

Carter Wood

From: Carter Wood
Sent: Saturday, November 29, 2008 10:54 AM
To:
Subject: Trampled Wal-Mart employee: A bet

Mark the time: 11 a.m. Saturday. Carter predicts some union activist will say pass the Employee Free Choice Act to prevent this kind of trampling death.

Wal-Mart Employee Trampled to Death

By [ROBERT D. McFADDEN](#) and [ANGELA MACROPOULOS](#)
Published: November 28, 2008

The throng of [Wal-Mart](#) shoppers had been building all night, filling sidewalks and stretching across a vast parking lot at the Green Acres Mall in Valley Stream, N.Y. At 3:30 a.m., the Nassau County police had to be called in for crowd control, and an officer with a bullhorn pleaded for order.

[Wal-Mart Stores Inc](#)

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Tension grew as the 5 a.m. opening neared. Someone taped up a crude poster: "Blitz Line Starts Here."

By 4:55, with no police officers in sight, the crowd of more than 2,000 had become a rabble, and could be held back no longer. Fists banged and shoulders pressed on the sliding-glass double doors, which bowed in with the weight of the assault. Six to 10 workers inside tried to push back, but it was hopeless.

Suddenly, witnesses and the police said, the doors shattered, and the shrieking mob surged through in a blind rush for holiday bargains. One worker, Jdimytai Damour, 34, was thrown back onto the black linoleum tiles and [trampled in the stampede that streamed over and around him](#). Others who had stood alongside Mr. Damour trying to hold the doors were also hurled back and run over, witnesses said.

Some workers who saw what was happening fought their way through the surge to get to Mr. Damour, but he had been fatally injured, the police said. Emergency workers tried to revive Mr. Damour, a temporary worker hired for the holiday season, at the scene, but he was pronounced dead an hour later at Franklin Hospital Medical Center in Valley Stream.

Four other people, including a 28-year-old woman who was described as eight months pregnant, were treated at the hospital for minor injuries.

Detective Lt. Michael Fleming, who is in charge of the investigation for the Nassau police, said the store lacked adequate security. He called the scene "utter chaos" and said the "crowd was out of control." As for those who had run over the victim, criminal charges were possible, the lieutenant said. "I've heard other people call this an accident, but it is not," he said. "Certainly it was a foreseeable act."

But even with videos from the store's surveillance cameras and the accounts of witnesses, Lieutenant Fleming and other officials acknowledged that it would be difficult to identify those responsible, let alone to prove culpability.

Some shoppers who had seen the stampede said they were shocked. One of them, Kimberly Cribbs of Queens, said the crowd had acted like "savages." Shoppers behaved badly even as the store was being cleared, she recalled.

"When they were saying they had to leave, that an employee got killed, people were yelling, 'I've been on line since yesterday morning,' " Ms. Cribbs told The Associated Press. "They kept shopping."

Wal-Mart security officials and the police cleared the store, swept up the shattered glass and locked the doors until 1 p.m., when it reopened to a steady stream of calmer shoppers who passed through the missing doors and battered door jambs, apparently unaware that anything had happened.

Ugly shopping scenes, a few involving injuries, have become commonplace during the bargain-hunting ritual known as Black Friday, the day after [Thanksgiving](#). The nation's largest retail group, the National Retail Federation, said it had never heard of a worker being killed on Black Friday.

Wal-Mart declined to provide details of the stampede, but said in a statement that it had tried to prepare by adding staff members. Still, it was unclear how many security workers it had at the Valley Stream store for the opening on Friday. The Green Acres Mall provides its own security to supplement the staffs of some large stores, but it did not appear that Wal-Mart was one of them.

A Wal-Mart spokesman, Dan Folgeman, called it a "tragic situation," and said the victim had been hired from a temporary staffing agency and assigned to maintenance work. Wal-Mart, in a statement issued at its headquarters in Bentonville, Ark., said: "The safety and security of our customers and associates is our top priority. Our thoughts and prayers are with them and their families at this tragic time."

Wal-Mart has successfully resisted unionization of its employees. New York State's largest grocery union, Local 1500 of the United Food and Commercial Workers, called the death of Mr. Damour "avoidable" and demanded investigations.

"Where were the safety barriers?" said Bruce Both, the union president. "Where was security? How did store management not see dangerous numbers of customers barreling down on the store in such an unsafe manner? This is not just tragic; it rises to a level of blatant irresponsibility by Wal-Mart."

While other Wal-Mart stores dot the suburbs around the city, the outlet at Valley Stream, less than two miles from New York City's southeastern border, draws customers from Queens, Brooklyn and the densely populated suburbs of Nassau County. And it was not the only store in the Green Acres Mall that attracted large crowds.

Witnesses said the crowd outside Wal-Mart began gathering at 9 p.m. on Thursday. The night was not bitterly cold, and the early mood was relaxed. By the early morning hours, the throngs had grown, and officers of the Fifth Precinct of the Nassau County Police Department, who patrol Valley Stream, were out in force, checking on crowds at the mall.

Mr. Damour, who lived in Queens, went into the store sometime during the night to stock shelves and perform maintenance work.

On Friday night, Mr. Damour's father, Ogera Charles, 67, said his son had spent Thursday evening having Thanksgiving dinner at a half sister's house in Queens before going directly to work. Mr. Charles said his son, known as Jimmy, was raised in Queens by his mother and worked at various stores in the area after graduating from high school.

Mr. Charles said he had not seen his son in three months, and heard about his death about 7 a.m. Friday, when a friend of Mr. Damour's called him at home. He arrived at Franklin Hospital Medical Center an hour later to identify the body. Mr. Charles said he was angry that no one from Wal-Mart had contacted him or had explained how his

son had died. Maria Damour, Mr. Damour's mother, was in Port-au-Prince, Haiti, but was on her way back to the United States, Mr. Charles said.

About the time that Mr. Damour was killed, a shopper at a Wal-Mart in Farmingdale, 15 miles east of Valley Stream, said she was trampled by a crowd of overeager customers, the Suffolk County police reported. The woman sustained a cut on her leg, but finished her shopping before filing the police report, an officer said.

Anahad O'Connor contributed reporting.