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DECISION

Protest TWUS-17-15
Racist remarks at Baisley Park

By email dated November 18, 2015, Hector Comrie, on behalf of Transport Workers United Slate, filed a protest alleging that on November 17, following a section nomination meeting at Baisley Park, an unknown person told him that William Walsh, a candidate “on the opposing slate”, had made a racist remark related to the election. When confronted, Walsh denied making the remark. According to the Protester, during this election process, there has been increased racial tension at Baisley Park.

I do not need to resolve any underlying credibility dispute. My jurisdiction as Neutral Monitor is to ensure compliance with the Election Rules. I do not have the authority or the ability to regulate all speech between and among members. Generally the remedy for unwanted or defamatory or hostile speech is more, corrective speech. As I held in protest #I-02-15 (Taaffe), “Even if the statements alleged were in fact made, they do not rise to the level of a violation of the Election Rules. It is not generally the function of the Election Rules to regulate speech. If someone, such as Taaffe, disagrees with something that someone else, such as Nash and Oduro, is saying, his recourse is to correct the misinformation and to (verbally) confront the person and encourage him to stop, as Taaffe did.” While the comment, that is the basis of the protest, if made, is reprehensible, it is not within my authority to remedy it. Nor can I address any overall increase in racial tension. Further, to the extent that this alleged comment was made in the context of the section election at Baisley Park. I note that I do not have jurisdiction over section elections.

The protest is denied.

In accordance with the International Constitution and the Election Rules, any interested party unsatisfied with this determination may appeal to the Transport Workers Union of America Committee on Appeals. Any appeal shall be in writing and shall be filed in accordance with the procedure set forth in Article V(6)(I)(1) of the Election Rules and Articles XV and XXII of the International Constitution for the appeal to the International from decisions of Local Unions.

/s/ Barbara C. Deinhardt

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By email:
Hector Comrie
Joe Campbell
Vincent O'Hara
Arthur Schwartz, Esq.
Elections Committee