

HARVARD UNIVERSITY

LAW SCHOOL

LAURENCE H. TRIBE

Law Professor of Constitutional Law



GRISWOLD HALL 307

CAMBRIDGE, MASSACHUSETTS 02138

(617) 495-4621

BY FAX

September 11, 1989

Board of Zoning Appeals
c/o City Clerk's Office
Cambridge City Hall
Cambridge, MA 02139

Dear Chairperson and Members:

My name appears on a petition dealing with the Commonwealth Day School. I believe that the circumstances under which I was induced to sign the petition left me with less than full information. I enclose a copy of my letter of this date to the Mayor and City Council explaining these circumstances.

The attorney for the group of neighbors involved, Howard Medwed, assured me yesterday that he would request that my name be removed from the petition. Today, however, he sent me a letter stating that, upon reflection, he did not feel it appropriate to do so, in part because he is not my attorney. He suggested that I write the Board if I wished my name to be removed.

I hereby request that my name be removed from the petition.

I can be reached in my office (495-4621 or 495-1767) or at home (661-9030) if there are any questions.

Sincerely,

Laurence Tribe

Laurence H. Tribe

LHT:ls

1 Enclosure

cc: Board of Zoning Appeals, Regular Mail
Mayor and City Council
Howard D. Medwed, Esq.
James Rafferty, Esq., Counsel for School

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Office of the Mayor
City of Cambridge
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

To the Mayor and City Council of Cambridge:

I have been distressed to learn that the Commonwealth Day School has been forced into the most difficult circumstances by a neighborhood petition in which I had played a part. I was assured by the petition organizers last year -- organizers whom I knew and did not have any reason to mistrust -- that their only concern was for the safety of young schoolchildren. When I asked that my name be removed from the petition upon learning that more complex issues might be involved, I was told that it was too late to do so, that the petition had already been filed, and that it would play no role in the school's fate since the Zoning Board had in any event approved the school's request to operate on Brattle Street. I made it clear that I wanted to play no role in any effort to upset the school's ability to continue operating. I refused to be part of any lawsuit or appeal that might hinder the school's plans.

I was therefore very upset to discover a few days ago that the filing of some kind of suit in the Land Court had the effect of forcing the school to move out of Cambridge before any further hearing could be held. I have again insisted that my name be removed from the petition and have been assured, by the attorney for the group of neighbors, that my name would be removed.

I am not in a position to impugn the motives of the group of neighbors involved and would not want to accuse them of racial prejudice. Those whom I know have always struck me as not being bigoted. I am suspicious, however, about why I was told so little about the facts when my name was solicited. Quite pointedly, nothing was said to me that would indicate the racial composition of the school's student body. If I had known, for example, that the school had a high percentage of minority students, I would have insisted upon learning more before signing any petition. I feel that this neighborhood would benefit from the presence of a minority school. What I like least about the part of Cambridge where I live is its virtually all-white character.

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Therefore, while repeating that I do not want to accuse anyone of improper motivation, and particularly of bigotry, I want to stress that I would like to cooperate in any investigation that might occur, by the M.C.A.D. or other groups, into the issue of possible discrimination on the grounds of race.

I regret not having taken a more active role in investigating all of the circumstances before adding my name to the petition. That is a responsibility I must bear. But I cannot sit back and do nothing while the school suffers on what may have been an improper basis. I would appreciate your having this letter read into the record of this evening's meeting and hope that I can be of help.

Sincerely,

Laurence Tribe

Laurence H. Tribe

LHT:js

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9/11/89

Placed on file