

COMPLAINT PBRC014

3/3/2020 9:48:53

Daniel Borgstrom

[email address redacted]

Anonymous: No

We, Steve Gilmartin and Daniel Borgstrom, were leafleting at the Hillside Club in Berkeley on Thursday night, February 27, 2020, where we heard [name redacted], who was leafleting for ""yes"" on the proposed replacement bylaws, telling people that the majority of the KPFA LSB endorsed the proposed bylaws. Since the only vote taken by the KPFA LSB on this issue, on January 11, 2020, was overwhelmingly against the Bylaws changes, we asked [name redacted] about her assertion, and she affirmed that it was correct. [name redacted] was handing out a leaflet titled: ""The KPFA Local Station Board Majority Endorse the Pacifica Bylaws Amendment.""

The first line of [name redacted]'s leaflet reads: ""After an extensive investigation, the majority of the KPFA Local Station Board have endorsed the proposed 2020 Pacifica Bylaws Amendment. We urge all KPFA listener and staff members to vote YES on the amendment.""

The assertion occurs on the SaveKPFA website at two places. On the home page of the website (<https://savekpfa.org>), a heading states "KPFA's Local Station Board majority says VOTE YES" and then links to the "Open Letter" (<https://savekpfa.org/kpfa-local-station-board-majority-endorse-the-pacifica-bylaws-amendment/>), where a statement nearly identical to [name redacted]'s leaflet is posted:

HEADING: "KPFA Local Station Board majority endorse the Pacifica bylaws amendment

After an extensive investigation, the majority of the KPFA Local Station Board announce their endorsement of the proposed Pacifica Bylaws Amendment."

These statements create the false impression that the KPFA LSB voted to support the Bylaws overhaul when in fact the LSB voted against it by a vote of 4Y 14N 4A (on January 11, 2020). This was the only vote taken by the KPFA LSB on this issue. There is an audio record of this vote at kpftx.org.

These statements not only mislead people about the official position taken by the KPFA LSB but could lead people to conclude that the literature of those advocating a "No" vote, accurately reporting the LSB vote against the Bylaws amendment, are lying. At the very least SaveKPFA's statement will cause confusion.

The rules governing the Local Station Boards according to the current Bylaws are:

- * Decisions are made by all delegates, who have been notified of the upcoming meeting in advance.
- * Roberts' Rules of Order are used to come to decisions.

These can be found in the Pacifica Foundation Bylaws (https://pacificafoundation.org/indexed_bylaws/index.html) in Article 3, section 6; Article 6, section 8; and Article 16.

Of course the named individuals on the LSB have a right to express their support for the Bylaws change as individuals, but their use of the phrases "KPFA's Local Station Board majority says VOTE YES" and "KPFA Local Station Board majority endorse the Pacifica bylaws amendment" is highly deceptive as they create the impression that the LSB as an official body did so, which is completely counter-factual. The

decisions of the majority faction approving the replacement bylaws were made outside the LSB meeting structure and cannot be characterized as LSB decisions. They are the decisions of individuals and it is deceptive and prejudicial to characterize them as LSB decisions.

Requested remedies: The delegates claiming to have altered their lawfully voted decision against the replacement bylaws and characterizing this as a majority LSB decision, shall sign and publish a statement, on the SaveKPFA website and to SaveKPFA newsletter subscribers, and any other place they published their misleading information, that this cannot be called a lawful decision of the LSB, since it was not arrived at in a lawful LSB procedure, which allows for a debate and discussion among all the delegates. They also must issue the correction to all email lists or other outlets through which the misleading information was distributed.

Daniel Borgstrom: [email address redacted]

Steve Gilmartin: [email address redacted]

*Email in Support of this complaint

Ms. Penaloza,

I am writing in support of the Election Violation Complaint recently filed by Daniel Borgstrom and Steve Gilmartin. They are both fair and reputable members of Pacifica, and the issue that they bring forth is a real and a serious issue, that I hope you will quickly rule in favor of. I sincerely believe that their report of disingenuous actions by members of the Save KPFA group is true and accurate.

As the complaint reads,

“These statements create the false impression that the KPFA LSB voted to support the Bylaws overhaul when in fact the LSB voted against it by a vote of 4Y 14N 4A (on January 11, 2020). This was

the only vote taken by the KPFA LSB on this issue. There is an audio record of this vote at kpftx.org.”

This is an extremely serious matter and corrective measures should diffidently be taken to reverse the misrepresentation (lie) and correct any damage done by this unethical and very likely illegal action.

Thanks for your consideration of this matter.

Respectfully,
Richard Uzzell, KPFT LSB Secretary

Election Inspectors Response: The SaveKPFA flyer and website are misleading, since the KPFA LSB voted against the restructuring proposal and has not changed its vote. There is no evidence presented that Pacifica Foundation resources were used to distribute this argument. Recommended action: if the claim that a majority of the KPFA LSB supports a Yes vote should come up in a debate or panel discussion, the moderator should clarify that LSB Members do not speak for the LSB outside of meetings unless specifically authorized.

