



The Highball

Official Publication of
Railroad Workers United

Rail Union Unity Movement Takes Hold Among Rank & File , Officers

The past year has witnessed a startling development of the rail union unity movement. It has been propelled forward by a myriad of railroad worker formations including the Brotherhood of Maintenance of Way Employees Division, the Brotherhood of Locomotive Engineers & Trainmen; the International Association of Machinists, the All Crafts Rail Coalition (see photo at Right); and Railroad Workers United.

The effort to build a unified and universal bargaining coalition of all rail labor has been at the top of RWU's agenda since our Founding Convention in 2008, where a resolution was adopted and the Campaign proclaimed to be one of three

ongoing and indefinite in duration. However, indifference or outright hostility to the idea by the craft union leadership, together with a history of bad blood and back-stabbing between them, has made this a daunting if not impossible prospect. Nevertheless, as the ranks of union rail labor continue to thin, and the ineffectual, archaic and fractured unions are further weakened, the imperative for such an industrywide coalition



of all railroaders has become apparent to rank & filers and officials alike, and the movement has gained traction in recent years.

The most recent round of national bargaining that has now drawn to a close witnessed a number of important and encouraging developments. The unions of the operating crafts bargained jointly for the

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Amtrak Workers and Advocates Fight to Save Amtrak - From its own Management

Since assuming the role of Amtrak President and CEO on July 12th, 2017, Richard Anderson - formerly the head of Northwest Airlines and later Delta after the two companies merged - has made it apparent by his words and actions that he is an opponent of the Amtrak National Network and specifically the long-distance trains. Once former CEO Wick Moorman retired from his brief tenure at Amtrak at the end of 2017, Anderson moved into action. In the last year, he has downgraded service on many trains, has threatened to truncate some, and outright remove others from service. In the process, he has alienated rail workers at Amtrak and their unions, the travelling public and the various rail advocacy groups, railroad retirees, private car owners, countless mayors of towns and cities across the country, and public officials, Republican and Democrat alike. The New Jersey Association of Railroad Passengers has called for his resignation in a letter to Amtrak Board Chairman Anthony Coscia July 10th, just shy of his one-year anniversary date as CEO of the company.

While some rail advocacy and worker organizations were at first willing to "give him a chance", there is now a consensus building that he is the wrong man to lead Amtrak. In the past nine

months at the helm, the new CEO - much to the chagrin of passengers, advocates, workers and elected officials alike - has done the following:

- Removed the popular Parlor Cars and first-class dining from the *Coast Starlight*, Amtrak's most popular long-distance train between LA and Seattle.
- Removed hot meal and sit-down dining car service from the *Capitol Limited* and the *Lake Shore Limited* between Chicago and east coast cities.
- Closed numerous stations and eliminated baggage service from towns across the country, leaving some states like Kansas and West Virginia with NO staffed stations at all.
- Continues to threaten to truncate *The Chief* and substitute bus service in Kansas and New Mexico, despite an earlier agreement that Amtrak was party to with BNSF and the states, and despite overwhelming political opposition to this move.
- Refused to handle private car moves or operate or support special trains that have generated income for decades.

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RWU News and Happenings

Annual RWU Fundraiser to Gear Up this Fall Season

Recognizing that different members and supporters like to donate in different ways, RWU will engage in an innovative fundraiser this Fall season in order to build up our finances, expand the organization, and leave it better prepared for the fight in the coming year. We will offer a myriad of options to choose from in order that all can play a role in this vital effort.

Some of you prefer to make a one-time donation to RWU, while others who itemize on their taxes prefer to make a tax-deductible donation to our 501c3 sister organization, the Railroad Workers Education & Legal Defense Foundation (RWF). Others prefer to donate on a recurring basis and have opted to become "Sustainers" and make smaller regular donations on a monthly or paycheck basis (see Page 12 of this newsletter for more information). Still others forego the donation altogether and prefer to join RWU for multiple years, becoming an "RWU

Backer" (3-year membership at \$250.00); an "RWU Builder" (4 year membership at \$500.00); an "RWU Hotshot" (5-year membership at \$750.00); or an "RWU Eugene V. Debs Club Member" (Lifetime Membership at \$1000.00).

Whatever method works for you, works for us! Please consider any or all of the above ways that you can financially support the important work of Railroad Workers United. We are all full-time railroaders like you. All funds go directly to support RWU's efforts to build coordinated bargaining and cooperation between rail unions; oppose single employee train operations; support rail industry whistleblowers; institute real safety programs that focus on fixing hazards, not blaming workers; promote educational and legal efforts to defend railroaders; and to build a rank & file network of rail activists in the spirit of solidarity, unity and democracy. Please support RWU any way that you can!

New RWU T-shirt Now Available in both Black & Gray, Logo on the Front & Back!

Back by popular demand, RWU placed an order for Gray T-shirts this summer. The shirt is the usual 100% heavy cotton, union-made-in-the-USA and is available in all sizes. But this time, we decided to have the handsome and popular RWU logo printed on the front as well as the back. (See shop artwork to the right). And because we were running low on some sizes of our black shirts, we decided to do a run of these in black as well. So now you can get this beautiful shirt in either gray or black from size Small to 4X Large. See the back page of this newsletter for more information. Order yours today at the RWU online Store at www.railworkersunited.storenvy.com.

And while you are there, check out the full line of hats, shirts, patches, buttons, stickers, books, CDs and DVDs available. If you are an RWU member, most items are discounted 25%. (Contact RWU if you need to know the discount code).



Railroad Workers United

Railroad Workers United was organized in April 2008 at a Founding Convention in Dearborn, MI. RWU grew out of decades of struggle within the craft unions for unity, solidarity, and democracy. We are carrying on a tradition of rank & file activity which dates back to the 1890s and the time of Eugene V. Debs.

RWU is a cross-craft inter-union caucus of rail labor activists across North America. All rail workers of all crafts from all carriers who support our Statement of Principles are welcome to join in our efforts. Please write, call, or email. See the contact information below.

Statement of Principles

- Unity of All Rail Crafts**
- An End to Inter-Union Conflict**
- Rank-and-File Democracy**
- Membership Participation & Action**
- Solidarity Among All Railroaders**
- No to Concessionary Bargaining**

International Steering Committee

- Aaron Dixon, IAM #27, UP, Kansas City, MO
- Ross Grooters, BLET #778, UP, Des Moines, IA
- Adam Haslag, IBEW # 1832, UP, Kansas City, MO
- Ron Kaminkow, BLET #51, Amtrak, Reno, NV
- Bernie Mahoney, BRS #16, CSX, Port St. Lucie, FL
- Joe Mulligan, BLET #57, KEOLIS, Kingston, MA
- Hugh Sawyer, BLET #316, NS, Atlanta, GA
- Daniel Stroup, BLET #188, CN, Superior, WI
- James Wallace, UTU #305, BNSF, Lincoln, NE
- Andrew Weir, TCRC-LE #240, CN, Sarnia, ON
- Will Young, IAM #27, UP, Kansas City, MO

Trustees

- Jon Flanders, IAM #1145, CSX, Selkirk, NY
- Ed Michael, BLET #724/UTU #979, UP, Salem, IL
- Chet Whyers, UTU #979, UP, Salem, IL

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Rail Labor Unity News

The Rail Labor Unity Movement for Coordinated Bargaining Takes Off

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first time in over half a century, and both unions managed to obtain acceptable contracts with the National Carriers Conference Committee, with Amtrak, and with various regional properties. A coalition of six unions representing well over half of rail labor was consummated, led by the BLET and SMART-TD.

The group All Rail Crafts Coalition was organized and conducted rallies, demonstrations and meetings in rail terminals across the United States, appealing to rail workers - from all crafts and all unions - to put aside differences and come together as one.

The unions of the Teamster Rail Conference - while teaming up in different coalitions and despite a name calling episode and hostile accusations - saw both BLET President Dennis Pierce and BMWED President Freddie Simpson issue calls for the greatest possible unity among railroad workers and their unions.

With the next round of bargaining due to commence in just over a year (Section 6 notices are scheduled to be exchanged between the unions and the rail carriers on 11/1/19), there is ample opportunity for the union officials to bury the hatchet, look to the future, acquiesce to the wishes of their respective memberships, and form that long-awaited universal rail labor coalition.

There is too much at stake to avoid this essential action. The rail carriers plan major introductions of new technology in the coming years, which could decimate the ranks of rail labor, operating and non-operating crafts alike. And what they cannot eliminate through technology, they can by escalating plans for contracting-out of work to the non-union sector. To avoid decimation and catastrophe, the unions have simply got to come together as one in this and all future rounds of bargaining. Failing to do so on the part of the union leadership because of past, personal, and petty differences and jealousies is unacceptable and would be a betrayal of the working membership's interests.

Never has the opportunity to build this long awaited and sorely needed coalition been so great. We must seize the opportunity and make it happen. RWU asks that all railroad workers read the Sample Resolution below and take it in some form to your local union and move adoption. Once adopted, please forward a copy to RWU, your General Committee, and most importantly, to the National Division of your union. Demand that your leadership take notice and enter negotiations with one another to build this vital coalition of all rail labor. For more information and/or if you have questions/concerns, contact Will Young at willyoung127@gmail.com.

Sample Resolution in Support of Rail Union Unity

WHEREAS, railroad workers and their craft unions have been divided and separated from each other for decades; and

WHEREAS, in the last round of national freight negotiations with the National Carriers Conference Committee (NCCC), Rail Labor was split into three separate coalitions culminating in a concessionary pattern agreement with weak wage increases for some and big healthcare out-of-pocket increases for others. At a time when the Class 1 Railroads are making record profits, we can do better than this; and

WHEREAS, our union can provide leadership and direction - together with the other rail unions - in building rail labor unity and solidarity, rather than fragmentation and division; and

WHEREAS, local rail unions around the country and at least three national divisions have adopted Unity Resolutions in the hope of building such a united bargaining coalition of all rail unions;

THEREFORE, BE IT RESOLVED, that the members of [Enter Union and Local/Lodge here] urge President [Enter name here] and the national leadership of our union to advocate among other national leaders of rail labor unions the creation of a single bargaining coalition for all future rounds of collective bargaining negotiations with the intent of negotiating a non-concessionary contract where no rail craft union is left out or left behind.

Unity Now!

Let your fellow workers and your union officials know how you feel about rail labor unity. RWU is ready to push the Campaign for Coordinated Bargaining into overdrive with buttons, stickers, flyers, posters and more. Order yours today at the RWU Store at: railworkersunited.storenvy.com



Breaking News!

As this issue of *The Highball* newsletter go to press, the Delegates assembled at the Fourth BLET National Convention overwhelmingly ratified a *Resolution in Support of Rail Union Unity*. The Resolution stated that "the unity of railroad workers is vital in our efforts to win good contracts, stave off single employee train crews and autonomous trains, and to prevent the rail carriers from whipsawing one craft/union against the other." The Resolution resolved "that the Brotherhood of Locomotive Engineers & Trainmen (BLET) strives to build a universal coalition of ALL rail labor unions in the next bargaining round." See the RWU website for more information.



Passenger Rail Labor News

New Jersey Transit Blames its Overworked Engineers for Commuter Woes

Dozens of commuter trains on the New Jersey Transit (NJT) system were cancelled over the course of the summer because of a shortage of locomotive engineers, a problem that has been developing and growing for years now. The shortage is apparently due to a combination of factors which the company has known about and has chosen to ignore. A large number of vacancies created by retirements and resignations, together with an under-investment in training for new engineers over the last decade, combined with a spate of engineer mark-offs, led NJT to cancel dozens of trains during peak periods, some with little or no notice to commuters.

In response, New Jersey Transportation Commissioner Diane Gutierrez-Scaccetti said that in addition to seeking residency waivers that would allow non-New Jersey residents to assume these positions, NJT would actively promote vocational training programs for engineers at community colleges, and would offer bonuses to NJT conductors if they train to be engineers.

But according to union sources, the root of the problem has more to do with the low rate of pay relative to other area engineers. Apparently, conductors and engineers have been leaving NJT in recent years and assuming better paying jobs at other railroads in the region.

NJT Executive Director Kevin Corbett acknowledged that the carrier “has been losing engineers, to retirement and other railroads with higher pay, much faster than it has replaced them.” That failure has left the railroad with a shortage of some 50 engineers. Such a shortage is acute, particularly in the summer, leading to the current crisis.

According to James P. Brown, BLET General Chairman, “We have an extra list, but they’re all working just about every day. They’re working like crazy.” And even Corbett admits that engineers “have been beaten down for years; they’ve been bearing the brunt of understandably frustrated commuters.”

Nevertheless, in a classic display of “blame-the-worker” for the debacle, NJT management has opted to finger “irresponsible” engineers who mark off. “The majority of engineers are good people. Many put in overtime,” Corbett stated. He continued, “It is the unscheduled absences. That is the problem.” As if the shortage of more than four dozen engineers, leaving those remaining “turning and burning”, was somehow not the real cause of the train delays and cancellations.

Meanwhile, an internal union struggle is being waged in the engineers’ union at NJT. RWU hopes to issue a full report sometime this Fall.

Amtrak Workers and Advocates Fight to Save Amtrak – From its own Management

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- Eliminated seasonal equipment additions on certain trains and then claimed those trains were suffering reduced ridership and poor financial performance.
- Eliminated the popular student and senior discounts systemwide.
- Threatened to remove eight routings and their trains, citing the lack of Positive Train Control (PTC), despite federal exemptions of these routings from the PTC mandate.
- Promoted a flawed accounting system that casts the long-distance trains in a bad light, blaming them for Amtrak’s financial woes, while downplaying the substantial expenses the company incurs from its operation of the Northeast Corridor (NEC).

Ironically, all of this comes at a time when Amtrak is enjoying broad public support and the support of elected officials from both parties. Despite President Trump’s opposition to the National Network, Congressional Republicans have joined with Democrats to provide a decent level of Amtrak funding the past two years that would actually allow the company to expand service rather than reduce it. And as we go to press, in a rebuke to Anderson, the Senate overwhelmingly adopted an amendment to keep *The Chief* and its route intact. As a result, the corporation has pledged to keep the *Chief* running ... but only for another year.

Workers, passengers and communities are fighting back. Over the summer, Amtrak employees, members of three separate unions, came together to rally in Washington DC in defense of full dining service on long distance trains. Elected officials in West Virginia have

sponsored legislation to mandate at least one staffed station be available in every state. And advocacy groups are either calling for Anderson’s resignation or issuing scathing attacks upon his skewed accounting schemes, lack of transparency, and arrogant and condescending attitude when questioned by members of the public. Even former Amtrak President and CEO Joe Boardman has issued a blistering open letter to public officials in response to all of this, flatly stating that Anderson’s antics endanger the sustainability of the national network.

Railroad Workers United takes this situation very seriously and encourages all railroad workers and our allies to fight back. See the Editorial on Page 11.



Amtrak employees rally at Union Station in Chicago in August to protest the job and service cuts imposed under the regime of new Amtrak CEO Richard Anderson.



News from the Midwest

Missouri Voters Make Their Voices Heard: No Right-to-Work!

The Missouri legislature was dealt a severe setback, as was the national “Right-to-Work” campaign when Missouri voters overwhelmingly rejected legislation adopted earlier this year, voting down the bill by a 2-to-1 margin in an August 7th referendum. Under Missouri law, if 100,00 signatures are collected challenging a new law, the measure then goes directly before the voters. The anti-worker legislation would have prevented unions from signing contracts that require all workers to pay for union representation, effectively allowing employees to opt out of paying dues while retaining all the benefits of union membership.

RWU Steering Committee member and railroad machinist Will Young from the front lines: “I am proud to report from a state, smack-dab in the middle of the USA, that has overwhelmingly rejected the “Right to Work” social cancer. This latest attempt to effectively kill organized labor and workers’ rights here in Missouri was met head-on by a joint effort of the working class in general to send a message that Missouri is a proud union state. Kudos to the BMWED for allocating resources to the fight; and letting a lone machinist tag along in canvassing efforts. Rail Labor taking action for the betterment of the whole ... how it should be!”



Workers rally in Kansas City prior to the historic popular vote rejecting “Right-to-Work.”

Iowa Railroad Conference Tackles Safety, Technology, Solidarity

Each year, the Iowa State Legislative Board of the Brotherhood of Locomotive Engineers & Trainmen holds a Health & Safety Conference. This year the annual conference was held in Iowa City at the University of Iowa Labor Center on September 5/6th. The curriculum, developed with the help of Iowa’s only public university Labor Center, focused on member education on a wide variety of subjects including labor history, changing technologies in the workplace, federal agencies and their impact on rail unions, and rail labor unity and solidarity.

The Iowa BLET Legislative Board was privileged to host keynote speaker Jordan Barab, the former Deputy Assistant Secretary of Labor for Occupational Safety & Health (OSHA, 1999-2017). While his safety expertise falls outside the scope of rail labor, Barab’s keen interest in worker safety led him to create a worker safety blog at Jordanbarab.com and educate himself on the Lac-Mégantic rail disaster in Quebec in 2013. In his presentation, he highlighted the importance of questioning “Why?” in response to workplace tragedies. In other words, while agencies and company officials settle on blaming worker behaviors, Barab stresses asking, “Why did the employee take this or that particular course of action?” The question almost always leads to a root cause which exposes the fact that companies, such as rail

carriers, cut corners on safety and encourage “normalized deviance”; that is, the egregious worker behavior almost always goes unquestioned by bosses, until a catastrophic failure occurs. At that point, the individual worker is blamed.

Joe Dolan, a law firm accident investigator shared his knowledge of drone monitoring technology, now employed by Union Pacific Railroad, and how to use the carrier’s own rules in an investigation, should the need arise. He also shared how his law firm is employing drones to defend railroad workers whom they represent against the carriers.

University of Iowa Labor Center employee Paul Iversen, a long-time union member, labor organizer and educator, assisted with his knowledge of rail labor history and the current federal administrative agencies, such as the National Mediation Board and the Federal Railroad Administration.

Capping off the conference were three guests highlighting cross-craft unity efforts in Kansas City. Machinists member and RWU Co-Chair Aaron Dixon joined BMWED members Carey Dall and Matt Mortensen to share their experiences in cross-craft organizing, and how bridging the gap between the craft unions is our best defense against the carriers’ divide & conquer tactics.



Railroaders take part in an exercise at the recent safety conference at the University of Iowa. The conference has been held for the last eight years in conjunction with the U of I Labor Center, which is now under threat of closure.

Without the Labor Center, hosting an annual conference would be increasingly challenging. It is a critical defender of workers in the state of Iowa, the Midwest and across the country. But the Labor Center is under attack by the University President, the Board of Regents and reactionary state politicians who seek to further erode Labor’s ability to defend workers in a right-to-work state. Founded in 1951, the Center has assisted the Iowa BLET Legislative Board to hold this annual conference since 2011. For more information, or to take action to help save the Labor Center, go to saveourlaborcenter.com or call University of Iowa Law School Dean Kevin Washburn at 319-384-4658, and University President Bruce Harreld at 319-335-3549. Tell them to keep the Labor Center open.



International Rail Labor News

In the spirit of building bridges of friendship and solidarity, with an eye towards better understanding and appreciating the issues confronting railroad workers around the globe, RWU members have visited fellow rails in a number of countries in recent years, including Japan and South Korea (*The Highball*, Winter 2017), Germany and France (2016), England (*The Highball*, Fall 2016), and most recently, Cuba. With the lifting of the travel ban in 2015, thousands of U.S. citizens have freely visited Cuba for the first time since the U.S. imposed travel restrictions in 1963. It has since become a major destination for American tourists.

For a tiny island nation, Cuba has an extensive rail network and employs some 28,000 railroaders, thereby drawing the attention of North American railroad workers. This past April - May, a group of ten U.S. railroad workers travelled to Cuba and met with railroad workers and union officials of the Transportation Workers Union. Three of them – two retired engineers and a retired machinist – submit their observations and reflections in their report to *The Highball*.

Railroad Workers Delegation Tours Cuba, Meets with Counterparts

By Ike Nahem

Ten US railroaders (and two spouses) visited Cuba from April 27 to May 6, 2018. The delegation included active and retired locomotive engineers, conductors, machinists, and transit workers, including four members of RWU. The group worked with the Cuban Workers Confederation (CTC) and the Cuban Institute of Friendship with the Peoples (ICAP) in creating an exciting and informative itinerary that centered on railroad experiences.

The tour included visits to locomotive engineer training schools, visiting freight and switching yards, and meeting with leading transportation union officials. One highlight was a visit to the developing Museum of the Sugar Industry in the city of Remedios, in Villa Clara Province, which contains a vintage collection of U.S. - manufactured, early-20th century steam engines, complete with crews to operate them. Another was an overnight stay in the city of Santa Clara, where, in December 1958, the decisive battle of the 1959 Cuban revolution took place, under the command of the legendary Ernesto Che Guevara. Railroad workers who supported the Revolution were key to that military victory, which led to the fleeing of the hated dictator Fulgencio Batista. The tour also included visits to the highly acclaimed Museum of Fine Arts in Havana, the *Finca Vigia*, home of Ernest Hemingway outside Havana, and much more.

Legal travel to Cuba from the United States remains regulated and restricted within the unchanged U.S. policy of economic embargo and sanctions, aimed at the island of over 11 million people. In April 2015, towards the end of Barack Obama's second term in the White House, diplomatic relations between Washington and Havana were restored and travel restrictions were

loosened, but under the Trump White House belligerent anti-Cuba rhetoric is once again being ratcheted up. Trump has tightened individual travel restrictions, except for Cuban-Americans. Nevertheless, diplomatic ties have not been reversed. *The Rail Unionists Tour* was therefore fully legal under current Treasury Department "guidelines."

The next Rail and Transit Labor Tour will be in April-May 2019. To participate contact Ike Nahem, ikenahem@mindspring.com



The delegation of ten U.S. railroaders, who travelled to Cuba and met with rail unionists, gather at the national headquarters of the Cuban Workers Federation (CTC).

U.S. Railroaders Get To See Firsthand A Cuban May Day Celebration

By Fritz Edler

This Spring, a delegation of U.S. railroaders - comprising well over 100 years collective experience across the industry - toured Cuba to meet with railroaders and visit rail facilities. Others have described other aspects of our visit. Here, I will focus more on the overtly political and international working class exchange, which was a valuable learning experience for all of us. Because our delegation had been invited by the Cuban trade union federation, we were included with thousands of others from around the world as international guests for the May Day mobilization.

You have to be there to comprehend how big a deal May Day in Cuba really is. Other events took place across the island, but apparently Havana is where people really want to be. That meant a logistical nightmare potentially, just in getting people where they needed to be, due to the sheer numbers in the streets. In practice, for us and many others, it meant getting up in the wee hours of May 1st.

We were staying at a hostel in Havana, owned by the Cuban Association of Small Farmers, that is maintained to guarantee that its members from across the island have accommodation when visiting the capital on business or vacation. Our hosts arranged for a pot of coffee and snacks so we could be on our way by 3:30 AM. This was important because it was clear from the sounds in the street, that many people in the neighborhood around us had already gathered, with music and boisterous activity. It was already clear that for everyday Cubans, this day was both a celebration of themselves, pride in their achievements, and defiance of those who would overturn their progress.

There were so many groups making their way to the plaza that our bus had to make several detours. But we finally got to where we could get out and make our way to the centrum, where thousands of international guests were assembling. Despite the darkness, we could readily see, by their flags and banners, that

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International Rail Labor News

A Morning with Representatives of Cuban Transportation Workers Trade Union

By Jon Flanders

Our rail workers delegation met the Cuban transportation union representatives at the Cuban Workers Federation (CTC) national headquarters in Havana. It was the day before May Day, which is probably the biggest celebration of the international workers holiday (which originated in the United States in the late 19th Century) anywhere in the world, over one million every year.

The Transportation Workers Union (TWU) is responsible for organizing people to attend from all over the Havana region and other cities. This meant that the TWU general secretary could only meet with us briefly. Other leaders filled in for him. The TWU covers all transportation workers in the country, nearly 200,000 members. Of these, 28,000 are railroad workers, of which 82% work directly on the railroad, a nationalized, publicly owned industry, which has been starved of capital investment for many years. We did see indications that investment has picked up in recent years, with new equipment, training programs, track repairs, and other advances.

In the working yards there are five people on a train crew, two engineers, a conductor and two "assistants", which I guess we would call brakemen. They work 15 days-on, then 15-off. The pace and the hours of work during those 15 days-on is a question I need to research. Train crews in the U.S. will find it interesting that it is possible for Cuban workers to vote out managers and supervisors, if deemed unfit for the job. We asked about hazardous trains. It is state policy that when such a train passes

through a community, the police, emergency services and the fire department are mobilized until the train is out of town.

Quality health care and education - from day care through trade and university college - are free, so the big issue, that the Cuban railroaders openly brought up to us as their primary concern, is wages. They feel that the low wages contribute to the high turnover rate. This is soon to be taken up with the government as part of the upcoming CTC Congress. The CTC and unions at the job site and "shop-floor" level have a major input in the decision-making process that contributes to economic policies, which are made within world capitalist markets. The training center we visited was quite impressive. Located near a rail yard, there were classrooms with computers (old by our standards) and a simulator. Upstairs there was another classroom with an open deck, a dining room, and a dormitory. You can see pictures of all this in a photo album on the RWU website.

Due to the US embargo, Cuba is saddled with a wide variety of aging equipment. British, U.S., Russian and Chinese locomotives are all currently in service. In the training center we saw three control stands - Russian, Chinese, and North American. Seventy-five new locomotives are on order from Russia, some having been recently delivered. It goes without saying that it would make a great deal of sense for Cuba to buy locomotives from its neighbor. However, the U.S. embargo, not Cuban wishes, makes that impossible for now. Support for track rebuilding is likewise coming from Russia and China, rather than the U.S.

US Railroad Workers Delegation Joins Others at International Workers Day Gathering

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delegations of unionists and activists from across the planet were there to participate.

The massive parade that was the centerpiece for all this didn't actually kick off until about 10 AM. But when it began, it quickly became clear why this is such a big deal for the small island country. The huge square became completely full and stayed packed for more than 4 hours, as rank after rank from every neighborhood, organization, and workplace moved by like an ocean. It was also clear to anyone paying attention that the par-

ticipants were extremely happy to be there. The diversity of the banners and signs also showed the broad range of their expectations and demands in defense of their country and its workers' and farmers' government. There was absolutely no way that what we saw could have been anything other than genuine enthusiasm. We later participated in meetings with other international guests, sharing our Spanish language flyers from RWU, which were excitedly read by delegates from various countries like Argentina, all happy to see U.S. railroaders working to build international worker-to-worker solidarity.

Railroad Workers Win Victories Against "Driver Only Operations" in the UK

For more than three years now, the Rail, Marine and Transport Workers Union (RMT) in the UK has battled a number of rail carriers in a fight to "Keep the Guard (conductor) on the Train." This steadfast resolve has beaten back a number of efforts by various carriers throughout England, Scotland, and Wales to implement Driver Only Operation (single employee train crews). See The Highball, Summer 2018. In a recent victory, the union at Merseyrail bargained a contract that would preserve the two person train crew, following a series of strikes this year. While the struggle is an ongoing one, the tentative contract represents another setback to the private contractors' plans for driver only trains. The union continues to grapple with other recalcitrant carriers across the UK.





Book Review

A Shameful Legacy: "Race" and the Railroad Industry in the United States

A review of the book: *Brotherhoods of Color: Black Railroad Workers and the Struggle for Equality*, Eric Arnesen, Harvard University Press, 2002.

By Ike Nahen

"Race" has always, historically, been the Achille's Heel of the labor movement in the United States, the number one tool of the bosses and big business to divide, contain, and crush working-class struggles. In the history of the worker's movement in the U.S. there are few things as shameful as the legacy – decade-after-decade deep into the 20th Century – of blatant, in-your-face, segregationist practices, codified discrimination and race-hatred against African-American railroaders. The story of this oppression – and the resistance to it – is told in Eric Arnesen's *Brotherhoods of Color: Black Railroad Workers and the Struggle for Equality*. This book should be in the arsenal of every thinking railroader, of whatever "race" or skin tone, who wants to see an effective, united movement of railroad workers across craft lines, as part of a revived and powerful trade-union movement.



BROTHERHOODS OF COLOR
BLACK RAILROAD WORKERS
AND THE
STRUGGLE FOR EQUALITY
ERIC ARNESEN

The Railway Labor Act: Double-edged Sword

The passage of the Railway Labor Act (RLA), in 1924, registered important advances for railroad workers, in that it was the first legal recognition by the U.S. government of trade unions by craft. The RLA set up collective bargaining mechanisms that facilitated legally binding contract settlements and the adjudication of grievances, in exchange for rail labor organizations essentially giving up the right to strike. These concessions to rail labor somewhat reigned in the carriers' unbridled prerogatives, and their employment of private and state violence over the decades of class war on the U.S. rails, from the Great Labor Uprising of 1877, through the struggles of the American Railway Union under the leadership of the legendary Eugene V. Debs at the end of the 20th Century. Additionally, the RLA also established the first federally protected pension system for any category of U.S. workers, eleven years before the passage of the Social Security Act.

The Railroad and the Institutionalization of Segregation

The most pernicious consequence of the RLA was that it froze into place existing, narrow craft categories of workers, and, with that, a system of racist discrimination and the exclusion of "non-white" workers from the legally recognized craft unions. It took decades of struggle in the yards, in the streets, in state and federal legislatures, and in the courts before the system began to weaken in the 1940s, under the impact of World War II labor shortages, and the entry of African American workers into the massively expanding war industries and the labor force as a whole. Further pressure mounted in the 1950s, as the Civil Rights Movement began to mobilize and fight, until the whole rotten structure collapsed in ignominy after the passage of the 1964 Federal Civil Rights Act. Over the next few years, Blacks were finally able to obtain jobs and union membership, working as locomotive engineers, firemen, trainmen, shopmen, office personnel, and other crafts beyond "their" craft as sleeping car porters, cooks, and dining car attendants. The doors also began

to open to women, who began to enter the operating crafts and other skilled rail jobs in relatively larger numbers in the 1980s and 1990s.

Brotherhoods of Color is clear to point out that the source and ultimate responsibility for the racist practices and policies that confronted Black workers throughout the 20th Century lay with the private rail carriers, and the federal and state governments that catered to the needs and profits of capital. Nevertheless, these industry and state authorities were often aided and abetted by the racist and mean-spirited attitudes of the rail unions – the so-called "Brotherhoods" – as a cover for inaction, or even hostile action against Black workers, who were fighting a permanent defensive war to preserve the few relatively skilled jobs they had managed to secure.

Brotherhoods of Color meticulously documents the legal battles, doggedly fought by civil rights and workers' rights attorneys, in the mostly hostile territory of a criminal "justice" system that kept Black workers and their attorneys in an endless legal labyrinth. But this legalistic road was insufficient to bring about change. Rather, it was more of a marker and registration for the ebb and flow of the grass-roots struggle against job discrimination and segregation, which became unstoppable by the 1960s. Even in the period when Black workers were largely confined to the on-board crafts, Black-led unions representing many thousands of Black workers on the job were organized. The strongest was the Brotherhood of Sleeping Car Porters (BSCP) which, under the leadership of A. Philip Randolph, became a powerful, prestigious organization in Black communities across the country. Randolph had the courage to threaten a mass March on Washington in early 1941 demanding: 1 - an end to segregation in the armed forces and 2 - that the massively expanding war industries hire and promote without discrimination. President Franklin Roosevelt was not happy but did issue Executive Order #8802 prohibiting discrimination in war industries under federal contract. This managed to placate Randolph, and the March on Washington was called off.

But the real heroes in *Brotherhoods of Color* are the rank-and-file workers themselves, fighting to preserve their jobs against the carriers, the state governments, and the racist Brotherhoods. Arnesen gives them their voice and records their efforts, their many defeats and some victories, which contributed mightily to the historic breakthroughs of the 1960s. The overall history documented comprehensively by Arnesen does reveal clearly that *all* advances, both large and small, were won as a byproduct of independent mass action – or the threat of it – from below.



Continued on Page 9



Winning Justice on the Job

BNSF Engineer Wins Long Sought Whistleblower Settlement

After seven years and two trials, engineer Mike Elliott can finally close the book on his Federal Rail Safety Act (FRSA) Whistleblower case. This past summer, the Burlington Northern Santa Fe (BNSF) Railway Company has paid the over \$1.8 million awarded by the jury and courts.

Elliott's journey began in 2010 when as Chairman of the Washington State Legislative Board for the Brotherhood of Locomotive Engineers & Trainmen (BLET), he had received numerous signal and other safety complaints from his members working on the high-volume BNSF Seattle Subdivision. After attempts to resolve these issues with BNSF failed, Elliott took the complaints to the Federal Railroad Administration (FRA). That led to an FRA Focus Inspection of the 133 miles of BNSF mainline right-of-way between Tacoma, WA and Vancouver, WA. The inspection revealed an astonishing 245 track, switch, and turnout defects and 112 signal defects. Ultimately, BNSF was fined by the FRA.

A short time following the FRA Focus Inspection, a BNSF manager staged a workplace conflict and Elliott was arrested. He was made to stand trial in criminal court where, ultimately, he was exonerated on all counts. At that time, BNSF held two separate "Kangaroo Court" disciplinary hearings, terminating Elliott's employment, not once but twice.

Meanwhile, Elliott filed a FRSA Whistleblower complaint with the Occupational Safety and Health Administration (OSHA). He alleged that BNSF had retaliated against him for his reporting of safety concerns. The OSHA investigation uncovered important facts supporting Elliott's allegations and laid the evidentiary foundation for the federal court trial that would inevitably follow (U.S. rail carriers appeal to the courts as a matter of course whenever an employees wins an OSHA whistleblower case).

In June 2015, Elliott "got his day in court." After a six-day trial, a federal jury found BNSF had committed unlawful acts against Elliott in violation of his FRSA protections. The federal jury awarded him \$1.25 million in damages and, in post-trial motions, the district court awarded an additional \$423,625 to cover Elliott's attorney fees. While BNSF did appeal to The Ninth Circuit Court of Appeals, all appeals were DENIED. This added another \$125,000 to the total BNSF would have to pay. Realizing that it

had been defeated, BNSF chose not to appeal the verdict to the Supreme Court of the United States.

While Elliott is grateful for the FRSA and for the federal court process that finally brought BNSF to justice, he acknowledges improvements to the FRSA are needed. "As it stands today, FRSA punitive damages are capped at \$250K. Considering the financial resources of BNSF and Berkshire Hathaway, there's no real deterrent effect in a \$250K fine, Elliott said."

What advice does Elliott have for rank & file railroad workers? "Know your rights under the FRSA and other worker protection laws like the FELA (Federal Employers Liability Act) and the FMLA (Family Medical Leave Act). Participate in your local union division/lodge and ask an ARLA (Academy of Rail Labor Attorneys) firm for a presentation on these topics." Elliott also encourages participation in the political process at every level. "Industry lawyers are working every day to undermine existing worker protection laws and regulations. Pay attention and hold elected officials accountable. If they're not working to protect your family and your work interests, vote them out", Elliot said.

Mike Elliott remains an outspoken railroad safety advocate and continues to support worker rights and interests at every level. He lives in Tacoma, WA.

Attorneys James Vucinovich (left) and Sara Amies (right) flank railroad whistleblower Mike Elliott in a victory celebration upon the conclusion of Brother Elliott's successful whistleblower law suit against BNSF. The federal jury awarded Elliott more than \$1.25 million in damages after a seven year hard fought battle with the rail carrier. His victory strikes a blow for railroad safety and is a win for railroad workers across North America.



"Brotherhoods of Color: Black Workers and the Struggle for Equality"

Continued from Page 8

Stop the Whitewashing of Our History!

In my 30-year railroad career, working as a brakeman-switchman, hostler, and locomotive engineer in Chicago, Washington, DC, and New York, on the Chicago and Northwestern and later Amtrak, I saw a transformation in the number of African-Americans, and then women, in the operating crafts. I can remember being in the locomotive cab, out in the Illinois countryside, listening to the stories of some of the first Black engineers that the carriers were forced to hire – and whom the craft unions gave up trying to exclude. These brothers related to me the BS they had to put up with initially, even as things began to get better and prejudices began to break down. It would be very educational and useful if our unions today would confront this blot on our history and dignity as organizations of labor. This is long overdue.

While the legacy of racist discrimination in the railroad industry – and in US social relations in general – have been dealt heavy

blows in the past several decades, race hatred and demagoguery remain a reference point for ultra-rightist forces (who are invariably anti-union) and their allies in the current social and political polarization in politics today. These voices are trying to get a hearing for their reactionary viewpoints in the working class and the tattered trade-union movement. I strongly recommend that RWU activists, and all railroaders, read and study Eric Arnesen's *Brotherhoods of Color*, not only for its rich evocation of the past, but as a reference point to arm ourselves politically for the inevitable class battles on the horizon.

Ike Nahem is an RWU member and a retiree, having worked for C&NW and Amtrak for 30 years. Ike remains a member of the BLET and is active in the movement to end all US economic and travel sanctions against Cuba, organizing tours that include railroaders and others. (See his account of a recent visit on Page 6). Ike can be reached at iknahem@mindspring.com.





Opinion & Commentary

Dan Johnson, Friend and Co-Worker - Killed on the Job

On June, 23, 2018, at approximately 2:30 AM, Dan Johnson, 45, a veteran conductor with 15 years service, member of SMART-TD Local #1433, CP Rail, Bensenville, IL terminal, was killed in a horrific switching accident. He leaves behind his wife and four daughters, all of whom his world revolved around. He was a jovial character (as long as you didn't cross him) and we shared a mutual appreciation for great music, various cuisines, craft brews and "Star Wars", though HE was a card-carrying "geek".

In the previous issue of *The Highball*, Summer 2018, the article, "Despite Industry Claims of a Safer Railroad, Workers Continue to Die", pointed out that the average number of on-the-job fatalities in the U.S. and Canada combined, has been in the 15-20 range over the last decade or so. This is in spite of the fact that the overall member of employees tends to decline in relation to job-slashing advances in productivity and that contract workers, doing work formerly done by "officially certified" rails, are not even included in these morbid statistics. According to RWU's count, which may not be 100% up-to-date as this issue goes to press, the tally so far for 2018 is 14, right on schedule.

Most, if not all, rails are made aware of the potential hazards of the job at the very beginning of the interview/orientation process, if friends or family haven't already enlightened us. Before we have invested hardly any time and effort into pursuing employment in the railroad industry, we all make a very deliberate, conscious decision to take a chance. We try to convince ourselves that, "I'll be extra careful to make certain that I never have a serious injury, or worse." Though well intentioned, that thought process is ultimately delusional, as there are simply too many variables and factors that we don't have enough control over within the existing terms of engagement.

Forgive me for indulging in a little layperson, self-psychoanalysis here: I think it's fair to at least speculate that when we hear about the latest fallen rail, while we may feel a certain anger, sadness and righteous indignation, unless a close friend, family member and/or co-worker is involved, these justifiable emotions manage to find their way to a safe place. We feel for and empathize with his/her family, friends and co-workers, but a built-in coping mechanism enables us to feel sufficiently detached. Otherwise we might get angry enough to "storm the barricades". Yeah, well THIS time it's different. Now it's PERSONAL!

Dan and I often worked together on the afternoon intermodal switcher and the last remaining industry switcher, the job he was working that morning. He was an exemplary professional, methodical and safe. His old school work ethic compelled him to get the job done, especially the time-sensitive tasks, regardless of how he may have felt towards management.

Newlyweds Bakery is in downtown Chicago, right on the main line. It's the last stop after servicing local industries near the yard, about 15 miles west. Due to the cramped logistics, it could require a lot of switching just to pull and spot a handful of cars. So we'd gather up the cars we needed and switch between the main and an adjacent siding. Of course there are limited windows between 2-mile long freight trains, as well as time-sensitive Metra and Amtrak passenger trains. If the Amtrak was on time, it would clear around midnight, leaving us only a couple of hours to "get er' done", and make it back to Bensenville. We always preferred to avoid Hours-of-Service situations, in order to minimize the "heat" on the job.

Shortly after the arbitrator imposed Hunter Harrison's "Hourly"

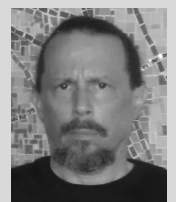


Dan with his family, from left to right: Adrianna 9, Diana holding newborn Gianna (now 9 months), Natalia 6, and Anabella 4.

Rate Agreement" on the conductors, around May, 2017, the bosses pulled the brake-person off the job, slashing it to engineer and conductor only. For the younger rails, it merits pointing out that not that long ago, this type of switching was performed by three ground personnel. The Local Chairman pleaded with the Superintendent, who many of us had once mentored when he began his "illustrious" career as a conductor, to put the brake-person back on the job. The LC tried in vain to convey his valid concerns, that safety would be compromised by too much work overload, combined with the potential hazards of working alone in a remote environment. He was told cold-bloodedly that the brake-person could not be "justified" - end of discussion.

This is what "profits over safety" looks like. Working on the railroad is death-defying on a GOOD day, under the BEST of circumstances. As speed-up (increased production from fewer workers) intensifies, the probability of future incidents increases exponentially. Prior to the HH "Precision Railroad" era, there had not been a fatality at CP for many years. In the last few years there have been 5 fatalities, and a few injuries involving amputations. The company line is ALWAYS, "Human error - blame the worker." Many workers know that these tragedies are the direct result, cause-and-effect of CP's relentless speed-up. Those of us who knew Dan, know what happened and why. At the July meeting of the Chicago All Rail Craft Coalition, I gave a brief presentation about this tragedy, underscoring the need for unity and solidarity, to more effectively fight for a safer work environment. I was profoundly moved when one of the NS Maintenance-of-Way workers spontaneously called for a moment of silence to honor Brother Dan. At the July union meeting of Local 1433, we spent a few hours collectively processing this tragedy. The obscene "salaries" of today's "robber rail barons" (What the Hell do they do to "earn" them?) and the profits stuffing the shareholders' wallets are dripping with the blood of our fallen brothers and sisters. NO worker, in ANY industry, should EVER have to die, simply trying to provide for his/her self and loved ones.

Mark Burrows has served as Organizer and Co-Chair for RWU. He recently retired after hiring out in 1974, working as an engineer for a combined total of 37 years for the C&NW and the Soo Line/CP Rail in Chicago, Illinois. He was SMART-TD 1433's Delegate for the 2011 & 2014 International Conventions and continues to be an active member of RWU.





Editorial

We Must Defend Amtrak and Passenger Trains in North America

While much of the world forges ahead with modern, fast, efficient passenger train service, what's left of the passenger train networks in the US, Mexico and Canada limp along, underfunded and neglected. In the face of NAFTA, Mexico abandoned its once extensive passenger network twenty years ago. Canada has been eliminating service for decades. And in the U.S., Amtrak has never been adequately funded, surviving with aging equipment, limited frequencies, and a skeletal network of trains.

But in recent years there have been some positive developments. In the last decade, \$8 billion was allocated to improve various "shovel ready" projects to upgrade passenger rail in various parts of the U.S. Corridors in California, Illinois and Michigan have been greatly improved. High speed rail is being constructed in California, and there is talk of the same in Texas. Florida has witnessed the first private development of intercity passenger trains in well over half a century. And Congress has yet again defied a President's wishes and continues to fund Amtrak's national network, albeit as always, in a limited fashion.

However, despite obtaining Congressional funding that would allow Amtrak to grow this year, the new Amtrak CEO/President Richard Anderson appears to have other ideas for the company. Obsessed with short-term cost cutting and deficit reduction, this former airline executive is intent on dismantling the national network, the long-distance trains, and ultimately perhaps, the company itself. It is in the interest on all rail workers, passengers, communities and the nation to not let this happen!

Starting in 2017, Railroad Workers United has been reaching out to rail passengers and rail advocacy organizations in the hope of building a strong and effective coalition of railroad workers, unions, passengers and rail advocates. We share very similar interests and together can do what we cannot accomplish alone. In addition, railroaders have natural allies in railroad retirees (National Association of Retired & Veteran Rail Employees); environmental groups (e.g. Sierra Club, Natural Resources Defense Council); political groups (National Conference of Mayors); advocacy organizations (e.g. Rail Passengers Association; Rail Users Network, RailPAC); private car owners (e.g., Rail Passenger Car Alliance) and others, all who want expanded passenger train service. RWU plans to reach out to all of these organizations in the coming months and years, and encourages union officers, as well as rank & filers railroaders to do the same.

Let's not allow Amtrak to be scuttled by a former airline CEO, a man who has spent time at three major airlines - Continental, Northwest and Delta. While he may have had a wealth of experience there, railroading - and passenger railroading especially - is an altogether different animal. Anderson is the wrong man for the job. We need bold leadership at the helm of Amtrak, leadership that invests in the future of the company with new equipment (locomotives, passenger equipment, and station infrastructure), new routes (e.g. Las Vegas to LA; Kansas City to Texas; the Front Range; Cleveland to Cincinnati among them); increased frequencies in medium-distance corridors (e.g. Milwaukee to Chicago; Minneapolis to Chicago, Indianapolis to Chicago); and doubles the frequency on the long-distance routes in order to benefit from the economies of scale to be gained, and to serve all cities enroute at reasonable times of the day. We need leadership like that of Graham Claytor, Jr. - a lifelong railroad man - who would boldly expand Amtrak service in the 1990s, not diminish it, all the while reducing its operating deficit. Amtrak today is in fact, one of the more cost efficient rail passenger systems

in the entire world. Expansion - not contraction - makes economic sense!

Richard Anderson has a lot to learn about railroading. And he has a lot to learn about the public sector and public service. Passenger railroads around the world do not make money. And truth is, the supposedly "profitable" Northeast Corridor does not either. In fact, currently in need of \$60 billion to bring it up to a state of good repair, means the Corridor is more expensive to operate than the long-distance trains. But all of these trains provide essential services for the travelling public and just like the nation's highways and airline infrastructure, they are financially supported because millions of Americans rely on them. We simply cannot live without them. And just like highways, the rail infrastructure's efficiency and performance is directly proportional to the commitment we make to it.

The largest of the rail advocacy groups - Rail Passengers Association (RPA) - has run out of patience after initially "giving him a chance." The group is now ramping up opposition to his destruction. The Rail Users Network (RUN) is questioning whether Anderson should resign. The Rail Passengers Association of California and Nevada is likewise disenchanted. And the New Jersey Association of Railroad Passenger has outright called for his resignation. In addition, Senators and Congressmen of both political parties, from a number of Southwestern states, are furious with Anderson for his reneging on previous company agreements and for his efforts to derail the *Southwest Chief* (Chicago to L.A.) via Kansas, Colorado and New Mexico. Mayors of towns and cities that stand to lose service are mounting efforts to save their trains. Private rail car owners, tour groups, and rail museums are likewise frustrated. And Amtrak workers - from ticket agents, to dining car attendants, to locomotive engineers and trainmen, as well as retirees - are up in arms, concerned about the cuts in service, jobs and safety that Anderson is pursuing. All of these groups are starting to come together in coalition to defend their interests and save the Amtrak national network. RWU hopes to play a role in this important effort and urges all railroad workers and all rail unions to join the fight.

If Anderson cannot effectively manage the nation's passenger network and increase - not decrease - the level of rail service and safety to our citizens, then he needs to step aside. The Amtrak Board must find an appropriate candidate with a wealth of railroad experience and a commitment to the national network. The nation's railroad workers, retirees, passengers and communities deserve nothing less.



Amtrak's California Zephyr from Chicago to Emeryville, CA is one of many long-distance trains that are under threat of discontinuance.

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"Foolish and vain indeed is the workingman who makes the color of his skin the stepping-stone to his imaginary superiority ... The man who seeks to arouse prejudice among workingmen is not their friend. He who advises the white wage-worker to look down upon the black wage-worker is the enemy of both."

Eugene V. Debs, Founder of the American Railway Union from the essay "The Negro and his Nemesis", 1904.

Become A Railroad Workers United Sustainer

Railroad Workers United is in it for the long haul. As a result, we have opted to take the organization "to the next level". As such, we are committed to raising the necessary funds to achieve our goals and objectives into the coming decades.

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