

KPFT Delegate Assembly - Minutes
Friday, December 1, 2017

Trial before the Assembly of Delegates

Assembly agrees without objection to hold Trial in Open Session per Robert Mark's request.

Defendant: Robert Mark - KPFT Board Member

Acting Prosecutor: Adrienne LaViolette

Chair: Katherine (KC) Sinclair

Members Present: Adriana Casenave, Rita Washington, Susie Moreno, Nick Economides, Gerald Lynch, Anisa Faruqi, Ted Weisgal, Katherine Sinclair, Cliff Smith, Adrienne LaViolette, DeWayne Lark, Deb Shafto, Elayne Duncan, Wally James, Robert Gartner, Perri McCary, Jim Krafka, Joseph Davis, Bill Crosier, Robert Mark.

Absent: Rhonda Garner, Alexandra Hunter, Vanecia Williams, Mike Lewis

Robert Mark (representing himself) is being tried on the following Charge and Specification:

Charge: Conduct tending to injure the good name of this organization.

Specification: In that on April 12, 2017, in a public meeting of the KPFT LSB of the Pacifica foundation at the Montrose Center, 401 Branard, Houston, TX, Mr. Robert Mark, made a gesture known commonly as a "Nazi Salute", in frustration towards a member of the public while she was exercising her right to speak before the assembly.

To the Specification Robert Mark pleads: Guilty

To the Charge: Robert Mark enters *no plea* stating that it is the "ultimate decision of the Body".

Verdict: Guilty (12 Guilty, 4 Not Guilty [NG], 1 abstention, Chair abstained)

Adriana Casenave G Rita Washington G

Susie Moreno G Nick Economides G

Gerald Lynch G Anisa Faruqi G

Ted Weisgal G Katherine Sinclair A

Cliff Smith A Adrienne LaViolette G

DeWayne Lark G Deb Shafto NG

Elayne Duncan NG Wally James NG

Robert Gartner G Perri McCary G

Jim Krafka NG Joseph Davis G

Bill Crosier protests that his vote is not recorded

Penalty:

Motion 1: Whereas Mr. Robert Mark has been found guilty of (both the charge and the specification listed above), we move the following: to remove Mr. Mark's LSB voting rights until Dec. 1, 2018, require Mr. Mark to complete 1 (one) Sensitivity Training course at his own expense and show proof of completion to the LSB by Jan. 31, 2018 - only after the LSB has verified that the sensitivity training course has been completed, will Mr. Mark have the option to attend LSB meetings. We also move that: Mr. Mark's eligibility to run for the PNB be suspended until Dec. 1, 2018 and *Should Mr. Mark fail to show proof of sensitivity training completion to the LSB by Jan. 31, 2018:* Mr. Mark will not be allowed to attend LSB meetings or vote for the duration of his LSB term and will be ineligible to run for the LSB again.

Motion passes: 10 for, 5 against [AG], 2 abstentions [A], Chair abstained

Adriana Casenave F Rita Washington F

Susie Moreno F Nick Economides AG

Gerald Lynch A Anisa Faruqi F

Ted Weisgal F Katherine Sinclair A

Cliff Smith A Adrienne LaViolette F
DeWayne Lark F Deb Shafto AG
Elayne Duncan AG Wally James AG
Robert Gartner F Perri McCary F
Jim Krafska AG Joseph Davis F

Bill Crosier protests that his vote is not recorded

Motion 2: Whereas Mr. Robert Mark has been found guilty of (both the charge and the specification listed above), we move the following: to remove Mr. Mark from the PNB- effective immediately.

Motion fails Votes: 11 for, 5 against, 1 abstention, Chair abstained

(Requirement to pass this motion is: 2/3 of all Delegates present with a minimum of 13)

Adriana Casenave F Rita Washington F

Susie Moreno F Nick Economides AG

Gerald Lynch F Anisa Faruqi F

Ted Weisgal F Katherine Sinclair A

Cliff Smith A Adrienne LaViolette F

DeWayne Lark F Deb Shafto AG

Elayne Duncan AG Wally James AG

Robert Gartner F Perri McCary F

Jim Krafska AG Joseph Davis F

See below/herein attached: Addendum of the Prosecution's Opening and Closing statements.

Slides to be projected During Opening and Closing Statements

[Slides were not read]:

Slides to be projected During Opening and Closing Statements

[Slides were not read]:

Opening Statement:

Thank you for coming out tonight.

Every organization has rules of conduct to foster and maintain a work environment that is free from hostility.

In this spirit Roberts Rules addresses injurious behavior in the following way:

...an organization or assembly has the ultimate right to make and enforce its own rules, and to require that its member refrain from conduct injurious to the organization or its purposes. No one should be allowed to remain a member if his retention will do this kind of harm.

And

In any society, behavior tending to injure the good name of the organization is a serious offense properly subject to disciplinary action, whether the Bylaws make mention of it or not. Serving on this Board is NOT a Right, it's a privilege and as such the privilege can be removed when the Body decides that an individual's actions are detrimental to the Board's mission.

Slides to be projected During Opening and Closing Statements

[Slides were not read]:

Our Bylaws state that we are to actively reach out to underrepresented communities to help the station serve a

diversity of all people across race, class, sexual orientation etc.,
**to help build collaborative relations with organizations
working for similar purposes.**

A public Nazi Salute done by a Board Member only serves to push away underrepresented communities and make collaborative relations with like-minded organizations impossible. When people are made aware that this type of behavior is allowed to exist at Pacifica they will cease to want to be associated with us. It is the ultimate symbol of hatred and intolerance and no reputable organization would want to be associated with it.

***Slides to be projected During Opening and Closing Statements
[Slides were not read]:***

The Pacifica Foundation mission states that we should “promote the study of political and economic problems and of the causes of religious, philosophical and racial antagonisms.” This Foundation is dedicated to Social Justice and the study of the sociological reasons behind the resentments between various segments of our population. How can we condone or excuse one of our Board Members using one of the most recognizable symbols of racial and religious antagonism in modern history? If we accept this behavior - Instead of trying to understand these antagonisms in an effort to create a better world – we become antagonists. We cannot allow this. Our reputation is at stake. Now, if Mr. Mark’s former statements on the matter are any indication, he will try to make this about Nancy – but this is not about Nancy. It’s about us holding each other to a minimum standard of behavior. It’s about us having a zero tolerance for Hate Speech in the Boardroom and to anyone who engages in it. Let’s remember one very important thing: at the time this happened, Nancy was a Listener-Member who was exercising her right to speak freely before the Assembly during Public Comment and Robert Mark was a Board member representing KPFT in its values and Mission. Board Members are not supposed to interact with the Public at all during Public Comment. This is a time where we are supposed to sit there and listen. We might have to sit there and take undeserved wrath, furry, attack on our character, lies, etc. Our Public can be passionate... as passionate as they want! And our mandate is to simply *listen*. We don’t respond...and we definitely don’t ridicule or disrespect our Public – no matter what. We owe them that. They care deeply about our station and they pay our bills. Another thing we might hear about during this Trial is how Mr. Mark has done some good things for Pacifica. The prosecution willingly concedes this. And there is so sense in espousing Mr. Mark’s virtues because this is NOT what this Trial is about. To put it clearly, Mr. Mark is *expected* to do good things as a Board Member. He is also expected to *do no harm* and to not tarnish the good name of our organization. He has failed at this and should be held accountable. Our society does not work on a Brownie points system where if you do this many good things, then you have earned the right to call someone a bitch here and there, use a racial slur, or throw out a Nazi Salute to a woman of color. That’s not the way it works. And thank God. We might also hear Mr. Mark state that he didn’t have the intent to harm anyone by his actions. Well, all I can say to that is that Hate Speech harms people, scares people, devalues life, and in this case has created a hostile work environment for Jews, people of color, and other minorities as well as counteracting diversity and inclusion initiatives. Mr. Mark should have known this when he threw up his hand in a Nazi Salute.

Lastly, we might hear that Mr. Mark did not think of Nazis or Hitler or WW2 when he did the Nazi Salute. We might hear him call it a Trump Salute. There is no such thing as a Trump Salute, and if there were such a thing it would not look the same as a Nazi Salute. And frankly, it is not, in any way shape or form, plausible that you can do a Nazi Salute and not know that you're doing a Nazi Salute. Period. So if the testimony goes in that direction, please use your common sense and disregard that nonsense.

Eyes are on us for this. Even eyes that aren't here tonight. I know this for a FACT. Our reputation is at stake. What we do with this vote tonight will say who we are as a Board and what we stand for.

~End of opening statement

Slides to be projected During Opening and Closing Statements

[Slides were not read]:

Closing Statement:

Recent reactions to Hate Speech have been swift and decisive for good reason. An enlightened progressive society has lost its tolerance for hatred and bigotry. WWE wrestlers are being fired for posting hateful images, TV stations have cancelled shows because hosts have made homophobic comments, Website hosting companies have removed hate-speech sites from their servers. I could name countless examples but in nearly a direct parallel to Mr. Mark's actions Jeffrey Lord was fired from CNN. parallel to Mr. Mark's actions In an antagonistic Twitter feud with the head of Media Matters, Jeffrey Lord tweeted "Sieg Heil!" in what he describes as a mocking tone. CNN immediately fired Mr. Lord.

Slides to be projected During Opening and Closing Statements

[Slides were not read]:

In their announcement CNN stated unequivocally that Nazi salutes are indefensible. Who came to Mr. Lord's defense? President Trump who excused the behavior as that of someone who was fighting back! Mr. Mark also felt that he was fighting back. In Mr. Mark's written statement, he referred to his action as a "silent protest". During commentary at the July 12th LSB meeting, he stated that he made the salute in reaction to Nancy because he wasn't allowed to comment during Public Comment and goes on to recount a story where he was "the victim" of an assault by Nancy that never got resolved and that this was "weighing on his mind at the time he made the gesture". So in essence it was angry, vengeful reaction that he either chose to make or could not control. Either way, it's unacceptable.

Fellow LSB members, we are members of an Organization who has a Social Justice Mission. We cannot afford to stand by and condone those who foster and benefit from a culture of systemic oppression. We cannot accept Hate Speech from our Board Members no matter the context. You see, in Mr. Mark's statement he speaks about mitigating circumstances. There are no mitigating circumstances to Hate Speech. We cannot afford to continue to function in and excuse this level of hostility.

Our reputation has been damaged and the public is watching. We cannot continue to ask for our public to support a Station where we allow this type of thing to happen to one of our Listener Members by a person who is representing us. Let's send a message that we are better than this and that we are going to change the way we do business! We can't let CNN (another Media outlet) outdo us (Pacifica) on a matter of Social Justice. That would just be too sad for words. Also, we can't let the Radio Station that was bombed by the KKK now have Board Members who do Nazi Salutes to Listener Members during Public Comment.

Board members should be able to consistently meet a minimum standard of conduct and common decency. This is something that we expect our children to be able to do and it should take a minimum of self-control. If it requires more than this, then you do not have a suitable disposition to being on the Board.

This is another example of someone who clearly did not have a suitable disposition to be a Board member. This is Marcia Radosevich. She was a Planning and Zoning Board member and member of the Chamber of Commerce. During a public meeting involving difficult negotiations and disagreements with Tim Stillings a Planning and development services director, she offered Stillings a Nazi Salute as a way to communicate that Stillings was behaving like a Nazi. She resigned from the Board and was forcibly removed from the Chamber of Commerce following an outcry from community members, advocacy groups, and the media. We are accountable for our actions in this world. Accountability is not about punishment, or revenge, it's about justice and when the opportunity is not wasted, it promotes growth of character and turns us into better people. That's why we never forgo consequences to bad actions with our children – because we want them to learn from the experience. The same holds true for adults.

Mr. Mark, spare us the vote, do the right thing, resign from Pacifica, and use this experience to grow as a person. A line has been drawn for us. If you refuse to resign, I would hope that Pacifica can do at least as good as the World Wrestling Entertainment federation, CNN, the Chamber of Commerce and countless other organizations who have decided that those who use hate speech like you should be removed from their positions.

~End of closing statement

~Adrienne LaViolette