

COALITION TO TAKE BACK WBAI

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October 27, 2009

Grace Aaron, Interim Executive Director, Pacifica Foundation
1925 Martin Luther King Jr. Way
Berkeley, California 94704-3496

Les Radke, Pacifica National Election Supervisor
c/o Pacifica National Office
1925 Martin Luther King Jr. Way
Berkeley, California 94704-3496

Ethan Young, WBAI Local Election Supervisor
c/o WBAI
120 Wall St., 10th floor
New York, NY 10005

cc: Pacifica National Board
Ricardo DeAnda, Counsel to the Pacifica Foundation

Re: Demands for actions to ensure fair elections at WBAI

Dear Ms. Aaron, Mr. Radke, and Mr. Young:

The Coalition to Take Back WBAI is a group of listeners, members, staff and supporters who seek to keep WBAI true to the Pacifica mission of peace, justice and community. We believe that the future of WBAI and the Pacifica Foundation is at great risk because of the massive problems with the current 2009 elections for Listener delegates to the local station boards and therefore, national governing board. WBAI has survived the storms and turmoil of the last 50 years as the beacon of independent thought and the true home of community radio. But, it may not survive the present electoral crisis which has disenfranchised the overwhelming majority of its members.

We write to you of our profound concerns on the many violations of procedure and process, on the inequities and widespread problems involved in this year's election where the life of WBAI and the Pacifica network are at stake. These critical issues require your immediate attention and we demand remedies and actions that will resolve these problems for all the WBAI community because their rights as members have been so seriously jeopardized. According to your own election officials, at least 10,000 members have been disenfranchised by these failures on so many fronts. We seek democracy and redress of these wrongs for them and for every member of the WBAI community. These failures have created a breach of trust and thus great harm to the current membership and to the entire listener community as a whole. The station's credibility has been so deeply damaged that the consequent lost of faith in this institution may be irreparable, thus threatening its existence as an independent organization.

--The National Election Supervisor, Les Radke, admitted on October 19, 2009 during the Pacifica National Board Elections Committee conference call that as many as 10,000 members of WBAI who are eligible to vote never received ballots so they could vote. This is over 60% of what is now said to be the station's membership base, so nearly two out of every 3 members are being denied their membership right. Almost 9000 ballots were mailed to those who were not even eligible to vote in this election. Additionally, about 1400 members who pledged and paid on PayPal have not received their ballots at all. And another 350 may not have received replacement ballots as requested for this election period. All of these members have been disenfranchised at WBAI and their democratic rights must be restored, remedies implemented and guarantees assured. These massive failures, which are the fault of Pacifica and WBAI management and the current election supervisors, must be addressed and corrected.

1. We demand that a completely new balloting cycle be held because this current cycle is damaged beyond repair, cannot be salvaged, and continuing it will do more harm to the membership. All old ballots should be disregarded and recognizably new ballots should be sent to a verified list of all individuals entitled to membership as per the Pacifica bylaws, including those who qualified by financial donations and volunteer time donations.

-- According to a memo circulated only to some Pacifica members by Pacifica Interim Executive Director Grace Aaron, Les Radke has stated that he will mail the new batch of WBAI ballots on November 5, with a return date of November 16. With Veterans Day and two weekends intervening, that leaves only -- at best -- 8 business days for the ballot to arrive at the voter's house, then for voters to consider their choices, fill out their ballots, and mail them back in time to be received by November 16. This is especially unacceptable given that these 10,000+ voters have never received any materials before and thus may not have been following the campaign, and so will need extra time to decide on their choices. The election time line set forth in the bylaws, and past practice, allows 35 days for voters to receive and return ballots. For these 10,000+ voters this is a brand new election, and so this deadline falls FAR short of the time other voters have had.

2. We demand that this new balloting cycle begin as soon as possible and that the time frame for completion of this election be January 15, 2010. This will provide sufficient time for all members to exercise their democratic right to vote. As soon as the new schedule is confirmed, there must be clear and frequent on-air announcements, as well as prominent website information, about who is qualified to vote, what the procedures will be, what the extended deadlines are (stating clearly that the deadline is for receiving, not mailing, ballots, in contrast to past announcements), and other essential facts about voting.

3. We demand that an independent agency or organization with experience in voting process and procedures conduct the new balloting cycle for this WBAI election. This organization should be charged with conducting all aspects of the electoral process.

4. We demand that an independent Election Administrator be contracted to supervise the process and procedures for the WBAI election and instruct the work of the independent agency. The current Local Election Supervisor and the National Election Supervisor must be discharged because the failures are so severe and the harm caused to members so great.

5. We demand that Pacifica offer all candidates, individually or in self-selected groups, the opportunity to provide the equivalent of a one-sided page of support for their candidacy to be enclosed with the ballot materials, and that no further private campaign mailings be permitted. The cost for this mailing would be paid by Pacifica. The current system breeds a culture where big money corrupts the process.

6. We demand that the mailing list for about 1400 PayPal members which is being denied to some slates

and individuals, and the mailing list for all additional voters being sent ballot materials in the WBAI election, be given to the mailing houses chosen by all of the qualified candidates and slates as per the Pacifica bylaws. This list should be sent immediately as requested over 3 weeks ago.

7. We demand that all official election documents issued by Pacifica/WBAI must be neutral and support a sense of an impartial administration as per section 7 of the Fair Campaign Provisions. This states that: “No station resources, including staff services and meeting space may be provided to some candidates but not equally to all candidates.” The cover letter by LaVarn Williams, the present Interim General Manager, which was included with the election packet mailer to voters contained blatant campaign messages which were partisan and arguable and in violation of Pacifica election rules. No such mailings which use station resources and money in a partisan capacity should be allowed. A formal complaint was lodged long ago about this letter with the National Election Supervisor, but no action was taken.

8. We demand that no so-called “incentives” or bribes such as “truth torches,” Noam Chomsky DVD’s or other such items be used in either station or private mailers in any LSB election and that this practice be prohibited in all future elections. In addition, Prof. Chomsky has indicated that he did not authorize any group, slate or faction to use his name, image or speech for their own campaign purposes.

9. We demand that the integrity of the data and generation of the list for any and all Local station board delegates be certified by a representative of the company which provides the membership system to WBAI. It is currently the MEMSYS system. We demand that documentation be done throughout this process and archived as station records for election audits when and where necessary. This also means that the membership database should be comprehensive and the MEMSYS software should add the necessary fields for those who receive waivers and those who donate time.

10. We demand that a Membership Bill of Rights be created and sent to every member of the station informing them of their rights and responsibilities as members of the WBAI community. It should also explain the importance, the process of voting and what it means to them as members and to the station staff and administration, as well as who has access to the names and addresses of members.

--The current management at WBAI has refused to continue the longstanding recognition of the union of the unpaid staff, despite being bound by a signed collective bargaining agreement, and has provided an incomplete list of producers in the unpaid category for the staff elections. The National and Local Election Supervisors have violated the bylaws by using this list solely, rather than the one provided by the union, as the basis for determining the unpaid staff member list to whom ballots were to be sent. This management has also banned some producers and unpaid staff from station access and from the airwaves without any due process.

11. We demand that the management of WBAI maintain the longstanding recognition of the Unpaid Staff Organizing Committee (USOC) as the union representing these workers at WBAI and that the local and national supervisors accept the list of unpaid staff submitted by USOC as the basis for staff participation in this and all subsequent elections. We also demand that all banned staff be restored to all their rights including access to the station and their right to run and to vote in the staff electoral process.

12. We demand that the Fair Campaign Provisions be implemented to address the disparity in the treatment of the current candidates in terms of on-air debates, community forums and equal opportunities to inform the members throughout the listening area of their ideas and positions on station matters. Some candidates have not been allowed to debate on the air even once. Each candidate must be accorded at least two on-air appearances for election debates, as required by Pacifica National Board policy. In addition, we demand that more community forums and debates be scheduled throughout the listening area to

provide the members with sufficient opportunities to inform their vote. This can be done by creating the new balloting cycle and extending the election period as indicated above.

--There have been several violations of the Fair Campaign Provisions by producers who have disparaged some candidates on the air. Complaints have been filed about these incidents, yet no action has been taken by the Local or National Election Supervisor.

13. We demand that the violations of the Fair Campaign Provisions stop and that corrective actions be taken immediately on these violations.

14. We demand that the recall election of WBAI Delegates Steve Brown and Mitchel Cohen from the Local Station Board, which was submitted on July 15, 2009, on petitions signed by hundreds of WBAI members, be implemented concurrent with the new balloting cycle. This should be done by enclosing recall ballots and related materials with the balloting materials for the Local Station Board election. The negligence and failure of the Pacifica National Board to act in an expeditious and timely way has brought significant harm to the hundreds of petitioners who sought removal of these delegates during a regular election cycle for actions that were adverse to the best interests of the station and Pacifica. This group and every member have suffered great financial harm because additional expenses are now necessary to conduct this recall process. The continuing damage from these Delegates' actions and decisions must end.

--There have been so many problems and violations during this 2009 election cycle that we must seek other procedures, actions and methods to help insure that an equitable process takes place to protect all of the members from further harm and to insure a fair, democratic process for all future elections at WBAI-Pacifica radio.

15. We demand that a Watchdog Election group of independent observers be established at WBAI to monitor these issues and report back to the members, listeners and to the public on the remedies taken and acted on to resolve all of these and any other problems with this election cycle, new balloting schedule and for future elections.

In addressing these problems, the Coalition to Take Back WBAI sets forth these demands because we want real solutions to be implemented and remedies taken that will rectify the many issues which have plagued and damaged this electoral process so far beyond repair that it cannot be saved in any way. The damage to the station's image and credibility, the breach of trust and confidence in the station's work and mission that this has caused, has been extraordinarily destructive. We seek to protect the voting rights of every member of WBAI so that they can indeed vote and exercise their democratic responsibilities in support of one of the most important media institutions in New York, in the country and via the Internet, in the world.

We demand a response from you on these matters within the next five [5] business days and look forward to the implementation of the above stated remedies so that confidence and trust can be restored in the station. You can reach us at our email address and our Post Office address as listed above.

Sincerely,

Coalition to Take Back WBAI

takebackwbai@gmail.com & takebackwbairecall@gmail.com