



# Railroad Workers United

**Unity • Solidarity • Democracy**  
**"The Rank and File in Action!"**

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## **Railroad Workers United Resolution on The SMART Take-over**

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**WHEREAS**, on June 13, 2007, then UTU President Paul Thompson announced a secretly negotiated, tentative Merger Agreement with the SMWIA whereby the two unions would merge and create a new entity to be called "SMART"; and

**WHEREAS**, in July and August 2007, under then-President Paul Thompson's direction, the UTU conducted a hurried-up membership vote regarding the tentative Merger Agreement, but not a required vote on a SMART Constitution; and

**WHEREAS**, rank-and-file members of the UTU were forced to file suit, in federal court, against their own union in order to 1) uphold their democratic rights under the LMRDA; and 2) uphold the actual terms of the merger agreement; and

**WHEREAS**, the Merger was put on hold by the court pending settlement or completed litigation of the UTU members' lawsuit, and

**WHEREAS**, in January 2008, a settlement which would have required that the UTU membership approve a SMART Constitution before the merger could be consummated, was reached with a newly elected UTU administration; and

**WHEREAS**, seven other UTU International officers, funded by the SMWIA, intervened in opposition to UTU members' rights and the proposed settlement, and their appeal of the Federal Court's Preliminary Injunction ultimately prevented final litigation of the case; and

**WHEREAS**, Mike Sullivan, SMWIA President, refuses to allow UTU members to complete the merger vote by democratically voting on a SMART Constitution and continues his efforts in what has become a completely hostile attempt at taking over the UTU; and

**WHEREAS**, a small minority of UTU officers continue to act as surrogates of the SMWIA and their actions have come close to igniting a "civil war" within the UTU; and

**WHEREAS**, the UTU has spent over one million dollars of members' dues money defending itself against the hostile takeover attempt; and

**WHEREAS**, this battle between two unions representing rail workers weakens their ability to effectively represent their members; and

**WHEREAS**, the UTU Board of Directors fully supports the UTU's active efforts to uphold members' democratic rights while the SMWIA seeks to discard the rights of UTU members; **and**

**WHEREAS**, Railroad Workers United supports rank-and-file democracy in all rail unions.

**NOW THEREFORE BE IT RESOLVED**, Railroad Workers United calls upon the SMWIA to agree that a SMART Constitution must be approved by the UTU members before the SMART Merger can be consummated; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that Railroad Workers United supports the decision of rank-and-file UTU members to uphold their rights under the LMRDA; and further supports the UTU efforts to stop the SMART merger unless UTU members receive and approve a SMART Constitution as required by the Merger Agreement.

*This Resolution adopted by the members assembled at the RWU Second Biennial Convention  
Friday, April 23rd, 2010 in Dearborn, Michigan*