

Biden administration's Department of Labor denies Will Lehman's complaint protesting UAW election disenfranchisement

Marcus Day
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In a cynical and politically motivated decision, the US Department of Labor's Office of Labor-Management Standards (OLMS) on Thursday rejected the election complaint filed by Will Lehman, a rank-and-file worker at Mack Trucks and 2022 candidate for president of the United Auto Workers. Lehman's complaint had charged the UAW bureaucracy with widespread and deliberate voter suppression in the union's national elections last year.

While not surprising, the move by the Biden administration's Department of Labor (DOL) to ignore all the evidence compiled by Lehman and other rank-and-file workers of systematic disenfranchisement further underscores the complete illegitimacy and anti-democratic character of the UAW elections.

In a letter dated June 29, 2023 to Lehman, which he shared with the WSWs, Tracy L. Shanker, the DOL's chief of the Division of Enforcement, denied his complaint without explanation or addressing any of the evidence it presented, claiming that "a statement setting forth the basis for this decision will be mailed to you at a future date."

The letter in its entirety reads:

Dear Mr. Lehman:

Your complaint to the Department of Labor protesting the December 2, 2022 election of officers in United Automobile, Aerospace, and Agricultural Implement Workers (UAW) in Detroit, Michigan has been investigated pursuant to Sections 402 and 601 of the Labor-Management Reporting and Disclosure Act of 1959.

Following a review of the investigative findings by this office and the Office of the Solicitor,

Division of Civil Rights and Labor-Management, a decision has been made that those findings do not provide a basis for action for the Department to set aside the protested election.

A statement of reasons setting forth the basis for this decision will be mailed to you at a future date.

Sincerely,

Tracy L. Shanker

Chief, Division of Enforcement

Lehman's December 2, 2022, protest over the UAW elections, filed with the court-appointed UAW monitor, extensively documented the ways in which the union bureaucracy worked to keep rank-and-file UAW members in the dark about the elections and suppress turnout. Untold numbers of workers were never provided notice of the first-ever direct national elections in the UAW's history, resulting in an abysmally low turnout in the first round of just 9 percent. In some large locals, particularly of academic workers on the West Coast, turnout was less than 1 percent.

The UAW apparatus refused to take measures to update its Local Union Information System (LUIS) database with workers' current addresses, Lehman's protest had shown, leading many workers to never receive ballots. In fact, a larger number of ballots were returned due to bad addresses than were cast in the first round of the elections.

Commenting at the time on a lawsuit that Lehman had filed in November, David Lawson, federal judge for the Eastern District of Michigan, had acknowledged that turnout was "anemic" and "remarkably low," and that the LUIS database "kind of cut out the membership." Nevertheless, Lawson sided with the UAW apparatus, the monitor, and the DOL—all of whom lined up against

Lehman's demand to extend the election deadlines and take serious measures to inform all UAW members of the elections.

On March 19, the UAW monitor—which admitted it did nothing to ensure that the UAW apparatus was updating the LUIS system—denied Lehman's protest, relying for its decision almost entirely on an unsigned document submitted by the UAW's leadership. However, the attempt by the UAW apparatus to brush aside Lehman's evidence of voter suppression was swiftly undermined by the admissions of incumbent UAW President Ray Curry, who acknowledged (for his own electoral reasons) that there was "rampant disenfranchisement of UAW voters in the election."

On March 29, Lehman appealed the monitor's decision.

In his complaint to the DOL, Lehman had demanded that the UAW elections be re-run with all the names of all the candidates from the first round appearing on the ballot. In addition, Lehman had called for the removal of the corporate law firms which comprise the UAW monitor—Jenner & Block and Crowell & Moring—based on the blatant conflicts of interest which had been uncovered. Both firms have long served as legal representatives for major corporations in the auto industry, including General Motors and other companies who have contracts with the UAW.

Less than two weeks ago, Judge Lawson issued a ruling publicly rebuking the UAW monitor for withholding the details of the election protests in its status report filed with the court. Lawson ordered the monitor to release the details and status of the protests it had received, which the monitor has yet to do.

The decision by the Department of Labor is a transparent effort by the Biden administration to prop up the UAW apparatus and the administration of UAW President Shawn Fain, who received the votes of just 3 percent of the UAW's more than one million rank-and-file active and retired members. The White House hopes to grant some appearance of legitimacy to the fraudulent UAW elections. The Democratic Party is particularly anxious to shore up the stability of the UAW apparatus heading into the September 14 contract expirations for 150,000 Ford, GM and Stellantis autoworkers.

The UAW's so-called direct elections—which the union's entrenched bureaucracy had opposed—only came about following the emergence of a rampant corruption scandal, which sent roughly a dozen top union officials, including two former presidents, to prison for accepting corporate bribes or embezzling workers' dues. Despite

the attempts to present the UAW as "cleaned up," a memo from Fain recently cited by the *Detroit News* indicated that there are "ongoing federal investigations of UAW officials."

The silence of Fain and the Unite All Workers For Democracy (UAWD) caucus—which is backed by the pseudo-left Democratic Socialists of America—on the evidence of voter suppression explodes their pretensions to be "reforming" the UAW and implementing "democracy" and "transparency."

In reality, the UAW bureaucracy, the White House, the courts and all the institutions of the capitalist state have nothing but contempt for the democratic rights of workers.

Lehman, a socialist, was the only candidate running for UAW president on a program to abolish the pro-corporate union apparatus, put power in the hands of the rank and file, and unite workers around a common international strategy.

"This is a bogus decision which deprives hundreds of thousands of rank-and-file UAW members of the right to participate in a meaningful union election," Lehman told the WSWS Thursday. "For politically motivated and illegitimate reasons, the DOL ignored all the evidence that the UAW bureaucracy deliberately worked to suppress turnout and keep workers in the dark about the elections.

"As they did when they banned a strike by rail workers and imposed a contract that workers had been voting against last year, Biden and the Department of Labor have again demonstrated that the state is an instrument of class rule, and that 'union democracy' is a fiction.

"But whatever they think, this decision will not end the crisis gripping the UAW apparatus. The state's 'blessing' of the UAW elections will only make them more illegitimate in workers' eyes.

"This decision only underscores the need to abolish the apparatus and put power and decision-making in the hands of workers on the shop floor. To my fellow workers: if you want to fight for workers' power and our common interests, join or form a rank-and-file committee at your plant, get involved with the International Workers Alliance of Rank-and-File Committees, and become a part of this movement."



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