

# CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

Tel. 876-6800

EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

October 4, 1976

Re: Awaiting Report #5

To the Honorable, the City Council:

Pursuant to your request for a detailed report on the strike situation at Cambion, I submit this three-part report:

- I. Summary of Legal Responsibilities of a City during a strike;
  - II. Summary of Activities at Cambion since September 15, 1976; and
  - III. Status of National Labor Relations Board Complaint and Notice of Hearing to Cambion.
- I. The Laws of the Commonwealth of Massachusetts give to the Police in a community certain powers, functions and duties during a strike situation. These, basically, are the following:
- a) The Preservation of the Public Peace
  - b) The Protection of Life
  - c) The Safeguarding of Property
  - d) The Arrest and Prosecution of Violators of the Law
  - e) The Prevention and Detection of Crime
  - f) The Enforcement of all Laws and Ordinances

The duties of a Police Officer assigned to a strike situation are not any different than they would be if he were on patrol in his district. The basic police function in supervising a strike area is one concerned with police services and the fact that, in most cases, officers assigned thereto are paid by the firm for their services because this type and extent of police service is not justified at public expense.

Officers detailed are instructed as follows:

- a) They are so assigned to Preserve the Public Peace

- b) They are to remain strictly impartial to both labor and management
- c) They are to observe the Civil Rights of Individuals and they are to fulfill their basic function in a manner consistent with public interest

It should be borne in mind that a labor dispute provides no license to violate the law and it does not provide a situation for persons to do things that they would not do if there were no labor dispute.

Unlike the policing of a major parade, where conditions may be reasonably anticipated, a major labor dispute, because of human reaction, tension, tempers and many other factors, is an unpredictable operation from a police standpoint. Policing a strike is never a popularity contest for the police. However, in accordance with the following statutes it is a necessary one.

It is, under the laws of Massachusetts, unlawful to obstruct access to and from a strikebound plant; to obstruct or impede the adjacent public ways (e.g. sidewalks); to use, or to threaten physical force to persons desiring to cross the picket line (Fashioncraft Inc. vs Halpern).

It is not peaceful picketing if the pickets molest non-strikers; intimidation by words, gestures, or by numbers of people beyond that which is called for by the situation, can be illegal; the character of the pickets' demeanor may be breach of the peace (same case).

The employer is entitled to the protection of the law and its enforcement by local law enforcement officials. It is in Massachusetts an unfair labor practice for a labor organization to seize, or occupy unlawfully, property as a means of forcing settlement of a labor dispute (Ch.159AS4A). This includes partial seizure, i. e. blocking some gates or partially obstructing gates in a seizure. The company has a right to be protected from such action. The law enforcement agencies have a "solemn obligation to suppress such actions, property may be protected, and peace and order restored and maintained.

Just as the company has the right to remain open, so non-striking employees or third parties have the right to continue work. The Massachusetts General Laws (Ch. 149, Sec. 19) provide that "no person shall by intimidation or force prevent a person from entering into or continuing in the employment of any person".

Any employee has the right to go to and from his work with as free a passage, without obstruction, as the streets afford (American Steel Foundries v. Tri City Etc. Council 257 U. S. 184). No person can lawfully put the non-striking employees in fear or hinder or obstruct them in any way in going about their work. Threats of physical violence are assaults and against them an employée has the right of police protection. This right is absolute, and the police cannot shut the plant because to keep it open may result in violence.

The power to prevent assaults, the obligation to keep the peace which includes the obligation to protect persons desiring to exercise their lawful rights, the power to disperse crowds (MGL Ch. 269, Sect. 1) are all the responsibility of the police.

## II. Summary of Activities at Cambion since September 15, 1976.

This date is chosen since it was on or about the day that the difficulties of preserving the peace escalated, apparently as a result of some former unionized employees of Cambion choosing to exercise their legal right to return to work. Prior to this date, with the exception of the truck incident in May (which will not be discussed due to pending Civil Service Appeals), the strike activity at Cambion was orderly and within the bounds of a legal picket.

On the afternoon of September 15th, when these workers attempted to leave the plant for their homes, they were greeted with a great deal of pushing and shoving by approximately 50-60 pickets. While one group of five employees was driving away from the plant a boulder was thrown through the windshield of the employee's car. As a result of the incident, Sandra Polaski, 52 Lee Street, was arrested and charged with Assault and Battery with a dangerous weapon and malicious damage to personal property. Ms. Polaski was arraigned on September 16, 1976 at Third District Court and her case continued until October 7, 1976. A second individual, Lawrence White, 31 Mora Street, Dorchester, was also arrested that afternoon and charged with being an Idle and Disorderly Person.

Subsequent to these arrests, news media reports and intelligence acquired at the scene indicated that the pickets were calling for a mass demonstration at 6:00 A. M. the following morning. Based on this information plans were made by Assistant City Manager Healy, City Solicitor Higley and Chief Fratto to have a stand-by force of police officers, over and above the five detail officers, stationed at a location near Cambion, but not visible, in order not to cause charges of overreaction and Police force.

This group reported at 6:00 A. M. and was under the direct supervision of Lt. Henry Gallagher, a decision made by the Assistant City Manager and the Police Chief, based on Lt. Gallagher's demonstrated expertise in crowd control situations. The Police Chief, City Solicitor and Assistant City Manager were also on the scene to make every effort to insure the preservation of the peace and civil rights of all parties involved.

At approximately 6:50 A. M. two employees disembarked from the bus on Concord Avenue and were immediately set upon by several pickets, jostled and shoved and prevented from entering the plant. The detail force was able to get these women to the side to prevent any injury, but the Sergeant in charge of the detail felt he would need additional assistance to permit their entrance through the narrow gate over the public sidewalk which was now blocked by pickets. The Police Chief radioed for seven additional men and after much verbal abuse, shoving and spitting, the women were able to enter the plant. No arrests were made despite the obvious incidents of assault on these women.

The next difficult period was expected to be at approximately 4:30 P. M. on the same date when these employees had to leave the plant. Because of the morning's incident, a stand-by force was at the same location with the seven officers that had to respond in the morning located at the Concord Avenue entrance and the New Street gate where employees drive out. The police permitted the vehicles to drive out without incident, with the exception of some picketers who raced from the picket line to their own cars in an apparent attempt to follow a vehicle to its destination. (It should be noted that the employee who was followed had paint thrown on her house that night.)

At the Concord Avenue gate the two employees who were harassed in the morning were similarly bothered in their efforts to leave, including one of the pickets spitting in the face of one of the ladies as they were escorted to a private vehicle for conveyance home.

That afternoon the City Solicitor and Assistant City Manager met with Mr. Rockastle of the Cambion Management to inform him that the City could not continue to provide the manpower that was available this date, and to advise him that for the safety of all parties -- police, strikers and workers -- the detail should be expanded at the opening and closing times. The detail of four patrolmen and one sergeant around the clock, and three additional patrolmen at opening and closing times, was agreed on as sufficient to protect all parties.

On Friday, September 17, the employees entered and left the plant

without a major incident. The usual milling about and name-calling continued. The enclosed letter of this date was placed in mail boxes of neighbors of the individuals choosing to work. On this date, also, a Cambion worker reports his tire was slashed and radiator punctured while parked in the vicinity of the plant. Another employee had front and rear tires slashed and car sprayed with paint

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On Monday morning, September 20, the number of pickets reached about 125 and blocked the main gate of Cambion, such that the detail sergeant requested assistance from the 3rd platoon. Four arrests for assault and battery on a police officer, and idle and disorderly, were made (2 Cambridge residents, 1 Dorchester resident, 1 Roxbury resident). Officer J. Gurry was admitted to Mt. Auburn Hospital as a result of being knocked to the ground and kicked.

Monday afternoon -- no violence.

Tuesday morning -- no violence.

Tuesday afternoon -- verbal intimidation, no physical abuse.

Wednesday morning, September 22, no violence. However, during the morning two workers' cars were sprayed with an unknown substance, causing paint to peel, and one car had "SCAB" sprayed on with red paint.

Wednesday afternoon, September 22, no violence.

Thursday morning, September 23, no violence.

Thursday afternoon, September 23, no violence.

Friday morning, September 24, some shoving and elbowing - no arrests.

Friday afternoon, September 24, no violence.

Sunday, September 26, 12:15 A. M. Cambion guard reported that two former employees broke four windows at Cambion. (Identification given to police.) At 6:15 A. M. two gallons of black paint were poured on steps and sidewalk of home of worker on Fayerweather Street.

Sunday afternoon - rock thrown through window and screen of former striker now returned to work on Blakelee Street.

Monday morning, September 27, approximately 75 pickets. Much shoving and pushing and blocking of gates. No arrests.

Monday afternoon - no violence.

Tuesday morning, September 28, some shoving and pushing. One arrest for Assault and Battery on a Police Officer.

Tuesday afternoon, no violence.

Wednesday morning and afternoon, September 29, no violence.

Thursday morning, September 30, no violence.

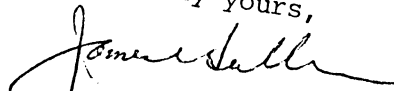
From April 14, 1976 to September 25, 1976, Cambion has paid \$165,731.50 for Cambridge Police details.

For your further information, please be advised that all journal entries, logs, photographs and reports relating to disturbances and security problems at Cambion have been subpoenaed by Attorney Beryle Cohen, representing either Cambion or the 15 or so former strikers who wish to return to work, so apparently the matter is now in the courts.

III. Status of National Labor Relations Board Complaint and Notice of Hearing to Cambion.

Enclosed please find a report from Russell B. Higley, Acting City Solicitor, relative to the charges filed with the National Labor Relations Board by the United Electrical, Radio and Machine Workers Union.

Very truly yours,



James L. Sullivan  
City Manager

JLS/mbf

ATTENTION

Your neighbor **CLAIRE CONROY**  
who lives at **39 BLAKESLEE ST.**  
is a scab!!!

She has gone thru the picket line at Cambion in Cambridge where we have been on strike since April 14. She has betrayed her fellow workers and has sold herself to a miserable employer who has been charged by the National Labor Relations Board with breaking the law by refusing to bargain in good faith with his employees.

A scab is the most detestible creature there is. They not only sell out and betray their fellow workers, they dishonor themselves, their families and their neighbors.

Beware of the scab in your neighborhood and treat her like the vermin she is.

Cambion Strike Committee

9/17/76



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

RUSSELL B. HIGLEY  
ACTING CITY SOLICITOR

EDWARD A. CUNNINGHAM  
ANDREW T. TRODDEN  
CHARLOTTE C. BURRAGE  
LEGAL COUNSEL

CHARLES A. WATSON  
LEGISLATIVE AGENT

September 30, 1976

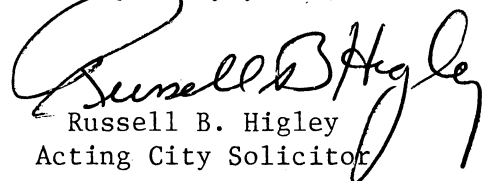
To The Honorable City Council  
City Hall  
Cambridge, Massachusetts

Dear Councillor Members:

U. E. Local 262, a/w United Electrical, Radio and Machine Workers Union (UE), has filed a charge with the National Labor Relations Board (NLRB) alleging that Cambridge Thermionic Corporation (Cambion) has engaged in unfair labor practices. On the basis of this charge, the NLRB has issued the attached complaint against Cambion. A date (December 22, 1976) has been set for the presentation of evidence by both parties before an Administrative Law Judge on the Union's allegations against Cambion.

You should understand that the issuance of the complaint by the NLRB in no way signifies a decision by that Board that the Union's charge is true or justified. The complaint is simply the initiation of the administrative process, at the end of which an Administrative Law Judge will issue an opinion on the case.

Very truly yours,

  
Russell B. Higley  
Acting City Solicitor

RBH:jl  
Enc.

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FIRST REGION

\*\*\*\*\*  
In the Matter of  
CAMBRIDGE THERMIONIC CORPORATION  
and  
U. E. LOCAL 262, a/w UNITED ELECTRICAL,  
RADIO AND MACHINE WORKERS UNION (UE)  
\*\*\*\*\*

CASE NO. 1-CA-11,835

COMPLAINT AND NOTICE OF HEARING

It having been charged by U. E. Local 262, a/w United Electrical, Radio and Machine Workers Union (UE), 538 Dorchester Avenue, South Boston, Massachusetts 02127 (herein called the Union) that Cambridge Thermionic Corporation, 445 Concord Avenue, Cambridge, Massachusetts 02138 (herein called Respondent) has been engaging in and is engaging in unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C. Sec. 151, et seq. (herein called the Act) the General Counsel of the National Labor Relations Board (herein called the Board), on behalf of the Board, by the undersigned Regional Director, issues this Complaint and Notice of Hearing pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, Series 8, as amended.

1. The Charge in this proceeding was filed by the Union on June 1, 1976 and a copy thereof served upon Respondent on June 1, 1976. The Amended Charge was filed by the Union on June 15, 1976, and a copy thereof served upon Respondent on June 16, 1976.

2. Respondent is and has been at all times material herein a corporation duly organized under and existing by virtue of the laws of the Commonwealth of Massachusetts.

3. At all times herein mentioned, Respondent has maintained its principal office and place of business at 445 Concord Avenue, in the City of Cambridge, County of Middlesex, and Commonwealth of Massachusetts (herein called the plant), and is now and continuously has been engaged at said plant in the manufacture, sale and distribution of electronic component parts and related products.

4(a) Respondent, in the course and conduct of its business, causes and continuously has caused at all times herein mentioned, large quantities of raw materials used by it in the manufacture of electronic component parts to be purchased and transported in interstate commerce from and through various States of the United States other than the Commonwealth of Massachusetts, and causes and continuously has caused at all times herein mentioned, substantial quantities of electronic component parts to be sold and transported from said plant in interstate commerce to States of the United States other than the Commonwealth of Massachusetts.

(b) Respondent annually purchases raw materials valued in excess of \$50,000 directly from States other than the Commonwealth of Massachusetts.

(c) Respondent annually ships electronic component parts valued in excess of \$50,000 directly to States other than the Commonwealth of Massachusetts.

5. The aforesaid Respondent is and has been engaged in commerce within the meaning of the Act.

6. The Union is a labor organization within the meaning of Section 2(5) of the Act.

7. At all times material herein, the following named persons occupied positions set opposite their respective names, and have been and are now agents of the Respondent, acting on its behalf, and are supervisors within the meaning of Section 2(11) of the Act.

Frank Lyman.....	Owner
Bruce Rockcastle.....	Director of Labor Relations
Mary Rizzitano.....	Personnel Director
William Stoehr.....	Plant Manager

8. All full-time and regular part-time production and maintenance employees of Respondent at its Cambridge, Massachusetts plant, exclusive of office clerical employees, weekly salaried technicians, draftsmen, professional employees, guards and all supervisors as defined in Section 2(11) of the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

9. On or about June 28, 1974, a majority of the employees in the unit described in Paragraph 8, by a secret ballot election conducted under the supervision of the Regional Director for the First Region of the Board, designated or selected the Union as their representative for the purposes of collective bargaining.

10. At all times since June 23, 1974, the Union has been the representative for the purposes of collective bargaining of a majority of the employees in the said unit and, by virtue of Section 9(a) of the Act, has been and is now the exclusive representative of all the employees in the said unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

11. On or about February 1, 1976, the Union requested Respondent to bargain collectively in respect to rates of pay, wages, hours of employment, or other conditions of employment with the Union as the exclusive representative of all the employees of Respondent in the unit described above in Paragraph 8.

12. On or about February 24, 1976, and at all times thereafter, Respondent did refuse and continues to refuse to bargain collectively with the Union as the exclusive representative of all the employees in the unit described above in Paragraph 8, in that Respondent has engaged in surface bargaining and has otherwise refused to bargain regarding fringe benefits.

13. On or about April 14, 1976, the employees of Respondent employed at its Cambridge plant ceased work concertedly and went on strike.

14. The strike described above in Paragraph 13 was caused by the unfair labor practices of Respondent described above in Paragraph 12.

15. By the acts described above in Paragraph 12, Respondent did engage in and is engaging in unfair labor practices within the meaning of Section 8(a)(5) of the Act.

16. By the acts described above in Paragraph 12, and by each of said acts, Respondent did interfere with, restrain and coerce and is interfering with, restraining and coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act and thereby did engage in and is engaging in unfair labor practices within the meaning of Section 8(a)(1) of the Act.

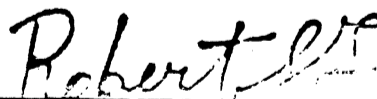
17. The activities of Respondent, described above in Paragraph 12, occurring in connection with the operations of Respondent, described above in Paragraphs 3 and 4, have a close, intimate and substantial relation to trade, traffic and commerce among the several States and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

18. The acts of Respondent, described above, constitute unfair labor practices affecting commerce within the meaning of Section 8(a)(1) and (5), and Section 2(6) and (7) of the Act.

PLEASE TAKE NOTICE that on the 22nd day of December, 1976 at 10 o'clock in the forenoon, Eastern Standard Time, and consecutive days thereafter until concluded, at the Keystone Building, Twelfth Floor, 99 High Street, Boston, Massachusetts, a hearing will be conducted before a duly designated Administrative Law Judge of the National Labor Relations Board on the allegations set forth in the above Complaint, at which time and place you will have the right to appear in person, or otherwise, and give testimony. Form NLRB-4663, Statement of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board in Unfair Labor Practice Cases, is attached.

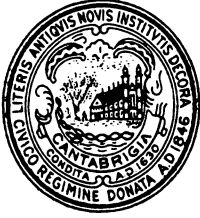
You are further notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, the Respondent shall file with the undersigned Regional Director, acting in this matter as agent of the National Labor Relations Board, an original and four (4) copies of an Answer to said Complaint within ten (10) days from the service thereof and that unless it does so, all of the allegations in the Complaint shall be deemed to be admitted to be true and may be so found by the Board. Immediately upon the filing of its Answer, Respondent shall serve a copy thereof on each of the other parties.

WHEREFORE, the General Counsel of the National Labor Relations Board, on behalf of the Board, by the Regional Director for the First Region, on this 24th day of August, 1976, issues this Complaint and Notice of Hearing against Cambridge Thermionic Corporation, Respondent herein.



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Robert S. Fuchs, Regional Director  
National Labor Relations Board  
First Region  
Boston, Massachusetts



# CITY OF CAMBRIDGE

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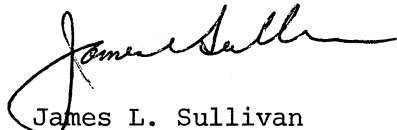
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Agenda #6

S-449

Response to Awaiting Report No. 5 re: to the  
problems at Cambion Corporation.

In City Council,

Oct. 4, 1976

10/4/76

Referred to the

Hearing -

After Hearing

- Placed on File -