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ENOUGH ROOM
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Honorable Members of the
Cambridge City Council
795 Mass Avenue
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Re: Abuses at the Cambridge
Commission on the Handicapped

This alerts the City Council and the City Manager about abuses of and by the Cambridge Commission on the Handicapped. The current name used by the Commission is the "Cambridge Commission for Persons with Disabilities" (CCPD). After the monthly meeting of the CCPD on Thursday June 14, 2001 I spoke with Executive Director, Mr. Michael Muehe about the following section of the minutes for their May 10, 2001 meeting.

"Representative Jarrett Barrios from Cambridge is the lead sponsor on An Act to Provide for a Living Wage for Human Service Workers (H.2460,S.118). If enacted this bill would provide all employees of agencies that deliver social services or child care under contract or subcontract with the Commonwealth of Massachusetts a wage of no less than \$11.89 an hour with health care insurance, or \$12.89 without health care insurance. The house has already passed their version. A MOTION was made by June Mendelson and seconded by Jim Biggar that the Cambridge Commission for Persons with Disabilities support this bill. The motion was passed unanimously. Drew pointed out that many home health care agencies have State contracts so there will be a need to be increased funding for them to be able to pay their employees at these new proposed rates."

I told Michael Muehe I thought it was improper to use the limited time and resources of the CCPD for supporting such a bill. I showed him the Ordinances of the City of Cambridge Chapter 2.96, section 060 C, which states "It shall be the function of the Commission to: Assure that no otherwise qualified individual with a handicap in the City shall, solely by reason of his or her handicap, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity within the City."

Mr. Muehe pointed to Chapter 2.96 Section 070 A, which states "The powers and duties of the Commission shall include the following: To insure the equal status of the handicapped in education, employment, economic, political, health, legal and social spheres."

Muehe said, "It is so general that it includes supporting that bill." I said I didn't think so.

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Muehe said, "We voted on it." I said that does not make it lawful. I said that many times the legislature passes laws which are unconstitutional if not unlawful in some other way.

I explained to Muehe that Rep. Barrios has done a number of things which are unlawful. I said I thought this was another instance of exploitation of persons with disabilities by Rep. Barrios.

I said to Muehe that I think there are many problems of disabled persons being denied basic rights and privileges enjoyed by non disabled persons which need to be addressed. That this bill provided at best a potential benefit for disabled persons--if the increased wages insured better treatment.

There is no guarantee that higher wages would bring better treatment. Often it is licensed professionals and researchers who earn hundreds of thousands of dollars a year who are the most abusive of disabled persons.

Muehe made an offensive and insulting remark to me saying, "You can't threaten them." It is not clear who he meant by "them." But it is indicative of his biased attitude. For many years police informants and FBI informants have threatened me with no concerns by others within the government bureaucracy.

One basic need unaddressed by the CCPD is to consider how harmful, if not unlawful, it is having two full-time employees of the CCPD who hold bigoted attitudes toward persons they consider mentally ill. Under current state and US laws the issue is not whether a person is actually disabled, only that he or she be perceived to be, and be treated differently.

On a previous occasion Ms. Carolyn Thompson overtly denigrated a disabled citizen of Cambridge due to her perception of a disability and her perception of one source of income of a legally disabled person, being less worthy than another. The purpose of the Commission is to address unlawful discrimination, not to support increased wages of employed persons.

Has either Rep. Barrios or the CCPD lobbied for higher benefits for disabled persons? The bills in question make no provision for employing persons with disabilities. This shows that the priorities of the CCPD are askew and need to be reevaluated. Rep. Barrios' appears to be using disability advocates for his own personal agenda. There is no direct benefit to persons with disabilities from the bill supported by the CCPD on May 10, 2001.

More basic to the needs of persons who use wheelchairs is the fact that within the City of Cambridge crosswalks are being painted which lead to a curb with no cut nor a ramp. There are businesses which are still inaccessible to others. The criminal justice system is abusive and inaccessible toward some persons with disabilities.

Public officials hold offensive views and act unlawfully toward some persons with disabilities. This is the legal mission of the CCPD, not supporting wage bills for employed persons.

The *Boston Globe* reported (Ralph Ranalli, "Swift eases policy on ex-convicts," June 17, 2001, page A1) that Governor Swift "is

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moving to make it easier for ex-convicts to work as counselors in state human service agencies." This would allow the Department of Public Health and the Department of Transitional Assistance to hire counselors with criminal records immediately with no waiting period "to serve as counselors for homeless persons and drug addicts." There is no requirement to calling oneself a counselor or a therapist.

The *Globe* said, "Felons would still be prohibited from working with the most vulnerable populations ... " Are poor persons and homeless persons no longer vulnerable? The report omitted disabled persons as a protected category.

Discrimination due to source of income is illegal. Why are former convicts allowed to counsel homeless persons and other poor persons, but not wealthy persons. Are former convicts those who will benefit from the higher wages supported by the CCPD? Where is the benefit to disabled persons who committed no crime?

The bill may be commendable but it is a diversion of needed time and resources. This is a misuse of the limited resources available to persons with disabilities. The CCPD has regularly refused to address open violations of state and US law, by city employees during recent years. It is time to reeducate the CCPD on their mission as stated by the City Ordinances. Taxpayer funds appropriated by the City Council are being used for purposes other than what it was meant for.

Rep. Barrios needs to be reminded that Cambridge public officials are not in place to serve his projects. He needs to address concerns of persons other than his supporters and those he disagrees with. It is an outrage that Rep. Barrios would exploit the limited resources of well intentioned persons who attempt to address the abuses of disabled persons.

Saying one supports vulnerable persons and exploiting them is a pattern prevalent in Cambridge and at the state house. I call it Harvard paternalism in action. The city regularly hears PR hacks and contractors employed by Harvard Planning and Real Estate say that they design their empire of buildings for the benefit of the community. That they destroy residential neighborhoods for the benefit of the community.

Rep. Barrios is a Harvard alumnus supported vigorously by the University. He continues to use his office for a personal project which violates state law. One volunteer suggested that Rep. Barrios is not being held accountable because he is gay; that people fear being called a homophobe as others fear being called a racist if they criticize a black public official.

I think it is because there is no substantial opposition to the Democratic Party in Cambridge and the Commonwealth. Absolute power corrupts and this is an example of that within the city. Without a strong opposition public officials may use their offices for their own personal benefit rather than for all citizens.

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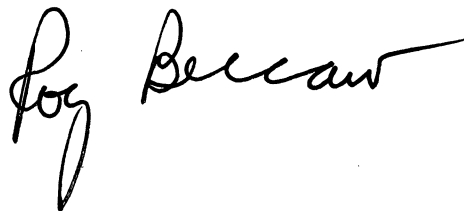
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I urge the City Council to address this unlawful use of city agencies and offices; and this exploitation of persons with disabilities by Rep. Barrios.

I sent copies of bills I wrote for the Mass legislature which were formally filed by Rep. Barrios, to Michael Muehe. I sought support for the bills from the CCPD. Four of the bills extend protections from unlawful discrimination under state law to persons with disabilities. At present disabled persons are denied some protections available to others. Neither Rep. Barrios nor the CCPD expressed support for any of the bills. Yet the CCPD found the time to support a bill which has no benefit to disabled persons. This support should properly have been done as private citizens.

City employees fail to make the distinction between their personal opinions and the duty of their official position for which they are paid or appointed. Rep. Barrios suffers severely from this lack of awareness.

Roy Bercaw

A handwritten signature in cursive script that reads "Roy Bercaw". The signature is written in dark ink and is positioned to the right of the typed name.

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THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

Swift eases policy on ex-convicts

Plan would give 2 state agencies hiring discretion

By Ralph Ranalli, Globe Staff, 6/17/2001

In another shift toward the political center, Acting Governor Jane M. Swift is moving to make it easier for ex-convicts to work as counselors in state human service agencies, administration sources said.

Under Governor William F. Weld, the state imposed sweeping rules in 1996 that prohibited people convicted of violent crimes such as rape and murder from working in state-funded human service programs. Those convicted of less serious felonies were subjected to long waiting periods before they could work in the programs.

Swift's proposed regulations would give two agencies - the Department of Public Health and Department of Transitional Assistance - discretion to waive the waiting periods and hire counselors with criminal records immediately to serve as counselors for homeless people and drug addicts.

"Weld and Cellucci were very hard-line on this," one source close to the acting governor said. "Swift wanted us moving in a different direction."

(Felons would still be prohibited from working with the most vulnerable populations) such as children, the mentally retarded, or the elderly. And the ban on the most violent offenders would remain.

But the shift is a recognition not only of the possibility of rehabilitation for felons, advocates said, but that often the best counselors are those who have overcome problems of their own - such as crime, alcohol, and drug addiction.

Gail Mountain, who works with low-income female addicts at Wellspring House in Gloucester, said her clients prefer counselors who speak from life experience, rather than from something they learned in a college course.

"The clients a lot of times think the counselors they have are a joke, that they don't know what they are going through," Mountain said. "They have book knowledge and [are] not getting them anywhere."

Weld imposed the employment ban after a Boston Globe report that revealed the state had knowingly approved violent criminals, drug dealers, and child abusers to be state-sanctioned foster parents. Weld, who was running for the US Senate at the time and was eager to maintain his tough-on-crime image, said the state should not employ dangerous ex-convicts in any human service jobs.

But those who worked in human services argued the ban was too broad, barring ex-convicts not only from working with vulnerable populations, but also from positions for which their

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life experiences might make them uniquely qualified.

And, they said, it removed a pool of potential workers from consideration for jobs that are difficult to fill due to (high stress and low pay.)

The issue flared again this year, after City Councilor Chuck Turner of Roxbury staged a sit-in in February at the Department of Public Health offices downtown. Four people were arrested, and DPH Commissioner Howard Koh said he would urge Swift to modify the policy, which was under review in the governor's office.

The administration had already begun to relax the Weld rules a few months earlier. It reduced from 10 to five years the waiting period people convicted of less serious felonies such as drug possession and unarmed robbery were required to wait before becoming eligible to work as counselors. (Some exemptions to the waiting period were allowed, with the approval of a psychologist, psychiatrist, or probation officer.)

Swift's plan, however, would go further, giving agency heads broad discretion to waive both the waiting period and the psychological consultation, and make the hire right away.

The change would only apply to DPH, which works with alcoholics and drug addicts, and the DTA, which works with the homeless. (It applies only to counseling jobs.)

After a speakerphone conference with top aides and agency heads Wednesday, Swift directed staffers to begin drawing up the new policy.

(Administration sources stressed that the safety of the most vulnerable state clients would not be affected by the new rules.)

"Safety is still paramount," one administration source said. "We're trying to strike a balance between protecting the safety of the most vulnerable and allowing the best counselors to be hired. This will help attract some of those people into the field."

Swift, who took over the governor's office two months ago, is working to appeal to a broader coalition of voters by moderating some policies of her more conservative predecessors. She announced a crackdown on polluting power plants, pleasing environmentalists. She has also announced she will allow welfare recipients to count more of their education and training toward the state's tough work-for-benefits requirement.

Some top aides have also urged her to adopt crime policies that emphasize rehabilitation rather than punishment.

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Communication #7

A communication was received from Roy Bercaw, Editor, Enough Room, regarding the Cambridge Commission on the Handicapped.

In City Council June 25, 2001

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