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CAMBRIDGE, MASS.

Biswanath Halder
P.O. Box 786
Cambridge, MA 02139

Robert W. Healy, Esq.
City Manager
Cambridge, Massachusetts

Dear Mr. Healy :

In July 1983 I had been locked out of my home at 45 Orchard Street. The property is owned by the Guinane family. In the ensuing process the Police did exactly opposite to what they are paid to do. Subsequently, on 14 July 1983, I wrote a letter to the Mayor asking for an explanation of certain actions and inaction of the City government. The Mayor's office referred me to the City Manager's office.

One day I met with the Deputy City Manager and the City Solicitor. They advised me to file written complaints with the Internal Investigations Division of the Police Department. When I met with the head of the Internal Investigations Division, he reaffirmed the Department's policy - It is the duty of the Police to observe the criminals committing crimes, and then go to court as witnesses. No wonder that the Guinane family, who own six(6) buildings in Cambridge, have been locking out tenants all their lives.

In September 1983 I did file written complaints with the Internal Investigations Division of the Police against the Police. To date I have yet to hear from them.

Therefore, once again I restate the facts and ask the following questions.

On 8 July 1983, when I was not at home, the Police entered my room without a warrant and removed my revolver. It is obvious that this is a blatant violation of the Fourth Amendment of the U S Constitution.

Question # 1 - Why did the Police enter my room without a warrant and remove my revolver?

At the time the Police went to my home, they saw my landlady and her husband enter my room -- there can be no question that that was without my authorization. In Massachusetts that is trespass. See Dickinson v Goodspeed, 62 Mass 119 (1851).

Question # 2 - Why did the Police fail and refuse to arrest my landlady and her husband for committing trespass?

At the same time the Police also saw (and may have helped) my landlady and her husband throwing away my personal belongings from my room onto the front porch and onto the street. Under common law that is a crime.

Question # 3 - Why did the Police fail and refuse to arrest my landlady and her husband for throwing away my personal belongings from my room?

I returned home at approximately 11:00 o'clock at night (on 8 July 1983), and found that the lock on the main entrance had been changed. When the Police arrived I demanded a key for my home. The landlady refused to give me the key. The Police declined to intervene alleging that this is a "civil matter". But the law says that locking out a tenant is a criminal offense. See MGL Chapter 186 Section 14.

Question # 4 - Why did the Police fail and refuse to arrest my landlady when she locked me out of my home?

The Police also threatened to arrest me if I entered my home, in gross disregard of my constitutional rights as guaranteed by MGL Chapter 265 Section 37.

Question # 5 - Why did the Police threaten to arrest me if I entered my home?

That night I removed some of my personal belongings from the front porch and from the sidewalk. The following day (9 July 1983), early in the afternoon, I came back to my home to remove the rest. The landlady called the Police alleging that "a man is threatening to kill woman and police with a gun". Again, like the previous night, Orchard Street became full with policemen. The Police arrested me on the alleged ground of trespassing while I was standing in the middle of the street. This is a clear violation of MGL Chapter 266 Section 120.

Question # 6 - Why did the Police arrest me on the alleged ground of trespassing while I was standing in the middle of the street?

The Police kept me in the cell for several hours. In the evening the bailman came and released me on bail. Then I came back to my home and removed the rest of my personal belongings from the front porch and from the sidewalk. After I loaded the last box (containing my personal belongings) into my car, I called the Police (on 9 July 1983, at 7:20 pm). I wanted to remove everything from my room. I explained to the Police officers that I had some extremely important documents in my room -- those documents cannot be compensated with any amount of money. The Police knocked on the door. But the landlady would not let me in. Common law says that that is a crime of larceny.

Question # 7 - Why did the Police fail and refuse to arrest my landlady when she refused to allow me to remove my personal belongings from my room?

Orchard Street is cleaned every Monday morning. Therefore, usually the people throw away their trash on Sunday nights. On 24 July 1983 (Sunday), shortly before midnight, I went in front of my home to check the garbage. I found more than a dozen boxes and bags containing my personal belongings lying in front of 45 Orchard Street to be collected by the garbage collectors the following morning. I called the Police (on 25 July 1983, shortly after midnight). When the Police arrived, I told them that I wanted all those boxes and bags (containing my personal belongings) to be marked, identified and stored somewhere so that I could introduce them as evidence at the trial. The Police said they would not do that, but they would file a report stating that that many boxes and bags containing my personal belongings were lying in front of 45 Orchard Street for trash pick-up. A few days later I went to the Police Station to get a copy of the report. There was none. I talked to the Sergeant who was on the scene. He said that they did not file a report because there was nothing criminal in the landlady holding some of my personal belongings when she locked me out, and that there was nothing criminal in the landlady throwing out any of my personal belongings for trash pick-up. But the law says otherwise.

Question # 8 - Why did the Police fail and refuse to take any action when the landlady threw out my personal belongings from my room to the street for trash pick-up?

Also, I have the names of the following thirteen(13) officers who took part in the subversion of the law mentioned above - J. Considine, D. Degou, J. Dwyer, A. Ferraro, E. Jillette, R.K. Lyons, J. McCusker, Jr., J. Moules, E. O'Callaghan, Jr., R. Santiago, R. Sullivan, T. Vincent, J. White. I have been unsuccessfully trying to get from the Police Department the names of the rest of the officers who they sent to intimidate me and to defend my landlady. On 31 October 1983 I wrote a letter to the Chief of Police to that effect. I have yet to receive a reply to that letter.

I demand immediate action.

Sincerely yours,

Biswanath Halder

Biswanath Halder

Dated : Cambridge, Massachusetts
28 February 1984

Copy to : 1) City Councillors
2) City Solicitor
3) Chief of Police

S-147

Comm. from Biswanath Halder Re: an incident which occurred in July of 1983 at which time he was locked out of his place of residence at 45 Orchard St. by the landlord after police searched his room & removed his revolver & subsequent actions he has taken to determine the reasons for such action.

3/26/84

copy sent to the City Manager's Office
3/14/84 mh

In City Council,

March 12, 1984

3/12/84

Request received
2/19/84 for Hearing
on 3/19/84 -

3/12/84

Referred to City Manager
for Meeting with the
petitioner