

Federal judge rebukes monitor for withholding details of protests over UAW election

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On June 16, the corporate law firms responsible for “monitoring” the UAW election filed a status report in federal court noting that the firms had “certified” the first and second rounds of the election, which took place in the fall of 2022 and spring of 2023. The monitor’s announcement is an attempt to legitimize the presidency of Shawn Fain, who was anointed by the union bureaucracy in a fraudulent election in which he won the votes of just 3 percent of the UAW’s 1 million rank-and-file members.

However, less than a week later, David Lawson, federal judge for the Eastern District of Michigan, issued a ruling publicly rebuking the monitor for failing to explain the extent of the official protests which had been filed over the election results. The order does not indicate that the court has approved the monitor’s certification.

The monitor’s June 16 report, signed by Jenner & Block attorneys Michael Ross and Neil Barofsky, concludes by downplaying the protests filed by Will Lehman, Ray Curry and others—none of which it mentions by name—over the bureaucracy’s conduct of the election.

Lehman, a rank-and-file worker at Mack Trucks who ran for UAW president, documented in his protest—as well as a subsequent appeal to the Department of Labor—how turnout was only 9 percent in the first round of the UAW’s national elections because the bureaucracy systematically attempted to prevent workers from learning an election was taking place. At some major locals, turnout was below 1 percent.

In attempting to legitimize this fraudulent election, the monitor law firms are carrying out the dirty work of their corporate clients in the auto industry, who want to silence the rank and file. Jenner & Block is a law firm which has represented General Motors for decades. The other monitor firm, Crowell & Moring, also represents

numerous auto corporations, including GM, Dana, Caterpillar and other companies. In March, Crowell & Moring corporate lawyer Glen McGorty had rejected Lehman’s protest, stating “it is not clear that turnout was low.”

The monitor’s June 16 report concludes that “the monitor has now resolved all protests of the Election” and “therefore, the monitor is filing this report to certify those results.” It then adds, in passing, that “although all such protests have now been resolved by the monitor, some of the protesters have appealed—or still have time to appeal—to the Department of Labor. Several protests remain pending before DOL.”

Judge Lawson’s order expressed dissatisfaction with the monitor’s attempt to downplay and skirt over the content of the protests and Labor Department complaints, which have been filed by Lehman, Ray Curry and an as-yet unknown number of additional individuals. In a rare public chastisement, Lawson’s order of June 22 does not express support for the certification. It explains:

On June 16, 2023, the Monitor submitted his seventh status report of activities undertaken to enforce the defendant’s [the UAW’s] compliance with the consent decree. In his report, the Monitor stated that all complaints submitted to the Monitor about the 2022 UAW International Officer Election were “resolved by the Monitor by June 15, 2023.” However, the report also indicated that some of the complainants have exercised their rights to appeal to the Department of Labor for review of the disposition of their election grievances, and that the time for appeal of the Monitor’s election rulings had not yet expired for

other complaints. The report included no details about the substance or procedural posture of any of the election complaints. The Court therefore will direct the Monitor to submit a supplemental report with those additional details.

The fact that Lawson chose to take up the monitor in such a blunt and public manner testifies to a high level of concern over the illegitimacy of the election. With the Big Three and other major UAW contracts expiring in the coming months, the government and corporations are worried that masses of autoworkers view the Shawn Fain administration as totally illegitimate.

Lawson's order concludes:

Accordingly, it is ORDERED that the Monitor shall submit a supplemental report specifying (1) the number of election complaints received and resolved by the Monitor, (2) the names of the complainants for each complaint, (3) a brief summary of the allegations of election defects in each complaint, (4) the Monitor's disposition of the complaint, (5) an indication whether the disposition of the complaint has been appealed to the Department of Labor, (6) if the complaint was appealed, the present status of the appeal before the agency, and (7) if the complaint was not appealed, the time when the complainant's right to appeal expired or will expire.

The judge's order presents a crisis for the monitor, which has worked systematically to block publication of information related to other protests over the conduct of the UAW election. In April, rank-and-file candidate Will Lehman demanded the Monitor provide a copy of former president Ray Curry's protest over the election results. The monitor denied this request without explanation, and the Department of Labor similarly refused to provide the protest.

On April 16, Lehman wrote the Department of Labor to protest their refusal to provide his campaign a copy of Curry's protest:

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.

In November, before voting concluded in the first round of the election, Judge Lawson presided over and denied a lawsuit filed by Lehman demanding that voting deadlines be extended and that the UAW take action to actually inform the membership that an election was taking place. Lawson acknowledged that the method the UAW bureaucracy used to provide notice "kind of cut out the membership," but refused Lehman's reasonable requests to take action.

Following Lawson's recent rebuke of the monitor, Lehman told the *World Socialist Web Site*, "The monitor's attempt to legitimize the UAW election is falling apart. Even Judge Lawson, who refused to take action to prevent mass disenfranchisement when he had the chance, is now concerned over the fact that the election is widely considered to have been a fraud. I repeat my demand to be given access to Ray Curry's protest, as well as all other protests filed both with the monitor and Department of Labor. My campaign must be given access to these documents immediately, before the June 29 deadline by which the Department of Labor must adjudicate my complaint."



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