



CRADLE OF LIBERTY

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IWW MAKES GAINS AT INSOMNIA COOKIES



Watertown Residents Post-Marathon Lockdown, Pg 2 IWW Makes Gains at Insomnia Cookies, Pg 4
 Violence Strains Working Class Neighborhods, Pg 5 Library Workers Labor Dispute In Wellesely, Pg6

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A Watertown family is ordered out of their home for a warrantless search. (Source: AP / Reuters)

One Year Later, Lawyers, Watertown Residents Discuss Post-Marathon Lockdown

By Eben Mac

Forty Watertown residents and legal experts from the National Lawyers Guild (NLG) met on March 5th at the First Parish Church in Watertown Square to discuss excessive police actions and the suspensions of constitutional rights during the April 19, 2013 lockdown and search for Dzhokhar Tsarnaev. Tsarnaev is one of two brothers suspected in the April 15, 2013 Boston Marathon Bombing that claimed three lives and wounded 264. The lockdown kept residents shuttered not just in Watertown, but in neighboring Belmont, Boston, Brookline, Cambridge, Newton, and Waltham, businesses closed and the public transit suspended for an entire day and evening.

Many residents complained that they felt afraid of the police, 9000 of whom, armed with assault rifles, tanks and helicopters, swarmed the sleepy town bordering Cambridge and Boston along the Charles River. One resident of Franklin Street, who asked to be kept anonymous, said, "My husband couldn't come home because of the lockdown. My nine-year-old was hiding under the covers. There were black tanks and men with guns out front. I felt more terrified by them than by the suspect." Another anonymous resident, living on Birch Road, said "I believe the whole event was to terrorize us, [and] train law enforcement for these situations."

After hearing opening remarks from a panel consisting of three NLG lawyers, residents expressed a variety of views. Most, however, raised concerns about the curtailment of constitutional rights and worries that, if unchallenged in the courts and media, last April's lockdown could set a precedent for militarized police forces closing down multiple cities in search of individual suspects. Or as one Vietnam veteran who lives in Watertown put it, "This isn't the country I grew up in. I spent time behind the Iron Curtain. I know what a police state looks like."

Marta Manzelli told a similar story: "I was alone in our apartment in a three family house on Center Street. No one could come home. It was me on the top floor and a single woman on the bottom. Three helicopters hovered overhead, and police vehicles were out front for eleven hours. After the lockdown was lifted, I tried to go check on my downstairs neighbor, who was lying on her floor in fear for hours. When I left my door to check on her, armed police yelled at me to get back inside. I still have PTSD [Post Traumatic Stress Disorder]."



A barefooted woman runs for cover as police surround a home while searching for a suspect in the Boston Marathon bombings in Watertown, on 4/19/2013. (AP Photo/Charles Krupa)

Others complained of armed officers entering and searching their homes and the homes of their neighbors. NLG lawyer and panelist, Susan Church, clarified the nature of police home searches, saying, “If a person doesn’t consent, then the police need to go back and get a warrant.” NLG members added that consent obtained at the end of a gun does not count.

Another NLG panelist, Benjamin Falkner, stated, “We’ve had hundreds of more dangerous criminals on the loose in the US for most of the country’s history. There’s never been a lockdown like this. In Washington DC there was a sniper on the loose for a month [The “Beltway Sniper Attacks” of October 2002]. They never had a lockdown, they didn’t call it terrorism, and they arrested the suspect.”

One neighbor reminded everyone that the lockdown didn’t achieve its goal, as “Police didn’t catch Tsarnaev. Some guy with a boat found him,” minutes after police lifted the lockdown.

During the meeting, discussion turned to how residents could keep the lockdown from becoming a precedent for future police action. Resident Mike Mandel wondered, “Can we find a way to compel some government agency to do a thorough investigation about the lockdown? This 20 block radius is an abstraction. There were people outside the radius that

were searched, and people within it who weren’t.” Another resident questioned, “Is this an investigation you can count on the government to do? This might be the type of investigation you call on the media to handle.”

Jeff Feuer, an NLG lawyer who was participating from the audience, asked “How much freedom, Civil Liberties, are we willing to give up? The Watertown police do not operate in a vacuum, they answer to the town. Elected officials control the police budget, and you can demand they answer your questions.”

The Director of the Massachusetts chapter of the NLG, Urszula Masny-Latos, added, “The NLG finds the lockdown unacceptable and unconstitutional. We will help anyone from Watertown who wants to learn more or assert their rights.” Masny-Latos asked that residents who wish to pursue legal avenues contact the lawyers group, stating that the NLG could do nothing without the impetus of locals whose rights may have been violated.

Watertown residents plan to hold a neighborhood meeting this spring to follow up and consider next steps to demand answers from the government. One neighbor at the forum mentioned, “Police held a question and answer session a month after the lockdown. They wouldn’t even read the questions, let alone give answers, because they said their lawyer wouldn’t let them because it was still in litigation.”

The Boston Globe quotes Watertown Police Chief Edward Deveau: “We have the trial coming up in November, so we’re under the guidance of the US attorney’s office on what we can and can’t say...At the end of the day, I want the Watertown Police Department to be transparent... Our officers in the middle of the night defended Laurel Street, saved lives, and protected our freedom. One of those freedoms is the right to gather and criticize, like they did [at the March forum].”

The meeting was a follow-up to a forum the NLG hosted last November 14th in the Watertown Free Public Library. The NLG panel hosted two other discussions on the topic, one at Northeastern Law School and another at Harvard Law School. The discussion series has brought to the light of day opinions of dozens of residents that contrast to the blindly-pro-police line which dominates the mainstream media. It

IWW Union Makes Gains, Continues Drive at Insomnia Cookies

By Jake Carman

The Industrial Workers of the World (IWW) labor union achieved two victories at Insomnia Cookies in March, seven months after workers at the fast food chain’s Harvard Square location began a wildcat strike for higher wages, benefits, and union recognition. On March 3rd, the union won a settlement resolving the strike, and on March 20th, forced the company to revoke the suspension of a union organizer at their Boston University store.

When the four-person night crew at the Harvard Square Insomnia Cookies walked out on strike on August 18, 2013, they had not yet joined, nor spoken to a union. They hadn’t even informed their fellow workers in the day shift of their plans. Thus, their strike—an action that typically depends on the unity of workers in denying a company their labor and, by extension, profit—began with a distinct disadvantage. The next morning the workers set up a picket line and contacted the IWW, a union noted for its radical vision of democratic workplaces without bosses. The IWW boasted mass support in the early 1900’s, and has recently gained momentum organizing in fast food and other low-wage industries. The IWW’s motto, “organize the worker, not the shop,” acceptance of undocumented workers, and direct action tactics to win changes before or without union recognition or a contract, makes it an ideal organization for these high-turn-over and low-pay industries.

“The Industrial Workers of the World answered the call when no mainstream union was interested in organizing a small cookie store,” said Chris Helali, one of the strikers. “It has been an uphill battle for all of us. I am extremely pleased with the settlement [...and] proud to be a Wobbly [IWW member]!”

The four workers, Helali, Jonathan Peña, Niko Stapczynski, and Luke Robinson, after settling charges filed with the National Labor Relations Board (NLRB), received backpay totaling close to \$4000, and had their terminations rescinded from their records. The entire cookie chain, with over 30 stores nation-wide, was forced to revise a confidentiality agreement, which improperly restricted workers’ rights to discuss their conditions of employment with one another and third parties (including union organizers and the media). Finally, Insomnia Cookies posted a notice in their Harvard Square store promising not to fire or otherwise retaliate against workers for union activity.

On Sunday, March 9, just six days after the settlement, the company suspended bicycle delivery “driver” and union organizer Tasia Edmonds. Edmonds was disciplined for speaking out against workplace injustices, which the boss called “insubordination.” The IWW claimed the company violated the terms of the settlement, in which Insomnia Cookies promised “WE WILL NOT fire you or take any other action against you because you engage in protected activities with your fellow employees that concern your wages, hours and working conditions, including a strike.”

“I believe I was suspended for my union involvement,” says Edmonds, a twenty-two-year-old who has worked for the company for five months. “I have never been disciplined before. I was not served any paperwork detailing why I was suspended. A few days after my suspension, the company even called me to ask for my story, as if they were asking me why they suspended me and didn’t even know themselves.” Edmonds went public with her union affiliation on December 7, 2013. In February, according to the union, a new manager began harassing her about her union membership.

After the suspension, the union jumped to action. The union filed new charges against the company with the NLRB on Wednesday, March 12, and launched a phone and email blitz. Two dozen IWW members and allies picketed the Insomnia Cookies location on Commonwealth Ave. in Boston, where Edmonds is employed, on Friday, March 14. Workers and allies held signs, sang songs, and handed out fliers demanding the company bring back Edmonds, make up for any lost wages, and uphold the promises outlined in the recent settlement. Edmonds addressed the rally, speaking about life working at Insomnia Cookies, while the manager who suspended her and a new security guard subcontracted through Securitas glowered down from the window above. Alberto Giorgio Peniche, from Boston Resist the Raids, also spoke, expressing his solidarity with Edmonds and other fast food employees and drawing connections with the struggles of undocumented workers. After almost two hours of rallying, the IWW promised to return with double the numbers. “Are you tired of having us in your face?” they chanted. “Then get some justice in this place!”

Organizers planned another rally for Saturday, March 22, after student allies from the abutting Boston Univer-

sity returned from Spring Break, but the company capitulated on March 20th, ending Edmonds' suspension.

While Insomnia has reinstated Edmonds, as of press time there is no confirmation that she will receive back-pay for time lost during her suspension. The union is prepared to fight to win Edmonds' lost wages, and to ensure Insomnia Cookies sticks to its promise not to discipline or intimidate workers for union organizing.

According to a recent leaflet produced by the union, along with the strike settlement and Edmonds' reinstatement, IWW workers at Insomnia have won several other demands. Through the two-pronged approach of direct action tactics and legal charges with the NLRB, the union is "making the workplace better for employees today. These victories include: minimum wage compensation for drivers, reimbursement for damaged property of 'independent contractors,' and a management more willing to consider the needs of the workers."

The IWW plans to continue their drive and keep winning demands. The same leaflet says that by organizing together in union, "Workers at Insomnia Cookies can win sick pay, vacation pay, a substantial raise, fair scheduling, consistent breaks, the end of 'independent contractor' status for drivers, Workers' Compensation, healthcare and other benefits."II

Violence Strains Boston's Working Class Neighborhoods

By Jake Carman



Shooting Sends Car through Wall of Boston Workers Alliance. Photo credit: Sunshine in the City, VIA Blackstonian.

There have been 219 shootings, leaving at least 33 dead in Boston since the Marathon Bombing of April 2013. While the pages of mainstream media are dominated by the anniversary of the attack on the Boston Marathon, news agencies and city politicians remain quiet on the ongoing street violence which primarily affects Boston's working class and neighborhoods of color. Blackstonian Magazine maintains a list counting these shootings. Recent entries include, "3 shootings over the weekend [of March 8th and 9th] including two people shot in a car in Mattapan on Saturday," and another incident in March that impacted a local workers' organization. "A shooting at the corner of Devon Street and Blue Hill Avenue left a driver fleeing and a car crashing into the building used by The Boston Workers Alliance (BWA)" reports the Blackstonian. "The incident will no doubt have a devastating impact on this organizations' work which is critical." According to the BWA, no one was harmed in the crash or the shooting.

On their website, the BWA says, "This dramatic incident only highlights the ongoing crisis we are experiencing in our community. Since 2005, the BWA has helped hundreds of members obtain or create jobs, and collectively won major policy changes that impacted hundreds of thousands of residents. Still, joblessness amongst young men in our community hovers at 40%, and we see the consequences of this urban depression through the weekly violence in our streets."

While the Grove Hall office, where the crash occurred, will be closed until the BWA can raise funds and complete repairs, the organization will operate out of the office of Boston Staffing Alliance in Roxbury. You can donate to repairs at: <http://www.crowdrise.com/bostonworkersalliance/fundraiser/bostonworkersalliance>

Meanwhile in Watertown, where the dramatic death and arrest of the two Marathon Bombing suspects occurred, Watertown High School (WHS) has already closed four times due to bomb threats since December 2013, and according to Charlie Breitrose for Watertown Wicked Local, "on the last day before winter break, a bullet was found on a desk of a WHS classroom." The most recent bomb threat closed school two hours early on Friday, March 21st. Police and school officials struggle to end the rash of threats, having officers speak to all-school assemblies and most recently offering a reward for information.II



Wellesley Library Workers Win Contract After Public Campaign

by Melissa Dewey

The Wellesley Free Library Staff Association (WFLSA), an independent association that represents the employees at the Town of Wellesley's main library and its two branches, announced on March 8 the beginning of a campaign to seek public support following the Town's rejection of the recommendations of a fact-finder in the parties' ongoing contract dispute. Employees at the library have been working without a contract since July 2011.

The fact-finder, who was appointed by the Massachusetts Department of Labor Relations, held a fact-finding hearing in December and issued her report on January 22, 2014. The report was initially under seal, but is now available to the public. The non-binding recommendation is intended to provide "a fair and reasonable settlement of the outstanding issues in light of the evidence" before the fact-finder. The fact-finder's recommendations included a pay raise for underpaid part-time workers, no cuts to benefits or pay for full-time workers, but a reduction in vacation time for future hires.

The Association agreed to the compromise recommended by the fact-finder. The Town rejected the com-

promise, and after two additional sessions of mediation with a state-appointed mediator in March, continued to seek further concessions.

Marian Ossman, President of the Staff Association, explains that "The critical issue in the three year dispute has been the treatment of long-term part-time employees, who are paid less than their colleagues despite performing the same work with the same qualifications." She notes further that, with hourly wages as low as \$13.40, Wellesley Free Library's part-time employees, including adult and children's reference librarians, are paid far less than their colleagues working in the same positions at comparable communities according to the annual survey of library wages by the Massachusetts Board of Library Commissioners and do not receive regular pay increases despite their long time employment at the Library.

In February 2012, in an election held by the State Department of Labor Relations, the part-time employees voted overwhelmingly to be represented by the WFLSA. The Town initially demanded that

even limited increases in pay for part-time employees be offset by reductions in wages and benefits for full-time employees.

In a March 20 article in the Wellesley Townsman, Town Executive Director Hans Larsen evaded the real issues of the contract by focusing on the change in vacation benefits. The Staff Association responded in a letter in the Townsman on March 27, revealing that to settle the issue of the part-time pay discrepancy would cost the Town "less than \$14,000, less than what the town has already spent on attorney's fees to fight this change."

On April 14th, the Association and the Town met again, with a higher-level mediator. It was clear that the Town had felt the pressure from residents and library patrons, who accepted the request for support from the Association and made phone calls and wrote letters to the Town officials and library trustees. With additional pressure from the mediator and Association's attorney, the Town presented an offer that included a pay increase for the part-time workers and no cuts to pay or benefits for any current employee. The proposal was approved by the Association and the Wellesley Town Meeting that week. II

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Calendar of Events

Thursday, April 17, 11am: Rally for Not1More/Ni Una Más Deportación.

Outside the Suffolk Detention Center, 20 Bradston Street, Boston, MA, 02118. Join immigrant workers and their families from Vermont, Rhode Island, Connecticut and Massachusetts on April 17th as we say #Not1More in New England!

Friday, April 25, 2pm: Student Debt \$1 Trillion Birthday Party!

130 Congress St, Boston, MA 02109
Student debt reached a trillion dollars last year -- come "celebrate" the one year anniversary with us by taking direct action! More details to come. Check back at <http://massjwj.net>

Saturday, April 26, 1pm – 4PM: Rally for Jobs Not Jails. Rally to end mass incarceration and fund job creation. Boston Common, Boston, MA. <http://www.job-snotjails.org/>

Monday, April 28, Noon: Workers Memorial Day Commemoration.

Beacon Street and Park Street 01233 Boston, MA. Gather at the state House steps, to honor our brothers and sisters who were killed or injured on the job. Demand secure and safe jobs and working conditions for all workers! For more info., call MassCOSH, 617-825-7233 x14. Organized by Greater Boston Central Labor Council, MA AFL-CIO, and MassCOSH (MA Coalition for Occupational Safety and Health).

Thursday, May 1, 4pm: International Workers' Day March & Rally.

Rally starts at Chelsea City Hall, 500 Broadway, Chelsea, MA 02150. Lo-

Calendar of Events (cont.)

cal gatherings will march to the combined rally at Liberty Plaza! With roots in the American struggle for the 8-hour work day, International Workers' Day is celebrated in more than 80 countries around the world as a day to commemorate the ongoing fight for workers' rights. Join labor unions, faith organizations, immigrant rights groups and community allies as we march and rally to stop the attacks on working families. Chelsea gather at 4:00 p.m. at Chelsea City Hall. East Boston gather at 4:00 p.m. at Central Square Everett gather at 4:00 p.m. at Everett City Hall.

Sunday, May 4th, 4-6pm: Community speakout and teach-in on police militarization!

197A Humboldt Ave., Boston, MA. On May 3-4, police from all over the region

will gather to hold militarized trainings called "Urban Shield." We plan to have our own gathering, to bring together affected communities, share our experiences, and lay the groundwork for a citywide movement that crosses neighborhood, color, and religious lines. We will say with one voice: Close the "gang" intelligence fusion centers! Stop the militarization of the police! Hosted by the STOMP (STop Oppressive Militarized Police) Coalition.

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