

**Barbara C. Deinhardt**  
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November 11, 2024

**DECISION**

Protest I-26-2024 (defamation)

By email dated November 10, 2024, Nasar Abdur-Rahman filed a Protest alleging that Members F1rst candidate Alexander Kemp posted a defamatory post about candidate Roberto Chico on the Jackie Gleason Facebook page.

According to Mr. Kemp, the post was on Mr. Chico's personal Facebook page, not a Union page as alleged by the Protester. In addition, it followed a thread in which Mr. Chico was insulting and defamatory to Mr. Kemp. While he does not agree that his post in any way violated the Election Rules, he has agreed to take it down. He asserts that he found out about the fatality involving Mr. Chico's bus not from internal Union records but because it was "common knowledge." While he does not agree that his post in any way violated the Election Rules, Mr. Kemp has agreed to take it down.

I find that the Protester has not proven that Mr. Kemp violated the Election Rules. An argument between members, regardless of who was the initiator, is generally not a violation of the Election Rules that comes within my jurisdiction. I note that the Rules are not intended to ensure the accuracy or tone of campaign materials or speech. As I held in I-23-15 (Ahmed), "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 untrue or unwanted or defamatory or hostile speech is more, corrective speech." There is nothing in this exchange between Mr. Chico and Mr. Kemp that takes it out of this general rule.

Protest 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 IV(B)(9) of the Election Rules and Article XXII of the International Constitution for the appeal to the International from decisions of Local Unions.



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By email:  
Nasar Abdur-Rahman  
Alexander Kemp  
John Chiarello  
Stuart Salles  
Arthur Schwartz  
Denis Engel  
Elections Committee