

10

ENOUGH ROOM
ROY BERCAW, EDITOR
PO BOX 400297, CAMBRIDGE, MA 02140 USA
617-491-0433 bercaw@justice.com

The Honorable City Council
City of Cambridge
795 Mass Avenue
Cambridge MA 02139

May 2, 2002

Re: COMCAST-AT&T Cable license

As per the hearing on April 30, 2002, at City Hall on the transfer of the cable television license with representatives of COMCAST and AT&T I submit this recommendation. COMCAST attorneys repeatedly assured the City that they would honor all agreements and levels of service currently existing with MediaOne.

MediaOne agreed to create remote broadcast facilities at several locations around the City. MediaOne currently stands in non compliance. Only the Senior Center at 860 Mass Ave. has that capability. MediaOne has not performed on that item.

Before any vote is taken on the transfer of the cable TV license, or on the merger of COMCAST with AT&T the City should insure that those facilities are operational. In addition to fulfilling past requirements, this would show that the new license holder actually intended to perform and not only say they will perform.

In addition, the license holder should be required to insure that subscribers to cable TV are aware that they are entitled to refunds for outages. That the license holder create an easy system for those refunds to be obtained.

Also, that the current practice of changing service levels without notice be ended; with substantial penalties for violations.

Finally, that employees of the license holder be required to be trained in amiability to subscribers. That their current practice of arrogance and abuse be ended with penalties for violations.

Roy Bercaw

2002 MAY -2 P 4: 28
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Communication #10

A communication was received
from Roy Bercaw, regarding
COMCAST-AT&T Cable license.

In City Council May 6, 2002

PLACED ON FILE.

2002 MAY -2 P 4:28
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

8

ENOUGH ROOM
ROY BERCAW, EDITOR
PO BOX 400297, CAMBRIDGE, MA 02140 USA
617-491-0433 bercaw@justice.com

The Honorable City Council
City of Cambridge
795 Mass Avenue
Cambridge MA 02139

May 1, 2002

Re: Unlawful Council Order

Passing a resolution on April 29, 2002, condemning hate speech, the Cambridge City Council violated the First Amendment to the US Constitution, and violated the oath of office taken by all Councilors in January, 2002. Focusing on hate speech, protected under the US Constitution, and US Supreme Court case law, shows unlawful priorities by the City Council.

Black citizens, gay citizens and women enjoy more equal status in Cambridge, than other not so equal groups. On April 29, 2002 the Council added the group of Asian Americans to those three special groups, who enjoy more protections for their feelings than others.

In the name of hurt feelings the Council censors legal speech. Why does the Council have such a biased focus? Complaints expressed during public comment on April 29, 2002 were made by students at elitist Harvard College. None of these upper class students will be denied rights and privileges that are often denied to vulnerable citizens.

Among the more remarkable comments made by one speaker, Chris Tam, was that he spoke "on behalf of Harvard;" that he spoke for the leadership of Asian Americans at Boston University, Northeastern University, Wellesley College and the University of Massachusetts. There are a dozen countries in Asia. Does that student speak for all descendants of all of those countries, those religions, and ethnic groups? He alleged that Abercrombie and Fitch has a "history of discrimination." Does Harvard and the City of Cambridge not have a history of discrimination? It was not until the mid 20th Century that Harvard admitted Jews.

But aside from all of this, where does the City Council derive its power to condemn speech? "Congress shall make no law ... " extends to the City Council as well. Though not prohibiting speech, the Council's action does have a chilling effect.

Even if there were no instances of discrimination by City agencies and employees toward other persons, the Council would be acting contrary to the Constitution. But with respect to persons with disabilities, the Council itself was reluctant to insure that taxis which the City licenses, are wheelchair accessible. The effect on driver income overrode their concern with the rights of wheelchair users to take a taxi. But in this case they wish to restrict trade in Cambridge by unlawfully censoring speech.

One could share sympathy if the offended persons were ordinary citizens who experienced harm due to the offensive speech. But these petitioners are elitist students, children of upper class

privileged parents. They will lead their lives as privileged members of the elite Harvard alumni.

The Council lacks the will to uphold its own ordinances by refusing to deny a petition by Harvard for an easement. But a request by a Chinese American Harvard student who claims to speak for all Asia and its myriad religions and ethnic groups, votes to condemn legal speech.

Disabled persons are denied access to police protections from criminal abuse by civilians and public officials. The Human Rights Commission refuses to act contrary to its stated duty in City Ordinances, and its mission as stated in published letters to local papers. Why is the Council obsessed with hate speech spending an hour of a two-hour meeting on legal speech?

I spoke to the Council on numerous occasions on the issue of abuses of disabled persons and non consensual human experimentation, a crime. But none of the Councilors take an interest in physical abuses, sometimes irreparable harms, of disabled persons. Police officers in the City openly insult and ridicule persons they believe to be disabled. Police unlawfully refuse to accept complaints from disabled persons. Why do some elitist students' idea of harm, trump actual harms and denial of constitutional rights to others? Has the City Council become the Faculty Council passing feel-good legislation for their pampered students?

The Marxist cultural war on white citizens is fashionable in Cambridge and at elitist universities. But the Council has a sworn duty to uphold the Constitution not to pander to the needs of elitist privileged upper class students.

We read every day about "a history of mental illness" in the mainstream media. The implication is that mental illness causes violence and crime. This has no basis in fact. But the Council has never condemned this form of hate speech. Why this bigoted attitude by the Council toward persons with disabilities? If mental illness is no different than physical illness as the psychiatric industry claims, why don't we hear about "a history of broken legs" among criminal defendants? Why doesn't the Council denounce as vigorously exploitation of disabled persons by some prominent local politicians?

Extending extra sensitivity toward certain groups over others shows a favoritism as if one group were more precious, superior to another. Isn't that what bigotry and racism is? Why does the City Council continue to elevate one group of elitists over all persons within the community, especially all disabled citizens?

While persons with disabilities are denied police protection from abuse by Harvard University police, Harvard students, Harvard researchers and Harvard administrators, the City Council censors lawful speech. While persons with disabilities are denied the basic right to access to the courts, to redress by City agencies, the Council panders to elitist Harvard students.

Elitist Asian-American students join elitist black students, elitist gay students and elitist women students at elitist universities who are treated as more equal than persons with disabilities. Elected officials accept campaign contributions from

Letter from R Bercaw May 1, 2002

human services corporations who earn their money "treating" (also called abusing) disabled persons. Is this why the Council refuses to address abuses of disabled persons? If plantation owners made campaign contributions would they similarly ignore racism and unlawful discrimination against black citizens?

If racism is so offensive to the Council and they regularly denounce offenses in other parts of the world, why is the Council silent on the Wahabists, who run Saudi Arabia; Osama bin Laden, and his Al Qaeda network of terrorists? Wahabism advocates the idea that Islam is superior to other religions. That was the motive for the September 11th attack; that Americans are depraved and infidels. Why is this form of racism tolerated by the Council?

Why is the Council silent on the teaching of hate in state schools in Pakistan, Iran and Iraq which teaches hatred toward America, Jews and Israel. Why is this form of hate unoffensive?

Roy Bercaw

S-139

Communication #8

A communication was received
from Roy Bercaw, regarding a
council order.

In City Council May 6, 2002

PLACED ON FILE