

# Socialist autoworker Will Lehman wins lawsuit against Biden's Secretary of Labor over 2022 UAW elections

Tom Carter  
27 June 2024

On Tuesday, Will Lehman, a rank-and-file autoworker from Macungie, Pennsylvania and socialist candidate for president of the United Auto Workers, won his lawsuit against the US Department of Labor and the Biden administration's Acting Secretary of Labor Julie A. Su over their refusal to act on his complaints of systematic voter suppression in the 2022 UAW national leadership elections.

David Lawson, a federal district court judge for the Eastern District of Michigan, addressed himself directly to President Joe Biden's secretary of labor in his decision, ruling that her refusal to act on Lehman's complaint was "arbitrary and capricious." Lawson "remanded" the case back to the Labor Department for reconsideration of Lehman's complaint, which is the maximum remedy that could have been imposed under US labor law.

In what *Bloomberg Law* called a "rare rebuke of Labor Department's role in policing unions," Lawson forcefully rejected the Labor Department's determination that Lehman's complaints were supposedly "untimely." Lawson described the Labor Department's reasoning as "pedantry," "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."

Taking up the Labor Department's claim that Lehman's protests were invalid because "the Monitor did not adjudicate any of the issues raised in [Lehman's] email communications as would be required if such communications were formal pre-election protests," Lawson called this "circular reasoning" that was "nothing more than an apparent attempt to impute the Monitor's failures" to Lehman.

With respect to the Labor Department's claim that Lehman did not include the word "protest" in the subject line or text of some of his emails, Lawson called this "another example of post-hoc reasoning through which the Secretary merely attempts to engraft into the rules formal requirements that appear nowhere in their text."

The ruling vindicates the protracted and principled struggle waged by Lehman and thousands of his supporters to uphold the democratic rights of more than 1 million rank-and-file

autoworkers, academic workers and retirees.

The ruling also thoroughly exposes the role of the Biden administration, which resorted to these crude methods in an effort to defend current UAW President Shawn Fain, a key figure in Biden's election campaign as well as in the overall national strategy of the Democratic Party. While the ruling is against the secretary of labor, Lawson includes a reference to the "monitor's failures," referring to the law firms appointed by the court to oversee the elections.

Even more importantly, it is a reflection of the real crisis of the entire pro-corporate apparatus of the UAW, including all its factions, in the face of a growing rank-and-file insurgency, reflected in Lehman's campaign.

The 2022 national leadership elections, the first direct elections in the history of the UAW, were held following a government-imposed referendum in the wake of a corruption scandal implicating the entire union bureaucracy. The referendum passed in 2021 over opposition from the entrenched leadership, and Lehman was nominated as a presidential candidate at the July 2022 convention, again in the face of opposition from the bureaucracy.

Lehman, a Trotskyist and leading advocate of the International Workers Alliance of Rank-and-File Committees (IWA-RFC), campaigned in the UAW elections for returning power to the rank and file and for a fight to reverse decades of concessions. The campaign attracted and mobilized volunteers and supporters at UAW workplaces around the country, whose slogans included "abolish the bureaucracy" and "demand what we need, not what the corporations and the UAW bureaucrats say is possible."

The response of the UAW bureaucracy to Lehman's campaign was to do its utmost to prevent rank-and-file members and retirees from learning that the election was taking place at all. At the same time, as Lehman subsequently demonstrated, the bureaucracy worked to get word of the election to its allies and accomplices through internal channels, to ensure the bureaucracy was disproportionately represented in the voting results.

To this day, many UAW members are unaware that there was

an election in which they had the right to vote. Out of 1.1 million eligible voters, only 104,776 cast ballots in the first round of voting. This turnout—nine percent—is the lowest of any national union election in US history. However, despite massive voter suppression, Lehman secured 4,777 votes, or nearly 5 percent of ballots cast.

It is a matter of factual record that nobody more persistently asserted the democratic rights of the rank and file throughout the election than Lehman and his supporters. As Lawson recounts in his decision, Lehman “contacted the Monitor by email at least 18 times between July 12 and November 12, 2022 to complain about election irregularities.”

After these complaints were largely ignored or dismissed by the court-appointed monitor, Lehman filed a lawsuit. Lehman contended, in Lawson’s own words, that the union “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.”

Lawson denied Lehman’s first lawsuit, ruling that he must first present his grievances to the monitor and the secretary of labor. But when Lehman attempted to do this, as Lawson’s decision Tuesday recognizes, Lehman was met with slow-walking and procedural gamesmanship on the part of the institutions that were ostensibly functioning as neutral arbiters.

If Lehman had been a lone worker presenting an isolated grievance, there is little doubt that stonewalling of the kind employed by the Labor Department against Lehman would have been successful, as happens on a daily basis to individual workers’ claims based on workplace injuries, wage theft and other abuses.

The decision in favor of Lehman doubtless reflects a concern that the use of such methods against him will only inflame the real insurgency for which he speaks, which one freight industry publication called “the Lehman factor.”

In this context, the decision by Lawson, who was appointed to the federal bench by President Bill Clinton in 1999, does not reflect sympathy for Lehman’s politics, but profound concerns about the long-term viability and legitimacy of the UAW.

“The cases on point teach that such pedantry,” Lawson wrote, “is particularly inappropriate where it concerns election grievances,” and that procedural requirements “must reflect the needs of rank and file union members—those people the requirement is designed ultimately to serve.”

The UAW is in severe crisis. Since being “elected” by scarcely six percent of eligible voters, Fain championed the now infamous “stand-up strike” policy, which involves keeping workers on the job and protecting company profits. At the Big Three auto companies, Fain’s administration rammed through concessions contracts that have paved the way for mass layoffs. There have been 21,000 job cuts in the automotive sector in the US since the beginning of 2024, as employers seize on the

transition to electric vehicles to restructure class relations in their favor.

Fain also presided over the isolation of the political strike movement among the 48,000 University of California academic workers in UAW Local 4811, who sought to bring the power of the working class to bear in opposition to the police-state crackdown on campus protests against the Gaza genocide. Fain, a close ally of “Genocide Joe” Biden, kept the broader UAW membership in the dark about the strike before immediately shutting it down after the Democratic Party authorities in California successfully obtained a court injunction.

Compounding the crisis of the UAW is the intransigent corruption of the bureaucrats themselves, notwithstanding the “election” and three-and-a-half years under a government-imposed “consent decree.” Earlier this month, it was revealed that Fain himself is being investigated for the misuse of union resources and for obstructing the disclosure of documents.

Fain is a tried-and-true representative of the bureaucracy and shameless promoter of Biden and the Democratic Party. Thanks to Lehman’s victory in court, there is an asterisk next to Fain’s title as UAW president, since the results of the election remain legally in dispute.

The outcome of Lehman’s lawsuit is a confirmation of objective developments in the class struggle, of the authentic significance of Lehman’s campaign and of the real crisis of the UAW. It signals that now is the time for workers to take the initiative to advance their independent class interests.

The network of rank-and-file committees independent of the bureaucracy must be expanded. Politically, as Lehman has insisted throughout his campaign, the rank-and-file must assert its rights and interests as a class against the bureaucracy, management and the state. This means challenging the dictatorship of the capitalist owners over the economy, rejecting the framework of nationalism and orienting to socialism.



To contact the WSWS and the Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**