

Under court order, UAW monitor admits to existence of widespread protests over voter disenfranchisement

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26 July 2023

On Tuesday, lawyers for the court-appointed monitor overseeing the 2022-23 UAW election filed an updated post-election status report. The report revealed, for the first time, that three national candidates and a wide range of UAW members filed protests warning the monitor that the election was unfair because masses of members never received ballots and could not vote.

Tuesday's filing came after the monitor first submitted its status report on June 16 without revealing that so many candidates and members had filed protests demanding the election be re-run. The monitor law firms, Crowell & Moring and Jenner & Block, wanted to keep this explosive material secret to promote the illusion that the election was fair. They only submitted this information after a federal judge, David Lawson, ordered them to on the grounds that their June 16 report "included no details about the substance or procedural posture of any of the election complaints."

The filing substantiates the protest and complaint filed by rank-and-file socialist candidate Will Lehman, who is now suing the Department of Labor to demand the election be re-run with actual notice to all members. The election was clearly a fraud. The combined vote totals for the candidates who have filed protests on the grounds of mass disenfranchisement is 101,883, while Shawn Fain was proclaimed president after winning just 69,459 votes.

The filing shows that the monitor law firms rejected every single protest related to election notice, claiming each was "unsubstantiated."

The filing reveals that incumbent UAW president Ray Curry did, in fact, file a protest with the monitor stating that notice of the election was "inadequate" and that there were "many instances where voters had difficulty procuring timely replacement ballots." The monitor previously refused to provide a copy of the protest to Lehman's campaign, and the Department of Labor refused to "confirm or deny" that one had been filed.

The filing says Curry also submitted evidence that management received ballots in at least two instances, and that the monitor rejected the overall protest as "unsubstantiated,"

ruling that the UAW "took reasonable steps to update the union's mailing lists such that ballots were mailed to members' last known addresses." The Curry campaign submitted a formal appeal to the Department of Labor on July 12.

The updated status report shows that independent vice-presidential candidate Sharon Bell submitted numerous protests, including one asserting "many of my voters did not get my campaign flyer or messages" because the UAW's mailing list "was not up to date." As proof of this, Bell explained that she herself did not receive election information. When she inquired as to why, she was told by the official election vendor that she was not listed on the "UAW International National Roster," despite having been a UAW member for many decades.

The monitor responded by dismissing Bell's protest, claiming it "lacked specifics about how any particular issue impacted Ms. Bell's ability to transmit campaign literature."

A wide array of members also filed protests explaining that they or their coworkers did not receive notice of the election. These protests show that Lehman's claims about the problems with the mailing list and ballot access are substantiated by the experience of masses of members.

For example, Henry Bertog filed a protest on March 19, 2023, stating that "notice of the 2022 Election and Run-Off Election was inadequate as every member did not have an opportunity to cast a ballot" (according to the monitor's summary). The monitor summarizes Bertog's protest, saying he "alleged the Monitor had demonstrated a 'conflict of interest,' 'lack of effort,' and 'extreme bias and favoritism.'"

The monitor's response to the conflict-of-interest claim was to assert there was "no evidence" for this, "nor was the Monitor aware of any evidence" to "substantiate the allegations that the monitor had a conflict of interest" or "lack of effort."

Another UAW member, Nicholas Greco, filed a similar protest on December 9, 2022, stating that "the notice of the 2022 Election provided to UAW members was insufficient because not all union members received ballots and that the Curry Solidarity Team slate and Monitor worked together to

deny certain members the right to vote in the 2022 Election” (again, according to the summary). Even though Greco also asserted the monitor was responsible for collaborating with the entrenched leadership to suppress turnout, the monitor found itself innocent and said, “all allegations, including that members were denied the right to vote and that there was legally insufficient notice of the election, were unsubstantiated.”

These protests reveal a growing understanding among the rank-and-file over the monitor law firms’ conflict-of-interest. The monitor’s initial decision to not make public any details of the protests was in part aimed at downplaying this.

A third member, Sharon Williams, filed a protest on March 27, 2023, which the monitor summarizes as following: “Ms. Williams alleged that she did not receive a ballot for the Run-Off Election, without specifying the legal basis for a violation.”

One former local recording secretary, Cheryl Stubblefield, filed a protest on March 21, 2023, noting, in her own words, that “several members received incomplete ballots or in some cases no ballots at all.” She stated that there was “mishandling of this process” which “disenfranchises our membership and prohibits the equal opportunity right to vote” and “creates an unfair disadvantage in the overall count process for elected officials.” The monitor denied this protest too, asserting that there was no evidence to support her claims.

The monitor’s updated status report also shows that longtime UAW member Tom Laney filed a protest on March 30, 2023, demanding that the monitor respond seriously to the evidence provided in Lehman’s protest.

Citing Laney’s protest, the Monitor summarizes it as follows: “Mr. Laney alleged that the notice of the 2022 Election and Run-Off Election was insufficient, citing low turnout and noting that ‘UAW Presidential Candidate Will Lehman has provided evidence that thousands of members received no notice of this election’ and ‘former UAW President Ray Curry has substantiated this evidence.’”

The monitor says it found these allegations “without merit,” though it does not provide any rebuttal to Laney’s claims about turnout, specific evidence submitted by Lehman, or Curry’s admissions.

On at least one occasion, the monitor tried to prevent a protestor from exercising his right to appeal to the Department of Labor. When John Weyer submitted a protest on August 22, 2022, asserting that Curry slate candidates were using union resources to campaign at union events, the monitor not only denied his protest but refused to even tell him it had done so, stating that because Weyer had not responded to a prior attempt to contact him, “the Monitor did not inform him of the rejection of the protest. Mr. Weyer had the right to appeal to DOL three months after filing his complaint with the Monitor, but did not do so.” The monitor does not explain how he would have received the denial and learned of the need to appeal.

The updated status report also indicates that the Department of Labor’s Office of Labor-Management Standards (OLMS) refused to seriously investigate Will Lehman’s protest.

An affidavit from Neil Barofsky attached to the status report update states that in response to independent vice presidential candidate Sharon Bell’s protest, which also asserted that the election was a fraud conducted without notice, “OLMS notified the UAW and the Monitor of the agency’s preliminary findings and requested that the UAW and the Monitor provide additional information pertaining to three of the complainant’s allegations. Specifically, OLMS requested additional information related to the efforts taken to obtain accurate mailing addresses for mail notice of the election and ballot packages to UAW members during the November 2022 officer election.” But the UAW’s summary of its investigation into Lehman’s complaint indicates that it made no similar request.

In addition, a total of nine complaints were filed with the Department of Labor, which denied seven and has yet to adjudicate two filed in May and July. Lehman’s is the only decision that did not provide a statement of reasons. The three-sentence denial simply stated it would provide a reason “at a later date.”

This court filing on complaints and protests, issued only under court order after the monitor first failed, further exposes the election as a sham. The media, the monitor, the auto corporations and the UAW bureaucracy have used the election to prevent rank-and-file workers from electing Lehman, who called on workers to abolish the UAW apparatus and transfer power to the rank and file. With strikes spreading across the world and contracts expiring for nearly 200,000 UAW members in the coming months, the political establishment is desperate to prevent rank-and-file autoworkers from taking power into their own hands.

Earlier this month, Lehman sued the Department of Labor demanding the election be re-run with actual notice for the membership. The Department of Labor’s deadline for answering the complaint is approaching.



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