

# Judge imposes strike ban on 17,000 BNSF railway workers

Tom Hall

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A federal judge issued a ruling Tuesday barring 17,000 BNSF railway workers from striking against a new attendance policy in the latest use of legal compulsion by the state to prevent resistance by the working class.

While the United States never tires of lecturing other countries about their violation of “human rights” and “democracy,” the US government runs roughshod over the rights of workers, including their right to strike and their right to a safe and healthy work environment. The degree to which all social decisions in the United States are subordinated to the profit interests of a tiny wealthy minority is incompatible with democratic forms of rule.

Workers at BNSF, the largest freight railway in the United States, voted nearly unanimously to strike against the unilateral imposition by management of a new points-based attendance system, which is due to take effect on February 1. BNSF, formerly known as Burlington Northern Santa Fe, is a wholly owned subsidiary of billionaire Warren Buffett’s Berkshire Hathaway.

Workers at the railway face brutal scheduling made worse by constant uncertainty and short turnarounds between shifts, leaving them unable to take time off to spend with their families or to make doctor’s appointments. These conditions have worsened under the pandemic, creating a dangerous safety environment for both workers and their communities as a whole.

The new system, if implemented, would bind workers even more closely to the whims of management, reducing them to the level of industrial slaves with no lives outside of work. Employees with years of experience could also face dismissal under the new terms by accumulating only a few missed days of work.

But in his four-page written statement, U.S. District Court Judge Mark Pittman of the district of northern Texas granted a temporary restraining order against a strike. He accepted the company’s argument that the new points system is only a “minor issue” over which federal law prohibits strikes in the railroad and airline industries.

Pittman’s ruling was a politically motivated decision, not

a legal or technical one. In it he declared, “The record further establishes that a strike would exacerbate our current supply-chain crisis—harming the public at large, not just BNSF. A temporary restraining order will thus serve, rather than disserve, the public interest.” By the “public interest” is meant, in fact, the interests of a tiny corporate elite.

The question of the new system is hardly “minor” for workers. It affects their entire livelihood. Even with the current system, workers hardly have a moment to spend with their families, and their entire existence is subordinated to the whims of management.

Nor is attendance “minor” for the capitalist class. The global supply chain is teetering on the edge of collapse. The US auto industry, for example, has only a five-day supply of critical microchips on hand, and any disruption to the flow of these components from Eastern Asia, either through the shutdown of production or logistics problems in delivering them to US plants, would cause production stoppages throughout the country. Similar conditions prevail in virtually every other industry.

At issue for the corporate elite is the continuing flow of profits from the labor of the working class in order to pay for the massive run-up in the stock market. They have used the pandemic, which has been allowed to spread under the murderous strategy of “herd immunity,” to massively enrich themselves and increase the exploitation of workers even further.

BNSF itself has taken advantage of loosened federal regulations during the pandemic to increase the length of trains and cut the number of engineers working on them. Meanwhile, the near-complete absence of any COVID-19 safety measures on the network means that its trains are not only delivering freight across the country, but the deadly virus as well.

Connected to these motives are the preparations of American capitalism for new and catastrophic wars with its chief rivals, Russia and China. Commerce Secretary Gina Raimondo called solving the microchip shortage a “national security imperative.” This is a reference to the reliance of

American industry on suppliers located in China, where robust public health measures such as targeted lockdowns and contact tracing have saved millions of lives but are deemed intolerable because they have impacted the bottom line of American manufacturing, where no comparable measures were ever taken.

In the opening months of the pandemic, Trump invoked the Cold War-era Defense Production Act to order meatpacking plants open, where tens of thousands of workers have been infected and nearly 300 have died. This executive order was kept in place by Biden following his inauguration. Last October, Biden threatened to use the National Guard to keep the ports operating in Southern California and brokered a deal with industry executives and the unions to keep them running 24/7.

At the same time, corporations are reviving the strikebreaking methods of the 1980s in order to break the resistance of workers. Injunctions against picketing were obtained by management in recent strikes at Kellogg's and at grocery chain King Soopers. Kellogg's management also publicly threatened to fire and replace its entire cereal workforce en masse to end a strike, which they did not pursue only because the BCTGM union conspired with them to ram through a concessions contract.

Local and state governments controlled by both major parties are responding aggressively to the opposition of teachers and students to the reopening of schools. In Chicago, Democratic Party Mayor Lori Lightfoot angrily denounced teachers for refusing to teach in-person and retaliated by locking them out. In Jacksonville, Florida, local officials prevented a student walkout to demand shutdowns by increasing the police presence in schools. In Oklahoma, police officers are even being employed as substitute teachers.

In one of the most outrageous incidents, a Wisconsin judge recently issued an injunction preventing health care workers from leaving their jobs at a local hospital for another hospital paying higher wages, again in the name of "public interest." This ruling, which was later reversed on appeal, raises the specter of industrial serfdom, with workers tied to their jobs and unable to leave without permission from their corporate masters.

The ongoing assault on workers' rights builds upon decades of anti-strike legislation, including the reactionary Railway Labor Act passed in 1926. The effect of this law, which was later expanded to cover the airline industry in 1936, was to all but outlaw strikes in the railroad industry, which had been the center of some of the most powerful industrial struggles by the American working class, including the Great Railway Strike of 1877 and the Pullman Strike of 1894.

In these strikes, workers went beyond the immediate questions of wages and working conditions and began to challenge the capitalist profit system itself. In St. Louis, the center of the 1877 strike, socialist workers briefly established a commune after the example of the Paris Commune of 1871. The leader of the Pullman Strike was Eugene Debs, who, after reading the works of Marx and Engels during his imprisonment following the crushing of the strike by the federal government, became the most well-known and popular socialist leader in the United States.

Significantly, Judge Pittman refers favorably to a quote by President Harry Truman in an extended footnote in his ruling. Truman, who took office upon the death of Franklin Roosevelt in 1945, regularly invoked the new Defense Production Act to ban strikes on the grounds that work stoppages would hamper the imperialist war in Korea.

Tuesday's ruling is a fresh confirmation that the state is not a neutral arena but an instrument of class rule. The trade unions, which are based on a nationalist and pro-capitalist program, offer no way forward. The unions will no doubt pliantly abide with whatever pro-company ruling the courts hand down.

The unions have long ago been transformed into little more than adjuncts of management, ruled by privileged bureaucrats with six-figure salaries who enforce concessions on the workers. They frustrate workers' initiatives through the farce of "negotiations" and fruitless appeals to the Democratic Party, which is jointly responsible for the attack on workers' rights.

This means that the way forward is by workers taking matters into their own hands. BNSF workers should organize themselves into a rank-and-file committee, independent of the Sheet Metal, Air, Rail and Transportation Union-Transportation Division (SMART-TD), the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the other unions and develop their own independent initiative and appeal for the broadest possible support among other railway workers and workers in other industries.

But this fight is not only an economic struggle against the company but a political struggle against the capitalist political establishment. It requires the development of a socialist movement in the working class, to fight for the democratic use of society's infrastructure to meet human needs, not to sacrifice health and safety for private profit.



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