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

September 5, 2001

Taxpayer funding of unlawful bias

This is an alert about allocation of Cambridge Police Department funds to the Community Dispute Settlement Center (CDSC) of Cambridge. On August 17, 2001 in a conversation with Gail Packer, Executive Director of the CDSC, she announced her belief that the Americans with Disabilities Act (ADA) applies only to persons with physical disabilities.

When I explained that it applies to all disabilities, she said that the CDSC does not discriminate. On or about August 24, 2001 Ms. Sonya Dewitt, investigator with the Cambridge Human Rights Commission relayed the same denial of discrimination by the CDSC, after speaking with Ms. Packer.

On September 4, 2001 a spokesman for the Cambridge Police Department verified that grants to the CDSC were made for "the purpose of in service training of officers in mediation" and for other purposes. The amounts reported are:

1997 \$8,000
1998 \$6,500
2000 \$8,000
2001 \$8,000

On August 27, 2001 in a conversation with Sally Higginbotham of the CDSC she reported that the CDSC serves only those "who are able to participate in the process." In response to a question of whether the CDSC administers "competency evaluations" to determine ability to participate, Ms. Higginbotham said the CDSC does not.

When I inquired how the determination was made about "ability to participate," Ms. Higginbotham referred me to Gail Packer the Executive Director. I requested that my name and number be left for Ms. Packer to respond to my inquiry. As of this date I've had none.

In view of the statement by the Executive Director on August 17, 2001 about her interpretation of the ADA, it suggests that at least prior to August 17, 2001 the CDSC did in fact discriminate against persons with non physical disabilities contrary to law.

The ADA, the Rehabilitation Act of 1973, M.G.L. Chapter 151B, and the Mass Constitution prohibit discrimination by public accommodations toward persons with non physical disabilities as well as toward persons with physical disabilities. Under definitions of those statutes the CDSC is a public accommodation and is in violation of those laws. The Human Rights Commission refuses to

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investigate if the CDSC has ever served or made their services available to persons with non physical disabilities.

I urge the City Council and the City Manager to determine if my judgment is correct. If it is, taxpayer funds given to the CDSC should be returned. The CDSC should be enjoined from receiving any further taxpayer funds, unless and until they demonstrate that they make their services available to all persons legally entitled to apply for their services; that they make reasonable accommodations for persons who need them; that the CDSC show they comply with the above-mentioned laws in order to obtain any further taxpayer funds.

The Cambridge Human Rights Commission (CHRC) continues to refuse to accept complaints of unlawful discrimination by City agencies and City employees contrary to City ordinances. The Executive Director of the CHRC asserts that it would be a "conflict of interest" to do otherwise.

The analogy at the US level would be for the Department of Justice to refuse to investigate and to prosecute wrongdoing by FBI agents, informants, judges and other employees of the US. The self serving reason is simply nonsense and is a violation of the policy of the City. The City Manager has a duty to insure that City Ordinances are enforced.

Rog Bercaw

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Communication #18

A communication was received
from Roy Bercaw, regarding funds
to the Cambridge Dispute
Settlement Center.

In City Council September 10, 2001

PLACED ON FILE