

Federal judge orders US secretary of labor to respond to Will Lehman's lawsuit

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On Friday, the day after United Auto Workers presidential candidate Will Lehman filed his lawsuit to extend the voting deadline in the ongoing leadership elections, federal judge David M. Lawson entered an order requiring the US secretary of labor to respond to the case. The order instructs the federal government to take a position with regard to the issues raised by Lehman by close of business Monday.

In the lawsuit, Lehman contends that the UAW is violating the democratic rights of rank-and-file union members to free and fair elections by failing to give effective notice of the election, in which only 9 percent of eligible members have voted so far, and in which there have been widespread problems with workers requesting and receiving ballots in time to vote.

Lehman is requesting that the election deadlines be postponed 30 days and that effective measures can be taken to address these problems, which affect over 1 million workers and retirees eligible to vote in the election.

The current secretary of labor is Marty Walsh, who was the president of the Laborers' Union, a state representative in Massachusetts and the mayor of Boston before being appointed by President Biden to head the Department of Labor in 2021.

Lawson, a judge in the US District Court for the Eastern District of Michigan, who was nominated by President Clinton in 1999, has presided since 2020 over the US government's case against the UAW, *United States v. United Auto Workers*, which resulted in the consent decree and monitorship under which the current leadership elections are now taking place.

In that case on Friday, Lawson entered an order titled "Order Directing Government to Appear in the Matter of *William Lehman v. United Auto Workers*."

In the six-page order, Lawson began by referring back to the January 29, 2021 consent decree, which was a

consequence of a federal investigation that exposed rampant corruption and criminality at the highest levels of the UAW bureaucracy.

The Department of Justice, which conducted the investigation, described a systemic "culture of corruption" among the UAW senior leadership, which was characterized by "unethical, greedy, and self-indulgent behavior."

UAW officials were caught having spent millions of dollars of workers' dues money on private villas, electronics, luxury dining and golf clubs. One law enforcement raid found "piles of cash" stashed in a former UAW president's home. UAW officials were also caught taking bribes from agents of the corporations against which they were supposed to be representing the workers.

Under the consent decree, which was stipulated between the government and the UAW, Lawson appointed an independent monitor, Neil M. Barofsky, of the law firm Jenner & Block LLP, to oversee the implementation of reforms.

Among other things, the consent decree required the UAW to hold a referendum on the question of whether to change the method of electing the national leadership to a "one-member, one-vote" direct election process, rather than election via a convention of delegates, as the leadership elections had been conducted historically.

In his order, Lawson describes how this referendum passed by a margin of 63 percent to 37 percent at the end of last year, resulting in an amendment to the union charter at the 38th Constitutional Convention held by the UAW in July. Lehman, who was nominated at that same convention, is running on a platform of abolishing the UAW bureaucracy and transferring power to the rank-and-file.

"On November 17, 2022," judge Lawson wrote, "UAW member William Lehman filed a complaint which named

the UAW and the court-appointed Monitor as defendants.”

“In his complaint,” the judge continued, “Lehman alleges that the Union failed to provide effective notice of the election to its members, mainly due to numerous shortfalls in its methods of maintaining membership lists and distributing correspondence to members, and that as a result the union’s membership largely is unaware of the election or their right to vote.”

Lehman, the judge wrote, is “alleging that the Union has violated the rights of its members to vote and to have an ‘equal voice’ in elections of its highest officials,” citing statutes and cases that recognize that a union member can bring a civil lawsuit to assert these rights.

The judge continued: “Lehman alleges that because the Union failed to provide ‘effective notice’ to all its members about the timeline of the election, and failed in other ways to provide timely ballot access, the Union has frustrated the rights of members to cast their votes and to have their say in the election of IEB [International Executive Board] officials.”

“Shortly after the complaint was filed,” Lawson wrote, Lehman sought an “order that would (1) extend the deadlines for ballots to be requested and received by 30 days, and (2) direct the Union to undertake additional efforts to convey ‘effective notice’ to its members about the election.”

Lawson continued: “The motion is supported by affidavits of four union members including Lehman, two of whom attested that they requested ballots but have not yet received them.” These workers “also assert that among their co-workers ‘no one seems to know about the election,’ and one attested that there were ‘no notices about the election’ posted at her work site.”

“Lehman points out that, according to a running tally maintained by the Monitor on the internet, only slightly more than 94,000 ballots had been returned as of November 16, 2022, reflecting a similarly remarkably low turnout,” Lawson wrote.

“After reviewing the complaint in the *Lehman* matter and considering the allegations concerning the Union’s conduct during the election, as well as the allegations about the Monitor’s oversight of the election,” Lawson wrote, “the Court finds that the input of the government will be helpful—and perhaps essential—to a fully informed adjudication of the claims.”

Lawson went on to observe that “the Secretary of Labor, through the Department of Labor, Office of Labor-Management Standards (OLMS), is charged with the

principal duty of ‘ensuring the integrity of labor unions,’ and ‘ensuring union democracy,’ including by monitoring elections of union officials and undertaking appropriate enforcement action.”

On these grounds, Lawson ordered the government to file a response to Lehman’s lawsuit by close of business Monday, November 21, 2022, either by intervening directly in the case or by filing an *amicus curiae* (friend of court) brief. This expedited schedule is extremely short, giving the government effectively only one business day to prepare its response. Also on Friday, Lawson ordered the UAW and the monitor to file their briefs on the same emergency schedule.

After the judge’s rulings Friday, more workers continued to come forward to report not being able to vote in the election. On Saturday, Andre Spann, a UAW member at GM Arlington in Texas, told Lehman campaign volunteers, “I haven’t got a ballot yet.” Khristy Magee, who has 23 years’ seniority at the same facility, said she had not received one either, even though the deadline to postmark ballots passed on Friday, the same day as the judge’s order.

“Just got the ballot today,” said David Rivers, a worker with 38 years seniority at GM Arlington, meaning that the ballot arrived one day after the deadline to postmark it. “My wife hasn’t got one,” he added.

Unless the deadline is extended, only ballots received by November 28 will be counted beginning on November 29.

The judge’s order Friday does not mean that Lehman has won his case or that the judge will necessarily rule in Lehman’s favor. The decision on the merits of the case, including whether the deadline will be extended, is expected after arguments are heard in the case on Tuesday.



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