

US government attorneys admit Labor Department has still not complied with June 2024 court order in Will Lehman's UAW elections case

Marcus Day
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In a September 2 response to a lawsuit brought by Mack Trucks worker and socialist Will Lehman, the Trump administration formally admitted that the Department of Labor has still not produced the legally required explanation for its rejection of his complaint over massive voter suppression in the 2022–23 United Auto Workers (UAW) national elections. A court hearing in the case is scheduled for later this month.

On August 1, the Department of Labor rejected Lehman's complaint over UAW election fraud for a second time, writing in a perfunctory letter that a "statement of reasons" for the decision would be provided "at a future date."

The government's ongoing efforts to maintain that the 2022-23 UAW elections were legitimate come amid an intensifying crisis facing the administration of UAW President Shawn Fain. While effectively coming to the rescue of Fain and the UAW apparatus, the Trump White House is simultaneously engaged in furious efforts to establish a dictatorship and overturn the Constitution, with its plans rapidly accelerating following the assassination of fascist Turning Point USA founder Charlie Kirk.

The government's September filing is the first substantive response by the government to Lehman's suit. Lehman had sued the Department of Labor and US Labor Secretary Lori Chavez-DeRemer in June of this year, after more than a year of stonewalling by the Department of Labor following a court ruling in his favor.

In what *Bloomberg Law* termed a "rare rebuke" of the Labor Department, federal district court judge David Lawson ruled in favor of Lehman in June 2024, finding that the department under the Biden administration had acted illegally and in an "arbitrary and capricious" manner when it dismissed Lehman's complaint on narrow procedural grounds. Lawson had sent the complaint back to the Labor Department "for further proceedings," stating they "at a minimum, must consist of the production of a supplemental statement of reasons."

Instead, first the Biden and now the Trump administration have, in essence, defied that order. The Department's latest filing openly acknowledges that no "statement of reasons" has been issued to Lehman more than a year after Lawson ordered it.

"The Department of Labor under both the Democrats and Republicans continues to demonstrate that it has nothing to do with defending workers' rights and interests," Lehman told the WSW. "It is propping up the UAW apparatus precisely because the union bureaucracy serves to suppress opposition by workers to corporate exploitation. But in doing so, they're only exposing the pro-corporate, anti-working class role of both the union apparatus and the state even more."

In its September 2 court filing, the Trump administration writes, "Defendants [the US Department of Labor and the Secretary of Labor Lori Chavez-DeRemer] admit that a statement of reasons has not yet been provided to Plaintiff [Lehman]."

While acknowledging that a substantive response to Lehman's complaints has not been provided, the government claims that Lehman's suit is "premature" and that his claims are not "ripe" for review because the government has not actually provided a statement of reasons yet. Its central argument is that judicial review must be confined to a "statement of reasons"—which it has yet to produce.

This amounts to a Catch-22: the government argues that Lehman cannot obtain relief from the courts because no statement of reasons for their rejection of his complaint exists, while withholding that very statement for more than a year. In effect, the government's strategy is to run out the clock until the next UAW elections in 2026, essentially nullifying the court's order.

Lehman's complaint had brought forward detailed evidence that the UAW bureaucracy suppressed votes in the 2022-23 elections: reliance on the Local Union Information System (LUIS) for mailing ballots, which favored union officials and shut out many retirees and rank-and-file members; more ballots returned as "undeliverable" than cast (which, notably, the government admitted in its recent filing); and turnout so low that in some large academic locals—despite large and engaged memberships—fewer than 1 percent of members voted.

Lehman explained that the union had sophisticated means to reach its members—methods it uses regularly to mobilize support for Democratic Party candidates—but deliberately chose not to employ them for its own internal election. This "lack of innocent

explanation,” he argued, proved that the election was manipulated to preserve the bureaucracy’s grip on power.

UAW bureaucracy propped up by the state

The efforts of the Department of Labor under first Biden and then Trump to come to the defense of Fain’s administration must be understood in the context of a mounting crisis inside the UAW bureaucracy, itself a component of the unprecedented crisis of capitalist class rule in the US.

The UAW has been under federal supervision since 2021, when a consent decree was imposed after a years-long corruption scandal that sent more than a dozen top officials, including former presidents Gary Jones and Dennis Williams, to prison for embezzlement and corporate bribe-taking.

Under the decree, a court-appointed monitor was installed to oversee the union’s affairs and elections. The introduction of direct elections of top officers in 2022 (over the bitter objections of the entrenched bureaucracy) was hailed in the corporate press and by pseudo-left organizations such as the Democratic Socialists of America as proof that the UAW was “cleaning house.” But the election itself was marked by mass disenfranchisement and brought into the presidency Shawn Fain, a longtime UAW bureaucrat who was falsely presented as a “reformer.”

But since coming into office, Fain’s administration has had an unbroken record of betrayals. In 2023, Fain and Biden jointly promoted the fraudulent “stand-up” strikes at the Big Three, which kept most workers on the job and paved the way for mass layoffs. Under Fain’s administration, thousands of autoworkers and other UAW members have suffered job cuts, stagnant wages and deadly working conditions. The UAW has facilitated the erosion of workplace safety in the name of profit, with the deaths of countless workers in recent years, such as Stellantis employees Ronald Adams Sr. and Antonio Gaston.

The increasing discontent among rank-and-file workers over these conditions has provoked bitter factional infighting within the UAW apparatus, particularly over the more than \$1 billion in assets controlled by the bureaucracy, the source of the upper-middle-class incomes and privileges of the officialdom. In recent months, a layer of union officials, who previously supported Fain, has sought to bring charges against the UAW president and unseat him. The UAW monitor, however, ruled their efforts must restart due to a procedural technicality, in effect buying Fain more time until next year’s elections.

Since Trump’s election, Fain and the UAW leadership have openly aligned the UAW with the fascistic president’s trade war agenda. Fain has repeatedly hailed the wartime economy of the 1940s, when the UAW enforced a no-strike pledge and speed-up, and has called for auto plants to be retooled for military production. The UAW apparatus, along with the union bureaucracies more broadly, have worked ever more feverishly to subordinate workers to the needs of US imperialism, including the ongoing efforts to sabotage the strike by 640 GE Aerospace

workers in Ohio and Kentucky.

With American capitalism hurtling toward dictatorship and global war, the UAW and other union bureaucracies, integrated into the highest levels of government policy, are playing a central role in preparing the “home front.” The AFL-CIO functions as a “domestic NATO,” as Biden revealingly put it in 2024.

Build rank-and-file committees in every workplace

Against this backdrop, Lehman’s struggle is of immense significance. In the 2022 UAW elections, he ran openly as a socialist, calling for the abolition of the union bureaucracy and the transfer of power and decision-making to rank-and-file workers. His campaign won broad support, winning nearly 5,000 votes, despite the efforts of the bureaucracy to keep workers in the dark about the elections.

“The implications of my lawsuit extend far beyond the UAW elections,” Lehman said, commenting on the latest developments in the case. “They expose the reality that the union, backed by both political parties and the state, is hostile to democratic rights and interests of rank-and-file workers and retirees.

“Throughout the 2022 elections and afterwards, my campaign stood for the interests of rank-and-file workers and retirees, and we challenged every violation of our rights. We followed all of the correct legal procedures, and in June of last year, we won a historic ruling against the Biden administration’s Secretary of Labor. But after three years, under Biden and under Trump, the government is still stubbornly refusing to follow the law and address the voter suppression that my campaign exposed. It is impossible for any fair-minded worker who has followed the progress of my complaints through the legal system not to conclude that the system is totally broken.

“We need an entirely new framework to defend our interests, which is what the International Workers Alliance of Rank-and-File Committees is fighting for. Workers must take matters into their own hands and build rank-and-file committees in every factory and workplace, independent of the union apparatus, to fight for our rights and link struggles across industries and borders.

“Workers need both fighting organizations and a new political perspective. The massive levels of inequality and concentration of wealth in the US are totally incompatible with democracy, whether in the UAW, in the workplace, or anywhere else. We need a political program and movement based on the interests of the international working class to stop the descent into dictatorship and world war under capitalism.”

To join the fight for rank-and-file committees, fill out the form below.



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