

With help of corporate law firm, small pro-Israel group derails historic UAW union vote endorsing boycott

California UAW 2865 rank-&-file members say the landslide vote endorsing BDS was undermined by "undemocratic" means

By **BEN NORTON**

PUBLISHED JANUARY 25, 2016 3:45PM (EST)



(AP/Patrick Semansky)

The United Auto Workers International Executive Board nullified the vote of a major California union that endorsed a boycott of Israel on behalf of Palestinian rights, even while admitting that the vote was thoroughly democratic.

Documents obtained by Salon show how UAW executives cited political reasons in their opposition to the local's vote.

Further records show how the small pro-Israel opposition appealed and derailed the landslide vote with the help of a prominent law firm that has defended powerful multinational corporations like Wal-Mart, Amazon, Apple and Chevron.

Activists in the union — representing workers in the University of California system — told Salon they feel UAW International is putting powerful interests over the democratic will of its own rank-and-file members.

UAW initially responded to Salon's request for comment by noting it received the message, but failed to reply to three more requests for comment over three weeks.

UAW Local 2865, the labor union representing more than 14,000 teaching assistants and other student workers at nine of the campuses in the University of California system, made history in December 2014. It became the first major U.S. labor union to **vote to endorse BDS** — or Boycott, Divestment and Sanctions, an international grassroots movement that promotes nonviolent economic means to pressure Israel into complying with international law and respecting Palestinian rights.

A Local 2865 officer who spoke with Salon but asked to remain anonymous stressed the importance of the BDS vote. The measure was brought forward to leaders by rank-and-file members, in response to a call from the Palestinian labor movement. Rank-and-file members of the local discussed the issue in more than four months of town hall meetings, debates and educational forums. UAW 2865's elected leaders also gave members of the anti-BDS opposition platforms to share their perspectives.

Rank-and-files members endorsed the resolution in a landslide, with close to two-thirds (65 percent) of votes in favor. More members of the union participated in the BDS vote than in

their local's own general election, or in the vote on the contract regarding their own jobs and benefits. The BDS vote also inspired a rapid increase in enrollment in the union. The officer emphasized to Salon that the widespread participation and rapid growth in the union because of the BDS vote was how grassroots democracy looks in practice.

The text of the ballot, which is **publicly available**, "call[ed] on the University of California (UC) and UAW International to divest their investments, including pension funds, from Israeli state institutions and international companies complicit in severe and ongoing human rights violations as part of the Israeli oppression of the Palestinian people."

A year after the vote, however, the UAW International Executive Board, or IEB, issued an appeal decision informing UAW 2865 that it had "nullified" the local's vote — even while the IEB simultaneously applauded the thoroughly democratic and fair nature of that vote.

The IEB's nullification was announced on Dec. 15 in a response to an appeal by Local 2865 member Stephen Brumbaugh. Brumbaugh is an **outspoken member** of Informed Grads, the anti-BDS opposition group. The IEB allowed this small pro-Israel contingent to compromise a resolution that was overwhelmingly supported by two-thirds of rank-and-file members of his local.

On Dec. 16, Informed Grads **boasted** that it had subverted the BDS endorsement via appeal. In a press release, the opposition group revealed that it had been represented by a partner at Gibson, Dunn & Crutcher, an international law firm that has defended some of the world's largest corporations.

Gibson, Dunn & Crutcher represented Chevron in one of the largest environmental lawsuits in history. The fossil fuel corporation was sued by Ecuador for allegedly polluting the rain forest. Bloomberg **reported** that the law firm that would later represent the anti-BDS opposition engineered "Chevron's campaign to obliterate the pollution judgment."

Chevron's star Ecuadoran witness in the case **admitted that he had lied**. The Corporate Social Responsibility Newswire **reported** that "Chevron later conceded its lawyers at the firm Gibson, Dunn & Crutcher coached Alberto Guerra for 53 days before he testified that a 'bribe' occurred in the Ecuador case."

Partners at Gibson, Dunn & Crutcher have also represented corporations that would potentially be targets of BDS resolutions like that passed by UAW 2865, including [Raytheon](#), [Northrop Grumman](#), [Lockheed Martin](#), [Boeing](#) and more.

The firm has been criticized several times in court recently while involved in headline-making cases, and has often defended corporations in opposition to left-wing causes.

A U.S. federal judge [scolded lawyers](#) at Gibson, Dunn & Crutcher in 2011 for engaging in behavior with witnesses in the Chevron case that the court said was "meant to harass."

In a 2015 [judgment](#), the England and Wales High Court determined that a suspended partner at Gibson, Dunn & Crutcher deliberately misled the court [in a case](#) involving the freezing of assets of a leading businessman and political rival in Djibouti.

New Jersey Gov. Chris Christie hired Gibson, Dunn & Crutcher during the George Washington Bridge scandal, also known as "Bridgegate." A [federal judge blasted the firm](#) for its behavior in the case in December 2015.

In 2007, the State of California sued leading car companies, including GM, Toyota, Ford, Honda, Chrysler and Nissan. The government [accused](#) the corporations of creating a global warming-related "nuisance." Gibson, Dunn & Crutcher [defended](#) the car companies, and helped them get the lawsuit dismissed.

The law firm that assisted Informed Grads has also [defended](#) Wal-Mart against allegations of bribery, along with [Amazon](#), [Apple](#) and more.

In a press release, Scott Edelman, the partner at Gibson, Dunn & Crutcher, said, "We are very pleased by United Auto Workers International Union's forceful rejection of BDS, which sets a powerful precedent for other labor unions and national organizations."

"This result was due to a real team effort between our firm and Informed Grads," he added.

Edelman did not respond to three different requests for comment.

"A fair and democratic vote"

Although the IEB nullified the vote in response to the appeal, when the anti-BDS opposition accused Local 2865 of conducting an undemocratic election, the IEB firmly stated otherwise. Documents obtained by Salon show the IEB wrote, "To the contrary, the case record discloses that the local union made an earnest effort to engage the membership in the BDS discussions."

"We can find no evidence that the local union engaged in any improper actions that may have prohibited a fair and democratic vote on the BDS Resolution," the IEB said. "Accordingly, the Appellant's charge of an undemocratic election miscarries for lack of evidence."

The IEB furthermore acknowledged that "the previous General Election had produced a lesser turnout than the vote on the BDS Resolution."

Given the IEB's admittance that the local's vote was so democratic, the BDS Caucus of UAW 2865 — a group of rank-and-file members from every UC campus that says it is "dedicated to organizing and advocating for equality and justice for the Palestinian people" -- told Salon that it found it "striking that, rather than nullifying the vote on electoral, procedural, or substantive UAW constitutional grounds, the international rehashed political arguments against BDS and Palestinian self-determination which the opposition caucus had been arguing in the lead-up to the vote."

The IEB's decision to nullify the vote rested on several grounds.

Firstly, the international board argued that allowing locals to make such a endorsement, even democratically, could economically impact members of other locals.

Secondly, the executives invoked the no-strikes clause of the local's contract, conflating a written request for divestment with actual work disruption.

Thirdly, the international characterized the endorsement of BDS as anti-Semitic, even while it simultaneously acknowledged UAW 2865's vocal and public opposition to anti-Semitism and all other forms of racism. In doing so, rank-and-file members accused the executives of ignoring the prominent Jewish leaders in the local who support BDS.

I. "Interfering with the flow of commerce"

In addition to calling on the University of California and UAW International to divest from Israeli state institutions, the BDS resolution that was passed in a landslide requested that the institutions also divest from and cease doing business with international corporations that are complicit in rights violations of the Palestinian people.

The BDS Caucus subsequently listed "companies that sell military equipment and weapons [to Israel], including Boeing, Caterpillar, General Electric, Lockheed Martin, ITT, Northrup Grumman and Raytheon."

In response to this measure, the IEB claimed that allowing Local 2865 to endorse a boycott of these corporations would "lead to a direct economic deprivation for members of the UAW, as well as other organized members by, categorically interfering with the flow of commerce to and from earmarked companies."

UAW 2865's BDS Caucus condemned the executives' argument. "The IEB's support for the profits of these companies — their prioritization of the so-called 'flow of commerce' — trumps their support for other labor unions (such as the Palestinian labor unions that initiated the call for BDS) and their own members (like the 65 percent of affirmative voters from UAW 2865)," the caucus said.

"Nullifying UAW 2865's vote on this basis contradicts the IEB's necessary role in supporting UAW and other workers who may be harmed not only by exploitative labor relations but also by socially irresponsible foreign investment," the BDS Caucus added. "The IEB's main constitutional argument against the BDS election is clearly based on the interests of the employers rather than that of workers. This is representative of a model of business unionism that many have openly critiqued in the UAW, namely the assumption that the interests of employers are one and the same as the interests of employees."

The BDS Caucus alleged that, in making this argument, the IEB has effectively "side[d] with business interests and anti-union lawyers to nullify the vote because they say it's bad for business."

UAW did not respond to Salon's request for comment about these criticisms.

II. No-strikes clause

The IEB's decision to nullify the vote also invoked the no-strikes clause of UAW 2865's contract with the University of California.

Rank-and-file members of the union say that this article "was imposed to undermine the union's collective bargaining power."

"Claiming that a written request for UC divestment from corporate war profiteers constitutes a serious disruption of the operations of the employer stretches even the wildest imagination," the BDS Caucus argued.

In reply to its argument, the BDS Caucus accused the IEB of ignoring human rights and failing to prioritize social justice.

UAW did not respond to Salon's request for comment about these criticisms.

III. Accusations of anti-Semitism

The IEB furthermore accused the BDS resolution of "biased targeting of Israeli/Jewish UAW members, and the scorning of the state of Israel and all alleged entities complicit in actions against Palestine."

UAW 2865's BDS Caucus called these "the same baseless accusations of anti-Semitism frequently attributed to anyone who is critical of Israel." The caucus furthermore accused the executives of "ignor[ing] testimony of Jewish students."

"Presumably due to the weakness of their argument, the IEB also chose to grossly misrepresent the actual text of our resolution," the BDS Caucus alleged, noting that "evidence presented to the contrary which can be seen within the official ruling is simply ignored in the conclusions of the IEB."

Throughout the four months of deliberation of the BDS vote, UAW 2865 stressed that it opposes anti-Semitism and all other forms of discrimination. This was made patent in the text of the vote ballot itself, which read: "The UAW is strictly committed to opposing all forms of

discrimination including discrimination based on race, religion, national origin or ethnicity, and we affirm our strong commitment to the principles of academic freedom for all in the UC community."

In its ruling, the IEB acknowledged these repeated commitments to anti-racism from UAW 2865 leadership, but still accused it of anti-Semitism.

In response, the BDS Caucus also emphasized that Jewish and Israeli union members in fact led the campaign in favor of the BDS resolution. Dozens of Israeli and Jewish current and former members of UAW 2865 signed a letter supporting the resolution. Additionally, more than 700 Jewish community leaders, scholars, and activists signed **another letter** expressing support for the BDS resolution.

Dozens more Jewish UAW 2865 members "have spoken repeatedly of how their Jewish values encourage them to combat all forms of racism and oppression, including the dispossession faced by Palestinians," the BDS Caucus noted.

A Jewish UAW 2865 officer who wished to remain anonymous also stressed in a message to Salon that the president, northern vice president and recording secretary — three out of eight officers, counting the two current vacancies — of the local are Jewish.

As further evidence of its commitment to anti-racism, the BDS Caucus pointed out that UAW 2865 has also passed resolutions supporting the Black Lives Matter movement, gender equity, and the student movement in Ayotzinapa, Mexico, among others. The IEB never criticized the local for passing these resolutions.

UAW did not respond to Salon's request for comment about these criticisms.

Rank-and-file response

Salon has obtained copies of numerous messages outside groups have sent to UAW International, expressing support for UAW 2865's BDS resolution and condemnation of the IEB's nullification. The Executive Board of the American Studies Association; the Bay Area chapter of Jewish Voice for Peace; the U.S. Campaign to End the Israeli Occupation; the Boston Coalition for Palestinian Rights; Jews for Palestinian Right of Return; United for Justice

with Peace; the U.S. Peace Council, the California-based All of Us or None; and the New York-based Palestine Solidarity Collective; along with representatives of other local U.S. unions and even a French union have sent statements of solidarity.

Numerous rank-and-file members of Local 2865 also spoke with Salon, expressing their views on the IEB's ruling.

"I'm glad that the International Executive Board recognized how extraordinarily open and democratic this vote was and everything that the union did to facilitate maximum member engagement and turnout with this decision," Seth Leibson, a head steward of UAW 2865, told Salon. "With such an open process, it's clear that the landslide (65 percent) vote in favor of concrete solidarity with Palestinian unions and the Palestinian people was a fair indication of what our members want."

Leibson however also said "I'm saddened that the IEB then turned around and nullified that same vote. In so doing, the IEB seemed to side with forces within the Jewish community that want to deem all criticism of Israel state violence anti-Semitic. Yet my active support for BDS, and for my union, is motivated by a deep connection to progressive Jewish values and community."

"At the end of the day, the IEB's nullification of our vote does not erase the solidarity with Palestinians' struggle for justice expressed by growing numbers of Jews and union workers in UAW 2865 and around the world," Leibson added.

Jennifer Mogannam, a rank-and-file member at UC San Diego, also lambasted the IEB's ruling.

"The term anti-Semitism has been thrown around for decades to silence those who believe in upholding justice-centered principles in regard to the question of Palestine," she told Salon. "It is precisely for this reason that the voices of Jewish union members (some Israeli citizens themselves) in support of BDS had to be completely disregarded for this decision to be taken under the charge of anti-Semitism."

"As Palestinians, we are recurringly charged with anti-Semitism (among other things) for simply asserting our connection to our homeland and even our mere existence," Mogannam explained.

Mogannam echoed concerns a UAW 2865 officer who asked to remain anonymous told Salon, that UAW's international executives are undermining democracy in its locals.

"I believe this decision not only calls into question the autonomy of local chapters, but it also exposes the contradictions that arise among labor unions that in theory are committed to social justice of those disenfranchised (i.e., workers), but in practice are easily swayed by corporate interest and threats by oppressive powers," Mogannam said.

"In this sense, the international's decision to redact our grassroots achievements exposes a commitment to power as opposed to grassroots organizing for justice," she added.

BDS and the labor movement

The BDS movement is growing nationally and internationally. In the labor movement in particular, BDS is gaining ground.


In the year since UAW 2865's vote, the **United Electrical Workers** union and the **Connecticut AFL-CIO** also passed BDS resolutions. More locals in UAW and other unions are also presently considering holding votes to endorse BDS.

An organizer in a UAW local at a school in New York — who asked that her school or identity not be revealed — that is presently considering a similar BDS campaign told Salon that she fears the IEB's ruling will have negative repercussions on her local's activity, and stifle its internal democracy.

UAW 2865's BDS Caucus said the local is appealing to the UAW Public Review Board.

Reflecting on the international's ruling, the caucus said "No letter from the IEB can erase the educational and organizational work we have done over the past year, work we will continue to do, energized no doubt by the IEB's undemocratic, business-friendly attempt to nullify this vote."

"We did not expect the union to understand or agree with this position, as it is a grassroots shift in public opinion that has yet to trickle upwards into the older and more traditional and conservative segments of American society, including union leadership," the BDS Caucus continued. "Therefore we are hopeful and will, in partnership with other unions that have passed BDS and those that will in the future, work towards changing union culture at the top to reflect a new spirit of awareness and solidarity that already exists amongst the rank and file. We trust that in the coming years the union's leadership will come to more closely reflect the union's membership."

 UAW Publishes List of People Who Have Opted Out

By **BEN NORTON**

Ben Norton is a politics reporter and staff writer at AlterNet. You can find him on Twitter at [@BenjaminNorton](#).

MORE FROM BEN NORTON

Related Topics _____