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ENOUGH ROOM
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Honorable Members of the
Cambridge City Council
795 Mass Avenue
Cambridge MA 02139

2001 Nov 26 5:14:30
November 26, 2001

Re: Cambridge City Council Rules

During the Francis Duehay administration in 2000, the Cambridge City Council studied the reasons for the lengthy Monday night meetings. Some thought public comment was the cause and wanted to eliminate all public comment. The amount of time allocated for individual comments was reduced to three minutes and limited to subjects which appear on the agenda.

The study recognized that the "votes to suspend the rules" added much unnecessary time. Each councillor was allowed one suspension-of-the-rules vote per meeting; a role call vote was necessary.

Currently requests for suspension are granted with a voice vote by the chair of the meeting. On November 19, 2001 two votes were taken contrary to the rules.

When public officials attend Council meetings to speak they are granted placement at the front of the line, and longer speaking times. Ordinary citizens are held to three minutes, with about one minute overrun the pattern. Public comment which praises members of the Council are regularly extended more time.

Special events before council meetings add unnecessary delays for citizens who come to the council chambers to speak. Instead of making this special event known on the Council agenda before the weekend, for the November 19th meeting the notice of the special presentation was on the city's web site but not on the council agenda. Giving notice on the printed agenda would avoid inconvenience to those who want to speak in person.

On November 19th it was chivalrous of Rep. and Councilor Toomey to defend Rep. Barrios' honor when I spoke about the silence of Cambridge state representatives on Harvard's paltry contribution to the City for their \$30 million tax exemption.

I said, "What I'm concerned about is at the state level uh, uh, Rep. Barrios has made absolutely no uh public comments on this issue. And he's not ... I don't think he's been doing a very good job of representing the interests of the City of Cambridge. He may be doing very well representing some people that he knows. But, I mean, this is where he has completely fallen down."

At this point Councilor and Representative Toomey interrupted me, contrary to Council rules, noting that Rep. Barrios was not present to defend himself. But even if he was he would be prohibited from speaking to defend himself by the rules.

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Council rules prohibit responses during public comment period. Mayor Galluccio refers to this as "back and forth." By interrupting my comment Rep. and Councilor Toomey violated that rule.

I did not slander Rep. Barrios, nor was I disrespectful to him. I tried to make a justified observation that Rep. Barrios did not speak publicly on the issue of Harvard's failure to recognize its obligation to compensate the City for their use of City facilities, and their purchase of city land.

Harvard may think it provides mortals with access to the intellectually and spiritually elite of the universe. But they also contribute to the air, light, noise, odor and logical pollution of the city.

Rep. Barrios has access to the Op-ed pages of the *Boston Globe*; he commands regular headlines and space in the *Cambridge Chronicle*; he is given special placement and time when he speaks before the City Council; he can speak on the floor of the Massachusetts House of Representatives. I do not have such access.

It is humorous that Rep. Toomey would interrupt my three minutes of comments to protect Rep. Barrios from appropriate criticism. Surely Rep. Barrios is capable of defending any unjustified criticism himself.

I gave Rep. Barrios the opportunity to respond to my interrupted comments. He nor his aide returned my call.

Rep. Wolf and her aide returned my call. Trellis Stepter explained that Rep. Wolf spoke on the floor of the House supporting the Watertown tax bills. Neither Wolf, nor Barrios, nor any of the City Councillors spoke in favor of my bill, H3636. The Watertown bills have no effect on Harvard's current required payments to Cambridge. My bill would eliminate Harvard's tax exemption completely. Only Rep. Toomey sent a letter to the Taxation Committee in support of my bill.

Being denied access to the state representative's assistance to address government abuses, is one thing. But being denied the right to petition the government for access by denying me the right to speak at a public forum is a double abuse.

If citizens cannot criticize their representatives in a public forum, where can they do so and be heard? Are some members of the public more favored because they praise rather than criticize the Council? This is recognizable pattern at the City Council during public comment.

It shows how fragile elected officials are. If they cannot accept, tolerate, or encourage any critical comments, they likely do not have the stamina to act in accordance with law when they may cause hurt feelings to persons they know. In Plato's *Republic* it is justice which rewards one's friends and punishes one's enemies. That is not government by law, it is favoritism.

Barrios' silence while a 300-year-old elephantine monster prances about the City marking its territory at the expense of taxpayers is unacceptable. I question the independence of elected

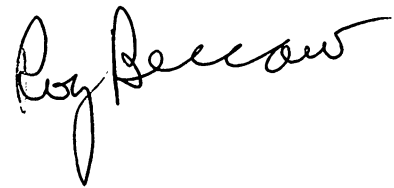
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officials at all levels when it comes to Harvard. Why should Barrios get special treatment?

There is no prohibition of mentioning names of persons who are praised during public comment. Why any restriction on criticism? Former Councilor and Representative Sandra Graham criticized Rep. Barrios before the City Council. Is this a privilege of current and former public officials?

Council rules are enforced unevenly. When it suits the Council they permit certain political comment to be heard before others who have signed up. They permit favored speakers to preach on subjects which have no bearing on any agenda item. The length of time permitted is dependent upon who is speaking and how flattering the speech is to the Council.

The emphasis on avoiding hurt feelings has overcome legal and constitutional protections enjoyed by previous generations. This may explain the unwritten City Council criticism rule. By applying the rules of the City Council arbitrarily and capriciously, the chairmen have shown their disregard of Constitutional protections afforded to citizens by the Equal Protection Clause of the Fourteenth Amendment to the US Constitution.

A handwritten signature in cursive script, reading "Ray Bercaw". The signature is written in dark ink and is positioned to the right of the main body of text.

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Consent Communication #7

A communication was received
from Roy Bercaw, regarding the
City Council rules.

In City Council December 3, 2001

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