



**Transportation Research Forum**

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Book Review: [Understanding the Railway Labor Act](#)

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Wilner, Frank N. *Understanding the Railway Labor Act*. Omaha: NE: Simmons Boardman Books, Inc., 2009. ISBN 978-0911382594.

## Understanding the Railway Labor Act

by Gordon P. MacDougall

This is the author's second book on the subject of the Railway Labor Act (1926), 45 U.S.C. 151, et seq. The earlier book (Wilner 1991), referred to below as *RLA-Dilemma*, was the subject of comment by this reviewer in this Journal (MacDougall 1993).

Mr. Wilner's latest 172-page textual effort, *Understanding the Railway Labor Act (RLA-Understanding)*, is preceded (after his 5-page preface), by a 10-page introduction from Lawrence H. Kaufman, a long-time public relations (public affairs) spokesman for the Association of American Railroads, and several individual major rail carriers. Following the end of the Wilner text are four invited essays "In Defense of the RLA," from RLA sympathizers with a recognized background in railroad labor-management negotiations or litigation under the RLA.<sup>1</sup>

The author's preface and 11 chapters text of *RLA-Understanding* are accompanied by 58 pages of endnotes, bearing no less than 1,018 small-type size entries,<sup>2</sup> directing the reader to source material, chiefly newspaper or other press accounts, but also to some published books and treatises.<sup>3</sup>

What does Wilner's second effort on the Railway Labor Act, *RLA-Understanding*, add to or change in his *RLA-Dilemma*, written some 18 years earlier? The author is a prolific writer and a very hard worker on the computer. He is a known entity in the transportation field, but perhaps more as a journalist or publicist rather than as an expert or authority in the field of labor relations. Mr. Wilner's approach is not necessarily favored by some practitioners on the labor side,<sup>4</sup> and this reviewer opined (MacDougall 1993) *RLA-Dilemma* takes a partisan view of some features of management-labor relations in the railroad industry. The author does not appear to have changed his views in the intervening years, but the current *RLA-Understanding*, unlike *RLA-Dilemma*, does not take sides on sensitive subjects, such as secondary boycotts, lengthening the terms of National Mediation Board members, or forcing single representation for each craft or class on a merged rail system. Moreover, Wilner, in his current book, does not advance recommendations for "improving" the RLA. However, the author does mention some additional developments such as "interest" bargaining in his preface,<sup>5</sup> and includes a more comprehensive discussion of the railroad strike insurance plan history, among other embellishments not developed in his earlier work.

I suggest *RLA-Understanding* does have considerable value, with the Lawrence Kaufman introduction and the four essays, and a thorough compendium of reference citations for those readers seeking source material on various aspects of the Railway Labor Act and its workings.

The four invited essays, themselves, are of great value to an understanding of the RLA, particularly in dealing not only with its origins and history, but also with the practical mechanics of implementation on individual properties and with national handling. The four presenters have wide and varied backgrounds in rail labor-management relations. The four essays are ably written, short and precise, and should be easily understandable even for those with limited prior background in rail labor relations. Mr. Wilner is to be commended for his ability to gather these four authors, each with substantial background and standing in the rail industry, under one book cover.

## Endnotes

1. Harry R. Hoglander (Member & Former Chmn., National Mediation Board), pp. 173-78; Francis X. Quinn (Arbitrator), pp. 179-82 & App. 183-84; Kenneth R. Peifer (Ret. V.P., Labor Relations, CSX), pp. 185-91; Clinton J. Miller (Gen. Counsel, UTU), pp. 192-94.
2. An additional 15 endnotes cover the Kaufman introduction and the four outside essays.
3. The author's earlier *RLA-Dilemma* 118-page book is also replete with footnotes—some 436 in number.
4. See reviews by William G. Mahoney, longtime counsel for Railway Labor Executives Assn. and other labor organizations (Mahoney, 1991, and Mahoney, 2010).
5. See pp. ix-xi of *RLA-Understanding*. Interest-bargaining puts into play legislative support for carrier objectives, which Wilner says UTU has engaged in, in the trade-off of economic benefits between carriers and unions. It should not be confused with “interest-arbitration.” See Elkouri and Elkouri, 2002 (p. 1348), 2008 (p. 511), and 2010 (p. 533).

## References

Elkouri, Frank and Edna Asper Elkouri. *How Arbitration Works*. 6th ed. A.M. Rubin, Ed. Bureau of National Affairs, 2002.

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