Franklin Roosevelt's use of the Smith Act against Trotskyists in 1940 and his mobilization against coal miners in 1943; at the dawn of the Cold War with Truman's launching of the Red Scare in the late 1940s and his militarization of the rail system in 1950; and under Lyndon Johnson during the height of the Vietnam War with the COINTELPRO operation against radical political organizations and his invocation of Taft-Hartley against longshoremen. Biden, who claims there is no money for railroaders or for anything else that would benefit workers, is following a well-worn path of imperialist war abroad and class war at home. He is waging a proxy war against Russia in Ukraine that has cost $55 billion so far, on top of record military budgets. The war is presently the primary driver of inflation, not the modest wage demands of workers, as the Federal Reserve pretends.

Biden's own half-century-long political career now covers nearly one-third of post-Civil War labor history. This affords historians an ample frame of reference to take his measure. Biden's anti-working class votes could fill volumes. To start with, his political career was based in Delaware, the corporate tax-haven capital of the United States. For decades, as he climbed the greasy pole of American politics, Biden was known derisively as the "Senator from DuPont." Suffice it to say that he emerged as a powerful politician in the 1970s, just as the Democratic Party jettisoned any association with the reformism of Roosevelt's New Deal and Johnson's Great Society. He was from the beginning a "tough on crime" politician and the quintessential corporate Democrat. Of course, Biden likes to trot out working class credentials in election cycles. This usually involves a trip to Scranton, Pennsylvania, the city of his birth, which has been ravaged by the bills, including NAFTA, that he voted for. Biden is of course more honest when he proudly declares, "*I am a capitalist*."

Biden carried his anti-working class credentials into the White House with him. This manifested itself most starkly in his embrace of Trump's "back-to-work" drive in the midst of the COVID-19 pandemic, the sole purpose of which was to ensure the profits of corporations. At present, 655,000 Americans have died of COVID during Biden's presidency, roughly equivalent to the death toll in four years of fighting in the Civil War. Workers have died in workplaces across the country, and they have died in every industry these historians study. Unheard of outside of the Great Depression, life expectancy is now falling, a decline concentrated in the working class. Particularly badly hit has been the rail industry, where workers died in 2021 at 3.5 times the rate of other industries.

COVID-19 added a deadly new dimension to longstanding grievances of the railroaders. Just as their Gilded Age forbears, they are treated by the corporations no differently than the rolling stock on which they work: As part of the productive forces to be used up and cast aside. Forced overtime, dangerous conditions, and physical and mental exhaustion; these are the conditions on the railroads. They go far beyond the issue of paid sick leave on which the historians focus, and which has now been expressly denied them by Biden and Congress.

As has happened so many times in the history of the North American rail history—1877, 1894, 1917-1922, 1950—the present struggle in rail emerged with the rank and file. And, as it was in the past, this struggle immediately came into conflict with the existing unions, whose origins trace back to the "brotherhoods" of the 1870s. Labor historians know (or used to know) that a fundamental problem in the rail industry has been the inability of workers to overcome and cast aside these badly outdated organizations in the face of the highly integrated railroad industry, backed by the major banks and, as always, the White House.

If the labor historians had been reading the *World Socialist Web Site*, they would know all about the rank-and-file rebellion, as Biden certainly does. Over the past year many dozens of articles, interviews with workers, on-the-spot reports of pickets, and much more has been published on the WSWS, much of this material assembled by lead rail industry reporter Tom Hall. Moreover, the WSWS has played an active role in facilitating the emergence of a rank-and-file committee movement that has involved hundreds of workers. The railroaders are now uniting across the pro-capitalist unions—the first necessary step for a successful strike. It is on this basis that they have been able to vote down the rotten contracts pushed by the labor officials.

If the labor historians looked more closely, they would see in these developments echoes of past rank-and-file insurgencies, and they would recognize in it the actual "bottom up" motor force of historical change—once an A-B-C of labor history!—and not their present letter's dubious claim that presidents' "dramatic interventions can set the tone for entire eras of subsequent history," a line which would surely make the field's founding figure, E.P. Thompson, roll in his grave.

If the labor historians had done these things, they might write a different sort of letter. Perhaps they would even address themselves to the railroaders, and not to Biden. Such a letter might read something like this:

> *To the Rank-and-File Railroaders,*
>
> *We scholars of labor history congratulate you on your courageous stand. You have defied not only the corporations, but the Biden administration, as well as your own unions. May your courage and solidarity provide a way forward for the whole working class, which has suffered from decades of overwork, underpay, and abysmal conditions.*
>
> *As scholars of American labor history, we are aware that every great advance has come through rank-and-file struggle. Bitter historical experience teaches that workers can place no confidence in the White House or Congress, even when they are controlled by Democrats who claim to be "the friends of labor." Workers have always relied on their own class strength, not alms from capitalist politicians. The history of the railroad industry confirms this again and again, as does your present struggle.*
>
> *History shows further that your move to develop rank-and-file*

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committees is correct. Every great struggle of the railroaders has been hobbled by an antiquated craft union structure that emerged 150 years ago. Meanwhile, other great struggles in American labor history show that, although workers have never had true allies in the White House or Congress or Labor Department or in judges' robes, they certainly have among other sections of the working class. It is to the rest of the working class, suffering the same conditions as you, to whom you should direct your appeal.

Finally, workers have one other weapon: The strategic experiences of history. We labor historians stand ready to help by doing everything we can to acquaint you with this history.

In solidarity,

America's labor historians

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