

Appendix 18: Open Letter: Appointment of Local Election Supervisors. Open Letter to my Friends and Interested Parties at Pacifica

I'm sad to see that another Pacifica election is on the brink of being trashed and ruined. I have no opinion about the person some of you would like to see appointed as the KPFK LES. I have heard he did a good job last year. It's too bad that he is ineligible this year. But that is the way it is.

As one of the main proponents of elected boards at Pacifica back in 1999-2001 -- when I brought the "listeners lawsuit" that was settled by compelling the resignations of the old self-appointed PNB and LSBs and the rewriting of the bylaws to require election of local boards by members (listeners and paid and unpaid staff) -- I have come close to regretting it. There is considerable evidence that I was wrong and that Pacifica members (listeners and staff) are incapable of putting the best interests of Pacifica and the five stations above their personal interests, friendships & loyalties, job interests, etc.

I was the chair of the PNB National Bylaws committee back in 2002-2003. It was a chaotic process, foreshadowing the chaos that has ensued in the elections. It's a miracle that the bylaws were passed and that all of you are now in a position to argue about what they say and mean. But I can tell you unequivocally that the intent of the drafters of the bylaws was to put a solid wall between the staff and management and boards at Pacifica and the National and Local Elections supervisors -- for obvious reasons. It is imperative that elections supervisors stand as far outside Pacifica's internal politics as humanly possible in order to run free, fair and unbiased elections. There must be no conflicts of interest, and no appearance of conflicts of interests.

Yes, there are many places where the bylaws language could and should have been clearer and better thought out. But, given the process we had to work with and the vehemence of many of the participants in trying to sabotage that process, we did the best we could.

But the bylaws are clear and unequivocal that -- (1) unpaid staff members may not serve as local or national elections supervisors and (2) unpaid staff members are any person who has volunteered 30 or more hours in the previous three months. If Pacifica's attorney has said otherwise, he is mistaken and should reread the following sections of the bylaws, and revise his opinion. Lawyers make mistakes. (I'm a lawyer, and I say so from rueful experience.) When we do, it's important to put the best interests of our clients first, and to admit and correct our mistakes).

ARTICLE FOUR

Section 4. ELECTIONS SUPERVISORS

B. LOCAL ELECTION SUPERVISORS

In preparation for an election of Delegates, the National Elections Supervisor shall appoint, subject to approval of the Executive Director, a local election supervisor for each Foundation radio station area. A local elections supervisor may not be an employee of the Foundation or any Foundation radio station or a Delegate, Officer, or Director of the Foundation or any LSB, or a radio station staff member, paid or unpaid. [...]

ARTICLE THREE

SECTION 1. MEMBERS DEFINED

B. STAFF MEMBERS

"Staff Members" shall be: (1) any non-management full-time or part-time paid employee of a Foundation radio station; or (2) any member of a Foundation radio station "Unpaid Staff Organization" or "Unpaid Staff Collective Bargaining Unit" which has been recognized by station management, or, if the station has neither such organization or bargaining unit, then any volunteer or unpaid staff member of a Foundation radio station who has worked for said radio station at least 30 hours in the preceding 3 months, exclusive of fundraising marathon telephone room volunteer time. Said volunteer work shall be performed under the supervision of the Foundation radio station management and shall not include volunteer work on committees of a Local Station Board. [...]

In hindsight, I wish we had disqualified anyone from serving as NES or LES if they had been paid or unpaid staff within the previous year, and also disqualified elections supervisors from becoming paid staff or unpaid programmers for a full year after their terms as elections supervisors are expired. That would have been even better -- and I strongly recommend that the PNB adopt a policy to that effect going forward.

But the spirit of the bylaws is clear and the current NES should be commended for abiding both by the letter and the spirit of the bylaws in protecting the integrity and impartiality of the elections. That takes courage in the Pacifica environment, and I'm sad to hear that friends of mine are attacking and condemning her for it!

So, there is a full-scale revolt underway at KPFK now -- with members of the PNB and LSB, some candidates, and even the station manager refusing to cooperate with the LES who has been appointed by the NES. This is outrageous! The station manager should be fired or seriously disciplined for such insubordination. The rest who are participating in this disgrace really need to back up and think about the BIG picture here. If you succeed in your campaign to have an unpaid staff member appointed as the KPFK LES -- overriding the hiring decision of the NES and ED -- then there is no barrier whatsoever between station politics and the elections supervisors. This precedent would allow any faction at any station to collude with a station manager to choose any election supervisor in the future. Is that what you want? Is it OK if you do it, but not if you adversaries do it? Even if the bylaws did not prohibit hiring unpaid staff members as elections supervisors, it would be the wisest decision of the NES to disqualify such a candidate based on the potential for conflicts of interests or

appearances of conflicts of interests and it would be well within his/her discretion -- especially when under pressure from some faction to hire some person. That kind of pressure should be suspect and vigorously resisted by any impartial NES with integrity! And the PNB and ED should vigorously resist any attempt to compromise the NES's authority and impartiality.

There are so many crucial issues facing Pacifica -- first and foremost is avoiding bankruptcy and getting the Foundation back on a solid financial basis, and another first and foremost is stopping the internecine warfare and chaos that is destroying Pacifica and driving it into insolvency.

So, my plea to all of you -- and especially to my friends -- is to stop this now. Walk it back, make apologies where necessary and mend your fences, fall on your sword where necessary, and maybe find another job for the person who you wanted as the KPFK LES if that is appropriate. But, please, put this behind you so that Pacifica and KPFK can perhaps for the first time have an election without undue manipulations from station factions and/or management in its supervision.

Best wishes,

Carol Spooner (PNB Jan 2002-Jan 2005)