

## **Resolution of WBAI's Local Station Board Responding To Shutdown of WBAI New York**

**Whereas**, Article Seven, Local Station Boards, Section 3: Specific Powers and Duties, Subparagraph E. of the Bylaws (“Bylaws”), assigns various responsibilities respecting local station management to the WBAI Local Station Board (“WBAILS B” or “LSB”) as the Local Station Board for WBAI New York radio, including, in part:

1. *“To screen and select a pool of candidates for the position of General Manager” and that the “LSB may initiate the process to fire a station General Manager.”*
2. *“To screen and select a pool of candidates for the position of station Program Director, from which pool of approved candidates the station's General Manager shall hire the station's Program Director.”*
3. To evaluate *“the station's Program Director.”*
4. *“To work with station management to ensure that station programming fulfills the purposes of the Foundation and is responsive to the diverse needs of the listeners (demographic) and communities (geographic) served by the station, and that station policies and procedures for making programming decisions and for program evaluation are working in a fair, collaborative and respectful manner to provide quality programming,”* and
5. *“To ensure that the station works diligently towards the goal of diversity in staffing at all levels and maintenance of a discrimination-free atmosphere in the workplace.”*

**Whereas**, the WBAILS B has been working diligently in all respects to fulfill its responsibilities and yet WBAI's broadcasting has apparently been shut down nevertheless without proper procedure or involvement of the WBAILS B;

**Whereas**, WBAI was given in trust to Pacifica to maintain the vision of WBAI founder Louis Schweitzer to broadcast diverse and contrary views to the New York community; and

**Whereas**, a new Interim Executive Director for the Pacifica Foundation, Jon Vernile, appeared at WBAI with several other individuals, who are supposed to be currently serving as Directors of the Pacifica Foundation National Board (“PNB”) together with the other individuals taking direction from Mr. Vernile and/or these the two aforementioned Directors of the PNB (the “IED Crew”) and seized control of WBAI's premises in order to shut down WBAI's normal authorized broadcasting and replace it with other content of their own choosing; now, therefore be it

**RESOLVED**, by the LSB as follows:

**Section 1.** We declare for the record that the IED Crew have shut down WBAI without notifying the LSB or any of its officers of these actions or providing any explanation thereto, and this is despite the fact that LSB Chair previously reached out to the IED seeking to open communications with the IED and offering to inform the IED about station and LSB operations and management, to which invitation the IED never responded, and despite the fact that the LSB's Management Evaluation Committee similarly contacted the IED and similarly offered to

inform him of its work underway, to which invitation the IED also did not respond.

**Section 2.** We declare for the record that WBAI's broadcast signal has since been used to broadcast programming that we hereby find is not "*responsive to the diverse needs of the listeners (demographic) and communities (geographic) served by the station,*" that such programming is not properly reflective of "*station policies and procedures*" and is not being produced by "*working in a fair, collaborative and respectful manner*" and is not providing "*quality programming*"; in fact, we find WBAI's content has been politically neutered.

**Section 3.** We declare for the record that the programming broadcast over WBAI by those seizing the WBAI station is harmful to WBAI and its brand, and to the community, and is driving away WBAI listeners.

**Section 4.** Those seizing the WBAI station to shut it down have violated the Bylaws by not continuing to broadcast notice of the October 9, 2019 LSB meeting as required by the Bylaws.

**Section 5.** We declare for the record that the WBAILS made no decision to recommend the firing of WBAI's General Manager, Berthold Reimers, nor of Interim Program Manager Linda Perry, nor has it voted in any way to express dissatisfaction with their work that could justify any current action that would hurt WBAI and Pacifica by removing them from their positions, especially in the arrogant, destructive, and illegal manner that the IED Crew acted.

**Section 6.** We hereby direct that whatever acting General Manager the IED has put in place in charge of WBAI be removed and that whatever acting Program Director put in charge by the IED Crew (this is specifically *not* a reference to Linda Perry) also be removed, because, for at least three full business days, they have not identified themselves to the LSB or taken any steps to establish the relationship and coordination with the LSB required under the Bylaws, nor were whatever people who may hold such positions put in place by the IED Crew with proper procedures or involvement of the WBAILS, and we further declare for the record that we did not endorse, or in any way concur in any actions of the IED Crew putting any such individuals in place, which we consider to be illegitimate and in contravention of the legal processes stipulated in the Bylaws.

**Section 7.** The apparently ultra vires, unauthorized actions of the IED Crew that were launched with intentional secrecy are quite obviously intentionally harmful to WBAI and very significantly to Pacifica as a whole, including financially, and, accordingly, the LSB is committed to investigating for further appropriate action the likely personal liability of all members of the IED Crew, as well as any PNB member or other person assisting them in any way in such actions taken by them prior to authorization of the PNB.

**Section 8.** Although we read in the New York Times that "*Pacifica leaders said that the decision to shut down the station had been in the works for months, and that it was an essential step to save the larger foundation from ruin,*" we do not know who the people are who are identifying themselves as these "*Pacifica leaders,*" and the LSB was never advised of, or consulted with about "*the decision to shut down the station*" that assertedly, "*had been in the works for months,*" and, as such, we think it is clear there could not have been any emergency reason for the formulation of secret plans to shut down the station without PNB or LSB knowledge, approval or consultation pursuant to referred to "*months*" of secrete planning.

**Section 9.** The LSB finds for the record that unnoticed shutdown of WBAI was apparently

intended to inflict extra harm on WBAI and Pacifica as a network by doing it in the middle of an ongoing, successful fund drive by WBAI and in the middle of an ongoing LSB election, thus impeding the right of WBAI voters to a free and fair election, including particularly, but not limited to impeding the ability of WBAI members to vote by taking down WBAI's web pages and web links about the election.

**Section 10.** The WBAILSBS finds it utterly reprehensible and believes it criminal that the IED Crew involved in this insubordinate insurrection arbitrarily shut down WBAI's web pages and web links about the election, and redirected WBAI listener-donated funds to KPFA in California without first informing the PNB Directors and gaining the approval of WBAI's management and/or governing body and that the IED Crew arbitrarily and illegally occupied the station's premises, evicted and locked out street producers, took equipment and station funds, solicited funds on WBAI's airwaves for other station, and took intellectual property.

**Section 11.** We find that in multiple ways the actions of the IED have been pretextual, associated with the dissemination of false information, and also appear to be discriminatory in intent and in result.

**Section 12.** We urge all WBAI members to make every effort they can to vote in the Local Station Board elections, irrespective of the impediments thrown up by the actions of the IED Crew, while also recognizing that it is now probably necessary for Pacifica to attempt corrections for the defects the IED Crew have introduced into the election process.

**Section 13.** The LSB hereby supports and encourages all funding efforts to ensure that WBAI continues as a station broadcasting in New York appropriately reflecting the needs of our local communities.

**Section 14.** The LSB is particularly affronted and concerned that the months of planning this seizure by the IED Crew has entailed the deliberate elimination of WBAI's archives, which, no longer available, means WBAI history is being erased in a very Orwellian fashion at exactly the time when the public seeing WBAI in the news should be able to explore and discover the content of the station that the IED Crew is now making the subject of controversy.

**Section 15.** The WBAILSBS calls on any counsel representing Pacifica not to provide legal representation and counsel for any of the IED Crew in connection with their insubordination, insurrection, and ultra vires acts, as to do so would be, and must be handled as, an unwaivable conflict of interest.

**Section 16.** The WBAILSBS calls upon the PNB not to indemnify any of the IED Crew in connection with their insubordination, insurrection, and ultra vires acts; and instead, we ask the PNB to consider how it can recover for the losses sustained by WBAI and the rest of Pacifica by personally pursuing the individuals of the IED Crew who engaged in such acts.

**Section 17.** The WBAILSBS urges the Directors of the PNB who have not invalidated their status as Directors by participating as a member of the IED Crew or by acting to support their actions, to remove from the Board and from any position in Pacifica all who participated in this attempted coup.

**Section 18.** The WBAILSBS expresses, on behalf of the station, our gratitude to the Mayor of New York City and to the New York State Attorney General, for their expressions of friendship

and support for WBAI, and urge them to assist WBAI in getting back on its feet.

**Section 19.** The WBAILS B finds that, as seized by the IDE Crew, the purpose of serving the New York community by broadcasting diverse and contrary views, for which WBAI founder Louis Schweitzer entrusted Pacifica with his gift is not being met or even minimally respected.

**Section 20.** This resolution shall take effect immediately and direct the LSB chair to forward this resolution to the PNB and make every effort to promulgate it widely for public view and to ensure it becomes widely known that the LSB denounces this locking out of WBAI's staff and the taking over of its programming.