

Union members were furious at Boston Calling, official testifies at extortion trial

By **Maria Cramer** Globe Staff, July 30, 2019, 1:08 p.m.



Kenneth Brissette, the city's tourism chief, and Timothy Sullivan, head of intergovernmental affairs, are accused of extortion and conspiracy to commit extortion for allegedly forcing Crash Line Productions to hire nine union members for the September 2014 festival. (PAT GREENHOUSE/GLOBE STAFF FILE PHOTOS)

A top aide to Boston Mayor Martin J. Walsh acknowledged Tuesday that she had

received immunity for her testimony about City Hall's role in a 2014 dispute between the Boston Calling music festival and a stagehands union, a surprising development in the political corruption trial.

Joyce Linehan, Walsh's policy chief and one of his closest advisers, is the only witness to date who has received immunity in the extortion trial of two City Hall aides. She has been named in several e-mails between the city and Crash Line Productions, the Boston Calling promoter.

Linehan briefly took the stand Tuesday under the grant of immunity, an agreement with prosecutors that prohibits them from charging her criminally for anything she says during testimony. She is expected to return to testify Wednesday.

Prosecutors have charged Kenneth Brissette, the city's tourism chief, and Timothy Sullivan, head of intergovernmental affairs, with extortion and conspiracy to commit extortion for allegedly bullying Crash Line Productions into hiring nine members of the International Alliance of Theatrical Stage Employees Local 11 for the September 2014 festival.

Testifying under immunity does not suggest guilt or even complicity, legal specialists said.

"An immunized witness testifies because they have immunity to tell the truth without fear of being prosecuted," said Ben Goldberger, a former Suffolk prosecutor and former deputy legal counsel to Governor Charlie Baker. "That truth could be, 'I committed a bunch of crimes with these defendants,' but the truth can also be, 'I didn't do anything wrong and neither did [the defendants.]' "

An innocent witness may still need immunity, said Goldberger, now a lawyer at

McDermott, Will & Emery.

“Sometimes, the government overreaches or makes mistakes or doesn’t understand things and they end up charging innocent people,” he said.

Linehan, who managed bands such as the Lemonheads and the Smithereens before becoming active in politics, has been described during the trial as a “friend” to Boston Calling, the music festival that began in 2013 under Mayor Thomas M. Menino.

Prosecutors have also presented e-mails between her and Crash Line cofounder Brian Appel, who in 2014 was complaining about the difficulty he was having with city permits, specifically a liquor license that Boston police wanted to modify to curb the flow of alcohol at the event.

Martin G. Weinberg, a criminal defense attorney, said it makes sense for Linehan to seek immunity given that her name comes up so many times in the correspondence.

“Given that they’re prosecuting Mr. Brissette [and Sullivan], the others who are at City Hall associated with him could have a good-faith principal concern that they would want to be immunized before they testify,” Weinberg said. “Part of our justice system is to protect people by conferring immunity on them when the government is seeking to compel their testimony.”

Brissette and Sullivan are accused of exploiting Crash Line’s fear that it would not receive its permits in time for the festival to obtain union jobs. Other witnesses, however, have testified that neither man had control over the permits. Appel has testified that he felt he “had no choice” but to hire union workers if he wanted to extend his lease agreement with the city to host the concert at City Hall Plaza.

Defense attorneys have countered that Brissette and Sullivan were trying to prevent an embarrassing picket on the plaza by the union, which was furious at Crash Line and wanted to protest by bringing out a giant inflatable rat, a symbol of union unrest, to the 2014 festival.

Linehan, who came to court with her lawyer, John McGlone, took the stand briefly near the end of Tuesday's hearing. During her testimony, Assistant US Attorney Laura Kaplan produced a memo Linehan wrote to Walsh and Sullivan in February 2014 that described Crash Line's complaints.

"This year, they have had difficulty with Consumer Affairs and Licensing," Linehan wrote. "It sounds like there are issues to be ironed out with [Local 11]. Before this gets contentious, which is where I see it headed, I suggest that all concerned parties sit down and talk, so that everyone can figure out whether Boston Calling's business model will work for the administration."

Kaplan asked Linehan what she meant by the "issues" with the union. Linehan said she was describing the complaints it had with an internship program Crash Line had put in place to hire unpaid workers.

In August 2013, just before that September's festival, Crash Line had placed an ad for "volunteer" workers for the concert. For \$10, volunteers could work 12 hours at the weekend festival, the ad said.

They had to put down a \$155 refundable deposit to secure their spot.

The Walsh administration was concerned about the practice and believed it needed to be handled by the state attorney general, Linehan said.

In April 2014, Appel sent an e-mail to Linehan telling her the company would no longer use the program and would pay all its workers.

The ad was just one of several reasons the union was angry with Crash Line, according to Colleen Glynn, the business manager for Local 11, who also testified Tuesday. The company had also hired a nonunion competitor, Bill Kenney Productions, to set up the festival.

“Fair to say that those members wanted to come and protest the Boston Calling shows?” asked Sara Silva, Brissette’s lawyer.

“Yes,” Glynn said.

“They wanted to bring that rat,” Silva said.

“Yes,” she said.

Assistant US Attorney Kristina Barclay asked Glynn whether she had told Crash Line or the defendants that her union planned to protest.

Glynn said no, but she said she had told Sullivan that members were angry and “champing at the bit” to do something. She said she did not recall saying anything to Sullivan about bringing the inflatable rat.

But on cross-examination, Glynn said she “may have” mentioned the rat to Sullivan and said other members of her union were angry enough that they could have called City Hall to express their desire to protest with the mascot.

“Bill Kenney Productions didn’t pay area-standard wages,” Glynn said. The company was “just totally undermining everything that we do and all that we stand for and this

was all happening on public property at City Hall.”

Maria Cramer can be reached at mcramer@globe.com. Follow her on Twitter [@globemcramer](https://twitter.com/globemcramer).

[Show 38 comments](#)

©2019 Boston Globe Media Partners, LLC