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DONNA P. LOPEZ
DEPUTY CITY CLERK

DECEMBER 16, 2002

TO: THE HONORABLE, THE CITY COUNCIL

FROM: DONNA P. LOPEZ
DEPUTY CITY CLERK 

SUBJECT: COMMUNICATION LIST – DECEMBER 16, 2002

Attached you will find a copy of a communication received by this office on December 11, 2002 from Roy Bercaw.

Due to my error this item was not put on the Communication List for the City Council meeting of December 16, 2002.

I respectfully request that this item be placed on an Amended Communication List and the City Council take the appropriate action.

Thank you for your attention in this matter.

2002 DEC 11 P 4:26

CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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

Honorable Cambridge City Council
 795 Mass Avenue
 Cambridge MA 02139

December 10, 2002

Verified Complaint
 Abuse of power; harassment,
 discrimination, civil rights violation.

 * Complainant *

Please take notice that Roy Bercaw, of full age, hereinafter referred to as Complainant, states that he is a member in good standing for more than four years, of Cambridge Community Television (CCTV), where he does a weekly live show called, *Enough Room*; and also produces and edits video projects for broadcast on CCTV stations.

 * Unlawful bias and harassment at CCTV *

Complainant experienced harassment which took the form of ordinary members, staff, members of the Board of Directors, and interns grabbing him, insulting him because they thought Complainant was mentally ill, and other disgraceful epithets. Complainant complained to the Executive Director, Susan Fleischman about this verbal and psychological abuse which made Complainant feel uncomfortable. Complainant did not go to the station except to do his show for about one year. He remains overdue on three projects due to this hiatus. This problem was never addressed satisfactorily.

On one occasion a male staff member threatened to punch complainant in the face, after complainant asked the staff member if he was gaining weight. On another occasion a staff member threatened to throw Complainant "out of here," IF Complainant said anything to offend anyone. After checking with the Attorney

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General's office Complainant criticized on the air, the staff member for making this threat.

Complainant wrote to the Executive Director, Susan Fleischman, about this ongoing uneven standard for threats, harassment, hate speech, and the refusal of the staff to address his complaints. Though the Executive Director said she would take care of the harassment she never did and it continues.

Complainant also wrote twice to the Board of Directors about this unlawful uneven application of anti discrimination laws. Complainant also wrote to the Office of the Attorney General and to other state and local agencies about this. The Executive Director refused to provide to Complainant the names and addresses of the current members of the Board of Directors. Their names are not on file with the Attorney General's office of Public Charities.

* Speech standards at CCTV *

The Executive Director makes a distinction between three kinds of expression: on air, person to person, and internet searching. In response to Complainant's inquiry about this, the Executive Director stated that that is station policy.

The Executive Director's standards as best Complainant can express them are that: one can utter any protected speech on the air; person to person speech may not offend due to race, sexual preference or gender; Complainant's objection to the failure to curb hate speech due to disability and age was ignored by the Executive Director; that internet searching may not offend anyone who may look at the screen as one passes it.

Searching his mind, Complainant is unable to recall any instance of hateful, abusive speech that Complainant made in any of the three categories. Complainant only uses the internet for email, and journalism. In spite of numerous insults by members, their friends, interns, Board members and staff, Complainant ignored them until they became too much. That is when Complainant avoided the station except for his weekly show.

Complainant regularly states on the air on his show, his opinions about political chicanery, misplaced priorities at the station, and the failure of the staff to address some kinds of discrimination. Complainant believes that the personal animosity from cablecaster Christina is due to her disagreement with Complainant's opinions expressed on his show. This is also true about staff and member animosity.

* Intimidation by staff *

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On one occasion after twice complaining to Artman Martin about rudeness by cablecaster Christina, Artman said to Complainant, "Don't say anything about that on the air."

Complainant asked Artman, "Are you telling me what I can say on the air?" No answer was necessary.

Complainant believes it is an abuse of power for the staff to selectively enforce the laws and to retaliate against Complainant for his criticism.

* First Amendment Violation *

On Tuesday December 10, 2002 at about 4:15 PM Complainant arrived at the CCTV studio to do his weekly live show, scheduled to begin at 4:30 PM. The staff person at the front desk, Nick, did not have a key to the equipment room to give Complainant a microphone. At about 4:27 PM three minutes before air time, Complainant asked Nick at the front desk to get someone with the key so that he could have a microphone.

Complainant returned to the BeLive studio. The camera had not been focused to Complainant's satisfaction. David Zermeno, CCTV computer lab manager, came to the studio to ask what was wrong. He asked Complainant if Complainant had asked the cablecaster to get a microphone. It is the duty of Arthur Martin to oversee the BeLive Studio, not David Zermeno.

As Complainant was explaining the current problem, the Executive Director, Susan Fleischman, entered the studio and said that Complainant should have focused the camera himself. Complainant explained that he tried to do that once when cablecaster Christina complained and insulted him for trying to do so. That cablecaster is regularly rude and hostile to Complainant. Though Complainant has complained repeatedly about her, the staff has refused to stop her abuse, to move her time or to retrain her.

The Executive Director began screaming in a loud voice at Complainant, "Shut up. Shut up. Just shut up."

Complainant said, "I have a right to speak. Are you saying I cannot defend myself?" A large group of members and staff watched this exchange.

She said, "No you cannot defend yourself."

Complainant said, "Susan I think you are abusing your power."

The Executive Director said, "What power?"

Complainant said, "That woman did not do a [audio] level check. Not for the microphone, nor for the CD nor the roll-in deck."

The Executive Director screamed, "Stop talking like that."

Complainant asked, "Like what?"

The Executive Director screamed, "Calling her that woman."

Complainant asked, "What's wrong with that?"

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The Executive Director screamed, "Use her name."

Complainant said, "Well, Christina is rude and hostile every week. I've complained to you and to Artman [Arthur Martin] about her numerous times. Yet she continues to act abusively toward me. And she does not do her job."

* State Civil Rights Violation *

The Executive Director said, "If you keep saying those things to people we'll throw you out of here." Complainant remains perplexed at what speech is so offensive. The only thing that can be offensive is his criticism of their intolerance. The Executive Director produces a live show each week. It is called, *CCTV and Free Speech*. (Ahem!)

After months of sloppy audio levels, and other technical failures, Complainant said to the Executive Director that Artman had promised to be present at 4:20 each week before his show began, to insure that the audio levels were checked.

* Second Civil Rights Violation *

The Executive Director began screaming again, "Shut up. Shut Up. Shut up." Her eyes were bulging. She appeared to be foaming at the mouth. She screamed, "We'll throw you out of here." This was the second such threat by a staff member toward Complainant.

Sometime in or about September 2002, John Donovan, Operations Director threatened Complainant saying, "If [IF] you say anything to offend someone we'll throw you out of here."

* Unlawful Discrimination *

John Donovan does not say that to every member or intern or staff member. Complainant believes that Donovan said that because Donovan believes Complainant to be mentally ill, and expressed his bias toward such persons.

Later when Complainant complained about a female bothering Complainant while he worked in an edit room, the staff member laughed as if it were funny. This shows unlawful bias due to gender.

On Tuesday December 10, 2002 the Executive Director, continued to scream in Complainant's face saying loudly, "Shut up. Shut up. Shut up."

Complainant asked, "What are you a cop?"

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The Executive Director said, "Yes."

Complainant said, "Well I have a right to speak under the US Constitution and the Massachusetts Constitution." Complainant again said she was abusing her authority.

Complainant's show began about 7 minutes late after Artman Martin did an audio check for the microphone and the CD. Because of the difficulty Complainant's show ran 21 minutes and 17 seconds, about 5 minutes and 43 seconds short. This too is a recurring pattern of harassment by the female cablecaster, Christina.

* Failure to notice and to broadcast *

On or about November 10, 2002 Complainant submitted a 7 minute feature video project called, *Doin' It*, to Eli Kao, production coordinator. Kao notified Complainant by email that the video would be broadcast on

Friday December 6, 2002 at 8:00 PM on Channel 9;
Sunday December 8, 2002 at 4:30 PM on Channel 10;
Friday December 13, 2002 at 8:00 PM on Channel 9.

The usual practice is for Kao to submit the CCTV schedule to the *Cambridge Chronicle* for publication in the *TAB* and the *Chronicle*. The Friday December 6, 2002 edition of the *Cambridge TAB* noted that a show *War or peace* would be broadcast on the above first two times. It was scheduled for 7 minutes the same length as *Doin' It*.

On Friday December 6, 2002 *Doin' It*, was broadcast at 8:00 PM as scheduled though not noticed in the *TAB*. Complainant videotaped a copy of it. But on Sunday December 8, 2002 at 4:30 PM *Doin' It*, was not broadcast as scheduled. The CCTV video bulletin board was broadcast for the entire ten minutes before and after the scheduled time. The CCTV website programming listing schedule properly noted that *Doin' It* was scheduled for broadcast on December 6 and 8th.

On Monday December 9, 2002 at about 3:00 PM Complainant sent an email to Eli Kao inquiring about the failure to notice in the *Chronicle* and *TAB*, and the failure to broadcast *Doin' It*, on Sunday December 8, 2002.

On Tuesday December 10, 2002 after the incident with the Executive Director and after Complainant's show was broadcast, at about 5:10 PM, Complainant spoke with Kao inquiring about the email. Kao said he did not receive the email.

On Tuesday December 10, 2002 at about 2:30 PM Graham, a new intern called Complainant by phone to tell Complainant that Complainant had not filled out the new contract agreement with CCTV for his weekly show.

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But on Thursday December 5, 2002 at about 4:30 PM Complainant handed to Kao as he worked at the front desk of CCTV the agreement signed. Complainant said to Kao, "You cannot say I did not return the paper. Is it complete?" Kao looked it over and said it was.

Complainant asked Kao on Tuesday December 10, 2002 if he had the paper. He looked into his file and found it in the front of the file.

* First Amendment Violation *
* Unlawful bias, negligent training *

At about 6:30 PM Complainant called to the Cambridge Police to inquire if the incident at CCTV was a violation of the Mass Civil Rights Statute, MGL Chapter 265, § 37. Dispatcher Martin said it may be. Complainant said he would call back later.

At about 8:30 PM Complainant called to the Cambridge Police. Dispatcher Gardner answered. Complainant explained again the incident. Dispatcher Gardner said he would send a patrol car. At about 10:20 PM when no officer had visited Complainant, Complainant again called to the Cambridge police.

Dispatcher Gardner answered. Complainant inquired about the earlier call. Mr. Gardner said that Complainant's call was from a Harvard building. That his call was referred to the Harvard University Police Department.

Complainant asked why no HUPD officer had responded. Gardner said, "You have to ask them." Complainant explained that the incident occurred in Central Square not at his apartment. Gardner said he would send a patrol car.

At about 10:31 PM a female dispatcher called to Complainant and asked him to go outside to speak with an officer. Complainant went outside and found Cambridge Patrol car number 228 parked near his building. Officer with badge number 484 asked Complainant for identification.

After explaining the incident, Officer 484 said to Complainant we all know you. Do you know how many complaints you have filed? Complainant said he no longer files complaints with the police; that he files them with the Attorney General and other state agencies about five times per week.

Officer 484 agreed that the incident was an abuse of power. But was not sure if it was a crime. He said he would have to speak with his sergeant which he did. About this time a second Cambridge patrol car number 220 arrived and parked with Officer badge number 489 driving.

Officer 484 returned after speaking with his sergeant and officer 489 and told Complainant that the sergeant suggested that complainant go to the courthouse to file a complaint. Officer 489 said to Complainant "We deal in crime."

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MGL Chapter 265 § 37 is a criminal statute. Intimidating a person in the free exercise of a constitutionally protected right is a state crime.

Complainant believes that the failure of the Cambridge and the Harvard police to accept a complaint is a violation of the First Amendment and also the latest instance of discrimination based upon a perceived disability. It shows the negligent training of both the Harvard police and the Cambridge police. Complainant filed numerous previous written complaints about this unlawful police bias and negligent training.

Complainant urges the City to reevaluate continuing to provide fees paid to the City under FCC law, as funding to CCTV while they abuse persons in violation of state and US laws. It is obvious that after many years of beneficial outstanding service to the Community the Executive Director has lost sight of the mission of CCTV. The scrutiny of the City is urgently needed for this remarkable City resource.



Roy Bercaw

Sworn and subscribed to before me this

_____ day of _____ 2002

Notary Public of Massachusetts

My commission expires _____

S-379

Consent Communication #4

A communication was received
from Roy Bercaw, regarding
CCTV.

In City Council December 16, 2002

PLACED ON FILE.