

Will Lehman responds to Department of Labor decision denying access to former UAW President Ray Curry's election protest

Will Lehman
16 April 2023

On Saturday, April 15, rank-and-file candidate for UAW president Will Lehman sent the following message to Thomas Murray, Detroit-Milwaukee District Director of the Department of Labor's Office for Labor-Management Standards. On Thursday, April 13, Murray had sent Lehman's attorney a letter denying Lehman's request that the Department of Labor provide access to the protest of the UAW election filed by former UAW President Ray Curry. The previous week, the court-appointed UAW monitor had rejected Lehman's request for access to Curry's protest.

Following Lehman's response is the exchange between Lehman's attorney and Glen McGorty of the monitor's law firm Crowell & Moring, whose clients include General Motors, Dana, Caterpillar, Bosch and several other auto corporations.

To learn more about Lehman's campaign for UAW president and to contact him, visit willforuawpresident.org.

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April 15 letter by Will Lehman to Thomas Murray, Detroit-Milwaukee District Director of the Department of Labor's Office for Labor-Management Standards

Mr. Murray,

I received your email denying my request that the Department of Labor provide me with access to the contents of Ray Curry's protest. In his protest, the former UAW president presents evidence of how the UAW apparatus committed "massive disenfranchisement" of "tens of thousands" of members in the UAW election, which saw the lowest turnout (9%) of any national union election in American history.

Your decision denying me access to the contents of Curry's protest will make this whole process fundamentally unfair.

You write that the Department of Labor "cannot confirm or deny any information related to other active election or other type of investigations we may have ongoing." You also write, "OLMS policies prohibit staff from showing or providing copies of any case-related internal documents or other nonpublic information to anyone outside OLMS."

There is no valid reason for such secrecy. It is public knowledge that Ray Curry filed a protest over the election. In a March 17 public statement, Curry's campaign said it "filed a protest with the monitor over numerous issues that have arisen which affect the integrity of the election and its outcome." As of April 14, the

Curry Solidarity Team website features a statement acknowledging that his campaign "previously filed allegations of election violations and they will be investigated." Numerous newspaper articles reference the fact that his campaign filed a protest.

While some protective secrecy might be reasonable in protests filed by rank-and-file members fearful of retribution, this is clearly not the case here. Ray Curry was the president of the union when he filed this protest. His statements about "massive disenfranchisement" are not merely allegations out of left field, they are admissions by someone who was a direct witness of or participant in the disenfranchisement itself.

Curry's protest is not only relevant to my protest, the information it contains is *necessary* for me to develop a record and make my arguments.

First, the monitor's decision denying my protest stated that my claims of massive disenfranchisement were "unsubstantiated," "uncorroborated" and "vague." The fact that the president of the union filed a protest alleging massive disenfranchisement clearly substantiates and corroborates my claims.

Second, I need access to Curry's protest in order to challenge the reliability of the legal brief which the UAW submitted to the monitor on March 17 in response to my protest. This unsigned brief claimed the election was conducted without problem, and that no workers' rights were violated. The monitor relied heavily upon this brief in its denial of my protest. But Curry's protest, which he announced the day before, on March 16, shows that the UAW's response brief is not reliable and that it intentionally left out evidence of disenfranchisement that the UAW knew at the time.

Third, Curry's statement references specific issues that I also raise in my protest, including, most importantly, the refusal of the UAW to update the mailing list used to provide notice of the election to the rank and file. The monitor claims I did not provide evidence to corroborate my claim that the Local Union Information System ("LUIS") was not updated, but now I am being denied access to evidence that would clearly allow me to corroborate this element of my complaint.

Ray Curry would know about the LUIS system, because his finance secretary, who ran on the same slate as he did, Frank Stuglin, was responsible for updating it. Curry's protest evidently includes information about how "tens of thousands" of ballots

were essentially thrown out using this system. The real number is almost certainly in the hundreds of thousands. I have a right to access this information.

There is no legal authority for withholding any of this information from me or from the rank and file. In your letter you fail to cite any section of the Labor-Management Reporting and Disclosure Act, any section of the federal regulations, or any section of your internal policy guidebook to support your decision.

The LMRDA's preamble states that its purpose is "to provide for the reporting *and disclosure of*" the "practices of labor organizations and employers" in order "to prevent abuses."

So far the UAW election has been conducted in flagrant violation of this basic principle. There was only 9 percent turnout, the lowest in the history of any national union election in the United States. Turnout in some major locals was as low as 0.26 percent.

When I filed a lawsuit warning of low turnout in November and asked the court to force the UAW to inform the rank and file an election was taking place, the judge dismissed my case. The law firms that comprise the court-appointed monitor, Crowell & Moring and Jenner & Block, are corporate lawyers who represent GM, Dana Inc., Caterpillar, and many other auto corporations, and helped suppress the vote on behalf of their corporate clients in the run-up to the Big Three contract expiration this year. Their denial of my protest constitutes a massive conflict of interest.

Your decision denying me access to the contents of Curry's report indicates that the Department of Labor is joining in the cover-up. I have an interview with the Department of Labor scheduled for this week. Last week, an investigator from the Department of Labor told my lawyer that you would send me a list of subjects you plan to ask me about in my interview, but then we were informed you would not do this. This affects my ability to prepare.

Don't forget that the reason there even was an election was because the bureaucracy was robbing the rank and file of our dues and accepting bribes from the corporations. I believe this process should be as open and transparent as possible, so that the UAW's 1.1 million members can make their own informed decisions about whether the election was fair or not.

I will proceed with the Department of Labor interview next week, but only under strong protest.

Will Lehman

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April 6 letter from Lehman's attorney to Glen McGorty of the monitor:

Mr. McGorty,

I am writing once again to demand the monitor provide Mr. Lehman with a copy of Ray Curry's protest, including all attachments. I wrote you on March 31 asking for the legal basis for your March 28 decision to withhold this material, and you failed to provide one. Mr. Curry's campaign did not provide me with their protest upon my request. Today I spoke to Ms. Kelly Casperson at the Department of Labor, who suggested I request these

documents once more from you.

First, as a rank-and-file member of the UAW, Mr. Lehman has a right to access information contained in Curry's protest relating to the fairness of the election.

Second, the protest and its contents are not plausibly covered by any claim of secrecy, privilege, or confidentiality. You have pointed to none.

Third, and most importantly, the contents of the documents you are withholding bear directly on the merits of Mr. Lehman's challenge to the election.

Mr. Lehman has a right to impeach the UAW's unsigned March 17 brief, upon which your office relied in reaching its conclusion that the election was conducted fairly. The truthfulness and credibility of this document were undermined by then-president Curry's March 16 statement that the election involved "massive disenfranchisement." Mr. Lehman must have access to the contents of Curry's protest, or the Department of Labor's adjudication process will be rendered fundamentally unfair.

Please reply with the full text of Curry's protest, including any and all attachments or exhibits, by Monday April 10.

Eric Lee

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McGorty's response, dated April 10, 2023:

Mr. Lee,

As we informed you on March 28, 2023, the Monitor does not make public election protests filed with the Monitor's office.

Best,

Glen McGorty

On Behalf of the Monitor



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wsws.org/contact