



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

December 28, 1989

Honorable Scott Harshbarger
District Attorney
Superior Courthouse
40 Thorndike Street
Cambridge, MA 02141

Dear Mr. Harshbarger:

At the Special City Council meeting of the City of Cambridge held on Tuesday, December 26, 1989 the Council was presented with a report from Mayor Alfred E. Vellucci on the findings of the Commonwealth Day School Review Committee. A committee appointed by His Honor to review allegations of racism by neighborhood residents.

This report was accepted by the City Council and referred to the Massachusetts Attorney General, United States Attorney, Massachusetts Commission Against Discrimination and the Middlesex County District Attorney.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton
Joseph E. Connarton
City Clerk

JEC/dl

Enc. (1)



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JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

December 28, 1989

Honorable James Shannon
Massachusetts Attorney General
One Ashburton Place
Boston, MA 02108

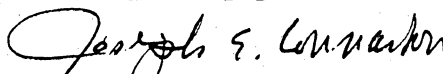
Dear Mr. Shannon:

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JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

December 28, 1989

Honorable Alex Rodriguez
Massachusetts Commission Against Discrimination
Room 601
One Ashburton Place
Boston, MA 02108

Dear Mr. Rodriguez:

At the Special City Council meeting of the City of Cambridge held on Tuesday, December 26, 1989 the Council was presented with a report from Mayor Alfred E. Vellucci on the findings of the Commonwealth Day School Review Committee. A committee appointed by His Honor to review allegations of racism by neighborhood residents.

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Very truly yours,

A handwritten signature in cursive script that reads "Joseph E. Connarton".

Joseph E. Connarton
City Clerk

JEC/dl

Enc. (1)



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(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

December 28, 1989

Honorable Wayne A. Budd
United States Attorney
1107 John W. McCormack Post Office and Court House
Boston, MA 02109

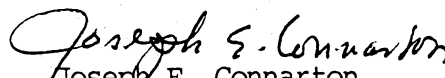
Dear Mr. Budd:

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This report was accepted by the City Council and referred to the Massachusetts Attorney General, United States Attorney, Massachusetts Commission Against Discrimination and the Middlesex County District Attorney.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,


Joseph E. Connarton
City Clerk

JEC/dl

Enc. (1)



RECEIVED BY
OFFICE OF CITY CLERK

OFFICE OF THE MAYOR

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9090

Alfred E. Vellucci
Mayor

DECEMBER 22, 1989

TO THE HONORABLE MEMBERS OF THE CAMBRIDGE CITY COUNCIL:

HEREWITH IS A COPY OF THE FINDINGS OF THE COMMONWEALTH DAY SCHOOL REVIEW COMMITTEE. THE COMMITTEE INCLUDED REVEREND DOCTOR LEROY ATILES, PH. D. OF ST. PAUL AFRICAN METHODIST EPISCOPAL CHURCH, MS. ELAINE DAILEY, TEACHER AT THE CAMBRIDGE RINDGE & LATIN SCHOOL, MS. CAROL HOUSE, TEACHER AT THE CAMBRIDGE RINDGE & LATIN SCHOOL, MR. EDWARD D. McNULTY, RETIRED CAMBRIDGE POLICE OFFICER AND MS. JANICE PLATNER, EXECUTIVE DIRECTOR OF THE HUMAN RIGHTS COMMISSION. THE COMMITTEE MEMBERS WERE APPOINTED BY THE MAYOR AND AUTHORIZED BY REQUEST OF THE CAMBRIDGE CITY COUNCIL VOTE DATED SEPTEMBER 11, 1989. (ATTACHED IS A COPY OF THE COUNCIL ORDER WHICH CREATED THIS COMMITTEE.)

ALL MATERIALS INCLUDING SIXTEEN TAPES ARE BEING PUT IN THE CUSTODY OF THE CITY CLERK, MR. JOSEPH CONNARTON, FOR SAFE KEEPING AND FOR PUBLIC USE UNDER THE PUBLIC RECORD LAW.

EACH COMMITTEE MEMBER SUBMITTED A REPORT WITH THE EXCEPTION OF MS. CAROL HOUSE, WHO WAS NOT IN ATTENDANCE AT SEVERAL MEETINGS, AND, THEREFORE DID NOT RENDER A FINDING. THE COMMITTEE UNANIMOUSLY VOTED TO ACCEPT THE REPORT SUBMITTED BY MS. JANICE PLATNER AS THE OFFICIAL COMMITTEE REPORT. THE OTHER INDIVIDUAL COMMITTEE MEMBER FINDINGS ARE SUBMITTED AS SUPPLEMENTAL REPORTS.

MAYOR ALFRED E. VELLUCCI

*official
report*

Pursuant to an order adopted by the City Council on September 11, 1989, His Honor the Mayor appointed a committee to investigate and report back its findings to the City Council on any and all issues surrounding the operation of the Commonwealth Day School at its former Brattle Street location.

Mayor Vellucci appointed the following members to the Commonwealth Day School Independent Review Committee:

Reverend Doctor Leroy Attles, Ph.D.
St. Paul African Methodist Episcopal Church
85 Bishop Allen Drive
Cambridge, MA 02139

Ms. Elaine Dailey, Teacher
Cambridge Rindge & Latin School
218 Thorndike Place, Unit 309
Cambridge, MA 02141

Ms. Carol House, Teacher
Cambridge Rindge & Latin School
188 Harvard Street, Apt. 3B
Cambridge, MA 02139

Mr. Edward D. McNulty
Cambridge Police Department (Retired)
67 Upland Road
Cambridge, MA 02140

Ms. Janice Platner, Executive Director
Cambridge Human Rights Commission
502 Green Street, Apt. 3L
Cambridge, MA 02139

The first meeting of the Commonwealth Day School Independent Review Committee (hereinafter the Committee) was held on September 21, 1989 at Cambridge City Hall; subsequent meetings were held on Thursday afternoons at 3:00 p.m. Pursuant to the open meeting law, all meetings were open to the public, and notice of said meetings was posted at least 48 hours prior to each meeting. As of October 19 all meetings were tape recorded.

The Committee invited certain persons it believed to have an interest in this matter to testify, and encouraged all other interested parties who wished to be heard to come forward. All persons who expressed an interest in being heard were so obliged. The Committee reviewed the transcripts from three (3) hearings before the Board of Zoning Appeal, as well as other documents, and heard testimony from eleven (11) witnesses.

Upon reviewing all of the evidence presented, the Committee makes the following findings of fact:

1. Creative Learning Environments, Inc., aka the Commonwealth Day School, a non-profit educational facility, purchased the property located at 113 Brattle Street on November 16, 1987.
2. The Commonwealth Day School (hereinafter the School) had previously operated as a primary school at 285 Newbury Street, Boston, for approximately twelve (12) years.
3. Prior to its purchase by the School, the property at 113 Brattle Street had been occupied by the New Preparatory School, a for profit secondary school. This property had been occupied by educational institutions for approximately forty-nine (49) years.
4. On March 3, 1988 the School requested an occupancy permit from the City of Cambridge for the purpose of operating a school for grades kindergarten through seven (7).
5. On June 6, 1988 the School responded to a request by the Building Department for an explanation of the former, present and proposed uses of the building on a room by room basis.
6. The School began moving furniture into the building on June 24. On that day Arthur Brooks, an abutter, called the Cambridge Police and reported that the school was moving in without an occupancy permit. Mr. Brooks also called Inspectional Services and requested issuance of a Cease and Desist Order; said order was issued. The Department of Inspectional Services was called by neighbors a total of five (5) times over the next few months. An inspector went to the premises each time; on most of those occasions no violations were found.
7. On June 28 the School appealed the issuance of the Cease and Desist order; the School also hired a Police detail for security, and proceeded to move furniture and other items into the building.
8. During a five (5) week period all City trash collection ceased for 113 Brattle Street. Explanations by the Commissioner of Public Works and others as to why the School's trash pick-up was interrupted are conflicting, vague and inconclusive.

9. On July 13, the Department of Inspectional Services issued a report citing violations of the building code at 113 Brattle Street. Subsequent to that report the School initiated work to correct the listed violations.
10. On August 26 Inspectional Services issued a certificate of occupancy for the operations of kindergarten at 113 Brattle Street. Shortly thereafter Mr. Brooks appealed the issuance of the certificate to the Board of Zoning Appeal (hereinafter the BZA.)
11. On September 19 kindergarten classes begin at the School, while elementary grade classes begin at a different location. On September 28 the School held an open house for neighbors to introduce themselves and answer questions about their operation. At least two (2) neighbors who attended went through the premises with clipboards, opening cupboards and closets and taking notes regarding the entire building. These were persons who signed the petition, and at least one (1) of them also helped circulate it.
12. During September of 1988 Mr. and Mrs Brooks appealed the issuance of the Certificate of Occupancy for the operation of a kindergarten at 113 Brattle Street; during that same period the School applied to the BZA for a special permit to operate as a primary school. Both matters were scheduled for hearing before the BZA on October 6, 1988.
13. Prior to the hearing, a petition initiated by Mr. and Mrs. Brooks opposing the issuance of a special permit to the School was circulated. The petition alleged that the operation of a primary school at 113 Brattle Street would severely impact traffic and parking in the neighborhood.
14. The petition was circulated by various persons, and over 230 signatures were obtained; a number of those who signed the petitions live in Cambridge neighborhoods other than that in which the school is located. Mrs. Brooks testified that no meetings were held regarding the School or the petition; Mr. Barrett testified that he attended several meetings regarding this matter at the Brooks home, with 8 to 10 people in attendance at each.
15. Investigation revealed that some persons who signed the petition were told that the School presented significant

safety hazards to the children who would be attending, or that the School intended to build a new structure on the property; in other words, that factors other than traffic were issues, even though they were not included in the petition.

16. The investigation revealed that at least one person who circulated the petition alleged that the safety issues were not included on the petition because inspections had been "taken care of", implying it was a "bag job," or that the inspections were somehow illegitimate.
17. The investigation revealed no evidence, testimonial, documentary of otherwise, which in any way tended to impugn the integrity of the inspections, or of the permits or Certificate of Occupancy granted to the School by the City.
18. BZA hearings were held on the evenings of October 6 and October 13, 1988 on the request for a special permit by the School. The hearing was well attended by persons who signed the petition opposing the issuance of the permit, as well as by other interested parties, including council for the School and for the petitioners; the petitions were presented to the BZA.
19. One of the primary arguments of the petitioners was that the property at 113 Brattle Street should revert back to residential use because it falls under category 1 of the zoning regulations, not category 3, as the attorneys for the School alleged. The other main argument against the issuance of the permit was that the single school bus and the cars of parents dropping off and picking up students would create an intolerable traffic situation in that neighborhood.
20. Lengthy, often emotional testimony was given before the BZA over the course of two (2) evenings. Letters of opposition and of support for the school were also submitted.
21. At the conclusion of the hearings, the five (5) members of the BZA voted unanimously to grant the special permit to the School, and uphold the certificate of occupancy.
22. On December 22, 1988 attorneys for Mr. and Mrs. Brooks appealed the BZA decision to the Middlesex County Land Court.

23. For the remainder of the school year the kindergarten continued to operate at the School, and the primary grades at another location.
24. The investigation revealed that the appeal of this matter to the Land Court, coupled with the history of the School's relationship with its neighbors, caused great insecurity among School officials and parents of students regarding the School's ability to continue to operate at its location, and to fulfill its educational mission. It also made it impossible for the school to recruit new students.
25. At some point the School determined its best course of action would be to sell the property at 113 Brattle Street and move from Cambridge. The School eventually sold the property to the Lincoln Institute for Land Policy (hereinafter the Lincoln Institute.)
26. The Lincoln Institute is also a non-profit educational Institution, hence also required a special permit to conduct its seminars at 113 Brattle Street. On June 6, 1989 the Lincoln Institute appeared at a hearing before the BZA requesting said special permit.
27. At the hearing a petition was presented which supported the Lincoln Institute's request for a special permit. This petition was signed by over 20 neighbors, including at least 15 who had signed the petition opposing the issuance of a special permit to the School.
28. The primary argument for granting the special permit at this hearing (an argument supported by the petitioners) was that the property was category 3 under the zoning regulations; this was a complete reversal by those who signed both petitions, as they had previously argued it was category 1, not category 3, which was why the special permit must be denied to the School.
29. The BZA voted unanimously to grant the special permit to the Lincoln Institute, and it has commenced operations at 113 Brattle Street.
30. Investigation reveals that the Lincoln Institute is an education institution which holds seminars regarding land policy and planning in relationship to the economics of land use.

31. The student body of the New Preparatory School, which occupied the premises at 113 Brattle Street for nearly fifty (50) years, was made up primarily of white male secondary students.
32. The students bodies of several other schools in the neighborhood, including two (2) campuses of Buckingham, Brown & Nichols, are made up of predominantly white students in both primary and secondary grades.
33. The student body of the School during the 1988-1989 school year was as follows: 44 black, 5 white, 2 mixed, 1 Thai, 1 Pakistan, 1 Cape Verdian; in other words, it is predominantly minority.
34. The other schools in the neighborhood all have school buses who transport students, as well as parents who do so in cars.
35. The Longfellow House property, which abuts the School property, is a historic site open to the public; as such there are often a number of buses transporting students and tourists to the site. These buses often park on Brattle Street for extended periods of time, and often block traffic.
36. During the investigation there was no evidence, documentary, testimonial or otherwise, of any petitions or complaints regarding traffic problems which were ever made against the Longfellow House or other schools in the neighborhood.
37. No evidence was ever presented of any attempt by the petitioners to work with the School to solve any potential traffic problems. There was substantial evidence that the School attempted to control traffic and student noise to minimize disturbing the neighbors.

During the course of hearing testimony, the Committee found a number of themes repeated over and over; some of these themes were also prominent in the transcripts of the BZA hearings.

One predominant theme of those who opposed the issuance of a special permit to the School was that the property should revert back to residential use, based on the argument that it was a mixed use, Category 1 under the zoning regulations. There was conflicting evidence before the BZA whether in fact it was a mixed use; since the Committee heard no direct evidence either way, we defer to the expertise and judgment of the BZA. The Committee does find

it significant that many of the opponents of the School reversed their argument later, and supported the issuance of a special permit to the Lincoln Institute by citing the property as Category 3. The Committee also finds it significant that when every abutter, including those most vehemently opposed to the School, moved into the neighborhood, the property at 113 Brattle Street was occupied by an existing school. It appears that the primary difference between the students at New Preparatory School and at Commonwealth Day School was that the latter were younger and predominantly minority. The opponents of the School argued that the School's proposed use would included a much larger student body than the previous use, but investigation revealed that the permits for the previous school allowed for a larger student body, and in fact at times there had been a larger student body, than that which the School was seeking permits for or had plans for.

Another major theme of the opponents of the School was that the operation of the School would have a disastrous impact on the traffic situation in the neighborhood. It is significant that the BZA, whom the Committee deems knowledgeable in this area, un-animously rejected this argument. Further, compared to the traffic impact on this neighborhood created by visitors to the Longfellow House, it would appear that the traffic impact of the School would be minimal.

Another somewhat more subtle theme that emerged from the testimony before the Committee was that city agencies and Boards operated in a highly suspect manner, and that the petitioners were singled out for criticism and were treated unfairly because they live where they do. The Committee heard such statements as "it is fashionable to bash Brattle Street," as well as allegations that the School inspections had been "bought," and that the BZA was somehow "stacked" or biased against the petitioners. The Committee neither saw nor heard any evidence which would tend to support such allegations.

Finally, there were disturbing evidence of what might be considered harassment of the School and its students by some neighbors, including taking photographs of students entering and leaving the School, and making numerous complaints about the School to Inspectional Services and the Cambridge Police. There was also evidence that at least one person who circulated the petition opposing the school misrepresented the true nature of the school and the opposition to it.

Respectfully submitted,

Janice U. Patten

Edward D. McGuffey

LeRoy Patten

Chaine Bailey

(1)

COMMONWEALTH DAY SCHOOL INDEPENDENT REVIEW COMMITTEE

In September 1989, I was asked to be a member of the Commonwealth Review Committee appointed by the Mayor of Cambridge. Purpose was to investigate and report back findings to the City Council on any and all issues surrounding the operation of the Commonwealth Day School Committee at its former Brattle Street location. The committee met weekly in open meetings. All interested parties were invited to speak. Relevant information was made available to us for research and study.

As a participant, I took the task seriously. Understanding the importance of a committee of this nature, I listened objectively and openly, concerned only with the facts that were being presented. The following is my personal statement, presented from my perception and experiences as a member of the Commonwealth Day School Independent Committee.

During the last couple of months, I have listened to many speakers involved in this case. I heard faculty members of C.D.S., parents and some city officials claim that racial prejudice was the underlying unspoken factor in the school's closing. Some cited harassment techniques such as threatening phone calls, delayed rubbish pick-up, picture taking and rude statements from neighbors as examples of the above. One parent spoke of how her five year old child and his friends understood their need to be quiet as soon as the bus went over the Larz Anderson Bridge and entered Cambridge. A faculty member

spoke of how the children were ignored by the neighbors as they played in the park. A petitioner stated that he was misled by his friends and signed the petition, believing the building was a safety hazard. Another had his name removed immediately when he found out the building was being used for a predominately minority school, a fact that was left out of the petition.

The petitioners and other interested parties stated their reasons for not wanting the school. Factors such as traffic problems, safety, unprofessional city officials, rang through their testimony. It seemed like the BZA didn't know their job, the city inspectional services weren't competent in their decisions and, certainly, the faculty at C.D.S. were not looked upon in their eyes as competent qualified professionals. Certain petitioners, specifically Mr. Medwed, Mrs. Brooks and Mr. Barrett made me feel that they didn't trust any of the professionals involved with this school, and that also includes the members sitting on this committee.

As a Cambridge resident who lives next to a K-8 school and a Special Education teacher at C.R.L.S., which incidentally houses 2500 students, I would like to add this opinion.

As an educator I understand the extreme importance of quality education in the early grades. Without a strong K-3 foundation many students fall through the cracks. It's very difficult to turn them around at the secondary level. I also understand the great need for quality, minority education, being a teacher at an urban school where the percentages of minorities are quite high, and the drop-out rate is as well.

Yes, this city has many schools, but what it doesn't have is primary schools for minority students which could equal the other well established white schools in the Brattle Street area. I believe the C.D.S. was a golden opportunity for all the residents in the Brattle Street area to give young, capable, minority students the environment and the educational opportunity in Cambridge they so richly deserve. It's been long overdue. I believe the school would have eventually become an excellent alternative for Cambridge parents if it had remained in our city.

The C.D.S., with a limit of 150 small children, should have presented less problems to the neighborhood than the secondary school with a maximum population of 280 that was there for fifty years. However, the C.D.S. was forced to move and was replaced by another educational institution. The same petitioners who had been demanding all along they wanted the property to be used as a residence turned around and gave this institutional use their enthusiastic support. In my mind, this doesn't make any sense.

In essence, the unanimous vote of the B.Z.A. to have the school remain, the testimony of the faculty, parents, C.D.S. lawyers and certain city employees helped me to decide that there were other underlying factors responsible for this tragic happening in Cambridge. I personally feel that racial prejudice and narrow minded bigotry had to have blinded some of these petitioners to what they were really doing.

The C.D.S. is now in Boston. Because of the interruption and forced move, they only have six to eight students instead of fifty to one hundred. I am sorry this sort of thing can happen in 1989 in the City of Cambridge.

Jamie U. Platt

Richard Platt

Elaine Dailey
Edward D. McNeil

The Commonwealth Day School Review Report

After a very careful and analytical review of the impressions, facts, implications, and circumstances, it is my concerted opinion that the fate of the Commonwealth Day School took place because of bias and prejudicial attitudes towards the student population.

It was apparent to me in so many ways that those who were strongly against the school functioning on Brattle Street raised traffic as the reason for the school not to be acceptable in the area. But, the fact remains that the greatest draw of traffic is the Longfellow House which has never been mentioned in any part of the discussion. In other words, since traffic appears to be a superficial reason it has become necessary to look elsewhere for reasons that the school was rejected by particular residents of Brattle Street. The only other apparent reason drawn from a historical perspective would be the ethnicity of the student population.

It is all said and done now, but it is a sad commentary for this incident to happen in a multiracial city in the United States of America in 1989.

LeRoy Attles
James V. Platt
Edward D. Murphy
Elaine Darley

Submitted By:
Rev. LeRoy Attles, Ed.D.
St. Paul A.M.E. Church
December 21, 1989

①

The Independent Review Committee
Commonwealth Day School
113 Brattle Street, Cambridge
December 14, 1989

On September 21, 1989 the first of a series of meetings was held in Cambridge City Hall. The committee's first action was to request the October 6, and the October 13, 1988 minutes of the Cambridge Zoning Board of Appeals minutes. I would like to comment, at this time with regard to the printed minutes. It was this readers opinion that some of the petitioners indicated that they would prefer that the school property status be changed from commercial to residential usage. However, when these same petitioners, on June 22, 1989, appeared before the Zoning Board of Appeals, they were acting in support of a Lincoln Institute Petition. What is the reason for their change of heart? The conclusion that may be drawn is that there is an implied issue of racism.

Another cause for speculation was two letters that were presented to the Zoning Board of Appeals, alleged to have been authored by Mr. Howard Medwed and Mr. Chester Janiak indicated that Mr. Scarlett was merely a tenant without any affiliation residing at 113 Brattle Street when the building was previously occupied by the New Preparatory School. It should also be noted that Mr. Arthur Brooks has acted on behalf of George Scarlett. He drew up plans for Mr. Scarlett's new home. In another Scarlett letter, introduced by Mr. Alexandre Adams and Mr. James Rafferty, it was stated that Mr. Scarlett paid low rent to satisfy an insurance requirement. The legal "proffer" of these letters should be

reviewed by the proper authority, such as the Massachusetts Board of Bar Overseers.

On October 19, 1989, Professor Laurenc Tribe testified before the Committee. It should be noted that Professor Tribe had previously signed the petition and later tried to have his name removed from the same prtition. Professor Tribe attempted to explain the reason for his action. Professor Tribe claimed that he had been pressured by Mr. Ralph Sorenson and Mr. Arthur Brooks to sign the petition. Sorenson and Brooks had conversations with him on more than one occasion, with regard to the petition, citing a number of issues. Some issues were the high volume of motor vehicle traffic in their neighborhood created by the location of the school and the possibility of a child being injured. An allegation was made that the school building was a "fire trap" and that the fire inspection reports werebeing altered. Deficiencies were being covered up. How many more petition signatures were influenced in this manner?

Mr. Ralph Sorenson also spoke to Professor Tribe of the possibility of a planned expansion of the Commonwealth Day School. Professor Tribe, in summary, stated that he had second thoughts about having signed the petition. On second thought, Tribe felt that he ahd been "used" or psychologically coerced into signing the petition.

The Vice Chairman of the Board of Zoning Appeals, Mr. Edward Goode, commented that he found the actions of the Brattle Street neighborhood residents to be disgusting and lacking in regard to feelings, with respect to the children

and the school. He indicated a lack of objectivity on the part of the petitioners. As an example, he commented on one of the neighborhood abutters to the school, Mr. David Barrett. Mr. Goode described Barrett, who was an opposed to the school, as highly emotional and bordering on panic during the course of the hearings.

Cambridge Public Works Commissioner, William Sommers, was another witness who appeared before the Committee. Commissioner Sommers claimed that he had never visited the school property at 113 Brattle Street. Commissioner Sommers also claimed that he was not aware of the fact that the Commonwealth Day School trash pick up had not been made for a six (6) week period until he was later informed of the situation by Attorney James Rafferty. Commissioner Sommers was vague and evasive in his responses with regard to the amounts of trash generated or the trash pick up operation or scheduling procedures.

On October 26, 1989, the Chairman of the Board of Zoning Appeals, Melvin Gadd, appeared before our Committee. Chairman Gadd indicated that Attorney Medwed and Attorney Janiak had misrepresented the evidence submitted to the Board. He stated that the 113 Brattle Street property had in fact met all the code requirements and that there was never a request made for recreational use. In response to a questions asked by Ms. Elaine Dailey, Chairman Gadd expressed the opinion that the actions of Mr. Brooks and the others was racially motivated.

On the same date, Mr. Ostroevsky, the Commonwealth Day School Real Estate Broker, testified to the Committee. He

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verified the prior testimony with regard to the lack of a city trash pick up. He also stated that any construction trash or debris on the property was contracted for removal by B.F.I. Corporation. He also made mention of a pattern of excessive inspection by the Cambridge City Inspection Service Department inspectors.

On November 9, the Headmaster of the Commonwealth Day School appeared before the committee and testified. Mr. Robert Myette stated the goals and objectives of the educational process at the school. He added an anecdote with respect to the problems at the school. In the process of opening the school, a neighbor (Mrs. Brooks) had made a complaint to the police department. She complained that the school personnel were moving in equipment and animals (gerbils) without an occupancy permit. A police officer was dispatched to stop the alleged occupancy. In spite of the fact that they were not occupying the building, they complied with the police request.

On the same date, Mr. David Barrett gave testimony with regard to the increased volume of traffic in the neighborhood. When questioned by the Committee members, he stated that it was his perception that the school busses could constitute a severe type of problem for the neighbors and children. Mr. Barrett was then questioned with regard to a personal conversation that he had with City Councilor Sheila Russell. He agreed that he had commented with regard to his "position" in respect to the Commonwealth Day School. Mr. Barrett then told of his concerns about the traffic conditions and the safety of the children. After

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(5)

this conversation he was asked if he remembered a hypothetical question asked by Sheila Russell. The question asked was, "If the Shady Hill School or B.B. & N. had requested the use of this building (113 Brattle Street) for school purposes, would he oppose it? Mr. Barrett's alleged reply was, "No, they are old established Cambridge Schools." Mr. Barrett thought about this question and then replied that he would have to give the matter second thought because his children now attend the Shady Hill School. He hoped that they would be accepted into B.B. & N..

Mr. Brooks testified there were several meetings in the Brooks' home.

On November 16, 1989 Cambridge City Inspectional Services Department Inspector, David Byrne, testified that he had been ordered on a number of occasions to inspect or re-inspect the Commonwealth Day School property and building. He was unable to furnish the Committee with an exact number, just an estimate of "many times".

At this same meeting, Mr. Ralph Sorenson, testified as a concerned citizen and neighbor. He commented with regard to the excessive traffic and his concerns for the school children. He also identified Mr. Arthur and Mrs. Jean Brooks as the neighbors who had circulated the neighborhood petition opposing the location of the school. He also stated that he was the person who had been taking photographs of the school busses and children disembarking the vehicles. (Previously described as an unidentified resident observed hiding in the bushes and trees in a local newspaper article.)

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On November 30, 1989 Attorney Howard Medwed appeared and testified before the Committee. (I have chosen not to comment on his testimony due to a possible personal bias.)

On the same date, Mrs. Jean Brooks gave testimony. Mrs. Brooks made statements with regard to the school inspections and the occupancy permit. She stated that on the day in question she had made a complaint to the Cambridge Police Department with regard to the school pets. She had also made a numerous complaints and requested inspections from the Commissioner of Inspection Services on a number of occasions. Mrs. Brooks had made complaints and also requested an inspection from the Cambridge Fire Department. She commented that as a neighbor she was in fear of the school making application for a variance for a play area on the Brattle Street site. She also stated there were no neighborhood meetings.

On December 7, 1989, Mr. Alexander Adams testified as to the superior quality of the level of education afforded to the student body of the school. He also made comment with regard to a neighborhood open house day at the school. It was his observation at the school that several of the neighborhood visitors were more interested in inspecting than interacting. These people inspected the classrooms, closets, restrooms, and offices. They also questioned staff people at length with regard to their backgrounds and educational qualifications. Mr. Adams felt that these people were there to criticize or degrade rather than to learn about the aims and aspirations of the school.

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Based on my observations, the documentation and the testimony of the witnesses, it is my opinion that we do have a number of incidents which are examples of bias against the Commonwealth Day School in general and the minority students in particular. I feel the incidents were intentionally and maliciously plotted to rid the neighborhood of the Commonwealth Day School and the innocent minority student body.

Edward D. McNulty

Edward D. McNulty

*Janice H. Platt
L. Evelyn Foster
Elaine Dailey*

The final witness to testify was Mrs. Joan Wallace-Benjamin, a member of the Massachusetts Board of Education and a parent of a student attending the school. Mrs. Wallace-Benjamin told a rather shocking story to the Committee Membership. It seems that on one occasion, based on circumstances, she had driven her son and some other minority children to the school. As they approached the Larz Anderson Bridge, one of the children cautioned her not to speak. She was not to speak until she was inside the school. She was given an explanation by the child. The child stated that these were the instructions made by his bus driver on the daily trip. When they arrived at the Charles River, the children were ordered not to speak (and possibly disturb the Brattle Street neighbors) until after they had entered the Commonwealth Day School.

In forty years of being a police officer, I have never heard of a police officer being called to enforce a certificate of occupancy. In my lifetime I have seen an abundance of petitions. Many of them are presented by going door to door, and usually each and every home or apartment is visited.

The petition presented to the Board of Zoning Appeals against the Commonwealth Day School jumped all over the city.

In my opinion, those circulating the petition selected where they were seeking signatures.

Several people that I am acquainted with who live in the area of the school were never asked to sign.

APPENDIX

- City of Cambridge, Board of Zoning Appeal transcript October 6 & 13.
Case No. 5770, 113 Brattle Street.
- City of Cambridge, Board of Zoning Appeal, June 22, 1989.
Case No. 5898, Lincoln Land Institute.
- City of Cambridge Human Rights Ordinance.
- Commonwealth of Massachusetts Civil Rights Statute, Chapter 93, 1989.
- Ethnic Breakdown of Commonwealth Day School Sept. 1988- June 1989.
- Federal Civil Rights Statute, Chapter 21 of Title 42 U.S.C.s.1982
(1)-(3) of Public Health and Welfare.
- Institutional Use Regulation extracted from the Cambridge Zoning
Ordinance.
- Letter to BZA from Laurence H. Tribe, dated September 11, 1989.
- Letter to Committee from Howard D. Medwed, dated October 10, 1989.
- Letter to Committee from Joseph Kaigler, Legal Counsel, dated October
13, 1989, re: Open Meeting Law
- Letter to Mayor and City Council from Laurence H. Tribe, dated
September 11, 1989.
- Letter to Robert Healey, City Manager from William Sommers,
Commissioner of Public Works, dated September 14, 1989.
- Open Meeting Law Guidelines, Middlesex County District Attorney's
Office. April 1987.
- Traffic Volume Count on Brattle Street during November 2nd, 3rd, 4th
and 5th, conducted by Traffic & Parking Department, City of
Cambridge.
- Various documents from Inspectional Services Case packet for 113
Brattle Street.



City of Cambridge

14A.

IN CITY COUNCIL

September 11, 1989

COUNCILLOR WALSH

ORDERED:

That His Honor the Mayor be and hereby is requested to appoint a committee to investigate and report back its findings to this City Council on any and all issues surrounding the operation of the Commonwealth Day School at its former Brattle Street location.

In City Council September 11, 1989.

Adopted by the affirmative vote of nine members.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton, City Clerk.

4. 5-864

Comm. from Joseph E. Connarton, City Clerk,
transmitting a report from Mayor Alfred E.
Vellucci on the findings of the Commonwealth
Day School Review Committee.

In City Council,

December 26, 1989

Referred to:

Mass. Comm. Against
Discrimination

District Attorney

Mass. Attorney General

U.S. Attorney

on motion of Mayor

Vellucci

Letters sent to the

above 12/28/89 @