

# B M W E JOURNAL

The Brotherhood of Maintenance of Way Employees

www.bmwe.org

Volume 112 ■ Number 1 ■ Jan./Feb. 2003

## BMWWE NEW (YEAR'S) RESOLUTIONS

During our 44th Grand Lodge Convention, held in Las Vegas last July, our local lodge delegates deliberated, debated and adopted 62 resolutions which offered endorsements and support, made proposals and requests and sought approval and commitment addressing numerous subjects ranging from dues deductions, merit awards, medical care benefits to education, scholarships and solidarity, to name a few. The total number adopted represented a 24 % increase in resolutions from the convention in 1998 (50 resolutions) and 6 more than in 1994 (56 resolutions). **43 of the 62 resolutions adopted were reaffirmations** of previous resolves including 3 that were revised. In the interest of space **only the 19 newest resolutions passed are set forth herein.**

The other 43 reaffirmed resolutions (nos. 1 - 41 and nos. 50 and 53) can be referenced in the 1998 Constitution and Bylaws booklet. **All 62 resolutions will be published in the 2002 Constitution and Bylaws booklet which will be printed and distributed later this year. In addition, all of our Constitution and Bylaws (as amended at the 44th Convention) with all resolutions have been published (for either reference, downloading or printing) on our web site at www.bmwe.org .**

### RESOLUTION No. 42

#### ROLL OF HONOR MERIT AWARDS

WHEREAS, The *BMWWE Journal* publishes a Roll of Honor indicating merit awards for 20, 35, and 50 years of membership in the Brotherhood; and

WHEREAS, Our Brothers and Sisters take pride in their Union membership; and

WHEREAS, Many of our Brothers and Sisters are starting their railroad carriers at an older age, thus never being able to make 35 or 50 years of membership; and

WHEREAS, The Railroad Retirement qualifications are constantly changing; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employees go on record that the Roll of Honor Merit Awards be awarded upon request in 10-year increments as follows: At 10 years, a certificate, and thereafter the appropriate Merit Award.

### RESOLUTION No. 43

#### EDUCATION DAY AT GRAND LODGE CONVENTION

WHEREAS, There has been an education day at the last two Grand Lodge Conventions; and

WHEREAS, The education of Maintenance of Way members and officers is something that we must constantly strive for at every opportunity; and

WHEREAS, The Grand Lodge Convention offers an opportunity for education on issues that are relevant to all Maintenance of Way members and are of common concern; and

WHEREAS, The 1998 education day did not allow delegates to choose the group in which they wished to participate; and

WHEREAS, The topics selected for the 1998 education day may not have been appropriate for the delegates that were placed into that group; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employees endorse the Grand Lodge President's use of convention time for education; and, be it further

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employees respectfully request that topics for the education day be chosen that are of common concern to workers regardless of their country of citizenship, and failing that, there be specific topics of interest to Canadian members and American members.

### RESOLUTION No. 44

#### DUES DEDUCTIONS

WHEREAS, The carriers have furloughed many members causing the Brotherhood to raise dues locally, nationally, and on the system level to keep our services to our members; and

WHEREAS, Dues and assess-

ments have increased over the years along with donations to the Maintenance of Way Political League; and

WHEREAS, Dues, assessments, and donations all being taken out of one check a month can be a financial strain on some members' personal finances; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employees go on record requesting that the Brotherhood attempt to negotiate a system that would allow all dues deductions, assessments, and donations be taken out in equal installments each pay period in a month.

### RESOLUTION No. 45

#### OFFSETS FOR THOSE LACKING MANAGED MEDICAL CARE BENEFITS

WHEREAS, National and local agreements contain offsets in the bargained general wage increases for affected Maintenance of Way employees for the purpose of reducing the carriers' payment for health insurance coverage; and

WHEREAS, Many members are employed by carriers in areas lacking access to the medical plan's Managed Medical Care Program, and thus are deprived the benefits derived thereof; and

WHEREAS, Expansion of the Managed Medical Care Program to cover all concerned members has

See **RESOLUTIONS** Page 8

## THREE MEMBERS AVERT NEAR TRAGEDY AT CHRISTMAS

CP Rail's mainline, between Golden and Revelstoke, British Columbia, winds its way through the mountain passes for over 120 miles of the most inhospitable territory on the system. And the harsh winters make this one of the most treacherous places in Canada for BMWWE members to work.

Early on the morning of December 24<sup>th</sup>, Brother John Guthrie, an assistant machine operator who works snow service in Rogers Pass, got the call to report for duty. Even though this Christmas Eve was falling on John's regular rest day, he knew that he was needed and so headed off on the icy roads to report to Glacier camp, a little over 40 miles east of his home in Revelstoke.

It was dark, with a light dusting of snow, when Brother Guthrie turned off the Trans Canada Highway to drive onto the access road that leads to the bunkhouse and also to the spur where his machine was tied up.

We don't know exactly what happened next, but it appears that after going down a short hill, and then navigating a right hand turn, John was surprised to see that he was bearing down on the corner of an empty low bed trailer, just scant feet away, which someone had parked alongside the road.

Too late to avoid, his pickup crashed into the trailer, which sheared off the top of his truck, grabbed John under his chin, ripping open his neck, shattering his jaw and flinging him out onto the road. He hit the ground so hard that his shoulder was severely dislocated and his left wrist was broken. His truck was totally destroyed.

John staggered and crawled, through the snow, for over three hundred yards, to make it to the bunkhouse where help might be found. Coming through the door, he collapsed, exhausted and bleeding, against the wall.

Immediately seeing the emer-

gency, BMWWE members, Kent Jones, Barry Keates, Shayne Brighton and Dave Berni sprang into action. Brother Jones took the lead and quickly, but calmly, helped John down onto the floor and got him into recovery position. He supported John's head, keeping his air-

way open and preventing any further injury to his obviously damaged neck. Brother Brighton got a blanket on John to keep him warm and help prevent traumatic shock while supporting his injured left wrist. Brother Berni called for an

See **TRAGEDY** Page 10



Three BMWWE members: Brothers Shayne Brighton, Kent Jones, and Barry Keates, administered first aid saving the life of Brother John Guthrie.



# In Memory of the Man With A Dream For A Nation

## Excerpts from "I Have A Dream"

by Martin Luther King, Jr. (Jan. 15, 1929 - April 4, 1968)

*Delivered on the steps at the Lincoln Memorial in Washington D.C. on August 28, 1963*

"...I say to you today, my friends, that in spite of the difficulties and frustrations of the moment, I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident: that all men are created equal."...

...I have a dream today.

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

This is our hope. This is the faith with which I return to the South. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to

work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

This will be the day when all of God's children will be able to sing with a new meaning, "My country, 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountainside, let freedom ring."

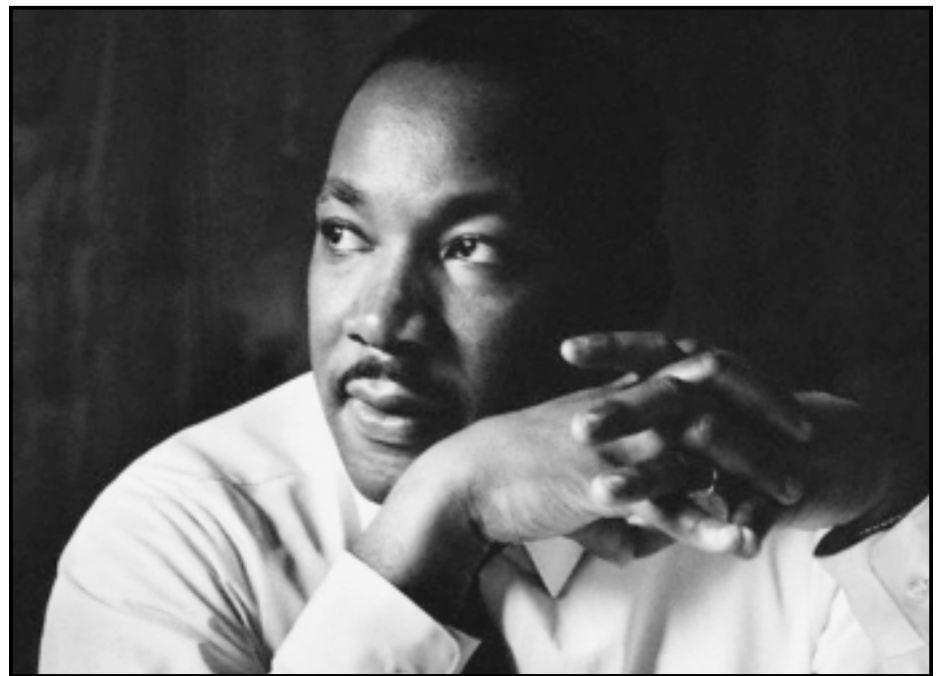
And if America is to be a great nation this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania!

Let freedom ring from the snow-capped Rockies of Colorado!

Let freedom ring from the curvaceous peaks of California!

But not only that; let freedom ring from Stone Mountain of Georgia!

Let freedom ring from Lookout Mountain of Tennessee!



Let freedom ring from every hill and every molehill of Mississippi. From every mountainside, let freedom ring.

When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed

up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! free at last! thank God Almighty, we are free at last!"

## B M W E JOURNAL CONTENTS

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## RETIREE EARNINGS LIMITS TO RISE

Railroad retirement annuitants who are under full retirement age and who work after retirement can earn more in the year 2003 without having their benefits reduced, as a result of increases in earnings limits indexed to average national wage increases.

Railroad retirement annuities generally consist of tier I and tier II benefits and may include certain vested dual benefit payments and/or a supplemental benefit. Like social security benefits, railroad retirement tier I benefits and vested dual benefits paid to employees and spouses, and tier I, tier II and vested dual benefits paid to survivors are subject to deductions if an annuitant's earnings exceed certain exempt amounts. These earnings deductions do not apply to those who have attained full social security retirement age. Full retirement age ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later. Deductions, however, remain in effect for the months before the month of full retirement age during the calendar year of attainment. For those under full retirement age throughout 2003, the exempt earnings amount rises to \$11,520 from \$11,280 in 2002. For beneficiaries attaining full retirement age in 2003 (age 65 and 2 months), the exempt earnings amount rises to \$30,720 in 2003 from \$30,000 in 2002 for the months before the month full retirement age is attained. For those under full retirement age, the earnings deduction is \$1 in

benefits for every \$2 of earnings over the exempt amount. For those attaining full retirement age in 2003, the deduction is \$1 for every \$3 of earnings over the exempt amount in the months before the month full retirement age is attained. Earnings consist for this purpose of all earnings received for services rendered, plus any net earnings from self-employment. Interest, dividends, certain rental income or income from stocks, bonds, or other investments are not considered earnings for this purpose. Retired employees and spouses, regardless of age, who work for their last pre-retirement nonrailroad employer are also subject to an earnings deduction, in their tier II and supplemental benefits, of \$1 for every \$2 in earnings up to a maximum reduction of 50 percent. This earnings restriction does not change from year to year and does not allow for an exempt amount. A spouse benefit is subject to reduction not only for the spouse's earnings, but also for the earnings of the employee, regardless of whether the earnings are from service for the last pre-retirement nonrailroad employer or other post-retirement employment.

Special work restrictions applicable to disability annuitants do not change in 2003. Regardless of age and/or earnings, no railroad retirement annuity is payable for any month in which the annuitant (retired employee, spouse or survivor) works for a railroad employer or railroad union.

# BMW Statement Concerning Fee Objections

An Agency Fee Payer may object to fees being used for purposes unrelated to collective bargaining. However, he or she must comply with the procedures established in Article XXIV of the Grand Lodge Constitution and By Laws, as follows:

## Article XXIV

### BMW Statement Of Law and Procedures Concerning Fee Objections

Sec. 1. An individual residing in the United States who is represented by the Brotherhood, and who has elected to become an agency fee payer may become an objector to expenditures not related to collective bargaining, contract administration, or other chargeable expenditures. An agency fee payer who elects to become an objector through these procedures, shall pay a reduced fee calculated in accordance with Section 5 of this Article.

Sec. 2. To become an objector, an employe represented by the Brotherhood shall notify the Grand Lodge Secretary-Treasurer of his or her objection in a separate envelope by certified mail postmarked during the month of April each year. An employe who desires to object but was unable to make a timely objection because he or she was not subject to a Union Shop Agreement in April must make an objection within thirty (30) days after becoming subject to Union Shop obligations and receiving notice of these procedures. The mailing cost shall be reimbursed. The objection shall be signed and shall contain the objector's current home address and Subordinate Lodge number, if known. The objector shall keep the Brotherhood informed of any change in address. Objections may only be made by individual employes; no petition objections will be honored. An employe who wishes to continue an objection in a subsequent twelve (12) month period shall provide notice of his or her objection each April in the same manner.

Sec. 3. The following categories of expenditure are chargeable to the extent permitted by law:

a. All expenses concerning the negotiation of agreements, practices and working conditions;

b. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employes in the bargaining unit or employer representatives regarding working conditions, benefits and contract rights;

c. Convention expenses and other normal union internal governance and management expenses;

d. Social activities and union business meeting expenses;

e. Publication expenses to the extent coverage is related to chargeable activities;

f. Litigation expenses related to contract administration, collective bargaining rights and internal governance;

g. Expenses for legislative and administrative agency activities closely related to the negotiation or administration of contracts and working conditions;

h. All expenses for the education and training of members, Officers and staff intended to prepare the participants to better perform chargeable activities;

i. All strike fund expenditures and other costs of group cohesion and

economic action, e.g., demonstrations, general strike activity, informational picketing and the like;

j. A proportional portion of all overhead and administrative expenses.

Sec. 4. Each March, the Brotherhood shall publish these policies and procedures in the Journal to provide notice to employes represented by the Brotherhood of their right to object and the procedures for objecting. The Brotherhood shall also send a copy of these policies and procedures to each person who objected the previous year to inform the person of his or her right to renew the objection for the current year.

Sec. 5. The Brotherhood shall retain a neutral auditor to perform an independent audit of the records of the Brotherhood and to submit an annual report for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures during the previous fiscal year that fall within Section 3 shall be the basis for calculating the reduced dues or fees and assessments that must be paid by the objector for the current fiscal year. For each objector, an amount shall be placed in an interest-bearing escrow account equal to the advance reduction provided the objector, as calculated by the neutral auditor, or such other amount as the neutral auditor may recommend to assure that the escrow amounts adequately cover any necessary adjustments in the calculation of chargeable activities. The auditor shall also verify the existence and the amounts of money in any escrow accounts.

Sec. 6. The neutral auditor shall complete the report for the current fiscal year no later than August 31. This report shall include an analysis of the major categories of union expenses attributable to chargeable and non-chargeable activities. A copy of the neutral auditor's report shall be sent to each person who made an objection in the current and previous year.

Sec. 7. Each person entitled to receive the audit report may challenge the legal and arithmetic bases of the calculations in the neutral auditor's report by filing an appeal with the Grand Lodge Secretary-Treasurer. Such appeal must be made by sending a signed letter to the Secretary-Treasurer postmarked no later than thirty (30) days after the date that the audit report was mailed.

Sec. 8. All appeals received by the union within the time limits specified above shall be determined by expeditious referral to an impartial arbitrator chosen through the rules of the American Arbitration Association (AAA) for the impartial determination of union fees. The Brotherhood shall notify the AAA that challenges to the calculation of its fees and assessments have been received from one or more persons and include the names and addresses of the persons who filed the appeals and who must be notified of the proceedings. Thereupon, in accordance with its rules, the AAA will appoint an arbitrator and notify the Brotherhood and the challenger. In addition, the following rules shall apply:

a. All appeals shall be consolidated and heard as soon as the AAA can schedule the arbitration and shall be at a location selected by the AAA to be the most convenient for those involved in the proceeding.

b. Each party to the arbitration shall bear its or their own costs. The challengers shall have the option of paying a *pro rata* portion of the arbitrator's fees and expenses. The balance of such fees and expenses shall be paid by the Brotherhood.

c. Challengers may, at their expense, be represented by counsel or other representative of their choice. Challengers need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statements shall be filed no later than the beginning of the hearing before the arbitrator. Post-hearing statements may be filed in accordance with the provisions of Section 8(g).

d. Fourteen (14) days prior to the start of the arbitration, challengers shall be provided with copies of all exhibits or a list of all such exhibits intended to be introduced at the arbitration by the Brotherhood and a list of all witnesses the Brotherhood intends to call, except for exhibits and witnesses the Brotherhood may introduce for rebuttal. When a list of exhibits has been provided, any challenger shall have a right to receive copies of such exhibits by making a written request for them to the Grand Lodge Secretary-Treasurer. Additionally, copies of all exhibits shall be available for inspection and copying at the hearing.

e. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the challengers. If challengers do not purchase a copy of the transcript, a copy shall be available for inspection by challengers at the Grand Lodge during normal business hours.

f. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the dual needs of an informed and an expeditious arbitration. The arbitrator shall set forth in the decision the legal and arithmetic bases for the decision, giving full consideration to the legal requirements limiting the

amount that objectors may be charged.

g. The parties to the arbitration shall have the right to file a post-hearing statement within fifteen (15) days after both parties have completed submission of their cases at the hearing. Such statements may not introduce new evidence or discuss evidence not introduced in the arbitration. The arbitrator shall issue a decision within forty-five (45) days after the final date for submission of post-hearing statements or within such other reasonable period as is consistent with the AAA rules and the requirements of law.

h. The decision of the arbitrator shall be final and binding on all findings of fact supported by substantial evidence on the record considered as a whole and on other findings legally permitted to be binding on all parties.

i. Upon receipt of the arbitrator's award, any adjustment in favor of the challenger will be made from the escrow account. Any adjustments in favor of the union shall be due and owing within thirty (30) days. An individual failing to pay any adjustments in full within the prescribed thirty-day period will be considered as being in non-compliance with provisions of the Union Shop Agreement.

Sec. 9. The provisions of this procedure shall be considered legally separable. Should any provision or portion be held contrary to law by a court or an arbitrator, the remaining provisions or portions thereof shall continue to be legally effective and binding.

## ON LINE LINKS

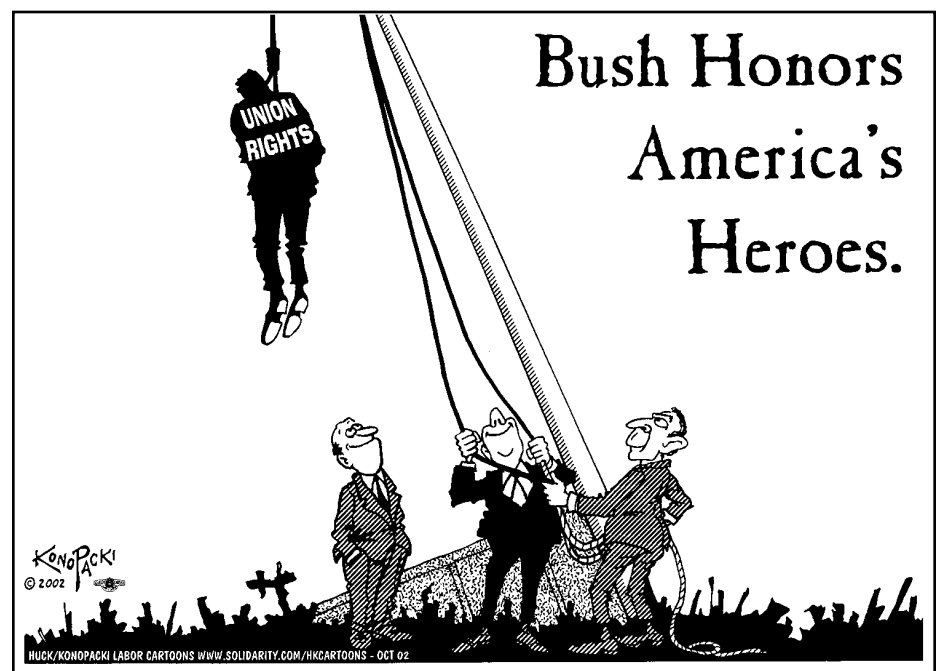
*Want to stay on track with current affairs and matters that affect you?*

*Here's a few links to help you get connected.*

[www.bmwe.org](http://www.bmwe.org) connects to the BMW website, read the Journal online.

[www.hazmatgmc.org](http://www.hazmatgmc.org) register online for BMW Hazmat Training.

[www.unionist.com](http://www.unionist.com) labor books for leaders, activists and members.





Mac A. Fleming

# PRESIDENT'S PERSPECTIVE

## Is this any way to run a railroad?

While Amtrak and its workforce struggle for survival, and nationwide unemployment hovers at close to 6%, the White House and the Republican led Congress continue to look towards the failed supply side, trickle down economic theories of the Regan era. A centerpiece of the Administration's so-called economic stimulus plan is a package of new and permanent tax cuts

that overwhelmingly benefit America's wealthiest, while providing little to working families and failing to create jobs as a stimulant to the economy.

According to an analysis by the nonprofit group Citizens for Tax Justice, the top 1 percent of American taxpayers—making \$374,000.00 or more annually with an average income of \$1.1 million— would reap more than \$30,000.00 per year in tax benefits under the Bush plan. But typical middle-class taxpayers like BMW members— earning between \$29,000 and \$46,000 a year— would save only \$289.00 in taxes. And those making between \$16,000.00 and \$29,000.00 would realize just \$99.00 in tax relief.

The president's proposed economic stimulus package is estimated to cost approximately \$676 billion over 10 years, with interest costs adding hundreds of billions more. More than half the cost— approximately \$364 billion— centers around the total and permanent elimination of the tax on dividends. Dividends are the portion of profits that corporations sometimes distribute to shareholders.

Now maybe I am missing something, but I don't ever recall BMW members complaining about the tax rate on corporate dividends. And surely Amtrak is not paying dividends to anyone. Yet, according to the Urban-Brookings Tax Policy Center, 64% of the \$364 billion would go to the richest 5% of taxpayers. That's because the president's proposed dividend tax cut would only apply to those who hold stock outside tax-deferred retirement plans, a situation that occurs in just 4.7 million tax returns. The dividend tax cut is wholly unfair to the majority of stockholders — working Americans who own stock only through retirement plans, including 401(k) retirement plans. Under the Bush plan, when these hard working Americans eventually cash out their 401(k)s to have money for their retirement, they would still pay tax on the dividends that accrued in their plans. And no where in the plan does the Administration propose cutting the tax rate on savings account interest for ordinary American's trying to save for a rainy day or a child's college education.

If the proposed economic plan is meant to encourage spending and stimulate the economy, why is it that over two-thirds of the monetary benefits will end up in the hands of the richest 5%. How many of the richest 5% of Americans have put off buying that new refrigerator or washer/dryer because their cash flow is a little tight? Clearly, none of them, because they can afford to make such purchases

at will. The rich have the luxury of being able to squirrel away their tax breaks, and doing so will do absolutely nothing to spur the economy out of its doldrums.

In order to stimulate the economy and create jobs for working families, the Administration should be focusing its tax relief towards lower- and middle-class families who have put off major purchases during the economic downturn. A tax cut focused towards working families will generate spending for durable goods and for other items they have been unable to afford in the current economic climate. Spending for goods and services will stimulate the economy and create jobs to satisfy the pent up demand of lower- and middle-class consumers. The Bush plan steers the tax benefits away from working families in need and towards those least likely to spend the additional income. Those with money will simply add to their wealth, with little if any additional spending to stimulate the economy.

And while the Administration pursues its trickle down voodoo economics with tax breaks for the rich in excess of \$676 billion, they squawk at providing a mere \$1.2 billion to fund Amtrak's national passenger rail system. Transportation is vital to a robust economy, yet Amtrak continues to be underfunded and threatened with shutdown and liquidation. Investing just a small portion of the proposed tax giveaway in upgrading and expanding Amtrak high speed passenger rail would create jobs, spur economic development, and relieve the gridlock on our nation's highways and airports.

In addition to providing Amtrak with the necessary funding to build and sustain a world-class national rail passenger system, the Administration should also be investing in our schools, safe drinking water systems, renewable and alternative energy sources, affordable health care for all, unemployment benefits for the jobless, and the reestablishment of our once-mighty industrial base.

The trickle-down economics of the past didn't work then, and they will not work now. While our economy falters, homelessness grows, and working people struggle to provide the simple basics of food, clothing and shelter for their families, our government proposes to give more to the rich at the expense of the poor and middle class. When we look at the economic record of the Bush Administration, and analyze the impact of the proposed tax cut that overwhelmingly favors the rich, we must ask President Bush and his economic advisors one simple question: "Is this any way to run a railroad?"

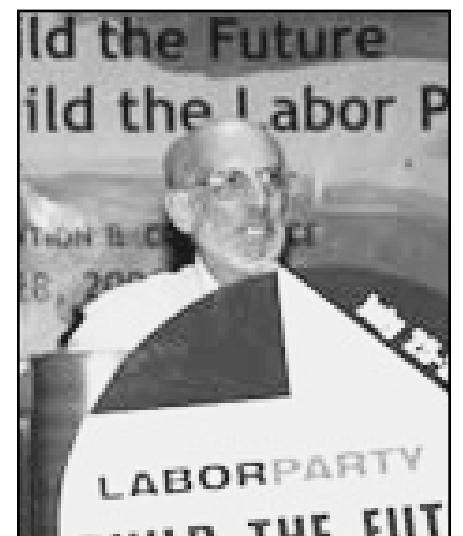
## GUEST EDITORIAL

As reported in the last Journal, Tony Mazzocchi, the National Organizer for the Labor Party passed away on October 5, 2002, leaving behind his lifelong conviction that "...the objective of our struggle is to set the terms of national political debate around an agenda that expresses the concerns of America's workers." It is only fitting that we pass along part of his legacy that is best expressed in his own words as he addressed the Labor Party Convention in July of 2002.

"Dear Brothers and Sisters, As many of you know, I am both afflicted with an incurable disease and blessed with an incurable optimism. Therefore, I am taking this opportunity to convey my sense of what we've accomplished, what we've learned and where we should head. I feel tremendously privileged to be serving as National Organizer. I could ask for no greater challenge and no great opportunity than to serve working people in this era of incredible difficulties and opportunities. For the first time in twenty years, Corporate America is losing legitimacy. It is cracking under the weight of its own greed. No longer can it play the goose that lays the golden eggs — the eggs that were supposed to become our 401(k) nest-eggs. Instead, the goose is a pack of corporate foxes that have stolen the eggs and devoured them in an orgy of greed. Enron, World

Com and Global Crossing are the foxes' names with more to come. These corporate foxes have done what comes naturally to them — they have run off with hundreds of millions of dollars while destroying their companies and workers' jobs and pensions. At the same time, Corporate America has accelerated its drive for the globalization of greed - an international trade regime that is killing millions of good paying jobs here and impoverishing workers around the world. The ray of light comes from the fact that Corporate America is on the defensive as the revelations continue to mount. This means that our agenda, the only agenda that speaks unequivocally for the interests of working people, has great potential to form the basis for a new anti-corporate movement. However, this is also an era of labor decline. When Labor Party Advocates was formed in 1990,

labor represented 12 percent of the private sector. By 1996, when the Labor Party was founded, the percentage had dropped to 10.2. A new spirit of optimism was sweeping through the movement as progressives took office at the AFL-CIO pledging themselves to massive organizing. But corporate power did not yield. Six years later we stand at less than 9 percent. The implications of this decline for the Labor Party are many and profound. Unions are besieged. They are losing ground on every front. They are consumed with day-to-day struggles. Except for a very few, they are in retreat. Several prominent labor leaders have told me that while they agree with the Labor Party ideologically, they have to be very pragmatic in this era. They fear losing access to politicians needed to help them survive. Others agree with our platform but don't have the time to build for the future.



Tony Mazzocchi  
1926 - 2002

This state of siege, indeed, is a formidable obstacle. We must be mindful of these difficulties while  
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# SECRETARY-TREASURER'S REPORT

With the new year upon us, many begin the year resolving to get their finances in order. After all, W-2s are being issued and it will soon be tax time. The holidays are behind us and it's time once again to look



Freddie N. Simpson

ahead. How we save for the future is every bit as important as how we spend in the present. It never hurts to take a look at one of the saving and financial planning tools at our disposal, the IRA or Roth. Either one may very well be more productive if converted to the other.

Confused? Don't be!. The question is basic; should you convert your traditional IRA into a Roth? Or, if you already have a Roth, should you think about turning it back into a traditional IRA?

We have all become very (sometimes painfully) aware of the stock market decline this past year. As a result, however, this is a good time to decide if your retirement investments are in the right type of account, one where the prices are right and you will get the most for your hard earned dollars. Obviously, if you're considering a change, it's best do it while prices are still low.

Mystified? Let's take a look at the mysterious world of Roth IRAs and clear things up.

Roths are the newer form of Individual Retirement Accounts that feature tax-free withdrawals in retirement. They also offer some other advantages over the older, more traditional IRAs. With a Roth, for example, there is no tax on withdrawals, but neither is there a tax exemption for contributions. There are two ways to put money into a Roth— open one and start feeding money in each year, or convert a traditional IRA you already have into a Roth.

With a traditional IRA, while investments grow on a tax-deferred basis— there is no annual tax on profits, even if the investor sells one investment and buys another. However, when the money is withdrawn, income tax must be paid on investment profits as well as on any original contributions that were tax-free at the time they were made.

Because Roth accounts were created long after traditional IRAs, Uncle Sam has given investors the right to convert their old IRA holdings into a Roth account. To qualify, your federal tax return must show a "modified adjusted gross income" of \$100,000 or less.

But, of course, there's a catch: In the year you convert, you must pay all the income tax due on the traditional IRA just as you would if you took it all out in a single year after retiring. Well, you say, doesn't this run against the generally accepted strategy of holding off tax bills as long as possible? You bet, and as a result, most traditional IRA investors have not converted.

Converting can pay off, however, for those who might be in higher tax brackets in retirement. By converting now, they pay at today's lower rates to avoid tax at higher rates later and they don't have to worry about tax bills looming over them in retirement. For example, investors who converted to Roths last year triggered 2002 tax bills based on the profits built up in their traditional IRAs. Because stock prices had fallen that year, their realized profits were smaller— hence their tax bill would be smaller too.

So, you've converted and now (your situation has changed) you've changed your mind! Can you undo what you did? Uncle Sam says yes— you can undo the conversion and put the money back into a traditional IRA. For most taxpayers, conversions done in 2002 can be undone or "re-characterized" this way any time up until October 15, 2003. But, because stocks have been rising recently and may continue to, if you're considering this option, it might make sense to recharacterize soon to capture the benefit of today's still-low prices.

So, if you are sitting on a traditional IRA and would prefer a Roth, then you might consider converting to a Roth now because the taxable gain will be lower than it would be if you wait until stock prices are higher.

Finally, what if you have a Roth, want to keep it, but you regret having converted from an IRA earlier when stock prices and taxable gains were higher? In that case, you can recharacterize now, going back to a traditional IRA to escape the tax triggered earlier. Then you can once again convert back to a Roth while stock prices are still low.

However, you must wait until the next calendar year to do this reconversion. And, if the next year begins within 30 days of the Roth-to-traditional recharacterization, the conversion must wait until the 30 days have passed.

There, it's all cleared up and demystified, right? Well, fortunately,

## Grand Lodge Staff Appointments

*BMW Positions (advertised in the Aug/Sept 2002 Journal) Filled*

**DANNY GATES**, has been appointed as Director of Government Affairs following a 17 year tenure as State Legislative Director for the State of Indiana. Gates will be responsible for lobbying activities related to federal legislation affecting our members and will also direct the State Legislative Directors' activities, heading up the BMW's Legislative Department.

**DONALD F. GRIFFIN**, who began working for the Brotherhood as Assistant General Counsel at our Washington D.C. office in 1996 has been appointed as Director of Strategic Coordination and Research. Griffin, will assist with the coordination of strategic planning for collective bargaining, compile statistics for wage negotiations, conferences, arbitration hearings and other matters as directed by the president.

**TIMOTHY McCALL**, is appointed as Director of Organizing (See related article "Organizer Gets Nod" page 6).

**KENT C. TURNER**, who was first appointed in 1986 as Director of Education, has also served as Director of Research, Safety and Administrative Assistant to President, now has been appointed as Director of Communications and Associate Editor. Turner's new responsibilities will include establishing editorial policy, managing and coordinating layout, editing, and production of the BMW JOURNAL as well as producing and editing news releases.

## LOCAL LODGE SECRETARY-TREASURERS ARE AWARDED SERVICE PINS

The following Brothers have been awarded Service Pins in recognition of their dedicated service as Secretary-Treasurer of their respective local lodges:

### 10 YEAR SERVICE PINS

NAME OF SECRETARY	NAME OF LODGE	NO OF LODGE
Bernard D'Arduini	Manchester	0164
Donald Keels	System Lodge	0601
Jerry Hoyt	Rose City	0757
Donald Goudy, Jr.	Grayburg	1011
Michael Clevenger	The Allen Lodge	1152
Jaime Marquez	Columbus	1862
Kevin Sullivan	Mississippi	1879
Thomas Workman	Brownsville	3006

### 20 YEAR SERVICE PINS

NAME OF SECRETARY	NAME OF LODGE	NO OF LODGE
Michael Weber	Fordville	0019
Robert Hardee	Ashland	0225
Gary Rever	Newport	0356
Fred Foster	Voitgs	0696
George Garbo	West Central	0783
Gary Sutton	Floyd Valley	0908
Donald Hoskin	Gorham	0965
Jesus Soliz	W. T. Tyler	1021
Gerald Annonson	Bemidji	1132
Kenneth Rose	Ada	1251
Edgel Baker	Pennsboro	1509
Paul Christensen	Stones City	1916
Robert White	New Deal	2402

### 35 YEAR SERVICE PINS

NAME OF SECRETARY	NAME OF LODGE	NO OF LODGE
Joseph Dennis	Russellville	0852

there's easy access to help. The folks at the fund company, brokerage or bank that holds your IRA or Roth can tell you what you are eligible to do and guide you through the process. Or if you're not sure which kind of IRA is best for you, you can check out one of the many free online help centers offered by

most fund companies, many who have free online calculators to assist you. Or, you can use any search engine to look for an "IRA Calculator." Of course, most fund companies will also provide assistance over the phone and will send free information to you in the mail upon request.

# BMW Organizes Gets Nod, Advances To Directors Position

## Timothy McCall, BMW Director of Organizing

President, Mac A. Fleming, announced that former BMW Staff Assistant - Organizing, Timothy McCall will step up into the Brotherhood's chief organizing position following his appointment as BMW Director of Organizing. As Director, Brother McCall will assume the mantle of responsibility involving the overall coordination of both internal and external organizing in addition to researching and analyzing potential organizing targets. Brother McCall's confirmation came following review and consideration of applicants responding to the "Job Openings" advertisement

posted in the August/September 2002 issue of the Journal and on our web site at [www.bmwe.org](http://www.bmwe.org). "Brother McCall brings a wealth of experience and dedication to the position which will be instrumental in moving our organizing efforts forward into the future" stated President Fleming.

A resident of Baton Rouge, Louisiana, Timothy McCall began his railroad career on the New Orleans Public Belt Railroad in September of 1979. He gained seniority as a trackman, B&B painter, welder helper, machine operator helper, machine operator and track-

man-driver.

Prior to his initial appointment as Staff Assistant-Organizing, Brother McCall served as Local Lodge President, Local Chairman, Local Lodge Legislative Representative and BMW State Legislative Director for the state of Louisiana. He was also elected as Assistant Chairman, Second Vice Chairman and First Vice Chairman of the Southern Pacific Atlantic Federation before accepting the call as an organizer. Brother McCall also studied Athletic Administration and Building Construction at the University of Southern Mississippi.



TIMOTHY McCALL

# Year 2003 Railroad Retirement and Unemployment Insurance Taxes

Railroad retirement tax rates on employees remain the same in 2003 while the overall rate for employers decreases, but the amounts of compensation subject to these payroll taxes increase for both employees and employers as a result of indexing to average national wage increases. The railroad unemployment insurance experience-based tax rates paid by employers to fund railroad unemployment and sickness insurance benefits in 2003 will continue to include a surcharge of 2.5 percent. Retirement Taxes. — The railroad retirement tier I payroll tax rate on covered rail employers and employees for the year 2003 remains at 7.65 percent, and the tier II tax rate on employees will remain

at 4.90 percent in 2003, but the tier II tax rates on employers and employee representatives will decrease to 14.20 percent in 2003. The tier II tax rates for employers and employee representatives had been 15.60 percent and 14.75 percent, respectively, in 2002. An employee representative is a labor official of a non-covered labor organization who represents employees covered under the Acts administered by the Railroad Retirement Board. The railroad retirement tier I tax rate of 7.65 percent for employers and employees is the same as the social security tax, and for withholding and reporting purposes is divided into 6.20 percent for retirement and 1.45 percent for Medicare hospital insur-

ance. The maximum amount of an employee's earnings subject to the 6.20 percent rate will increase to \$87,000 in 2003 from \$84,900 in 2002. There is no maximum on earnings subject to the 1.45 percent Medicare rate; all of an employee's compensation is subject to the Medicare tax. The maximum amount of earnings subject to the railroad retirement tier II tax of 4.90 percent on employees, and 14.20 percent on employers, will increase to \$64,500 from \$63,000. In 2003, the railroad retirement tax on an employee earning \$87,000 will be \$9,816.00 compared to \$6,655.50 under social security, and the employer's tax will be \$15,814.50. In 2002, the regular railroad retirement tax on an employee earning \$84,900 was \$9,581.85 and the employer's regular railroad retirement tax on such an employee was \$16,322.85. The Railroad Retirement and Survivors' Improvement Act of 2001, among other provisions, amended the Internal Revenue Code to reduce tier II tax rates on rail employers in 2002 and 2003, and provided for future adjustments in the tier II tax rates assessed on both rail employers and employees, depending on railroad retirement fund levels. Unemployment Insurance Taxes. — Employers, but not employees, also pay railroad unemployment insurance taxes, which are experience-rated by employer. The basic tax rates range from a minimum of 0.65 percent to a maximum of 12 percent on monthly

earnings up to \$1,120 in 2003, up from \$1,100 in 2002. However, the Railroad Unemployment Insurance Act also provides for a surcharge in the event the Railroad Unemployment Insurance Account balance falls below an indexed threshold amount, and such a surcharge of 2.5 percent applied in 2002. Since the accrual balance of the Railroad Unemployment Insurance Account was \$40 million on June 30, 2002, which was less than the indexed threshold of \$57 million, a surcharge of 2.5 percent will again be added to the basic tax rates in 2003, but not so as to increase the maximum 12 percent rate. Consequently, in 2003 the unemployment insurance tax rates on railroad employers will range from 3.15 percent (the minimum basic rate of 0.65 percent plus the 2.5 percent surcharge) to a maximum of 12 percent on monthly compensation up to \$1,120. The 2.5 percent surcharge will not apply to new employers in 2003, and new employers will initially pay a tax rate of 2.36 percent, which represents the average rate paid by all employers in the period 1999-2001. For 68 percent of covered employers, the unemployment insurance rate assessed will be 3.15 percent in 2003, which is \$35.28 per month for each employee with earnings of \$1,120 or more per month, and 12 percent will be assessed a rate of 12 percent, which is \$134.40 per month for each employee with earnings of \$1,120 or more per month.

**AFL-CIO NATIONAL BOYCOTTS**

**DO NOT BUY**

JANUARY/FEBRUARY 2003

**BUILDING MATERIALS & TOOLS**

**JET EQUIPMENT & TOOLS, INC.**  
Auburn, Wash., distributor of "JET" brand motor and wood-working power and hand tools for home and commercial use  
► International Brotherhood of Teamsters

**ENTERTAINMENT & RECREATION**

**BIG LEAGUE THEATRICALS ROAD COMPANY**  
Performing the "The Music Man"  
► Actors' Equity Assn./American Federation of Musicians

**BLACK ENTERTAINMENT TELEVISION**  
RFT cable television, Action pay per view, Doc on Jazz  
► International Brotherhood of Electrical Workers

**ECHOSTAR DISH NETWORK**  
Satellite Television Service  
► Communications Workers of America

**FOOD & BEVERAGES**

**ALL GOOD FOODS**  
Reese's Peanut Butter  
► International Brotherhood of Electrical Workers

**DIAMOND WALNUT CO.**  
Diamond brand canned and bagged walnuts and walnut pieces  
► International Brotherhood of Teamsters

**MT. OLIVE PICKLE CO.**  
Pickles and relishes sold under the Mt. Olive and other labels, including the Food Lion and Harris Teeter supermarket "house" labels  
► Farm Labor Organizing Committee

**PICTSWEEP MUSHROOM FARM**  
Fresh mushrooms and frozen vegetables with the Pictosweet label  
► United Farm Workers of America

**TRANSPORTATION & TRAVEL**

**BEST WESTERN-GROSVENOR RESORT**  
Hotel in Lake Buena Vista, Fla., located at Disney World, but separately owned and operated  
► Hotel Employees & Restaurant Employees International Union

**FOUR POINTS BY SHERATON**  
Hotel in Waterbury, Conn.  
► Hotel Employees & Restaurant Employees International Union

**HOLIDAY INN SUNSPREE HOTEL**  
Hotel in Kapa, Hawaii  
► International Longshore & Warehouse Union

**NEW OTANI HOTEL & GARDEN**  
Hotel in downtown Los Angeles  
► Hotel Employees & Restaurant Employees International Union

**OTHERS**

**CF&I STEEL and OREGON STEEL MILLS, INC.**  
Steel, including rod, bar, rail, pipe and steel plate  
► United Steelworkers of America

**GRAPHIC PACKAGING OF KALAMAZOO**  
Packaging materials  
► IRLC International Union

**R.J. REYNOLDS TOBACCO CO.**  
Cigarettes: Best Value, Camel, Century, Doral, Eclipse, Magna, Monarch, More, New, Salem, Sterling, Vantage, and Winston; plus all Moonlight Tobacco products  
► Bakery, Confectionery, Tobacco Workers & Grain Millers International Union

UNION LABEL AND SERVICE TRADES DEPARTMENT, AFL-CIO

**KONGACK!**  
© 2002

**WAR PLANS**

**FUNNY, THAT DOESN'T LOOK LIKE IRAQ!**

## RRB Service Records Available Online

The U.S. Railroad Retirement Board announced that rail employees now have electronic access, via the Board's Web site, to their individual railroad retirement records of service months and compensation.

This new Internet service, called "Service and Compensation History," can be accessed by visiting the Board's Web site at [www.rrb.gov](http://www.rrb.gov) and clicking on "MainLine Services." A description of the security features that are employed to ensure confidentiality in such transactions can be accessed from the "MainLine Services" page by clicking on "Security." This electronic alternative does not replace the "Certificate of Service Months and Compensation" (Form BA-6) mailed to current employees each June, but makes the same information readily available online for current and former employees. In addition to providing a record of an employee's creditable railroad service and compensation as reported by rail employers, these records include any service months deemed by the Board, the amount of any separation allowance or severance payment that was subject to railroad retirement taxes, and the cumulative amounts of railroad retirement payroll taxes paid by the employee over and above social security equivalent payroll taxes. Railroad employees or retirees with questions about their service and compensation records should contact their nearest Board office. Most Board offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday, except on Federal holidays. Addresses and phone numbers for all Board offices are available by calling the toll-free RRB Help Line at 1-800-808-0772. The RRB Help Line is an automated telephone service available 24 hours a day, 7 days a week. Board office locations can also be found on the Board's Web site.

## Photo Credit Due!

The Journal wishes to acknowledge and thank Mr. Zenon Kuszczak for his talent and photographic contribution to the Nov/Dec 2002 Journal layout entitled "Podium Personalities at the 44th BMW Convention."

Mr. Kuszczak is a member of OPEIU-42 at Grand Lodge headquarters in Southfield, Michigan.

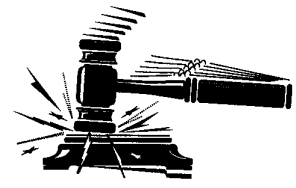
# LEGAL AID PROGRAM LIST

Here is an updated list of the approved attorneys in the BMW's Legal Aid Program who can be called on for advice and assistance when needed in case of on-the-job personal injury or death.

BMW members who are injured on the job, or the dependents of members killed as a result of such injuries, should ascertain their rights and protections under the Federal Employers' Liability Act (FELA) before attempting any settlement with a railroad company.

Under the Legal Aid Program, in case of personal injury or death while employed on a railroad, a BMW member or his family has access to competent legal counsel in making claims under the FELA.

The approved legal aid attorneys are well qualified to handle cases under the FELA.



**Blunt & Associates, Ltd.**  
60 Edwardsville Professional Park  
P. O. Box 373  
Edwardsville, IL 62025  
TELEPHONE: (618) 656-7744  
FAX: (618) 656-7849  
TOLL FREE  
NATIONAL: (800) 323-5538

**Bricker, Zakovics, Querin, Thompson & Ritchey P.C.**  
One Main Place  
101 SW Main Street, Suite 915  
Portland, OR 97204-3271  
TELEPHONE: (503) 226-1151  
FAX: 503-273-9136  
TOLL FREE  
NATIONAL: (800) 547-8811

**The Crow Law Firm**  
700 "E" Street  
Sacramento, CA 95814  
TELEPHONE: (916) 441-2980  
FAX: 916-441-3846  
TOLL FREE  
NATIONAL: (800) 345-2889

**Forceno & Arangio, L.L.P.**  
Suite 1000, The Bourse  
111 S. Independence Mall East  
Philadelphia, PA 19106-2574  
TELEPHONE: (215) 732-1630  
TOLL FREE  
(800) 222-3352  
FAX: (215) 923-8507

**Hoey, Farina & Downes**  
Suite 1010, 542 S. Dearborn  
Chicago, IL 60605  
TELEPHONE: (312) 939-1212  
FAX: 312-939-7842  
TOLL FREE  
NATIONAL: (888) 425-1212  
(900) 624-2121

**Hubbell, Sawyer, Peak, O'Neal & Napier**  
Power & Light Bldg., 12th Floor  
106 West 14th Street  
Kansas City, MO 64105-1992  
TELEPHONE: (816) 221-5666  
FAX: 816-221-5259  
TOLL FREE  
NATIONAL: (800) 821-5257

**Ingebritson & Associates, P.A.**  
Attorneys at Law  
100 South Fifth Street  
Suite 450  
Minneapolis, MN 55402  
TELEPHONE: (612) 340-8290  
FAX: 612-342-2990  
TOLL FREE  
NATIONAL: (800) 282-6393

**Johnson & Hatch**  
10 West Broadway, Suite 400  
Salt Lake City, UT 84101  
TELEPHONE: (801) 363-6363  
FAX: 801-363-6666

**Jones & Granger**  
P. O. Box 4340  
Houston, TX 77210-4340  
TELEPHONE: (713) 668-0230  
TOLL FREE  
TX ONLY: (800) 392-0620  
NATIONAL: (800) 231-3359

**Atlanta Office**  
1201 Peachtree St., N. E.  
400 Colony Square, Ste. 1900  
Atlanta, GA 30361  
TELEPHONE: (404) 522-4414  
TOLL FREE  
NATIONAL: (800) 628-6470

**Kaplan Law Corporation**  
5909 West 3rd Street  
Los Angeles, CA 90036  
TELEPHONE: (323) 930-2744  
FAX: 323-930-1476  
TOLL FREE  
NATIONAL: (800) 552-7526  
[www.Kaplanlawcorp.com](http://www.Kaplanlawcorp.com)

**Moody, Strople & Kloepfel, Basilone & Higginbotham, Inc.**  
500 Crawford Street, Suite 300  
Portsmouth, VA 23704  
TELEPHONE: (757) 393-4093  
FAX: 757-397-7257  
TOLL FREE  
NATIONAL: (800) 368-1033

**Jacksonville Office**  
7400 Baymeadow Way,  
Suite 105  
Jacksonville, Florida 32256  
TELEPHONE: 904-256-0018  
FAX: 904-256-0019

**R. Edward Pfister, Jr. A Law Corporation**  
2000 Riverside Drive  
Suite 100  
Los Angeles, CA 90039  
TELEPHONE: (323) 662-6400  
FAX: 323-669-8549  
TOLL FREE  
NATIONAL: (800) 344-3352

**Pratt & Tobin, P.C.**  
P. O. Box 179  
Route 111 at Airline Drive  
East Alton, IL 62024  
TELEPHONE: (618) 259-8011  
TOLL FREE  
NATIONAL: (800) 851-5562

**Provost & Umphrey Law Firm, L.L.P.**  
1155 - 15th Street, N.W.  
Suite 410  
Washington, D.C. 20005  
TELEPHONE: (202) 466-0900  
TOLL FREE  
NATIONAL: (800) 324-9777  
FAX: 202-637-2977

**Rossi, Cox, Kiker & Inderwish, P.C.**  
Highline East Complex No. 2  
12203 East 2nd Avenue  
Aurora, CO 80011  
TELEPHONE: (303) 366-3501  
TOLL FREE  
(800) 325-4014  
FAX: (303) 366-2383

**Sams & Hollon**  
The Denver Building  
7835 Bayberry Road  
Jacksonville, FL 32256  
TELEPHONE: (904) 737-1995  
FAX: 904-737-3838  
TOLL FREE  
NATIONAL: (800) 327-4552

**Sams & Hollon**  
Coral Gables, Florida Office  
Penthouse  
222 Ponce De Leon Boulevard  
Coral Gables, FL 33134  
TELEPHONE: (305) 460-2030  
FAX: 305-460-2037

**Thornton & Naumes, LLP**  
100 Summer Street, 30th Floor  
Boston, MA 02110  
TELEPHONE: (617) 720-1333  
FAX: 617-720-2445  
TOLL FREE  
NATIONAL: (800) 431-4600

## Why Choose A BMW-Designated FELA Attorney?

In this day of specialization, most lawyers, like most doctors and other professionals, tend to specialize. If you have tax problems, you go to a lawyer who knows the tax laws. If you have family matters to be handled, you go to a lawyer who knows the laws about wills, estates, probate, divorce, etc. That is why, if you're injured on the railroad, you need to go to a lawyer who knows the Federal Employers' Liability Act (FELA).

FELA became law in 1908. Under FELA, an injured railroad employee or his/her family survivors have the right to recover damages in court (state or federal). They have the right to a jury trial which can award damages based upon the railroad's negligence that resulted in the employee's injury or death.

Choosing a BMW-designated FELA attorney is important because, as one court case stated, "injured workers or their families often fall prey ... to persuasive claims adjusters eager to gain a quick and cheap settlement for their railroad employers, or to a lawyer either not

competent to try these lawsuits against the able railroad counsel or too willing to settle a case for a quick dollar."

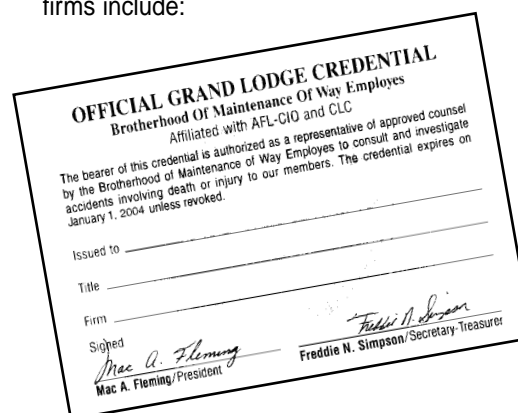
Since most people don't deal with lawyers except in a time of need, the BMW has a long-standing policy of evaluating FELA law firms. Using established guidelines, the BMW chooses the best to be on its approved or designated list which is printed annually in the BMW *Journal*.

Criteria used for evaluating FELA law firms include:

- Must have an established record of successful litigation experience.
- Must furnish Grand Lodge with a summary of cases handled (insofar as such disclosure is consistent with "attorney-client" privilege).
- Must charge a contingency fee of no more than 25 percent.
- Must give injured members free advice in connection with their injury and render free assistance to them in related matters.

Because the BMW recognizes the importance of competent and fair legal counsel for its members, it regularly monitors the activities of the law firms on its list and makes changes when needed.

If you do not have a copy of the approved list of attorneys when you need it, just call your system division or federation office and they will give you names and other necessary information. In addition, all approved attorneys are issued official Grand Lodge credentials each year like the one reproduced here. If an attorney contacts you, be sure to ask for his credential.



## BMW New (Year's) Resolutions Continued from Page 1

not been implemented, which continues to deprive members of the benefits in the plan; and

WHEREAS, the lack of availability to the Managed Medical Care Program for some members results in a disparate payment to medical benefits received ratio; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes go on record requesting the Grand Lodge President and all system division and federation general chairmen to negotiate agreements for Brotherhood members residing in areas lacking coverage of the Managed Medical Care Program, to receive all of the general wage increases until such time that the Managed Medical Care Program is expanded to those areas, or such member, covered only by Comprehensive Health Care Benefit, receive medical benefit coverage equal to that which is available under the Managed Medical Care Program.

### RESOLUTION No. 46

#### COMBINING CANADIAN AND U.S. JOURNALS

WHEREAS, The Brotherhood has an office in the United States and Canada both to write, print and mail the official *BMW* Journal; and

WHEREAS, The Canadian office writes and prints their version of the *BMW* Journal in both English and French; and

WHEREAS, The United States has quite a few members who only read and write in Spanish; and

WHEREAS, The United States version of the *BMW* Journal is only published in English; and

WHEREAS, The Brotherhood should be accommodating our Spanish reading and speaking members by providing a *BMW* Journal in Spanish; and

WHEREAS, The membership could be better served by having only one Brotherhood office to write, print and mail the official *BMW* Journal; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes go on record to request that the Grand Lodge President explore all avenues, consistent with the Constitution and Bylaws, for the feasibility of combining the Canadian and the United States *BMW* Journal offices at Grand Lodge headquarters and publishing the *BMW* Journal in English, French and Spanish.

### RESOLUTION No. 47

#### ELIMINATION OF CAMP CAR/TRAILER LODGING

WHEREAS, There are railroads which persist in the archaic and repugnant practice of lodging Maintenance of Way employees in camp cars/trailer facilities; and

WHEREAS, The carrier often chooses to locate these lodging facilities in close proximity of live, heavily used main tracks and/or railroad yards and/or highway or street road crossings, thereby greatly inhibiting our members' ability to receive a complete night's rest; and

WHEREAS, These lodging facilities do not provide our members with

proper privacy or individual space; and

WHEREAS, These lodging facilities often require our members to stand in line to utilize an insufficient number of shower and washing facilities; and

WHEREAS, These lodging facilities are often not equipped with operating toilets, forcing our members to continually relieve themselves in rented outdoor facilities often in adverse weather conditions; and

WHEREAS, The members of the Brotherhood of Maintenance of Way Employes who are required to reside in these lodging facilities have often brought to our attention the inequities in being lodged in such a subhuman and obnoxious fashion; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes go on record as requesting the Grand Lodge President, Grand Lodge Officers, and all parties involved in negotiating with any railroad company, which still utilizes camp car/trailer facilities, to actively pursue agreements which would permanently eliminate the use of camp cars/trailers for lodging our members.

### RESOLUTION No. 48

#### LAWS AND REGULATIONS GOVERNING COMPANY-PROVIDED LODGING FACILITIES

WHEREAS, The Norfolk and Southern Railway Co. persists in the archaic and repugnant practice of lodging Maintenance of Way employees in camp car/trailer facilities; and

WHEREAS, There are currently federal, state and local laws, regulations and ordinances which can be applied to these type of lodging facilities; and

WHEREAS, These facilities often are located in areas which, because of the high noise levels, greatly affects our members' ability to sleep at night; and

WHEREAS, These facilities are often maintained in an unhealthy, unsanitary and unsafe fashion; and

WHEREAS, The carrier provides meals to our members prepared on site which are reported to be of poor quality, unhealthy, and unappetizing; and

WHEREAS, These facilities normally fail to provide indoor restroom facilities or sufficient sanitation facilities for members required to live in these lodgings; Therefore, be it

RESOLVED, That we now request that the Grand Lodge President use all resources at his disposal to insure that all laws, regulations, and ordinances pertaining to these types of facilities are closely monitored by the Brotherhood of Maintenance of Way Employes, and all necessary steps are taken to insure enforcement thereof; and, be it further

RESOLVED, That the Grand Lodge President instruct the Director of Government Affairs and all state legislative directors to actively support and work to establish legislation which would serve to relieve the intolerable living conditions members of the Brotherhood are currently subjected to until such time as the practice of housing our members in these types of facilities has been eliminated; and, be it further

RESOLVED, That the delegates of the 44th Grand Lodge Convention of

the Brotherhood of Maintenance of Way Employes go on record as requesting the Grand Lodge President, Grand Lodge Officers, and all parties involved in negotiating with any railroad company, which still utilizes camp car/trailer facilities, to actively pursue agreements which would permanently eliminate the use of camp cars/trailers for lodging our members.

### RESOLUTION No. 49

#### ENJOIN THE RAILROAD RETIREMENT BOARD TO COLLECT RAILROAD RETIREMENT TAXES FROM CONTRACTORS

WHEREAS, Maintenance of Way workers and their respective carriers are compelled to pay Railroad Retirement taxes; and

WHEREAS, Contractors performing Maintenance of Way work are not paying Railroad Retirement taxes; and

WHEREAS, The carriers are saving millions of dollars by not contributing to the Railroad Retirement system when they contract out Maintenance of Way work; and

WHEREAS, This unacceptable practice has caused the Railroad Retirement system to be shorted of untold millions of dollars; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes encourage the Grand Lodge President to do whatever is within his power to seek legislation to allow the United States Railroad Retirement Board to require Railroad Retirement taxes from the carriers and contractors when Maintenance of Way work is contracted out.

### RESOLUTION No. 51

#### BMW ANNUAL SCHOLARSHIP AWARD

WHEREAS, The Brotherhood of Maintenance of Way Employes needs educated members to advance its agenda of protecting and preserving the rights of workers; and

WHEREAS, The Brotherhood of Maintenance of Way Employes is an aggressive leader in rail labor that is steadfast in its beliefs; and

WHEREAS, The leadership of the Brotherhood of Maintenance of Way Employes understands the need for quality education to promote trade unionism; Therefore, be it

RESOLVED, That the Brotherhood of Maintenance of Way Employes will establish a committee that will award annually one (1) scholarship to a member or their dependent to further their education in the study of labor-related subjects; and, be it further

RESOLVED, That the committee will establish the criteria for the awarding of an annual scholarship beginning in 2003; and, be it further

RESOLVED, That the delegates of the 44th Grand Lodge Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes approve the funding necessary to award such annual scholarship; and, be it further

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes direct the Grand Lodge Executive Board to approve the funding necessary to develop a scholarship program, awarded annually in November, to a member or dependent to further their education

in the study of labor-related subjects in the amount of \$ \_\_\_\_\_ .

### RESOLUTION No. 52

#### BMW SUPPORT OF LONG-TERM VIABILITY OF AMTRAK

WHEREAS, The future of Amtrak is uncertain and to a great extent many influences within the federal government, railroad and private industry have initiated policy that is detrimental to all of the workers in the many unions represented at Amtrak; and

WHEREAS, The Brotherhood of Maintenance of Way Employes is a substantial part of the workforce affected and has worked diligently to oppose any policy that adversely affects its members; and

WHEREAS, The effects of drastic changes in the structure of the company, train routes or congressional mandates pertaining to labor could further devastate Amtrak and its workers, adversely affect other workers in the railroad industry, and jeopardize the stability of the Railroad Retirement system; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes call on the leadership to commit the resources necessary to remain diligent and prevail in the struggle with those whose purpose is to destroy the quality of life and standard of living of the workers on Amtrak.

### RESOLUTION No. 54

#### CONGRESS MUST RESTORE TRANSPORTATION CUTS AND REJECT SHORTSIGHTED POLICY DIRECTION IN BUSH 2003 BUDGET

WHEREAS, President Bush's FY 2003 proposed budget fails to respond to the basic needs of the Nation's transportation needs and fails miserably to provide laid off workers with extended unemployment benefits and serious health care assistance; and

WHEREAS, President Bush and the Republican leadership call for corporate tax giveaways and have allowed for such giveaways in the recent past; and

WHEREAS, President Bush's FY 2003 budget calls for the privatization or franchising of the Nation's air traffic control system, Amtrak and public transportation services; and

WHEREAS, The Transportation Trades Department (TTD) of the AFL-CIO is on record as opposing President Bush's FY 2003 budget; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes go on record to request the Grand Lodge President provide assistance and support to the TTD in its efforts to persuade Congress to reject the shortsighted transportation budget proposal.

### RESOLUTION No. 55

#### SOLIDARITY WITH THE BLE

WHEREAS, The labor movement has always unified around the basic principle that the interests of all working men and women are compatible and not conflicting; and

WHEREAS, The Railway Labor Act recognizes the craft and class system; and

WHEREAS, The United Transportation Union (UTU) has left the AFL-CIO in pursuit of a takeover

of the Brotherhood of Locomotive Engineers (BLE) either through a forced merger, a raid or a series of government-sanctioned winner take all elections; and

WHEREAS, The actions of the United Transportation Union have been declared violative of the AFL-CIO Constitution and Policies; and

WHEREAS, The UTU is attempting to convince the National Mediation Board to rewrite the rail industry's craft and class system in order to frustrate the union representation rights of locomotive engineers and thousands of other railroad employees; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes go on record to request that the Grand Lodge President use whatever means available to him to urge the UTU to withdraw and desist its raiding activities directed at the BLE members and UTU's efforts before the National Mediation Board to force an unwanted representation election among all railroad operating employees; and, be it further

RESOLVED, That the Grand Lodge President urge the National Mediation Board to dismiss any UTU petition seeking to eliminate the class and craft system in the railroad industry; and, be it further

RESOLVED, That the Grand Lodge President aggressively defend the BLE and its members in the event the UTU stays on its present course of raiding the BLE's members on the North America's railroads.

#### **RESOLUTION No. 56**

##### **RESOLUTION OF ARTICLE XXII, SECTION 6**

WHEREAS, a few of the important objectives of this Brotherhood as prescribed in the preamble of our Constitution and Bylaws are "to exalt the character and increase the ability of its members," and "to use all honorable means to secure the passage of laws beneficial to our membership ...;" and

WHEREAS, There have been resolutions submitted which make personal attacks against fellow Brothers; and

WHEREAS, Article XXI (formerly XXII), Section 6 states, in part, that it shall be the duty of every member to "... recognize any member in good standing as a Brother and never speak falsely against or vilify the character of a member.;" Therefore, be it

RESOLVED, That the Resolutions Committee will not entertain and therefore will not distribute any resolution that is in contradiction with the above.

#### **RESOLUTION No. 57**

##### **COMMENDING RETIRED VICE PRESIDENT ARMAND PASSARETTI**

WHEREAS, Brother Armand Passaretti, in his years as an officer and member of this Brotherhood, who provided innovative direction to the System Federations in Canada and to Grand Lodge; and

WHEREAS, Brother Passaretti, through his commitment and diligent efforts to promote trade unionism, did so by exercising his untiring, unselfish efforts on behalf of all Maintenance of Way members; and

WHEREAS, Recognizing Brother Passaretti's service and contributions

to the Brotherhood has been long overdue; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes extend our sincere thanks and appreciation to Brother Armand Passaretti for his long dedicated service to the Brotherhood; and, be it further

RESOLVED, That the Grand Lodge President communicate this acknowledgment to Brother Passaretti at his earliest convenience.

#### **RESOLUTION No. 58**

##### **PRESERVE AMTRAK AND SAVE RAIL WORKERS' JOBS**

WHEREAS, The tragic events of September 11, 2001 made clear the United States' absolute need and reliance upon safe and convenient rail passenger transportation; and

WHEREAS, In 1997, Congress passed the misguided Amtrak Reform and Accountability Act which required Amtrak to become revenue "self-sufficient" by 2002 even though no rail passenger system in the world is revenue "self-sufficient"; and

WHEREAS, Over the previous five years, Congress and the White House have ensured that Amtrak had just enough money to survive from year to year as Amtrak's rolling stock and infrastructure continued to deteriorate; and

WHEREAS, Congress has failed to address the United States' need for high speed intercity rail passenger transportation in any systematic or meaningful way; and

WHEREAS, Amtrak needs \$270 million in emergency funding to continue operations until October 1, 2002 and needs over an additional one billion dollars annually to maintain and improve its existing rail operations; and

WHEREAS, The White House and some members of Congress have decided that contracting out rail workers' jobs on Amtrak is a solution to Amtrak's fiscal crisis; and

WHEREAS, Several proposals in Congress for the separate funding of high speed rail passenger operations do not provide for such operations to be subject to the Railway Labor Act, the Railroad Retirement Act and the Federal Employers' Liability Act and those proposals could lead to the transfer of lines from existing rail carriers to new high speed rail operators in a manner at least as destructive of the interest of rail workers as the infamous "Section 10901 noncarrier" short lining of the 1980's and 1990's; and

WHEREAS, The protection of rail workers' jobs, especially those represented by BMW is of primary importance; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes encourage the Grand Lodge President to do whatever is within his power to urge the Congress and the White House to ensure adequate long-term funding for Amtrak that guarantees its survival without the contracting out of Amtrak workers' jobs; and, be it further

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes encourage the Grand Lodge President to do whatever is within his power to oppose any high speed rail legislation that does not provide for high speed rail passenger service to be covered by the Railway

Labor Act, the Railroad Retirement Act and the Federal Employers' Liability Act; and, be it further

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes encourage the Grand Lodge President to do whatever is within his power to oppose any high speed rail legislation that would permit existing rail carriers to transfer their lines to new high speed rail operators in a way that would adversely affect the work opportunities and employment rights of existing rail workers.

#### **RESOLUTION No. 59**

##### **RETIREMENT INSURANCE RESOLUTION**

WHEREAS, The type of work performed by BMW members is very physical and has led to physical disability and disabling occupational illness; and

WHEREAS, The cost of medical and prescription insurance is so expensive that it is almost unobtainable for our retired or disabled members and their spouses and dependents; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes encourage the Grand Lodge President to do whatever is within his power to obtain improved benefits for our retired and disabled members and their spouses and dependents.

#### **RESOLUTION No. 60**

##### **DIVERSIFICATION**

WHEREAS, The BMW believes that one of its main strengths comes from combining the talents and skills which derives from our great diversity; and

WHEREAS, BMW wants to guarantee that diversity is celebrated and incorporated within the very fabric of the BMW; and

WHEREAS, The BMW believes that discrimination against minority members of the Brotherhood is harmful to minorities and non-minority members of our Union alike; and

WHEREAS, BMW is aware the various minorities which are part of our Union have suffered discrimination at the hands of the railroads and even by the U.S. Government in the past and into the present; and

WHEREAS, President Fleming created the Diversity Committee as a standing committee during his prior term in office in order to make certain that the BMW function as a proactive force in fighting and eliminating the discrimination that our minority members suffer from the railroads and sometimes from the government; and

WHEREAS, The Diversity Committee has met several times since the last Convention and participated in educationals, demonstrations against discrimination and also assisted President Fleming in bringing needed changes to how the BMW operates in order to guarantee all members of the BMW regardless of race, creed or color are provided with equal opportunity within the BMW; and

WHEREAS, The Diversity Committee under President Fleming's direction and leadership has worked tirelessly to enact the changes recommended in the Report of the Diversity Committee to the last BMW Convention and has been successful in bringing many of those

changes to the BMW over the past 4 years; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes and the Diversity Committee of the BMW congratulate and thank President Fleming for the work he has performed and his encouragement to make the Brotherhood stronger in its diversity over the past 4 years; and, be it further

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes strongly recommend and endorse that the Diversity Committee remain as a standing committee of the Brotherhood and continue, under the Grand Lodge President's direction, to implement the changes recommended in its Report to the 43rd Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes and continue the battle against discrimination to guarantee all members equal opportunity regardless of race, creed or color; and, be it further

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes rededicate this Union to the battle against discrimination and direct that all steps be taken and resources expended, in accordance with prudent use of our resources as determined by the Grand Lodge President and the Grand Lodge Officers, to end discrimination against minorities that exists in our industry and our society.

#### **RESOLUTION No. 61**

##### **BMW MEMBERS TO VOTE ON NEW MERGER PROPOSAL**

WHEREAS, This Brotherhood has had to spend more money than it takes in to sustain operations despite cutbacks of personnel and expenses, and this deficit spending will likely remain necessary into the future; and

WHEREAS, This Quadrennial Convention has made provision to cover this shortfall by reaching into the union's United States Strike Fund; and

WHEREAS, This arrangement cannot guarantee the long-term stability of the Grand Lodge; and

WHEREAS, The Brotherhood of Maintenance of Way Employes and the International Brotherhood of Boilermakers, Blacksmiths and Iron Ship Builders have reached a new tentative Merger Agreement; and

WHEREAS, If implemented promptly, that Merger Agreement would eliminate the need to run our Grand Lodge operation off of the Strike Fund; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes instructs the Grand Lodge President to move promptly upon the close of these proceedings to place the question of merger before the members of the Brotherhood by referendum ballot, and to proceed with all deliberate speed to complete that process; and, be it further

RESOLVED, That the President, in consultation with the Merger Committee, take steps as they deem necessary to enable the membership to cast an informed vote; and, be it further

RESOLVED, That the President be authorized to expend such funds as necessary as reasonably required to

See **RESOLUTIONS** Page 10

## BMW New (Year's) Resolutions Continued from Page 9

carry out the foregoing mandate of this convention.

### RESOLUTION No. 62

#### ACTIVATION OF ASSISTANT BMW MINNESOTA STATE LEGISLATIVE DIRECTOR POSITION

WHEREAS, The fact that Congressional and State Legislative elections are held biennially dictates that BMW State Legislative Directors expend significant time and financial resources assisting and persuading our members to vote in the fall of even numbered years; and

WHEREAS, BMW State Legislative Directors often cooperate with State AFL-CIO Get-Out-The-(Union)Vote efforts; and

WHEREAS, In 2002 in Minnesota, BMW's friend and champion in the U.S. Senate, Paul Wellstone, is facing the strongest challenge of his electoral career; and

WHEREAS, In the falls of 1996, 1998 and 2000, Assistant BMW Minnesota State Legislative Director Mike DeRosa was activated to assist the Minnesota AFL-CIO in its Get-Out-The-Vote efforts directed toward BMW and other union members, the length of his activation increasing as he gained experience; and

WHEREAS, Both the Minnesota AFL-CIO and the National AFL-CIO political coordinator for Minnesota have both specifically asked for the services of Brother DeRosa by name

and have requested his activation as soon as possible; and

WHEREAS, Training for this concerted Get-Out-The-(Union)Vote effort begins July 21, 2002; and

WHEREAS, The Minnesota State Legislative Director timely requested \$3,800 drawn from the funds derived from the Year 2001 special assessment on BMW members in Minnesota of \$1.00 per member per month for legislative activity in Minnesota be afforded to the Minnesota State AFL-CIO to pay the salary of the activated Brother DeRosa for Get-Out-The-(Union)Vote efforts during October and November, 2002; and

WHEREAS, To date, no such \$3,800 requested to pay Brother DeRosa to help Get-Out-The-Vote of our members for Senator Wellstone has been received by the Minnesota State AFL-CIO; Therefore, be it

RESOLVED, That the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employees direct Grand Lodge to forward \$3,800 to the Minnesota State AFL-CIO for the purpose of paying the salary of the activated Brother DeRosa during October and November, 2002, to assist in Getting-Out-The-Vote of our members for Senator Wellstone and other labor endorsed candidates, said \$3,800 to be charged to the Year 2001 budget of the Minnesota State Legislative Director.

## GUEST EDITORIAL Continued from Page 4

mining the opportunities. There is much that we have accomplished, and much that we have learned that can guide us in the future. First, we should be exceedingly proud of our working class agenda. It speaks directly and forcefully for and to the needs of working people throughout our country. We alone forged an anti-corporate message that resonates with workers in every sector. Although our agenda is broad, we need to be clear that the core of our agenda is working class economics — the highest common denominator that brings us together. However, while our agenda has remarkable resonance, we must also recognize that many of us passionately disagree on wide variety of questions. There is no shortcut to resolving such issues. Passing a resolution by a small margin on controversial questions will not help us organize or grow. In fact, to many it will surely shut the door on us before we can even offer our powerful anti-corporate agenda. As a result, we must show considerable patience. I urge that we refrain from tackling issues that deeply divide us. We need to show tolerance for a diversity of views that allows us to reach out to all segments of the working class. We need to find the balance between remaining principled and building our anti-corporate core. Now is the time to help shape workers' rage and frustration against Corporate America. We have also learned a great deal about our organizing strategy and tactics. Our party was formed around unions, big and small. To complement that base, we expanded into securing mass individual memberships. As a result, the party has tremendously gained from the enormous contributions of individual members throughout the country. We must continue to treasure and support those contributions. However, we must also realize that such an organizing strategy is premature. We simply do not have the resources needed for such an organizing drive. At the same time, our labor base, with a few notable exceptions, remains rock solid, and offers the possibility of expansion. Again, we need patience to guide us forward. History is an exacting teacher. It has taught us to concentrate on our labor base and build outward from it. We have also learned a great deal from our organizing campaigns. The outstanding

organizing efforts on Just Health Care, Free Higher Education and Worker Rights show a great deal of promise. They offer the Labor Party ways to shape national debates, to make our agenda heard. And equally important they open the door to holding discussions with unions who believe in our agenda, but are not ready to join the party. While these issues resonate with working people, they are not the only elements of our platform that ultimately must turn into campaigns. However, resource realities limit us to three or four campaigns at most. We should take pride in clarity of vision expressed by these campaigns. Finally, we have learned about the wisdom of our basic electoral strategy. From the start we resolved never to play the role of spoiler. Our electoral rules insure that the Labor Party would always have broad labor support when it engaged in electoral politics. That policy has served as well. As I reflect on these lessons, one thing is crystal clear: we have survived against formidable odds because we remained committed to our hard-headed organizing tactics, based on the realities of resources, and based on building a strong union foundation. Because the odds are still long, we must rededicate our commitment to the initial organizing strategies. But also, there is reason for profound optimism. Our time is coming. When corporations collapse, the opportunity for profound change emerges. Working people, at the height of the Great Depression, had the resilience to organize new institutions and reshape the economy. Then, as now, working people need an institution to voice their rage. I have dedicated a lifetime to building such an expression. It certainly will not happen in the limited time now afforded to me. But you have the ability to position our party for great deeds. While other groups may waffle, let this party serve as the dog at the corporate throat." Signed "In Solidarity, Tony Mazzocchi"

The BMW is a proud sponsor and advocate of the Labor Party (see Resolution No. 53 - adopted at the 44<sup>th</sup> BMW Grand Lodge Convention). For more information about the Labor Party, contact them at: Labor Party, PO Box 53177, Washington, DC 20009, Tel: 202.234.5190, Fax: 202.234.5266 or logon to their website at [www.thelaborparty.org](http://www.thelaborparty.org).

## THREE MEMBERS AVERT NEAR TRAGEDY AT CHRISTMAS

Continued from Page 1

ambulance while Barry Keates went out to the highway to meet the ambulance. All four persisted keeping John in a comfortable, safe position, while checking for further injuries and insuring that there was no loss of circulation to his extremities. Several other members of the crew assisted keeping blankets, first aid supplies and water coming as needed. Through it all, they took care cleaning his wounds, as best they could, with sterile gauze and tended the gash in his throat.

When the paramedics arrived, John was taken to Revelstoke's Queen Victoria Hospital, where he was prepared for the 150 mile ambulance ride to Kelowna General Hospital, a bigger and more comprehensive facility. Once there, he underwent over ten hours of reconstructive surgery. Because of the extent of John's injuries, the doctor's decided to induce a coma like state and he was kept unconscious for the next 12 days, in the Intensive Care Unit (ICU), while his body began the arduous task of healing.

On Sunday January 5, 2003, John awakened in the ICU and after another 24 hours or so, he was moved to a semi-private room. Canadian System Federation's, Pacific Region General Chairperson, William Brehl visited John as soon as he was moved, and reports that he is doing very well. John is off the intravenous care and respirator and is up and moving around. Though his jaw is completely wired shut, he is able to communicate with a pad and pen and is being very conversant. John joked that the swelling of his cheeks makes him look like Brando in the Godfather, while assuring that he wasn't in pain (at

the moment) and that he would not let "a little thing" like this major accident keep him down.

The one point that John adamantly conveyed was that Shayne, Kent and Barry had saved his life. He wrote this down under their names and requested that they, and everyone else, be told how grateful he was, because it would be awhile until he could do so himself.

After receiving John's message, Brothers Shayne Brighton, Kent Jones and Barry Keates each said that they, personally, hadn't done that much, that "... the other two .." did more. Though their humility speaks volumes about their character, their actions say even more. Their quick response to the emergency and the proper exercise of their training, very possibly did save Brother Guthrie's life.

"We were just glad that we were there to help, that we'd had the first aid courses and that John's going to be OK. And I'm really glad that Jonesy (Kent Jones) was there, he stayed the calmest and kept me and Barry focused." said Shayne Brighton.

These Brothers have rightfully earned the gratitude of Brother Guthrie, his family and friends. The BMW is proud to count men such as these among our membership, commending Brothers Shayne Brighton, Kent Jones and Barry Keates, as well as Dave Berni and the many other crew members for their selfless and heroic actions and we all wish Brother John Guthrie God Speed in his recovery. For those who would like to wish him well, send your letters to: Mr. John Guthrie c/o Box 3277, Revelstoke, British Columbia, Canada, V0E-2S0.



# ROLL OF HONOR

## 50 year MERIT AWARDS

NAME	SYSTEM	LODGE NUMBER	MEMBER SINCE
John K. Crawford	ICGF	1210	1950
Frank R. Winsky	AT&S	2403	1951

## 30 year MERIT AWARDS

NAME	SYSTEM	LODGE NUMBER	MEMBER SINCE
Jose T. Arellano	PACFED	0875	1963
Alberto Jimenez	PACFED	0875	1971
Federico G. Trejo	PACFED	0875	1964
David W. Watts	ICGF	1171	1972

## 20 year MERIT AWARDS

NAME	SYSTEM	LODGE NUMBER	MEMBER SINCE
Michael K. Graf	ASF	0287	1977
John A. Martinez	SP ATL	1254	1981
Roger D. Meridith	ICGF	2834	1975

## 10 year MERIT AWARDS

NAME	SYSTEM	LODGE NUMBER	MEMBER SINCE
Michael Anderson	BURL	0788	1992
Clifford E. Bottens	BURL	0788	1990
Murphy Evans Jr	ICGF	1171	1989
James R. Gaines	BURL	0788	1990
Roger A. Hale	BURL	0788	1990
Stanley M. Hoover	BURL	0788	1992
Kenneth Silk	BURL	0788	1991
Michael L. Zierfus	BURL	0788	1989

# DEATH BENEFITS

## Report of Claims Paid during May, 2002

NAME	LODGE NUMBER	SYSTEM	NAME	LODGE NUMBER	SYSTEM
EMIL NITSCHKE	0325	UN PAC	GUY F. BROGDEN	0437	C&NW
CHALMER C. ROBERTS	0225	AEF	HUEY L. SWIFT	1210	ICGF
MARVIN A. TOFTE	1763	BURNOR	JOSEPH M. GAMBILL	0654	ICGF
BOBBY M. MC PHERSON	1320	BURL	ALRED E. CLARK	1210	ICGF
JESUS F. ROMO	0875	PACFED	CLARENCE H. STOKES, SR.	0702	AEF
EARL W. DALE	2729	MO PAC	EUGENE W. PHILLIPS	0099	CMSTPP
HOWARD G. SPOONER	1481	SOO	J. K. MC LEMORE	2162	AEF
MOINE PRATT	1029	AEF	RAYMOND C. ROBINSON	1368	NE
LESLEY KENNEDY	1600	FRISCO	CHARLES A. GROVES	0694	ICGF
DAN MINETTI	0469	ICGF	HARLAN J. SHERMAN	1132	BURNOR
JOSEPH M. PETRONE	0482	CRSF	WILLIAM SWIENTACH	0318	WSF
HAROLD J. WIMP	1320	BURL	LIONEL BOISSELLE	1184	BMWE E
JAMES E. MC NUTT	1664	NPW&LE	DMYTRO HIRCHENKO	0419	CSF
THOMAS C. THOMPSON	1426	BURNOR	FLORIAN VACHON	0356	CSF
HAROLD S. HELLER	2780	CRSF			
ROBERT R. SCHINDEL	1923	CRSF			
RICHARD CHAFFIN	0613	ASF			
JOSEPH M. BARCZYK	3047	PENN			
WILSON W. ADKINS	0112	AEF			

PAID MAY 1, 2002 TO MAY 31, 2002..... \$16,500.00  
 AMOUNT PREVIOUSLY PAID..... \$44,536,989.75  
 TOTAL AMOUNT PAID TO DATE..... \$44,553,489.75  
 NUMBER OF CLAIMS PAID - 33

## Centenarians

Belated happy birthday wishes to four BMW brothers who recently celebrated their 100th birthday.

### Aurelio Herrera

A Compton, California resident, celebrated his 100<sup>th</sup> birthday on September 25, 2002. Mr. Herrera was last employed by the North Platte Railroad as a section laborer.

### Booker T. Robinson

A College Station, Texas resident, celebrated his 100<sup>th</sup> birthday on November 18, 2002. Mr. Robinson was last employed by the Southern Pacific Railroad as a trackman.

### Juan Hernandez

A Salt Lake City, Utah resident, celebrated his 100<sup>th</sup> birthday on December 8, 2002. Mr. Hernandez was last employed by the Union Pacific Railroad as a section laborer.

### Clarence S. Mason

A Douglas, Wyoming resident, celebrated his 100<sup>th</sup> birthday on December 10, 2002. Mr. Mason was last employed by the Chicago North Western Railroad as a section foreman.

### Malachi Ellison

A. Fairmont, North Carolina resident, celebrated his 100<sup>th</sup> birthday on December 25, 2002. Mr. Ellison was last employed by the Atlantic Coast Line Railroad as a section laborer.



## Report of Claims Paid during June, 2002

NAME	LODGE NUMBER	SYSTEM	NAME	LODGE NUMBER	SYSTEM
CLARENCE M. BRAMER	0397	BURNOR	PAUL L. PHILLIPS	3025	PENN
J. E. DORAIS	1316	BURL	LAUREL J. FISHER	1002	PACFED
RICHARD P. SCHLARB	1679	NPW&LE	HARRY J. MEYER	0928	SOO
LEONARD PAVLOCK	0895	CRSF	KIES N. CIANFERANO	3075	PENN
ARTHUR E SERPETTE	0226	ASF	JOSEPH W. ROBINSON	0735	BURNOR
MELVIN W. WAMPLER	1763	BURNOR	DWIGHT M. DICKERSON	3061	PENN
CHARLES A. JONES	0361	FRISCO	RAYMOND BERGRUD	1654	BURNOR
VIRGIL COUCH	1071	C&NW	RUDOLPH R. BILINSKI	0062	WSF
DEXTER P. HILES	0893	SOO	FRANK L. STOPPLER	0156	WSF
WILLIAM C. JEWELL	1402	UN PAC	ARTHUR VAN HEDDEGEM	0123	BMWE E
WILLIAM B. ANDERSON	0960	C&NW	FLOYD MARSH	0173	WSF
ANTHONY T. PERAKOVIC	0025	AEF	ALEXANDER F. MAC MILLAN	0386	BMWE E
GEORGE BROWN	2057	SEAB			
WILLIE MAGEE	0652	ICGF			
T. L. YORK	2838	SOU			
WARREN E. MUSSELMAN	1376	AEF			
PHILLIP G. PRATT	1159	NE			

PAID JUNE 1, 2002 TO JUNE 30, 2002..... \$14,500.00  
 AMOUNT PREVIOUSLY PAID..... \$44,553,489.75  
 TOTAL AMOUNT PAID TO DATE..... \$44,567,989.75  
 NUMBER OF CLAIMS PAID - 29

## Report of Claims Paid during July/August, 2002

NAME	LODGE NUMBER	SYSTEM	NAME	LODGE NUMBER	SYSTEM
EMIL A. AHNER	0407	PACFED	EDMOND P. VEILLEUX	0633	NE
LESTER GARRETSON	1025	MO PAC	JOHN S. STROUHAL	0800	BURL
BENJAMIN L. TWEED	0369	UN PAC	FRED RICCIARDI	0109	CRSF
AMADEO RAMIREZ	1634	SP ATL	LEON LITTERAL	3061	PENN
GEORGE BAUER, JR.	1300	AEF	EDWARD J. NADEAU	0347	CRSF
RAYMOND TAYLOR	1162	AEF	JESUS BARAJAS	1002	PACFED
ARTHUR A. SPEAR	1355	AEF	EDWIN E. WENDEL	0159	BURNOR
LOUIS C. SPIKER	0509	BURL	REFUGIO SANCHEZ	0735	BURNOR
R. L. CLEMENTS	0540	SEAB	LYLE D. WOOLEN	1316	BURL
NORBERT M. LEHNER	3089	PENN	ANTOINETT J. DUNN	0014	MT&PLS
BERNARD LENZEN	1788	C&NW	CHARLES E. HEARNS	0083	BMWE E
WILLIAM F. KEEMON	0090	NE	ONUFRI OLENIUK	0145	CSF
ARTHUR B. LUND	1906	CMSTPP	LEON GRAMS	0373	CSF
MICHAEL CHERVIN	3011	PENN	MICHAEL J. GLOWACHUK	0145	CSF
MELVIN R. HENDERSHOT	0887	CRSF	ROLAND QUIMPERE	0110	BMWE E
GEORGE L. LONG	3089	PENN	JOSEPHAT MONETTE	0190	CSF
ANTOINETT J. DUNN	0014	MT&PLS	WILLIAM RUSTON	0521	WSF
LYTH HARTZ	0893	SOO	ROLAND J. PICARD	0328	BMWE E
NORMAN C. SMITH	0158	BURNOR	JOSEPH PATOTO	0148	BMWE E
CASEY J. MC COLLUM	2401	AT&SF	PASQUALE DI TOMASO	0177	BMWE E
JOHN L. HELLER	2643	CMSTPP	WILLIAM A. MADIGAN	0244	CSF
HARRY M. JONES	0568	ASF			
WILLIAM M. BEECHLY	0927	SP ATL			
MELCHIOR LANG	1216	UN PAC			
RANDOLPH E. ARRINGTON	0599	ASF			
GEORGE MITCHELL	2800	CRSF			

PAID JULY 1, 2002 TO AUGUST 30, 2002..... \$23,500.00  
 AMOUNT PREVIOUSLY PAID..... \$44,567,989.75  
 TOTAL AMOUNT PAID TO DATE..... \$44,591,489.75  
 NUMBER OF CLAIMS PAID - 47

## Report of Claims Paid during Sept./Oct., 2002

NAME	LODGE NUMBER	SYSTEM	NAME	LODGE NUMBER	SYSTEM
ANDREW B. MOODY JR.	0616	ICGF	KENNETH KENNEDY	1210	ICGF
MICHAEL CHAVEZ	1196	PACFED	WILLIAM G. BENSUR	1664	NPW&LE
LAWRENCE AAKRE	0067	ICGF	OSCAR L. PENN	1315	AEF
WARREN G. CURRY	1715	MO PAC	MARVIN A. STIELY	2780	CRSF
JAKE SCHWARTZ	0306	BURNOR	LAUIER G. POULIN	1085	NE
EMIL J. KLUG	1983	CRSF	ORION R. NELSON	0076	CRSF
DANIEL GRUBKE	1664	NPL&LE	SAMUEL BACHICHA	0204	MT&PLS
SELVESTRE C. CALIBOSO	0389	BURNOR	JOE SPATH	0941	UN PAC
ROBERT L. CASHATT	1757	C&NW	RALPH L. PIERSOL	0249	BURNOR
SYLVESTER A. WOLF	0455	MO PAC	RICHARD A. GIGUERE	0337	BMWE E
JOSEPH BUCCERI	3008	PENN	ALPHONSE GAUTHIER	0328	BMWE E
HAROLD A. BARNEY	1368	NE	WILFRED J. MARTEL	0148	BMWE E
JOSEPH PROCKO	0164	PENN	GERARD GILBERT	0417	BMWE E
NOLAN G. MORRIS	3077	PENN	LOUIS J. CHOUINARD	1184	BMWE E
CLARENCE R. NYE	3061	PENN	ADRIEN GEMME	0187	CSF
LAWRENCE D. WISE	1664	NPW&LE	WILLIAM O. FRANCIS	0083	BMWE E
OSCAR L. ARP	1763	BURNOR	GEORGE W. LENTON	0307	WSF
COSIMO R. TARZIA	0164	PENN	ANGELO GRANDE	0148	BMWE E
FRANCISCO ALMODOVA	0508	PACFED	SEBASTIAN DOYON	0569	CSF
JOSEPH C. HERRERA	0875	PACFED	GAETANO BUCCI	0033	BMWE E
GEORGE MITCHELL	2800	CRSF	ROGER JANVIER	0180	CSF
RAYMOND R. SCOTT	2412	AT&SF	CHARLES W. HARPER	0919	BMWE E
ISADORE MISKAVIGE	1280	BURNOR	THOMAS E. FOREST	0307	WSF
HARRY CORBETT	0806	SOU	GEORGES L. HOLMES	0110	BMWE E
WILLIAM P. BISSEX	3089	PENN	MIKE DOROSH	0304	CSF
FRANK TERRY	1650	CRSF	THOMAS A. CARSTAIRS	0304	CSF
ROBERT M. WESTMORELAND	0725	AEF	EDGAR J. BRISEBOIS	0223	CSF
CHARLES J. WAID	0122	ICGF			
MATTHEW F. HALAJIAN	1055	BURNOR			
JOE MARBLE	1333	MT&PLS			
CHARLIE L. FOUST	2408	AT&SF			

PAID SEPT. 1, 2002 TO OCT. 31, 2002..... \$28,916.00  
 AMOUNT PREVIOUSLY PAID..... \$44,591,489.75  
 TOTAL AMOUNT PAID TO DATE..... \$44,620,405.75  
 NUMBER OF CLAIMS PAID - 58

## Report of Claims Paid during Nov./Dec., 2002

NAME	LODGE NUMBER	SYSTEM	NAME	LODGE NUMBER	SYSTEM
J. K. HAWKINS	2655	SEAB	RAY O. HAGGADONE	0176	CRSF
WILLIAM J. DAYBREST	1402	UN PAC	OLAF VELTIKOLD	0706	BURNOR
WARREN E. DUGGER, SR	0696	AEF	JIMMIE GETTIS	0017	ICGF
SYLVESTER A. WOLF	0455	MO PAC	RAYMOND C. SCHABEL	1296	BURNOR
FAYE L. SUTTON	1055	BURNOR	WILLIAM H. PACKARD	1071	C&NW
EVERETT WHITTEN	0381	C&NW	WILLIAM D. HAMMON	0788	BURL
JUAN RANGEL	0366	MO PAC	JOHN M. ANDERSON	1710	DM&IR
RAYMOND H. MOORE	2754	MO PAC	CHARLES E. ROBINSON	0379	WSF
ALBERT SALKOWSKAS	1489	SOO	STANLEY MIKAWOS	0307	WSF
LYNDON D. MC DANIEL	1041	MO PAC	OLIVIERE BOUCHARD	0337	BMWE E
CHARLES PARKSEY	3060	PENN	FAVILA TAILLON	0187	CSF
FRED L. JONES	1763	BURNOR	STEVE FRATTARUOLO	0237	CSF
ROBERT G. JOHNSON	1071	C&NW	STAN MUSIL	0181	CSF
WILLIAM C. WEATHERSTONE	0032	CRSF	TADEUSZ DEZYN	0145	CSF
JOHN F. HAMER JR.	1879	C&NW	AUSTIN GELDART	1149	BMWE E
RALPH V. BARTLETT	1318	NE	GREGORIO GRANDE	0307	WSF
DAVID P. LAUXMAN	0455	MO PAC	EARL E. REID	0173	WSF
EDGAR H. BLUSH	1216	UN PAC	MIKE PALIDINO	0205	CSF
FRANK P. RUMPF	1879	C&NW			
LESTER A. HARRISON	1085	NE			
NORMAN M. SCHRANTZ	0239	C&NW			
DANIEL GALINDO	0227	PACFED			
FLOYD T. LOONEY	0493	FRISCO			

PAID NOV. 1, 2002 TO DEC. 31, 2002..... \$20,000.00  
 AMOUNT PREVIOUSLY PAID..... \$44,620,405.75  
 TOTAL AMOUNT PAID TO DATE..... \$44,640,405.75  
 NUMBER OF CLAIMS PAID - 40

# BMW Legislative Issues – 108th Congress

BMW's Department of Government Affairs in Washington, D.C. is currently working on the following legislative issues. You may also track these issues and more at our main website [www.bmwe.org](http://www.bmwe.org) (clicking on the BMW Legislative link) or go to [www.bmwewash.org](http://www.bmwewash.org) for a complete legislative update.

## Transportation Appropriations (Amtrak)

A continuing resolution (CR) was passed by the House and Senate the week of January 6 to keep the government running through January 31 at 2002 domestic spending levels. A second CR, the vehicle for an omnibus appropriations package containing the 11 remaining fiscal 2003 appropriations' bills, has been put on hold until the Senate adopts a resolution formally organizing its 20 committees. After Senate approval, this CR will go to a conference in the House. Only defense and military construction appropriation bills were enacted in 2002.

In review, last July the Senate Appropriations Committee approved \$1.2 billion for Amtrak in its fiscal 2003 transportation bill. However, in September 2002, the House Appropriations Committee voted only \$762 million for Amtrak. Unfortunately, the new Republican controlled Congress does not bode well for Amtrak. The exact figure for Amtrak in the recently revised 2003 transportation appropriation's bill is unknown at this time. Anything less

than \$1.2 billion for Amtrak means significant cuts in service and jobs. BMW is urging Senate Appropriations Committee members to fight for \$1.2 billion.

## National Passenger Rail Legislation

Sen. Hollings (D SC) recently introduced the National Defense Rail Act (S 104), a bill that authorizes \$4.6 billion annually through fiscal year 2008. In addition to long-term funding for Amtrak, it includes a one-time \$1.3 billion authorization in 2004 for security needs and assessments, and also an annual authorization of \$1.55 billion to develop high-speed corridors outside of the Northeast Corridor. The bill mirrors S 1991, the passenger bill Hollings introduced last year that passed the Commerce Committee by a vote of 20-3.

BMW is working closely with Hollings' staff to ensure that employee protective language and language that defined an entity receiving funds authorized by that Act as a rail carrier is included in the legislation.

## Railway Labor Act Reform

The airline industry, which lost \$9 billion last year, is asking Congress to rescue the industry by revising the Railway Labor Act of 1926 to make it harder for unions to strike. This is the federal law that governs airline and railroad labor relations. Not all airlines have endorsed this effort. Delta and American are the primary promoters. Senator

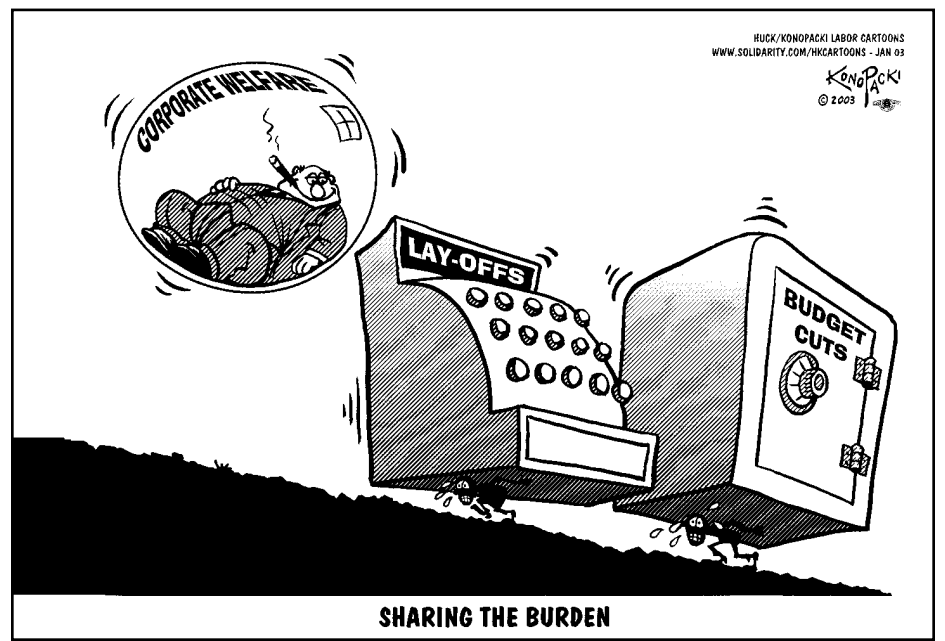
McCain (R-AZ), Chairman of the Senate Commerce, Science & Transportation Committee, held a hearing on Thursday, January 9, on the state of the airline industry. At the hearing Sen. Hutchison (R-TX) said she would support a proposal by McCain to amend the Railway Labor Act. Last year Senator McCain introduced a measure that would have changed the federal law by requiring that a panel of arbitrators quickly resolve disputes, thereby curtailing workers' ability to strike. The bill failed to pass. McCain did not address the measure at the hearing, however, it is likely to be reintroduced.

While discussion of reform is currently limited to the airline industry,

any tinkering of the Railway Labor Act will inevitably impact the railroad industry. It is unclear where the railroads stand on Railway Labor Act reform at this time.

## Federal Employers' Liability Act (FELA)

It is highly likely that a fight over FELA, the injury compensation law covering the railroad industry, will ensue this Congress as part of overall "tort reform" legislation. President Bush is well known for his penchant for "tort reform," and his distaste for trial lawyers and labor unions. Rail labor will be working closely with the Academy of Rail Labor Attorneys (ARLA) to ensure the preservation and protection of FELA.



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