

Official Ballot Instructions

Instructions:

- Please completely fill in the box which corresponds to your vote selection using black/blue pen or marker. No pencil.
- Only original ballot accepted. No copies.
- If ballot is damaged, need replacement, or if you have any questions, please e-mail kpfarecall@gmail.com.

Information Regarding Ballot Counting and Mailing:

- Send your ballot to KPFA 2012 Recall Election, P.O. Box 11708, Berkeley, CA 94712-2708.
- Ballots must be received by August 3, 2012.
- Ballots will only be accepted via post. **Do not drop it off at KPFA Radio Station.**
- A public ballot pick up will occur on August 4, 2012 at 10:00 AM at the Post Office.
- Ballots will be counted at the National Office on August 4, 2012 at 12:00 PM.

Should Tracy Rosenberg be recalled as a member of the KPFA Local Station Board based on the allegations within the also-included recall petition filed against her by certain KPFA listeners?

Yes

No

As all ballot images will be made public, refrain from writing personal information on this ballot as it will compromise voter confidentiality.

Return This Page Only — Ballots Must Be Received Via Post By August 3, 2012

For Official Use Only

Initial #

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Cut along the dotted line, detach and mail this portion. ✂

✂ Cut along the dotted line, detach and keep this portion for your records.



KPFA 2012 Recall Election Ballot Receipt — Keep For Your Records
ALL BALLOTS MUST BE RECEIVED VIA POST BY AUGUST 3, 2012

We, as members of KPFA, call for a vote to remove KPFA Listener Delegate Tracy Rosenberg for actions adverse to the best interests of KPFA and the Pacifica Foundation. In her partisan quest to eliminate her opponents within KPFA, Rosenberg has created legal liabilities for the foundation, undermined KPFA's fundraising, attacked its union, and destroyed KPFA's most popular local program, The Morning Show.

While serving as a member of the Pacifica National Board, Rosenberg drew up and presented to Pacifica management a list of staff to purge from the station in September 2010. That list included Morning Show co-hosts Aimee Allison and Brian Edwards-Tiekert, as well as Evening News co-anchor John Hamilton – all critics of Rosenberg's board faction. As The Morning Show was KPFA's most listened-to local program, and its largest fundraiser; and as Rosenberg's list broke the seniority provisions of KPFA's union contract, Rosenberg clearly placed her partisan interest in eliminating her opponents, above her concern for the well-being of the institution on whose board she serves.

KPFA's staff union warned that a board member's involvement in hand-picking staff to eliminate constituted "tortious interference" in KPFA's union contract. Nevertheless, Pacifica pressed ahead with Rosenberg's hit-list and laid off Brian Edwards-Tiekert and Aimee Allison in breach of KPFA's union contract. After spending over \$30,000 on an anti-union law firm to defend its actions, Pacifica was forced to reinstate Brian Edwards-Tiekert with back-pay.

The elimination of KPFA's Morning Show has, according to web listening statistics and audience research data, cost KPFA dearly in terms of audience. Morning drive-time pledges during the winter 2011 fund drive fell nearly \$140,000 compared with the prior year.

In January 2011, the Local Boards at KPFA and KPFK elected representatives to the Pacifica National Board who represented a challenge to the majority held by Rosenberg's faction. Rosenberg brought two motions before the Pacifica National Board to overturn these elections under fraudulent auspices and for specious reasons.

Specifically, she circumvented the notice requirements of Pacifica's bylaws by misrepresenting her motions, in writing, as the work-product of a board committee that had not even met to consider them. The passage of those motions permitted incumbent members of the Pacifica National Board illegally to extend their terms of office, thus preserving the power of the faction that backed removal of KPFA's Morning Show.

Rosenberg's actions triggered two lawsuits against the Pacifica Foundation. Defending them cost the Foundation significant money. Both of Rosenberg's motions were ultimately overturned by court injunction.

Rosenberg misappropriated a list of KPFA members' personal email addresses, moved it to a server account controlled by an outside nonprofit that she directs, and used it to spam KPFA members with emails purporting to be from KPFA to promote the new Morning Mix program. This action violated KPFA's written email use policy; it triggered complaints from KPFA members; and it also undermined KPFA members' faith in the ability of the Pacifica Foundation to safeguard their private information, which can be expected to lead to a drop in donations. She has been censured by KPFA's Local Station Board for these actions.

Please see reverse for Ms. Rosenberg's statement.

Tracy Rosenberg's Statement

Although I had been a KPFA listener since my arrival to the Bay Area in 1985 (from New York City), I never saw the inside of the building at 1929 Martin Luther King Jr. Way in Berkeley until the day I climbed into the news department via a ladder from the sidewalk in July of 1999 and promptly got arrested. Perhaps it was an omen of things to come.

That was the beginning of a multi-year struggle. As most people know, it ended with a new set of bylaws that provide for the direct election of local board members, and the ability to recall them, if necessary. I was part of the small Berkeley-based group that created the first draft of those bylaws and I argued intently for the right to membership recall. I still believe in it.

When a community institution is about to be sold out from under the people who built it and paid for it, the board should be recalled. When there is criminal conduct that endangers public assets, the board should be recalled.

When large operating deficits cause layoffs because expenses outstrip revenue and cash reserves are exhausted, recalling the board doesn't change financial realities. When there is a dispute about whether the legal advisor to the mayor is a political position or not, recalling the board doesn't change the need to clarify the meaning of the bylaws. When KPFA staff express frustration about the inability to digitally market their programs as extensively as they'd like due to tech limitations, recalling the board doesn't change technology challenges.

A recall election is a terrible thing. It's very expensive. It's terrible publicity for the station. Whatever the results, it will leave hard feelings for years to come. And it won't be the last one in the network.

Just because something can be done doesn't mean it should be done. KPFA listeners have the responsibility to uphold the trust the bylaws-drafters (like me) showed in them. They trusted that you would have the ability to distinguish between politically-motivated power struggles that are just nuclear reactions to disagreement and the threat to sell off something that belongs to the members behind their back. Please prove them right by voting no on this bad recall.

Why is this recall attempt happening? It's not the charges in the recall petition above. Because they aren't true.

There was no "hit list". There was a union seniority list. Provided by the union. The layoffs were caused by 2 consecutive years of operating deficits of more than half a million dollars. The 2 programs with the lowest levels of staffer seniority were the old Morning Show and Letters and Politics. The National Labor Relations Board dismissed 5 consecutive complaints since November 2010, upholding Pacifica's actions on every occasion. When a layoff was taken to arbitration, the arbitrator ruled Pacifica's actions were correct. The allegations of contract violations, of abuse of labor laws, and of union-busting and scabs are untrue and totally unsupported by facts.

Being the legal advisor to the mayor of Oakland, as Jean Quan spokesperson Sue Piper announced Dan Siegel had become on January 17, 2011, can be considered holding political office. Disagreement with Mayor Quan's actions towards Occupy Oakland protestors was the reason Mr. Siegel left the position. Disagreement over whether accepting a salary or doing work pro-bono changes the meaning of the words "political office" in Pacifica's bylaws (which forbid those who hold a political office from serving on the KPFA board) is an obscurity for lawyers to chew over. It's not a crime. The matter will get settled in the Court of Appeals, where it is currently awaiting a hearing.

The promotion of programs on KPFA to members who provide their email address for updates from KPFA should be happening regularly. It would have been wrong to send information about the activities of another organization to KPFA members. It would have been wrong to solicit donations for another organization to KPFA members. Helping KPFA staff promote KPFA programs to KPFA members and solicit donations for KPFA isn't wrong.

So if it's not the charges in the recall petition, then why is this happening?

Proportional representation (PR), as KPFA listeners know, is a system that allows for a wide variety of perspectives to be present in a given forum. Some may be majority opinions, some minority opinions, or the pendulum may flip back and forth as at KPFA where candidate slates with differing points of view swapped the board majority in 2010 and 2011. The Pacifica Foundation committed to the internal use of PR back in 2001, way before the cities of SF and Oakland followed suit. It did so with full understanding that more points of view in the room don't always help the trains run on time, but with the strong belief that it is the right way to operate.

It is a big challenge to retain a commitment to participatory democracy while trying to guide a 15 million dollar institution through a very troubled economic landscape. Some people say to heck with it. They don't want a percentage of the votes on the National Board proportional to the percent of the electorate that supports them. They want all of them. This isn't all that surprising. KPFA has been a closed shop for a long time. Perhaps it is a natural reaction to having so many voices wanting to get a piece of limited airtime when there are so few options for peoples media.

But we need to be expansive and creative in response to fear and scarcity. If the 1% have made less paid programming an economic necessity, then we continue to use KPFA's 59,000 watts to tell the truth. If the two-party political system stifles healthy debate and dialogue, we try to model allowing many perspectives a seat at the institutional table.

This recall election sends KPFA in the wrong direction. Vote no.