

Federal court orders Labor Department to review rank-and-file protests over UAW elections

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On Tuesday, a federal judge for the US District Court for the Eastern District of Michigan invalidated the Department of Labor's decision rejecting rank-and-file socialist autoworker Will Lehman's complaint challenging voter suppression in the 2022 UAW national officers election.

The decision, issued by Judge David Lawson, describes the Labor Department's earlier decision as "arbitrary and capricious" and characterizes the Biden administration's pseudo-legal efforts to sidestep claims of voter suppression as "pedantic" and "inherently illogical and textually unsupported."

Lawson ruled that the Department's efforts to avoid the merits of Lehman's arguments with the claim that they were untimely "entirely overlook[ed]" the UAW election rules. The decision orders the Department to address voter suppression in a further investigation or explanation.

He reviewed the timeline of Lehman's repeated protests over the conduct of the UAW elections submitted to the court-appointed UAW monitor. Referring to an earlier lawsuit by Lehman requesting an extension of the voting deadlines and steps to provide notice of the election to all members, Lawson summed up Lehman's arguments, stating:

In November 2022, while nationwide union elections were underway, he filed a complaint and motion for preliminary injunction where he expressed concern that the Union officials had failed to provide effective notice of the election to its members, that the membership lists and outreach to members were seriously flawed, that as a result the union's members largely were unaware of the election or their right to vote and had no ballot access, and that the turnout was woefully low.

On March 19, 2023, the monitor rejected Lehman's protests over the election, claiming they were without merit. On March 29, Lehman appealed the decision to the Department of Labor.

On August 8, 2023, the Department of Labor rejected Lehman's complaint without addressing the merits of his argument that the UAW bureaucracy suppressed the vote by failing to provide notice to the rank and file. The Department of Labor claimed Lehman's complaint was untimely, based on the absurd argument that Lehman did not include the word "protest" in subject lines of emails demanding the monitor take action over voter suppression and low turnout.

The decision explains that the Department of Labor "sidestepped entirely the substance of the claims" brought by Lehman "and affirmed [the monitor] on the sole alternative ground that all 30 complaints of pre-election misconduct were untimely." The Department of Labor's decision to "uphold the rejection of [Lehman's] claims solely on the alternative ground that 30 out of 34 of the claims were untimely was *irrational and grounded in an arbitrary and capricious construction of the Election Rules that is not supported by their plain text or the prevailing case law* [emphasis added]."

The decision also indicates dissatisfaction with the monitor's response to Lehman's protest as well. Responding to the Department of Labor's claim that Lehman's pre-election warnings about voter suppression were not "protests" because the monitor did not respond to them, Lawson writes: "That circular reasoning is nothing more than an apparent attempt to impute the Monitor's failures to the plaintiff—concluding that because the protests were not 'adjudicated' they must not have been protests at all."

In response to the ruling, Will Lehman wrote in a statement:

The decision by Judge David Lawson today vindicates the fight we have waged to defend the basic democratic rights of over one million rank-and-file members of the UAW. Last year, Biden’s Labor Department dismissed my objections to the illegitimate UAW elections without responding to the merits of my arguments about voter suppression, which led to 9 percent turnout and the fraudulent election of Shawn Fain.

Lehman continued:

This is a devastating blow to the UAW bureaucracy, the Biden administration and the court-appointed Monitor, who collectively oversaw the election and worked to suppress voter turnout. The UAW bureaucracy deliberately kept the rank-and-file in the dark about the elections, using the ‘Local Union Information System’ to send ballots, but failing to update lists so most rank-and-file workers never knew an election was taking place.

Lehman stressed that

nothing has changed since the “election” of UAW President Shawn Fain. First there was the phony “stand-up strike” at the Big Three, where the apparatus kept most workers on the job and then rammed through concessions contracts that have paved the way for mass layoffs. Then there was the isolation and shutdown of the strike by University of California academic workers against the police crackdown on anti-genocide protests.

The Biden administration has invested immense political capital in Fain and the UAW bureaucracy to suppress the class struggle, ram through the 2023 contract on Big Three workers, and discipline the working class for war production as the White House escalates war against Russia and sends munitions to fuel Israel’s genocide in Gaza. At this year’s State of the Union Address, Biden invited Shawn Fain as a featured guest, announcing, “Here tonight is UAW President Shawn Fain, a great friend and a great labor leader.”

The court decision against the Department of Labor comes amid a spiraling crisis within the UAW bureaucracy. Earlier this month, the monitor law firms submitted a status report

announcing that UAW President Shawn Fain, who was “elected” in the fraudulent 2022 election, is being investigated for misusing union resources and is collaborating to prevent the disclosure of documents that may reveal improprieties to the rank and file.

According to the report, Fain and the bureaucracy are “obstructing and interfering with [the monitor’s] access to information needed for [the] investigative work.” The report quotes a June 7 email from the Department of Justice, which stated:

The Union’s position is making it difficult, if not impossible, for the Monitor to fulfill his mandate to remove fraud, corruption and illegality from within the UAW.

Other leading officials under investigation include Secretary-Treasurer Margaret Mock and an unnamed UAW Regional director who is being investigated for embezzlement.

Summing up the significance of the court ruling, Lehman stated:

The conclusion workers must draw from this entire experience is the need to abolish the UAW bureaucracy and transfer power to the rank and file, through the development of workers’ committees. Only in this way can we carry forward a real fight against the companies and the entire ruling class.



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