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ENOUGH ROOM
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OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
January 18, 2001

Honorable Members of the
Cambridge City Council
795 Mass Ave.
Cambridge MA 02139

Re: Unlawful practices

During recent weeks several employees of the City of Cambridge have conducted themselves in an unlawful manner implementing a policy contrary to law. At the same time the City Council remains silent while a law enforcement agency remains without scrutiny while serious criminal activity is being alleged by US investigators.

PUBLIC RECORDS

On or about April 27, 2000 I filed a formal request for access to video tape files held by the Office of Cable Television of the City of Cambridge. It was not until January 2001 that an attorney for the City, Mr. Arthur Goldberg replied to the request. His response is not only inadequate but also contrary to the requirements of the Public Records Act itself.

The reply came only after the Supervisor of Public Records threatened to refer the request to the Attorney General for enforcement. Mr. Goldberg's intentional delay is not unique among city employees. His letter erects a lesser but no less difficult artificial barrier to examining public documents.

M.G.L. Chapter 66 § 10 (a) states "Every person having custody of any public records, ... shall, at reasonable times, and without delay, permit it, ... to be inspected and examined by any person ... and shall furnish one copy of thereof upon payment of a reasonable fee."

The need for the formal request came only after the Director of the Cable Television Office told me that he has "no time to reply to requests for records." The Director of the Women's Commission and the director of the Peace Commission made the same comment. They too referred my requests to the lawyers for the City. The Cambridge Police Department also refers such requests to their legal counsel contrary to law.

M.G.L. Chapter 66 § 10 (b) states "A custodian of a public record shall, within ten days following a request for inspection or a copy of a public record, comply with such request." It is clear that many employees of the City do not feel obligated to respond to these clearly legal duties. It may be that the Clinton legacy of creative meanings for the words "shall," and "is" is responsible.

The legal office leads the way in non compliance with such requests. Perhaps the city lawyers themselves need to be scrutinized if not replaced. Their attitude is not one of working as public servants in the public interest, but contrary to it. They

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respond to citizen requests as if they are sending invoices for billable hours for services.

The public records laws state that the custodian of records shall reply because of their "superior knowledge of public records." Not lawyers whose specialty is law, deception and obstruction. The delay is a violation of the First Amendment of the US Constitution, which provides not only the right to speak but also the right to read, see and hear.

FAILURE TO INVESTIGATE

Within the City of Cambridge the City police defer to the Harvard University police when allegations of crime on Harvard property are reported. This is troubling when the alleged perpetrators are Harvard employees, Harvard University Police informants, professional researchers, or students of Harvard University.

As a result many persons are unaccountable to criminal laws. This failure of the Cambridge police is a formal, unwritten, unlawful policy. It is the same pattern applied to Boston FBI informants which are presently being exposed for allegations of two dozen homicides, theft, extortion, drug sales and gambling.

The policy of state police and local police to defer to the FBI, allowed these abuses to grow and remain unaddressed. On Wednesday January 17, 2001 the *Boston Herald* reported that state police are travelling to Nova Scotia, Canada to search for bodies of Boston area persons.

The acquiescence of local and state police to FBI informants, allowed criminals to commit serious crimes which are only now after 40 years being exposed. One man from Medford, released from 33 years of prison, was wrongfully convicted of homicides due to intentional false testimony in court by FBI informants. This was allegedly done with the knowledge of FBI supervising agents. Similar patterns of abuses apply to Harvard affiliates.

SILENCE OF THE CITY COUNCIL

During recent weeks the City Council voted a Home Rule Petition to the State legislature, extending voting rights to non citizens. Last year the City Council voted a resolution urging US Representatives to work for the release of Lori Berenson who is held in a Peruvian prison for a conviction for terrorism.

Yet the City Council remains silent in response to allegations of serious misconduct by FBI informants in the Boston area. The safety of every citizen remains threatened until this abuse by US officials is thoroughly scrutinized. Unlike New York City the Boston area never investigates the police departments in this state.

Every 20 years more than 100 officers are jailed in New York for criminal acts. More than 100 are fired for other abuses. The New York commission, as well as academic researchers found that it

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is the nature of the police due to their absolute power, that they become abusive and need to be scrutinized every few years.

It is questionable if the FBI has ever been investigated. Even the CIA was exposed as conducting criminal abuses by the US Senate in 1978. Why hasn't the City Council sent a letter urging US Officials (Rep. Capuana, Sen. Kerry, Sen. Kennedy) to open an investigation of the FBI by the General Accounting Office to end the institutionalized abuses, fraud and waste of taxpayer funds? This refusal to recognize serious threats to freedom in violation of state and US laws shows the negligence of the City Council to guarantee the safety of citizens of Cambridge.

The same can be said about the failure of the Mass state police to correct the abuses of FBI informants. State officials can likewise open a state investigation of FBI abuses. This is a current problem that needs to be addressed.

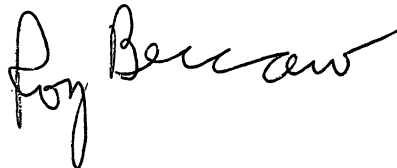
HUMAN RIGHTS COMMISSION

In 1993 and 1998 I sought relief from an ongoing abuse of discrimination by city employees. I spoke before the City Council in December, 1998 to inform the Council of the failure of the Human Rights Commission to fulfill its legal duties under the City Ordinances to address such abuses. The executive directors (1993, 1998) told me that they will not accept complaints against city employees.

In January, 2001 the City Council appropriated more than \$80,0000 for the operation of the Human Rights Commission. One of their major functions is to conduct an essay writing contest for high school students. They also attend meetings of the state council of human rights commissions.

The new Executive Director of the Human Rights Commission, an attorney, relayed his policy to me on January 12, 2001. His office manager told me that the "Human Rights Commission does not have jurisdiction over city employees." That contradicts what the ordinances state. One more example of legal abuse by city attorneys.

I urge the City Council to exercise its official powers as representatives of the Citizens of Cambridge to end official misconduct.



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Consent Communication #18

A communication was received from Roy Bercaw, Editor, Enough Room, transmitting concerns regarding the City's compliance of the Public Record law.

In City Council January 22, 2001

PLACED ON FILE