

Federal judge hears Will Lehman's lawsuit demanding extension of UAW election

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A federal district court judge heard arguments Tuesday afternoon in the lawsuit brought by United Auto Workers (UAW) presidential candidate Will Lehman to request a one-month extension of UAW election deadlines and ensure the right of all workers to vote. A decision is expected soon.

The case, *Lehman v. The UAW*, argues that the failure of the UAW and the court-appointed Monitor to properly inform members and ensure that they received ballots violates the rights of Lehman and all workers in the union to a fair election. According to the latest figures, only 10 percent of workers have voted, with a deadline of this coming Monday for ballots to be received by mail.

The arguments were heard by Judge David M. Lawson of the US District Court for the Eastern District of Michigan. The UAW and the Monitor filed separate documents arguing against Lehman's request for an extension, and the Labor Department submitted an *amicus curiae* ("friend of the court") brief opposing Lehman.

The hearing began with an exhaustive presentation of the issues in the case by Eric Lee, Lehman's attorney. Judge Lawson's questions to Lee were largely of a legal-technical character, asking him to respond to the arguments of the UAW, the Monitor and the US Labor Department that Lehman does not have "standing" to file the suit because he as an individual received a ballot and was able to vote.

Lee explained that the minuscule turnout violates the rights of all workers in the UAW, including Lehman. "900,000 members of the UAW have not voted. This is about the right to cast a vote in a meaningful election," Lee said. "The law says that casting a ballot is not enough. The right to vote must be *meaningful*." But this right is not "meaningful" when the vast majority of

workers are not able to vote because they have not been properly informed.

After addressing the technical questions, Lee spoke to the broader issues in the lawsuit. He noted that the entire process of informing workers about their rights was left in the hands of the UAW leadership, even though direct elections are only being held because of the massive corruption scandal that has engulfed the same leadership.

Lee noted that UAW Secretary-Treasurer Frank Stuglin was left in charge of the mailing lists even though he was cited by the Monitor itself for breaking the law and misusing union funds to campaign for himself.

Lee also cited a column in the *Detroit News* published by UAW President Ray Curry in October that noted the 14 percent turnout in the referendum last year. "We must do better," Curry wrote. "No matter which candidate a member supports, we can all agree that the future of our great union is too important for just 20% of our membership to decide."

Given that turnout is on track to be far lower than 20 percent, Lee asked, and given that the requested relief of a 30-day extension is so simple, why is the UAW leadership opposing it?

While Lawson questioned Lee mainly on technical matters, when it came time for the UAW and Monitor to reply, the exchanges focused more on the essential issue: Voter turnout.

Lawson interrupted UAW lawyer Richard Griffin's response to Lee with the question: "What is the reason the turnout is so low?" Griffin replied that "we don't have a good answer," but he pointed to the 2021 Teamsters election, which had a turnout of 14 percent, as justification. He did not note that turnout for the first ever direct election in the Teamsters, in 1991, was 28

percent, and that turnout in the next election, in 1996, was 33 percent. Griffin resorted to the argument that the measures taken by the UAW to inform members were “legally sufficient.”

Similarly, Lawson asked the lawyer for the Monitor, Michael Ross, whether the Monitor has “any concerns over the nature of the response, the anemic turnout,” particularly since the Monitor had said there were problems with the referendum. Ross replied that there is “no basis to conclude that it is a matter of concern.”

The conclusion of the hearing focused on the system used to communicate with the membership and mail out ballots, the Local Union Information System (LUIS), which was set up as an internal system of communication within the UAW apparatus. In response to Lawson’s questions, the Monitor described the LUIS as “the mechanism used to communicate between the locals and the International.”

Lawson replied, “Communication between the International and the locals, that kind of cuts out the membership.” He asked Ross whether, before the referendum, LUIS was ever used to distribute ballots in ratification votes or otherwise communicate with the entire membership. Ross deferred to the UAW’s attorney, Griffin, who remarkably said he did not know and would have to submit the information to the judge later.

Lawson asked Lee whether he knew how ratification votes were held for UAW contracts. “Through mass membership meetings and voting afterwards,” Lee replied. “We would be in favor of that method being used to inform the members about the election and distribute ballots.”

Late Tuesday evening, the UAW submitted to the court a supplemental response, which, while claiming that the LUIS system includes addresses of all members, acknowledged that it is “an information platform between the International Union and its Local Unions”—that is, a communication system for the UAW apparatus.



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