

Federal judge orders UAW to stop obstructing ongoing investigation into corruption within Fain administration

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On Monday, federal judge David Lawson of the US District Court for the Eastern District of Michigan ordered the United Auto Workers to produce records and documents the union had been withholding in an effort to block an investigation into ongoing corruption within the UAW bureaucracy presently led by UAW President Shawn Fain.

The decision explodes claims by the political and corporate establishment that the federal monitorship imposed after revelations of systemic corruption and pro-corporate collaboration within the UAW bureaucracy has succeeded in “cleansing” the UAW apparatus.

Lawson rejected the UAW bureaucracy’s absurd legal argument that although the monitor has the legal power to “charge” officials with wrongdoing, it lacks the power to “investigate” whether UAW officials are engaged in any activity that might merit bringing charges.

Lawson’s decision explains:

The Union’s argument that the Monitor’s authority is limited to bringing “charges” only and does not embrace inquisitorial “investigation” of the basis for charges is contrary to both the law and common sense, since it would be impossible for the Monitor to assemble the basis for bringing a charge unless he is permitted unfettered access to information in the first instance to determine if grounds for charging exist.

The UAW also argued that documents were subject to attorney-client privilege, but Lawson explained that “the privilege does not shield the disclosure of communications relating to the planning or commission of

ongoing fraud, crimes, and ordinary torts.”

Monday’s ruling came after the UAW bureaucracy essentially stopped complying with the terms of the monitorship when the monitor began investigating renewed allegations of corruption within the Fain administration. In June, the monitor filed a status report with the court which explained that Fain and the bureaucracy were “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 reads, “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.”

The monitor’s June report stressed “the seriousness of the allegations and the high-level concern that the monitor witnessed throughout the union as a result of them” and warned that the UAW bureaucracy was likely hiding evidence of wrongdoing. “The union has not cooperated in producing documents that are relevant to the investigation in a complete and timely manner,” the report explained.

According to an earlier motion by the monitor’s lawyers, Fain allegedly removed Vice President Rich Boyer as head of the Stellantis Department in May because of the latter’s “refusal to accede to demands by (Fain) and his agents that (Boyer) take actions ... that would have benefited (Fain’s) domestic partner and her sister.” Both worked at the UAW-Chrysler National Training Center (NTC), which Fain previously co-directed.

The NTC was at the center of bribe-taking scandal in the UAW. Fiat Chrysler was found guilty of funneling at least \$3.5 million in illegal payments through the training center to top UAW officials, including Fain’s former

boss, Norwood Jewell, between 2009 and 2016.

Monday's decision will require the UAW bureaucracy hand over "between 10,000 and more than 100,000 electronic records" that the UAW had withheld. However, Lawson's decision also makes clear that the monitor is to work closely with the UAW bureaucracy to prevent rank-and-file workers from learning of the content of the previously withheld information. "The Monitor is prohibited from disseminating privileged material to the government, any third party, or the public without the Union's consent," the decision reads. The decision orders the monitor "to give notice to the union before disseminating any materials..."

This confirms that the main purpose of the federal monitorship is to revamp the UAW bureaucracy so that it can better restrain the rank and file and facilitate the exploitation of autoworkers by the auto companies. For this reason, the UAW and federal court agreed that the "monitors" would consist of longtime lawyers for the auto corporations. The two law firms that comprise the monitor—Jenner & Block and Crowell & Moring—have represented major auto companies for decades, including GM, Dana Inc., John Deere and more.

In a statement released Tuesday, Fain said the UAW, "welcomes Judge Lawson's decision that clarifies the consent decree and protects our attorney-client privilege over collective bargaining strategy." He emphasized that "it is important for us to be able to keep our bargaining strategy confidential to protect our members and our union."

In reality, the UAW bureaucracy's "collective bargaining strategy" is to collaborate with management to boost profits at the expense of their members' jobs and living standards. Central to this is concealing the details of this corporatist relationship from the rank and file.

The breakdown of the monitorship process has produced a substantial crisis for the UAW bureaucracy, the courts and the outgoing Biden administration. In June, Lawson also ordered the Department of Labor to conduct a genuine investigation of rank-and-file socialist autoworker Will Lehman's complaint challenging widespread voter suppression in the 2022 UAW officers' election that resulted in Shawn Fain becoming president.

Turnout in the election was 9 percent—the lowest in any national union election in US history—as a result of efforts by the bureaucracy to suppress turnout and deny rank-and-file workers the right to vote. The monitor rejected an appeal filed by Lehman in 2023, which the Labor Department rubber stamped, by claiming Lehman's

protest was not timely. Lawson ordered a new investigation and called the Labor Department's refusal to engage with Lehman's protest as "arbitrary and capricious." Lawson said the Biden administration's attempt to avoid addressing Lehman's claims of voter suppression was "pedantic" and "inherently illogical and textually unsupported."

The Labor Department has still not issued a decision on Lehman's protest.

In a statement Tuesday, Will Lehman said the following about Monday's court order:

"A federal judge has ruled that the UAW bureaucracy has been withholding tens of thousands of documents without any legal basis, and that these documents may show ongoing fraud and corruption by the administration of Shawn Fain. Workers were told after Fain's election that the UAW bureaucracy's corruption was a thing of the past—now even the courts are acknowledging this is false.

"Rank-and-file workers have a right to know what is in those documents, and it is illegitimate for the court to allow the monitor law firms and the UAW bureaucracy to withhold this information from the UAW membership. The bureaucracy and corporations are conspiring to shut down plants and lay off thousands of autoworkers while keeping us in the dark about ongoing corruption in the UAW.

"They have already betrayed multiple struggles since the Fain administration has come to power in the same way Curry's would have. We can't see the secret documents of the apparatus but we see the results in the contracts that have betrayed the workers already, the thousands of jobs lost, and now the forcing of workers at Kokomo Stellantis to either take a job at Starplus battery or get no unemployment for refusing to be leased out like a piece of equipment from one company to another.

"Workers need to demand the immediate release of all the documents to the public, so we can review for ourselves what has been transpiring in the bureaucracy behind closed doors. The unaccountability of the bureaucrats needs to end, but that is only possible to the extent workers take that fight into our own hands."



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