

As New York transit workers prepare to fight MTA austerity, former union president Toussaint defends no-strike affidavit

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New York transit workers: Fill out the form at the end of this article to tell us what you are demanding in the new contract. All comments will remain anonymous.

More than 40,000 New York City subway and bus workers have now entered their second week since their contract expired on May 16. Workers are fighting major concessions demanded by the Metropolitan Transit Authority (MTA), including raises below the rate of inflation, higher insurance costs and restrictions on overtime and sick leave.

MTA absurdly claims it cannot “afford” good pay increases. Its refusal to accept even the most microscopic concessions to workers in the center of world finance makes this a fight against inequality and against the power of the financial oligarchy.

The struggle has enormous potential to become the spearhead of a broader class movement. On the same day the contract expired, 3,500 Long Island Rail Road (LIRR) workers struck for three days.

But the biggest obstacle to building this movement is the union bureaucracy. Their concern is protecting their own financial and social interests, which depend upon delivering “labor peace” to management and the Democratic Party, which runs the state and the city governments. The LIRR unions shut down the strike prematurely and announced a new tentative agreement whose terms they have refused to make public. The Transit Workers Union (TWU) is keeping workers on the job past their contract expiration date indefinitely without the slightest suggestion of a strike.

This is why the WSWS calls for the formation of rank-and-file committees to break through stonewalling by union officials, unite workers across the transit system, enforce democratic control of struggle and link up with workers across the city and beyond.

That task includes preparing to answer attacks by the courts and the government, including New York’s hated Taylor Law banning public employees from striking. Previous strikes—in 1966, 1980 and 2005—rendered the Taylor Law and its predecessor unenforceable. That flowed from worker unity, discipline and widespread support from the city’s population.

The TWU officials are doing the opposite: enforcing the Taylor Law on workers rather than fighting it. In 2008, in response to legal attacks after a 2005 strike, TWU Local 100 officials signed an affidavit forswearing the right to ever strike against the MTA. The WSWS has referred to this document in many of its recent articles.

Roger Toussaint, Local 100 president from 2001 to 2009, signed the affidavit. He objects to the WSWS’s characterization of it. In a comment on a workers’ Facebook group, he wrote:

As usual and as expected WSWS engages in empty posturing. The terms of the restoration of dues have been made a subject of misinformation and confusion. We signed an affidavit stating what all unions representing public-sector workers in New York state are required to as a condition of bargaining unit certification which we were subject to in the 2005 strike as well as in the 1980 transit strike. Recognizing that a legal prohibition exists against striking does not mean declaring that one will not strike or even that you agree with the prohibition—as evidenced by transit workers going out on strike regardless., twice. Per case law: “the Appellate Division, First Department expressly held that Civil Service Law & 207(3) did not violate the right to free speech under the United States Constitution. Said section of the Civil Service Law provides that an employee organization must submit an affirmation stating that it does not assert the right to strike or to assist or participate in a strike before becoming certified to act as the exclusive representative for collective bargaining.”

This statement is remarkable for its craven obedience to the capitalist state. The union bureaucrat might “not declare that one will not strike” or “even that you agree with the prohibition”—but nevertheless he will enforce the ban on strikes as a condition of securing the bureaucracy’s position “as the exclusive representative for collective bargaining,” i.e., its ability to collect millions of dollars in dues money.

If this was the position of the unions during the early battles to establish and defend what was then a labor movement during the first three quarters of the last century, there would never have been unions in the first place.

The founding of the TWU in 1934 itself was the product of clandestine activity, pitched battles against company spies and goons and the witch-hunting, frame up and jailing of left-wing militants and Irish nationalists and mass strikes in defiance of the subway bosses and the political establishment.

During the 1966 strike, TWU President Mike Quill and eight other union leaders were thrown in jail by Mayor John Lindsay. Well aware of the militant mood of the rank and file, Quill told reporters at the Americana Hotel, “The judge can drop dead in his black robes. I don’t care if I rot in jail. I will not call off the strike.”

In 1980, Ed Winn, a Trotskyist and member of the Workers League, the forerunner of the Socialist Equality Party, was the only member of

the TWU Local 100 Executive Board who voted against the capitulation of the TWU bureaucracy and the ending of the 12-day strike, right at the point that it posed the greatest danger to Mayor Edward Koch.

Toussaint's comments could serve as a declaration of the real program of the bureaucracy in almost any union in America today. No-strike clauses have been standard in union contracts for decades, and the bureaucracies do everything in their power to prevent strikes from breaking out. Recent examples include the cancellation of a Los Angeles school workers strike, after which the district cut 1,000 jobs and the United Auto Workers' (UAW) refusal to authorize strikes at Nexteer and among Columbia graduate students. Most cringing were the declarations by several Minneapolis trade unions that the no-strike provisions in their contracts prohibited workers from joining a general strike to halt ICE terror in their city.

Lessons of the 2005 MTA strike

Even without the affidavit, the TWU's basic attitude towards a strike would be the same. But following the 2005 strike and the vicious Taylor Law prosecution organized by the state's attorney general Eliot Spitzer, the bureaucracy's conclusion was: never again.

The 2005 transit walkout, involving about 34,000 workers, was one of the largest and most powerful strikes of the decade. A major ingredient was the fact that the older workforce was increasingly being replaced by younger workers determined to fight intolerable conditions, low wages and demands for more sacrifice.

By the time the contract struggle erupted, the sentiment for a fight was so strong that union leadership had little choice but to call a strike. It finally began on December 20, shutting down the city for three days.

After two and a half days, the executive board called it off based on a tentative agreement—without a membership vote and without telling workers what was in it. MTA workers voted the deal down by a seven-vote margin out of 22,000 ballots cast, but the TWU bureaucracy allowed the dispute to go to binding arbitration, with arbitrators ultimately imposing the same deal workers had rejected.

Meanwhile, Spitzer's office boasted it had "obtained some of the strongest measures ever imposed" under the Taylor Law. A state court jailed Toussaint, fined the union \$2.5 million and suspended automatic dues check-off.

This was a reactionary attack on workers' rights that the WSWS and all class-conscious workers opposed. But the bureaucracy's response was determined entirely by their defense of their own salaries and positions. This, for them, is what the dues money is for, not the maintenance of strike funds, legal defense and other things needed for a struggle.

This is why the issue of dues check-off became a key issue. Workers were furious at the TWU bureaucracy after the sellout and many withheld dues in retaliation; by 2006, Local 100 estimated that barely 12 percent of members would pay without automatic deduction.

Automatic dues check-off is a central pillar of pro-corporate labor relations in the United States. From its inception in the runup to World War II, its main purpose was to insulate the bureaucracy from a rank and file that might otherwise demand the union prove its worth in exchange for their money.

In exchange for management and the corporate political establishment upholding their interests—through dues check-off, labor-management partnerships and countless other arrangements—the bureaucracy works to suppress the class struggle. In 2018, arguing before the Supreme Court in *Janus v. AFSCME*, union lawyer David Frederick stated the issue bluntly: "Union security is the tradeoff for no strikes." Without measures to protect the bureaucracy's finances, he warned, "you can raise an untold specter of labor unrest throughout the country."

This explains why the TWU itself not only did not want the 2005 strike, but the International also denounced it and branded it illegal. Remarkably, TWU was funding the very people prosecuting it. It donated \$4,000 to Spitzer's attorney general races and \$3,500 to his gubernatorial campaign.

During the strike, the union's endorsed candidate for mayor, Fernando Ferrer, was nowhere to be seen. Senator Hillary Clinton declared herself "neutral" and reaffirmed her support for the Taylor Law. Jesse Jackson, the keynote speaker at the mass meeting that authorized the strike, fell silent once it began.

Little has changed since then. Today, New York Governor Kathy Hochul denounced the LIRR strike earlier this month as "reckless." By the time the strike began, Mamdani—the so-called socialist in the Democratic Party—had already abandoned his campaign pledge for free bus fares and he issued no statements of support for the strike. Instead, the mayor who included TWU International President John Samuelsen on his transition team—directed commuters to replacement scab bus services. Meanwhile, TWU Local 100 endorsed Hochul in 2022, although Samuelsen tried to deny it in a reply last month to the WSWS.

The bureaucracy cannot be reformed because its hostility to workers' struggles is determined by their social interests. Samuelsen, for example, pulled in a reported income of \$398,583 in 2025. Current TWU Local 100 President John Chiarello pocketed \$244,361. That is why this bureaucratic apparatus, tied by a million threads to the corporate and political powers-that-be, must be replaced with structures that workers control—rank-and-file committees made up of trusted militants in every train yard, bus depot and station.

Samuelsen and Toussaint both came from the New Directions "reform" caucus, which had promised greater militancy, only to continue the same sellouts. The same dynamic has played out in the Teamsters, the UAW and throughout the labor movement—all backed by the Democratic Socialists of America and other pseudo-left organizations, which have been integrated into the labor bureaucracy itself, and in the case of Mamdani, AOC and others, into the capitalist state itself.

The strategy for transit workers is the building of a broad, completely independent class movement, a fight against the oligarchy and its claimed right to profits, which breaks out of the shackles imposed on it by both the government and the union officialdom. That is what rank-and-file committees are built to advance. The sensitivity of the TWU bureaucracy to the WSWS urging workers to build these committees shows that the prospect terrifies them.



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