

September 23, 2002

Jack Gaines  
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Association of Commuter Rail Employees  
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Dear Jack:

This is a response to your letter dated September 16th addressed to All Members of ACRE and MTA Metro-North Railroad. I guess that the ACRE is finally admitting and coming out of the closet as a company run union. Why else would you address this letter to all members of MTA Metro-North Railroad? What concern is it for all of M-N to know about this NMB decision and read your letter.

In your letter you state "they have decided to circle their wagons around the BRS in an effort to prevent members from voicing their democratic rights." I believe that you are mistaken here. The BRS now has gotten the International Presidents of the other rail unions to circle their wagons around the ACRE. You and the other officers of the ACRE have shown your arrogance and contempt for these International unions. The ACRE has challenged these International unions to try and stop the ACRE. The ACRE feels that it can raid the other unions on M-N's property and get away with it. Now that these other unions have joined together against the ACRE you complain and whine about it. You and your officers have lied to this membership and lead us down a road where we are isolated from the rest of the unionized labor force across the United States and Canada. Let us go back to your letter January 11, 2000 addressed to the members of M-N's Coalition. You state "I want to personally assure the other members of M-N's Coalition that we have no intention, desire or plans to have our new Association EVER expand beyond the transportation employees who form our community of interest (engineers, conductor / trainman, RTC's, yardmasters and power supervisors.) I thank you for your time and hope this letter clears up any misconceptions or misunderstandings." Strange that I do not see the BRS listed in this listing of transportation employees. Besides your new title of Director of Organizing, I guess that the interests of the ACRE have also changed. Why would the ACRE need a Director of Organizing if we would never expand beyond the transportation employees on M-N? Will the executive board ever inform this membership of this change in philosophy and ask us to vote on it?

In an ACRE letter to this membership dated Spring 2000, Volume 1, Issue 1, it states "the board is exploring the advantages and requirements of affiliating with the AFL-CIO." In your letter dated April 23, you state "ACRE continues to have a very positive working relationship with Sonny Hall and has never been turned down for affiliation by either the TWU or the AFL-CIO." Then how and why was the letter from Sonny Hall to Dan Pickett dated August 27th not explained to our membership? This letter states "Since ACRE has made the decision to raid other AFL-CIO rail affiliates, such as the BRS, there should be NO MISCONCEPTION that once ACRE stops its raiding of AFL-CIO affiliates, it somehow can be accepted into the AFL-CIO at some later date. THIS WILL NOT HAPPEN." Why hasn't someone from the ACRE addressed our membership concerning this major development? Does the executive board feel that this is not a concern for our membership? Without AFL-CIO backing we are cut off from the rest of the unionized labor force in this country. We have been effectively isolated.

The part of this letter which I find most frightening is the part which you state "to walk away from the Signalmen would have been contrary to the ideals on which ACRE was formed." Let us review some of this early information which was used to sway this membership to vote for the ACRE.

On December 15, 1998 in a letter to the membership you state "the UTU, suddenly fearing the loss of its entire membership to the BLE, argued that formerly recognized craft distinctions between Conductors and Engineers no longer existed and therefore a representational vote for a new craft should be held." On August 15th the NMB ruled "In dismissing the UTU's application to create a single operating craft on the Kansas City Southern Railway, the NMB ruled in the BLE's favor on a number of points to confirm that two distinct operating crafts exist on the Class 1 Railroad. The Board emphasized another major craft distinction in its ruling--the fact that locomotive engineers are Federally certified while conductors are not." Again this information has never been sent out to our membership

or explained. I guess that ACRE needs to keep us in the dark.

January 5, 2000 a letter is put out by the ACRE claiming "Furthermore, we can't be fooled into thinking the Internationals have much influence in Washington." To me from what I have been reading lately, maybe these Internationals do have some clout left. This letter also states "Remember the UTU is a renegade union operating under sanctions imposed by the President of the AFL-CIO, John Sweeney." At least the UTU is part of the AFL-CIO. The ACRE is a renegade union operating without any International backing or affiliation.

January 18, 2000 in a letter put out by the ACRE we are informed "On M-N we have moved forward IN SPITE OF AND NOT BECAUSE OF THE INTERNATIONALS." Under the BLE and in 1999 under the UTU the 14b and 17b issues were resolved for both crafts to be entitled to these penalty payments. Since March 2000 when the ACRE came to be in charge of our contract with M-N, we have lost the perimeters of our 14b and 17b turn around points in the middle of our contract and without our consent. The membership never voted on this important change to our contract with M-N. To make matters worse the ACRE officers who made this change refuse to release this document to our membership even though it is guaranteed to us under our ACRE Constitution.

On January 20, 2000 we receive a letter signed from Mike Doyle our General Chairman, Ronald DeAndrus, John Potthast and Richard Engel as Vice General Chairmen and Richard Gunderman as President. All of these officers at the time of this letter were under the authority of the BLE under Division 127. This letter contains four facts which we are to consider in our decision to vote for the ACRE. Here is an interesting fact, these five officers broke their oath of office to the BLE and the membership of Division 127 by signing and releasing this letter to our membership. What makes us think that these officers now will not resort to other illegal methods while officers of the ACRE. We are finally seeing the ACRE being reveled for what it truly is. How can we trust any of these officers with our livelihoods and contracts to protect our rights from M-N? Let us review the four important facts which these five officers felt that it was so important to explain to us that they broke their oath of office for.

Fact 1- "M-N employees who are members of the BLE belong to a union that has a very real chance of going out of business in the near future." This fact has been proven false with the NMB decision on the Kansas City Southern Railway. In fact the BLE is considering merging with the Teamsters to control everything which moves across North America on wheels.

Fact 2- "The war being waged between the UTU International and the BLE International involves issues that have absolutely no bearing on our employment with M-N. And yet, the outcome of their war will have a profound effect on each and every one of us." These five officers were right about one thing that the differences between the Internationals do not effect our EMPLOYMENT here on M-N. Now that the war is over between these Internationals for control over crafts, two distinct crafts will always exist, there is no need to fear these Internationals.

Fact 3- "The leadership of Division 127, the RTC's and Local 77 have demonstrated over the past six years that when we work together for our members' common good we can achieve so much more than we can working separately." We needed the ACRE to join these separate locals together so that they could work together for our common good. These officers told us that for the past six years they demonstrated that goals could be accomplished if they worked together against M-N, instead of trying to back stab everyone and race to the bargaining table. What is the Coalition all about. ACRE states that all crafts under their umbrella will be distinct and separate. So what have we really accomplished by forming the ACRE? Our officers have seen to it that we have been isolated from the rest of the labor movement. The ACRE must negotiate solely with the MTA at contract time. The MTA has an unlimited supply of money and time to keep the ACRE at bay. What resources does the ACRE have to take on the MTA? We can not even get a financial statement out of the ACRE.

Fact 4- "ACRE will provide us the resources to acquire office space in Manhattan and IT WILL ALSO ALLOW US TO REDUCE THE CURRENT DUES." So now we have an expensive office in the Graybar building which is dominated by other M-N offices, which our officers of Local 9 seldom use. This membership is still waiting for our promised dues reduction.

Of these four important facts from 2000 not much has been proven to be true by the ACRE over these past two and a half years. The only statement which had made any sense in this letter is the statement "The right to remain

independent and depending on the outcome of the Internationals war, the right to affiliate in the future or the right TO REJOIN THE BLE IN THE COMING YEARS IF WE DETERMINE THAT IT IS TO OUR ADVANTAGE.”

The only other information which has been provided to this membership is the fact that four of our officers are on M-N's payroll and collect a salary from the ACRE. They are Double Dipping this membership to perform the same work. Whose interests will these officers serve at contract negotiation time? Will it be for the MTA M-N which pays them a very large salary where they do not have to run trains? Or will it be the ACRE's where our salaries paid to these officers is much less and they would have to operate trains and then do ACRE work on their own time? Then we are asked “who do you trust?”

Jack I could go on and quote from the other letters but why bother. This ACRE union was built on a foundation of lies. Now cracks are beginning to show. Soon the ceiling will collapse and the walls will cave in. We members will have to pick up the pieces and determine what was right and what is right not only for our future but for the future of the next generation of engineers to come and work on M-N. This membership has some tough decisions to make with our elections approaching. Will the ACRE provide us with the truth and documents which are guaranteed to us under our Constitution to make informed educated choices? Or is an educated engineer ACRE's worst nightmare?

Sincerely,

James W. Ekberg

P.S. I have not received any reply from any of the other letters which I have sent out. So you are off the hook with this one. Just follow the example which has been set by our other ACRE officers.

Sent via certified mail