



COGNITION

Yes the rumors are true...

SIX BICYCLE MESSENGERS HAVE SUCCEEDED AT HAVING THE LARGEST LEGAL SUPPORT MESSENGER COMPANY IN THE STATE INDICTED BY THE FEDERAL GOVERNMENT

by **Charles A. Annen**
with insight from **Jeff Webb**

The inside story goes like this: in late October 2000, when Express Network employees were successfully organized and demanding some respect and restitution, we at 1st Legal were dealing with a lot of changes in office personnel associated with some rather heavy handed management tactics imported from the L.A. main office. We all smelled a rat, a Big Fucking Rat. I was first approached by Chris Young, Damon Votour and Jeff Webb and with reservations (because I had just received a fat raise), held off on signing an ILWU authorization card. I left it at that and thought nothing of it for another couple weeks. Until the NICA Orientation Day arrived.

The National Independent Contractors Association was here and all messengers—drivers and biker—were ordered to sign the NICA contract or be terminated. The only messengers not

included were myself and Sam Roberts. The NICA representative turned out to be one of the sleaziest liars I had ever met. Also there were 1st Legal's management including their newest anti-union bully, supervising driver Alejandro Mendez, all licking their chops over the prospect of stuffing their pockets with money stolen

"Messenger Wisdom".]The greedy pack of selfish bastards made me retch and I signed an ILWU authorization card the next day and handed it to Chris Young.

At first all the bikers involved outright refused to be extorted by these pirates. But on the expert advice from Jerry Martin, ILWU International

Organizer, they signed and noted "under duress" next to their signatures. That really pissed management off and "the heavies" flew in from all over the country to try and intimidate the "Gang of Five": i.e. SFBMA President Damon Votour, Chris Young, Jeff Webb, Kai Washington and "Punk Rock" Jim. The heavies included 1st Legal

President Elisha Gilboa and all the way from Massachusetts, the one and only Thomas McGrath, NICA President. Mr. McGrath was convicted a few years back in US District Court for mail and wire fraud while passing forged Workers Comp certificates (see U.S. v. McGrath, et al. 1-96 cr 102212). One look at NICA's web-

WHAT ARE WE GETTING? WHAT DO WE WANT?

SFBMA Messenger caucus

Saturday, Nov. 3 @ high noon* 255 9th St., SF * lunch & drinks provided
seeking 2 people from each company * no one turned away

We want to:

- * see where we are on wages, benefits and safety factors
- * put together a list of specific things we can work for to improve

standards industry-wide.

To get more info or RSVP: call Rak, 510-595-0638.



from messengers.

And that is exactly what they did. David Tait, Regional Superintendent for 1st Legal, put on a compassionate and completely selfish monologue about how his life, his career, his family and his future would be affected. And all his lackeys nodded their heads in agreement. [Editor's note: See Mr. Tait's quote in this issue's

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COGNITION

President: Damon Votour
Executive Director: Bernie Corace
Secretary: Howard Williams
Treasurer: M. "Rak" Affonso
Layout: PropQueen
Logo: Chris Hsiang, Louie Seastres

WHO IS THE SFBMA? ESTABLISHED 1990

The San Francisco Bike Messenger Association was first started as a humorous, yet-in-her-face, answer to the AMCS; if the owners could have a club, so could we.

WHO WE ARE

We are you, if you are a current or former employee of the SF messenger industry. This includes walker, bicycle, moped, motorcycle, and driver messengers, as well as order-takers and dispatchers.

WHAT WE WANT

We want what is well overdue: appropriate compensation for our efforts. This includes a livable wage, health insurance, sick pay, vacation pay, pension plan, equipment compensation, etc. You know, normal workers' rights.

HOW WE WILL GET IT

We will get it by becoming one unified force, and standing up to the entire industry with our demands. In the past, we have proven that we can stick together to help each other out by holding countless benefits, hosting the best Cycle Messenger World Championships of all time, coming together to pay tribute to fallen comrades, holding toy drives for needy kids, the annual Russian River Ride and even things as simple as creating our own underground social scene each and every day of the week. Now that we have a working agreement with the most powerful union in the Bay Area, the International Longshore and Warehouse Union, we have the experienced backing to stand up in our industry and achieve our goals.

WHAT YOU CAN DO

Volunteer for the SFBMA. You can leave a recording at 415-626-1912. Dues are \$5 each month and may be paid to Damon, Bernie, Rak, Howard or to Victor V-Jer at the Bike Hut on the H2O front. Attend as many events as you can without becoming obnoxious as starlings.

Courier Disaster Response Team Update

For all those who have signed up to become a CDT and all of you who interested but have yet to, we are holding our first general CDT meeting on Nov. 14, 2001 at 6:30p.m. Please join us at 255 Ninth St. (between Howard and Folsom). Bring your suggestions, comments, ideas, hesitations, and especially yourselves!

So far, the training workshops have been set up, the messenger community has responded, and OES (Office of Emergency Services) has listed us as a disaster resource. What is happening now is a construction of the communication plans that we will use. An attempt to involve dispatchers is underway. It would be easier to pass information to dispatchers, and have them debrief their couriers, then to try to contact over 100 messengers individually. However, that would be but one layer. Another thought would be to program your existing Nextels to each other. That would cost approximately \$9.95 each. Still, the strongest action anyone can take is to get his or her Amateur Radio License.

At the October SFBMA meeting, a vote was passed to pay for my first aid instructor training. With that training under my belt, I can provide dramatically lower cost training at a Red Cross certifiable level. I thank all those who have signed on and look forward to working and training with everyone.

—Serenity Anne Enriquez #KG6HIP, Paramed Courier

<http://www.lt.lsDangerous.com>

BOOK REVIEW: "THE IMMORTAL CLASS: BIKE MESSENGERS AND THE CULT OF HUMAN POWER," BY TRAVIS HUGH CULLEY

*Reviewed by Joel Metz,
magpie@eeph.com*

There's been a wave of books lately, published by or about messengers—first Kyle's book of his photography as a courier, followed by Lambchop's narrative of her experiences messengering across the states, and recently a glossy coffee table type book of NYC couriers by a "professional" photographer. To this list we can now add the new book by Chicago messenger Travis Culley, "The Immortal Class: Bike Messengers and the Cult of Human Power." Travis managed to get his book published by a major house, which is a great step, and hopefully will provide a boost for other messengers with literary ambitions, especially considering the sterling reviews the book has gotten in the mainstream literary press. Admirably enough, he has succeeded in writing something that not only should be able to appeal to his fellow messengers as a document of their

culture, but something that the average non-messenger reader can gain considerable insight into the messenger's world from. A variety of topics and experiences are covered—how he became a messenger to begin with, the often temperamental relationship between messengers and other cyclists, alleycat racing. Almost the whole spectrum of messenger life is covered at least briefly, whether it be through autobiographical sketches or Travis expounding on the philosophies that one inevitably develops as a messenger. The image that gets presented to the reader is in stark contrast to the stereotypes of couriers thrust upon the public by the average journalist—it's real, and while it may not always be a pleasant image, it comes across differently

for having been put forward by the courier himself. While we can't possibly expect to be able to present the image of clean-cut messenger boys of the '30s that much of the public would like to see, "The Immortal Class" goes a long way towards letting the outside world know that there's more to couriers than the reckless abandon and traffic hooliganism the media oftentimes saddles us with. 🚲



Approximately 100 messengers have done volunteer work at Ground Zero in New York delivering medical supplies and other necessities.

FIRST LEGAL

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site (www.independentcontractor.com) will reveal that the company only exists to satisfy greedy employers like 1st Legal.

The "heavies" sat down with the "Gang of Five" backed up by Jerry Martin to hash things out. The results turned into a plethora of unfair labor practices and multiple charges filed by the ILWU on behalf of all employees seeking recognition. The "Gang of Five" returned to work as independent contractors, except Kai Washington who was home recuperating from an injury. And incredibly when he returned to work a few days later was fired outright! That was cold and the war was on.

We all continued our organizing efforts and the majority of bikers and drivers had signed authorization cards when Sandro Mascherenas was fired for his organizing activities. We had seen enough and prepared for a work action against the company. This resulted in another meeting between David Tait and the organizing committee where management threatened to fire every one of us, replace us with NICA scabs and close the office to boot! We all dutifully filed affidavits at the National Labor Relations Board (NLRB) reporting continued and egregious unfair labor practices. Within days of this latest round of threats and firings, the company fired two more organizers, Sam Roberts and Chris Young, for charges unfounded.

More charges and affidavits at the NLRB followed. We had now gained another organizer, namely James McDonald, who was hired as an IC but made a point to management that he had been misclassified and insisted they follow state and federal guidelines and create an employee status for him, namely a 7.6% employer contribution to the Social Security Trust Fund, an account with the EDD (unemployment insurance), income tax deductions, state disability and above all, Workers Comp Insurance. The company refused,

of course, and James resigned after a month. [Editor's note: Rebecca Reilly's book "Nerves of Steel" analyzes how much the IC situation rips off messengers.] Jeff Webb, who had protested his IC status on the same grounds for six months, decided to resign for the same reasons as James and in protest over the terminations of Sam and Chris. I resigned in protest over the terminations of my fellow organizers and for being threatened by the shop bully Alejandro Mendez.

Next came Chris Atkinson who filed a charge with the NLRB against 1st Legal for offering then denying him employment. Management had discovered his wife Maria was an organizer at Express Network. Most of the original organizing committee at 1st Legal is no longer there but the managers and owners still have to answer to the NLRB. This is very important because this type of anti-union campaigning is a tumor that if allowed to spread will become malignant throughout the messenger community in San Francisco. The end result of these endeavors is a complaint filed by the NLRB accusing 1st Legal of multiple "hallmark" unfair labor practices and recommending that the employees be included in the bargaining unit and represented by the ILWU would be "protected better by issuance of a bargaining order." A bargaining order is issued by an Administrative Law Judge and "orders" the employer to negotiate with the union. Failure to comply would result in a contempt of court charge. 1st Legal has the right to appeal and they may but if unsuccessful they will have to enter into contract negotiations with the ILWU and all the employees they represent in this organizing effort.

The hearing will be held December 4 at the NLRB office, 901 Market Street, #306 in San Francisco. When that day comes, you will be able to enter through the front door by simply saying "I'm not delivering anything. I'm here to attend the NLRB hearing."

A Bummie's Trip to Paradise! by Bernie Corace



So a ferry ride at 9:40 on Saturday morning is too early for most bummies. Even on a warm, sunny day, on maybe the most beautiful weekend during the whole year, in the middle of our blessed Indian summer. Surprise, surprise. Bummies do as bummies are after all. But 16 lucky souls did show up, 12 of which did stay the night, including many of the usual suspects, Nosmo, Joe Corio, Damon, Jason Whitehead, myself, for a fully catered excursion on what can only be called an enchanted island surrounded by a slice of paradise. I could tell you about how we had the best two campsites on the whole island, one in the shade, one overlooking the bay. I could tell you about all the biking and hiking trails, or the best views of the whole Bay Area, which are worth the trip by themselves. Then again I could tell how the island is full of more wildlife than you'll find anywhere this side of the Sierras, or the boat rides on Nosmo's friend, Biff's zodiac. But you bummies probably wouldn't be interested. So here are the facts I'm sure you'd want to know. 2326 fl.oz of beer were drunk, for an average 211.45 oz. per bumie, or 17.62 beers per us most blessed of bummies. Did I mention a great time was had by all?

MESSENGER WISDOM

"And there are those who talk, and without knowledge or forethought reveal a truth which they themselves do not understand."

—Kahlil Gibran. This refers to the next quote.

"Because a union [of Messengers] sets wages, sets pricing."

—David Tait, Manager of 1st Legal

Thanks DT we couldn't have said it any better. Management of Messenger companies should stop setting wages and prices in this industry because they've been setting them too damn LOW !! Now it's our turn Mr. T. Also see article on page 1 and Calendar.

Know an example of Messenger Wisdom? E-mail it to howardx@pacbell.net or mail it to

Box 26650

San Francisco, CA 94126



PROPS TO MR. FREEMAN!



Michael Freeman received the SFBMA "Veteran of the Year" award at the 10/9 day festivities. The crowd demanded a speech, but the 22-year vet modestly declared himself "much too shy to speak" as he accepted the case of beer that went with the title. —photo by Marcy Rein

UNDERSTATEMENT OF THE YEAR !!

"Tom is more down to earth than Patty."

—*Western Messenger* discussing *Dispatchers at that company*. The Messenger prefers to remain anonymous for reasons obvious to anyone who has ever worked at Western or knows someone who has.

STRANGE NEWS ITEMS

* Burger King employees burned their feet at fire walk at a company retreat to promote bonding. Note: Burger King employees are non-union.

* Rush Limbaugh is going deaf. That's what can happen if you only hear one point of view all the time.

Coming in next month's *Cognition*: the full & uncensored story of the Espresso Alley Cat!!

COMMUNITY CALENDAR

- SAT. NOV. 3** MESSENGER CAUCUS
12 noon, 255 9th St.
- THURS. 11/8** SFBMA meeting
7 p.m. at 255 9th
- FRI. 11/9** PARTY! Contract campaign kickoff bash, 6:30 p.m. till???
255 9th St.
- SAT. 11/10** VICTOR'S BD PARTY & bike swap all day at the Bike Hut, Pier 40
- SAT. 11/17** CHRIS ROBERTSON memorial dinner and bike swap all day & night at the Bike Hut
- TUES. 12/4** NLRB HEARING for First Legal workers, 9 a.m. at 901 Market St., #306

PARTY FOR DA CAUSE!

Couriers at Speedway and Professional Messenger are going into negotiations for their second contract with ILWU Local 6—the first only lasted a year. What they get will have a lot to do with setting the industry standard, so come out & wish them luck and show some love!

**Fri., Nov. 9 6:30 p.m.
255 9th St.**

COGNITION is the newsletter of the San Francisco Bike Messenger Association, an organization dedicated to the improvement of work conditions in SF's messenger industry.

**SFBMA
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San Francisco, CA 94126
415-626-1912**

Our home page is:
www.sfbma.org
e-mail bernie@sfbma.org

Our office is located at 255 9th St., SF

DISCOUNTS for SFBMA Members are available at the following places. Patronize these friendly establishments! And look for *Cognition* at these hot spots!

The following bike shops give 10% discount on parts to SFBMA members:

- ⚙️ Foxy Flyer Bike Shop, 3330 Steiner St., SF, 415-674-1910
- ⚙️ Big Swingin' Cycles, 1122 Taraval, SF, 415-661-2462 (also 10% discount on labor)
- ⚙️ Road Rage Bike Rental and Repair, 1063 Folsom, SF, 415-255-1351 (also 15% discount on labor)
- ⚙️ Freewheel Bike Shop
1920 Hayes St., SF, 415-752-9195
980 Valencia, SF, 415-643-9213
- ⚙️ Cycle Sports, 3241 Grand, Oakland, 510-444-7900 (also 10% discount on labor)

Other established friendly(s):

- ⚙️ Cassidy's Bar, 1145 Folsom, SF, 415-241-9990-\$2 beer specials M-F, 6-8pm for working messengers 21 & over
- ⚙️ The Sports Basement, 1301 6th St., SF 415-437-1415

