

# US Labor Department uses spurious arguments to reject Will Lehman's election complaint, sanctions disenfranchisement of UAW members

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The US Department of Labor's Office of Labor-Management Standards (OLMS) has sent a letter to Will Lehman, the rank-and-file Mack Trucks worker and socialist candidate for United Auto Workers president, attempting to justify its denial of Lehman's complaint over the disenfranchisement of hundreds of thousands of UAW members during the 2022-23 union election.

On June 30, Biden's Department of Labor denied Lehman's challenge over the conduct of the UAW election, in which only 104,000 of the union's 1.1 million active and retired members participated, the lowest turnout by percentage of any union election in US history. The officials ignored the overwhelming evidence presented by Lehman which detailed how the UAW bureaucracy failed to follow court orders to update members' mailing addresses or adequately publicize the election.

Lehman also exposed the gross conflict of interests of the two law firms used by the court-appointed UAW Monitor to oversee the election process, including their close connections and ongoing legal work for General Motors and other auto companies with UAW contracts. Providing no explanation for its decision, the Labor Department's three-sentence ruling ended with, "A statement of reasons setting forth the basis for this decision will be mailed to you at a future date."

In her August 8 letter to Lehman, the Chief of the OLMS's Division of Enforcement Tracy L. Shanker again ignores the striking evidence of voter suppression. Instead, she uses spurious and self-contradictory procedural arguments, in the manner of a lawyer who has been instructed to supply a legal pretext for a ruling that has already been made.

Shanker stands by the UAW Monitor's claims that Lehman's "post-election" protest was "untimely filed" because it involved allegations of misconduct that occurred before the return of all ballots by November 28, 2022. She uses this false claim to challenge the legitimacy of bringing the case to the Labor Department at all, saying union members must first exhaust their "internal remedies" with the UAW Monitor, which under the consent decree and election rules "stands in the shoes of the UAW to hear and adjudicate allegations and protests of potential violations of the Election Rules and Title IV of LMRDA [Labor Management Reporting and Disclosure Act]."

In fact, Lehman and his attorney have met every procedural requirement and deadline.

- On November 17, Lehman filed a lawsuit in the US District Court for the Eastern District of Michigan demanding a one-month extension for workers to vote and for a federal judge to order the UAW to comply with its legal mandate to update mailing lists and inform all members about the election. While acknowledging serious doubts about the legitimacy of the election, Judge David M. Lawson sided with the UAW apparatus, the Monitor and the Labor Department who jointly argued against the lawsuit. The judge claimed such a challenge would have to be filed *after* the election.

- On December 19, 2022—two weeks after the UAW Monitor announced the unofficial results of the first round of voting—Lehman filed a 122-page protest with the UAW Monitor which included the affidavits of dozens of rank-and-file workers, data from other union elections and other information exposing that "This election was characterized by a deliberate suppression of the vote of

the rank and file by the entrenched UAW leadership,” as Lehman wrote in the protest.

- On March 19, the UAW Monitor denied the protest, dismissing the evidence produced by workers as “unsubstantiated” or “vague,” while upholding as true everything the corrupt UAW bureaucracy claimed about the “exhaustive efforts” the UAW made to “publicize the election and urge members to vote.”

- Having exhausted all the “internal remedies” with the UAW Monitor, on March 29, Lehman filed his complaint with the Labor Department. In addition to demanding that the election be re-run with the names of all the candidates on the ballot, the complaint called for the removal of the two law firms that make up the Monitor—Crowell & Moring and Jenner & Block—due to conflicts of interest.

- On June 29, the Department of Labor rejected the complaint in a three-sentence ruling, prompting Lehman to sue the Biden administration on July 3.

In every case, Lehman has not only been fighting for his rights as a candidate but for the rights of all workers to meaningfully participate in a fair and free election. But the federal courts, the UAW Monitor and the Biden administration have created a Catch-22. In November, they told Lehman he could not go to the courts to protect workers’ rights because Title IV would only be triggered after the election. Now after the election has been concluded, the Labor Department is telling him that he would have to have filed before the election ended.

In fact, Shanker acknowledges that *during the election* Lehman issued dozens of protests to the UAW Monitor concerning the failure of the UAW to update its mailing list, the failure of the bureaucracy to notify workers of the election, false claims by UAW officials that part-time workers could not vote, the harassment of Lehman campaigners by UAW bureaucrats and other election violations.

Shanker makes the absurd claim that the Monitor did not know these were “pre-election protests” because none of Lehman email communications contained the words “complaint” or “protest” in the subject line or first sentence of the email. She upholds the UAW Monitor’s decision to dismiss 30 of the 34 charges of serious election violations, saying, “the Monitor viewed the statements made in your numerous emails throughout the election period as general grievances or attempts to pass along information to the Monitor about the conduct of the election.”

Furthermore, Shanker declares, “it is notable that the Monitor did not adjudicate any of the issues raised in your

email communications as would be required if such communications were formal pre-election protests.”

In other words, the fact that the Monitor ignored the complaints of Lehman and other rank-and-file workers over the violation of their democratic rights is proof that the protests were untimely and illegitimate!

This only exposes the contempt the Biden administration has for the rights of the working class. This is the same Labor Department that conspired with Congress to strip 110,000 railroad workers of the right to strike last year and override their vote to reject a pro-company contract approved by the Biden White House.

The UAW was compelled to hold the first ever direct membership elections after the exposure of widespread corruption in the UAW apparatus, including taking bribes from corporate executives in exchange for signing sweetheart deals and the embezzling of millions of dollars in dues money, which resulted in the jailing of nearly a dozen UAW officials, including two former presidents.

UAW President Shawn Fain, a longtime functionary in the UAW apparatus, was installed earlier this year with the votes of about 3 percent of rank-and-file members. The Biden administration is promoting Fain and the UAW bureaucracy in a desperate effort to contain the explosive opposition by autoworkers against the ravages of inflation and decades of UAW-backed concessions, including those imposed by the Obama-Biden administration during the 2009 bankruptcy restructuring of GM and Chrysler.

The Labor Department letter does not override the lawsuit filed by Lehman against the Biden administration. A federal court ruling is expected in September. While Lehman will continue to pursue a legal fight to defend the democratic rights of workers, no confidence can be placed in the judges and the courts. The defense of workers’ democratic and social rights is only possible by organizing a powerful movement of the working class from below, expanding the network of autoworkers rank-and-file committees to abolish the UAW apparatus and transfer power to the workers on the shop floor.



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