

Will Lehman files official protest with Department of Labor over illegitimate UAW elections

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On Wednesday, socialist candidate for United Auto Workers president, Will Lehman, filed a complaint with the Department of Labor's Office of Labor-Management Standards (OLMS) demanding the UAW election be re-run with the names of all candidates on the ballot.

The complaint also demands that the two law firms that make up the monitor—Crowell & Moring and Jenner & Block—be removed from the case due to conflicts of interest. Both firms have longstanding relationships with the auto corporations, including General Motors and other auto corporations with UAW contracts expiring this year.

On March 19, the Monitor officially denied Lehman's original protest of the first round of the UAW elections. That protest contained evidence that hundreds of thousands of UAW members did not receive notice of the UAW elections and therefore were unable to vote. The Monitor's response was submitted three months after the protest was filed and after voting in the second round was already completed.

Turnout in the first round was only nine percent, which Lehman's complaint notes is the lowest turnout in a union election for national officers in the history of the US. In its decision, the Monitor stated that "it is not clear that turnout was 'low,'" although a federal judge previously called turnout in the first round was "anemic" and "remarkably low."

Lehman's original protest includes evidence showing the UAW deliberately failed to update its mailing list—called the Local Union Information System (LUIS)—in order to disenfranchise masses of rank-and-file workers. It also documents the fact that UAW locals throughout the country did nothing to inform

members that an election was taking place.

The Monitor admitted that it did nothing to check whether specific locals with minuscule turnout—including those located on the West Coast—were updating the LUIS. "That's not my responsibility," said Crowell & Moring's Glen McGorty, who signed the denial of the protest.

In the complaint to the OLMS, Lehman states that the Monitor's response "fails to dispute the key facts of my protest and evinces total contempt for the democratic rights of rank-and-file workers. The response relies almost entirely on an unsigned and self-serving document submitted by the union leadership, but the credibility of that document is fatally undermined by the admission by outgoing UAW president Ray Curry that there was 'rampant disenfranchisement of UAW voters' in the election."

It also notes that the Monitor makes almost no reference to the massive corruption scandal that has engulfed the UAW apparatus, even though this is what forced the apparatus to hold direct elections in the first place. The Monitor accepts entirely the self-serving claim of the UAW itself that any reference to the corruption scandal consists of "backward looks" that have no relevance to the current election.

Lehman's complaint also contains new and damning information on the close relationship between the Monitor and the auto companies, requiring the Monitor's removal from a re-vote.

It cites a 2014 article in the *New York Times* stating that "Jenner & Block has done high-profile securities work for GM" as well as "product liability cases." It notes that the firm's website says it has represented GM in "product liability cases involving vehicle

incompatibility/aggressivity; crashworthiness; air bags; rollover/roof crush and seatbelts.”

It adds, “The relationship between GM and Jenner & Block is so close that in 2006 [GM] hired the head of corporate practice at Jenner & Block, Robert Osborne, as its general counsel.”

Jenner & Block represented GM when the company was accused of covering up ignition defaults that led to the death of over 100 people. The case was ultimately settled by the Obama administration, with no GM executives being held criminally responsible.

Lehman’s complaint notes:

It is worth recalling that in 1937, during the sit-down strike against GM in Flint, Michigan, the judge who issued an injunction against the strikers (Edward S. Black) was removed from the case after it was revealed that he owned 3,000 shares in GM. Here, the conflict of interest is even worse: my internal union protest against rampant voter suppression in the election was denied by a law firm which consists of lawyers that represent GM.

Crowell & Moring, the other law firm employed by the Monitor, also has deep ties to the auto companies. Its clients include Caterpillar, General Motors, Mazda, Bosch, Dana Inc., BMW, Daimler, Bridgestone, and other companies. Its own website states that the firm “regularly represents employers in collective bargaining negotiations and grievance arbitration matters, and advises clients in developing and implementing strategies to prevent (or, if necessary, minimize the business impact of) strikes, lockouts or other work stoppages.”

The relationships of the Monitor to the auto companies is particularly significant given its role in facilitating the UAW apparatus’ disenfranchisement of rank-and-file workers in the elections.

The Department of Labor complaint is the latest in a series of efforts by Lehman to defend the voting rights of rank-and-file UAW members. In November, Lehman filed a lawsuit in federal court against the UAW and monitor demanding the UAW leadership be made to provide actual notice to members of the election, but

the lawsuit was dismissed. The UAW, the Monitor and the Biden administration all opposed Lehman’s lawsuit.

Lehman’s complaint to the OLMS was filed as the UAW was holding its Bargaining Convention and days after the Monitor announced the victory of Shawn Fain in the second round of the elections. Fain, who can be called “president 3 percent” due to the fact that only 3 percent of rank-and-file members voted for him, has no legitimacy and was elected as a result of mass disenfranchisement.

The elevation of Fain, a longtime leading member of the UAW bureaucracy who has postured as a reformer, will not resolve the deep-going crisis within the apparatus as a whole, which is rooted in the growing anger of the rank-and-file over decades of concessions and extreme levels of exploitation. The leadership that has emerged from the UAW is illegitimate and does not reflect the will of the rank-and-file.

The Bargaining Convention itself confirmed that the change in the guard at the top will not alter the pro-corporate character of the apparatus. Delegates rejected a series of toothless proposals, including one that would commit the UAW to “go on official record” in supporting cost-of-living adjustments (COLA) in all contracts.

This is in line with Fain’s own statements that it is necessary to beat back the “unreasonable expectations” of rank-and-file workers in contracts this year.

The election was intended to provide the UAW bureaucracy with an aura of legitimacy as it prepares to impose a new round of concessions. However, it has done the opposite, while exposing the role of the Monitor, the courts and the Biden administration in upholding and defending the apparatus.



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