8/13/90

APPROVED
Russell B. Higley
CITY SOLICITOR

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CAMBRIDGE MA.

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

July 6, 1990

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Mr. Higley:

Enclosed you will find copies of amendments to the Municipal Code of the City of Cambridge which were passed to be ordained at the City Council meeting held on June 25, 1990 as follows:

1. Regulation of Street Performers

2. Disposition of City Owned Property.

Would you kindly review these amendments and indicate your approval of disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,
Joseph E. Connarton
Joseph E. Connarton
City Clerk

JEC/dl

Encs. Ordinance Number 1104 and 1105

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Commissioner of Inspectional Services
Birge Albright, Law Department

LAW DEPARTMENT
'90 JUL 9 AM 11 25

60 Brattle Street
Cambridge, Massachusetts 02138
June 7, 1990

Mayor Alice Wolf
48 Huron Avenue
Cambridge, Massachusetts 02138

Dear Mayor Wolf,

Thank you very much for taking the time on a busy evening to talk with me after Thursday's Ordinance Committee meeting, at which time the committee reported out the proposed Street Performers ordinance for this Monday's City Council meeting. Unfortunately, previous commitments make it impossible for me to attend on Monday, so I hope this letter will convey to you the serious concerns I have with the proposed ordinance.

During the Ordinance Committee meeting, it became clear that the proposed ordinance, even in its revised form, is still not adequate to protect what Councillor Walsh referred to as the right of residents to "peaceful enjoyment of their homes". This ordinance is, in my view, so flawed that I strongly urge you to vote to send it back to the Ordinance Committee for further open, public discussions and revisions, and I hope you will persuade your colleagues to do likewise.

Here are what I see as the 4 major reasons why the City Council needs to table the proposed ordinance, and I also have 4 questions for the ordinance's supporters to answer to the Council's satisfaction before it is enacted:

1) The proposed ordinance creates a right to invade residents' homes with 50 dB of unwanted sound where no such right existed previously. Chapter 8.16, the Noise Ordinance, uses an "objective" provision of 50 dB to deal with "ambient" noise, such as fans and air conditioners, and it uses "subjective" provisions to prohibit any "plainly audible" and disturbing sounds made by people, including music. Furthermore, it is clear that 50 dB of music is far more disturbing than 50 dB of ambient street sound due to the special characteristics of music; often, such annoying and disruptive sounds can be at levels well below 50 dB. Why would the Council want to enforce such a 50 dB intrusion on residents?

2) The proposed ordinance makes possible the strange situation of a resident being able to use the Noise Ordinance's "subjective" provisions to stop noise from a neighboring apartment without regard to dB level, while the same resident could not legally stop disturbing noise from performers outside on the street or on private property next door. How can the Council allow such an inequity to exist?

3) I do not understand why the Ordinance Committee did not pursue the solution of creating specified performance zones, an approach which has been found constitutional provided that it is not vague or overbroad, is clear on time, place and manner of expression, and allows "ample alternative channels of communication". Why did the city's attorneys not mention these precedents, which I cited in my April 30 letter? In the Ordinance Committee I did hear mention that the time and cost involved in implementing a zoning solution would be too great. Is it greater than the "substantial governmental interest" that the city has in protecting the peace and quiet of residents?

4) Why does the proposed ordinance, as revised, call for measurements of dB levels within residents' homes? As I told the attorney for the street performers, in both my statement to the committee and my April 30 letter, I only suggested that such data be collected to get a concrete ~~level~~ idea of what dB levels were being heard; I did not ask that this become an enforcement mechanism. I feel this idea is clearly impractical and inefficient as well as bothersome to all concerned - residents, performers, police, and measurement officials. Why has the Ordinance Committee not decided to rely on simple, objective criteria measurable on the street by officials: signs indicating performance zone boundaries and dB levels, and varying specifications for instruments and dB levels from the center to the edges of these zones?

Enclosed are petitions to the City Council from 30 residents of 60 Brattle Street. On their behalf, I hope that you will make sure that the proposed ordinance is sent back to the Ordinance Committee for revision. Thank you for your support.

Sincerely yours,

Bruce Travis

Bruce Travis
354-7417

6/6/72

A PETITION CONCERNING THE PROPOSED STREET PERFORMERS ORDINANCE

TO THE CAMBRIDGE CITY COUNCIL:

WE, THE UNDERSIGNED, HAVE HAD OUR PEACE AND QUIET DISTURBED FREQUENTLY BY MUSIC PLAYED IN THE BRATTLE SQUARE AREA AND ALONG BRATTLE STREET. WE BELIEVE WE HAVE THE RIGHT NOT TO BE FORCED TO ENDURE UNWANTED MUSICAL SOUNDS WHICH WE FEEL DISTURB THE SANCTITY OF OUR HOMES AND THE HARMONY OF OUR LIVES. WE ASK YOU TO PROTECT OUR RIGHTS AND THE RIGHTS OF RESIDENTS THROUGHOUT CAMBRIDGE TO A PEACEFUL HOME ENVIRONMENT BY REGULATING STREET MUSIC AND OTHER PERFORMANCES WITH AN ORDINANCE WHICH:

1) SAFEGUARDS OUR RIGHT TO LIVE AT HOME IN PEACE AND QUIET;
2) LIMITS STREET MUSIC AND OTHER PERFORMANCES TO SPECIFIC LOCATIONS, TIMES, AND SOUND LEVELS WHICH DO NOT DISTURB OUR PEACE AND QUIET;
3) UPHOLDS ALL PROVISIONS OF THE CITY'S NOISE ORDINANCE (CHAPTER 8.16) FOR EVERY CAMBRIDGE NEIGHBORHOOD;
4) PROVIDES FOR FAST, CONSISTENT, AND EFFECTIVE ENFORCEMENT.

WE REQUEST THAT YOU KEEP THE PROPOSED STREET PERFORMERS ORDINANCE IN COMMITTEE UNTIL IT HAS BEEN REVISED TO INCLUDE THESE PROVISIONS.

THANK YOU,

	SIGNATURE	NAME PRINTED	ADDRESS
1.	V. Šejnoha	V. ŠEJNOHA	60 Brattle #601
2.	Margaret Bratschi	MARGARET BRATSCHI	60 Brattle #501
3.	William B Clift	WILLIAM CLIFT	60 Brattle 506
4.	William Winkler	WILLIAM WINKLER	60 BRATTLE ST # 702
5.	Dean Jeffery	DEAN JEFFERY	60 Brattle St.
6.	Charles P. Moore	Charles P. Moore	60 Brattle St.

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4.	Roy Petre	Roy Petre	60 Brattle St. #704
5.	Fay Leviero	FAY LEVIERO	60 Brattle #306
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3.	Webb Chappell	Webb Chappell	60 Brattle St 02138 ~~Webb Chappell~~
4.	Thomas Myles	Thomas Myles	60 Brattle ST.
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1) The proposed ordinance creates a right to invade residents' homes with 50 dB of unwanted sound where no such right existed previously. Chapter 8.16, the Noise Ordinance, uses an "objective" provision of 50 dB to deal with "ambient" noise, such as fans and air conditioners, and it uses "subjective" provisions to prohibit any "plainly audible" and disturbing sounds made by people, including music. Furthermore, it is clear that 50 dB of music is far more disturbing than 50 dB of ambient street sound due to the special characteristics of music; often, such annoying and disruptive sounds can be at levels well below 50 dB. Why would the Council want to enforce such a 50 dB intrusion on residents?

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Enclosed are petitions to the City Council from 30 residents of 60 Brattle Street. On their behalf, I hope that you will make sure that the proposed ordinance is sent back to the Ordinance Committee for revision. Thank you for your support.

Sincerely yours,

Bruce Travis

Bruce Travis
354-7417

6/0/12

A PETITION CONCERNING THE PROPOSED STREET PERFORMERS ORDINANCE

TO THE CAMBRIDGE CITY COUNCIL:

WE, THE UNDERSIGNED, HAVE HAD OUR PEACE AND QUIET DISTURBED FREQUENTLY BY MUSIC PLAYED IN THE BRATTLE SQUARE AREA AND ALONG BRATTLE STREET. WE BELIEVE WE HAVE THE RIGHT NOT TO BE FORCED TO ENDURE UNWANTED MUSICAL SOUNDS WHICH WE FEEL DISTURB THE SANCTITY OF OUR HOMES AND THE HARMONY OF OUR LIVES. WE ASK YOU TO PROTECT OUR RIGHTS AND THE RIGHTS OF RESIDENTS THROUGHOUT CAMBRIDGE TO A PEACEFUL HOME ENVIRONMENT BY REGULATING STREET MUSIC AND OTHER PERFORMANCES WITH AN ORDINANCE WHICH:

1) SAFEGUARDS OUR RIGHT TO LIVE AT HOME IN PEACE AND QUIET;
2) LIMITS STREET MUSIC AND OTHER PERFORMANCES TO SPECIFIC LOCATIONS, TIMES, AND SOUND LEVELS WHICH DO NOT DISTURB OUR PEACE AND QUIET;
3) UPHOLDS ALL PROVISIONS OF THE CITY'S NOISE ORDINANCE (CHAPTER 8.16) FOR EVERY CAMBRIDGE NEIGHBORHOOD;
4) PROVIDES FOR FAST, CONSISTENT, AND EFFECTIVE ENFORCEMENT.

WE REQUEST THAT YOU KEEP THE PROPOSED STREET PERFORMERS ORDINANCE IN COMMITTEE UNTIL IT HAS BEEN REVISED TO INCLUDE THESE PROVISIONS.

THANK YOU,

	SIGNATURE	NAME PRINTED	ADDRESS
1.	V. Šejnoha	V. ŠEJNOHA	60 Brattle #601
2.	Margaret Bratzlin	MARGARET BRATSCHI	60 Brattle #501
3.	William B Clift	WILLIAM CLIFT	60 BRATTLE 506
4.	William Winkler	WILLIAM WINKLER	60 BRATTLE ST # 702
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6/8/90

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3.	[illegible]	ANDREES DROZD	60 BRATTLE ST. CAMBRIDGE MA 02138
4.	Lisa P. Dealy	LISA P. DEALY	60 Brattle St. Cambridge, MA. 02138
5.	Ann Kane	Ann Kane	60 Brattle St Cambridge 02138
6.	Edward L. Doyle	EDWARD L. DOYLE	60 BRATTLE ST. #603 CAMBRIDGE, MA 02138

60 Brattle Street
Cambridge, Massachusetts 02138
June 7, 1990

Mayor Alice Wolf
48 Huron Avenue
Cambridge, Massachusetts 02138

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5/5/10

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WE REQUEST THAT YOU KEEP THE PROPOSED STREET PERFORMERS ORDINANCE IN COMMITTEE UNTIL IT HAS BEEN REVISED TO INCLUDE THESE PROVISIONS.

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6/8/90

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June 7, 1990

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A PETITION CONCERNING THE PROPOSED STREET PERFORMERS ORDINANCE

TO THE CAMBRIDGE CITY COUNCIL:

WE, THE UNDERSIGNED, HAVE HAD OUR PEACE AND QUIET DISTURBED FREQUENTLY BY MUSIC PLAYED IN THE BRATTLE SQUARE AREA AND ALONG BRATTLE STREET. WE BELIEVE WE HAVE THE RIGHT NOT TO BE FORCED TO ENDURE UNWANTED MUSICAL SOUNDS WHICH WE FEEL DISTURB THE SANCTITY OF OUR HOMES AND THE HARMONY OF OUR LIVES. WE ASK YOU TO PROTECT OUR RIGHTS AND THE RIGHTS OF RESIDENTS THROUGHOUT CAMBRIDGE TO A PEACEFUL HOME ENVIRONMENT BY REGULATING STREET MUSIC AND OTHER PERFORMANCES WITH AN ORDINANCE WHICH:

1) SAFEGUARDS OUR RIGHT TO LIVE AT HOME IN PEACE AND QUIET;
2) LIMITS STREET MUSIC AND OTHER PERFORMANCES TO SPECIFIC LOCATIONS, TIMES, AND SOUND LEVELS WHICH DO NOT DISTURB OUR PEACE AND QUIET;
3) UPHOLDS ALL PROVISIONS OF THE CITY'S NOISE ORDINANCE (CHAPTER 8.16) FOR EVERY CAMBRIDGE NEIGHBORHOOD;
4) PROVIDES FOR FAST, CONSISTENT, AND EFFECTIVE ENFORCEMENT.

WE REQUEST THAT YOU KEEP THE PROPOSED STREET PERFORMERS ORDINANCE IN COMMITTEE UNTIL IT HAS BEEN REVISED TO INCLUDE THESE PROVISIONS.

THANK YOU,

	SIGNATURE	NAME PRINTED	ADDRESS
1.	V. Šejnoha	V. ŠEJNOHA	60 Brattle #601
2.	Margaret Bratschi	MARGARET BRATSCHI	60 Brattle #501
3.	William B Clift	WILLIAM CLIFT	60 Brattle 506
4.	William Winkler	WILLIAM WINKLER	60 BRATTLE ST #702
5.	Denise Jeffrey	DENISE JEFFREY	60 Brattle St.
6.	Charles P. Moore	Charles P. Moore	60 Brattle St.

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	SIGNATURE	NAME PRINTED	ADDRESS
1.	Patricia Reinhardt	Pat Reinhardt	60 Brattle St. #401
2.	Eleanor Garvey	ELEANOR GARVEY	60 BRATTLE ST. #402
3.	Debbie Ellerin	Debbie Ellerin	60 Brattle #403
4.	Candace Lowe	CANDACE LOWE	60 Brattle #405
5.	Michael Silva	Michael T. Silva	60 Brattle #401
6.	Ann Castle	Ann Castle	60 Brattle St. #301

6/8/90

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	SIGNATURE	NAME PRINTED	ADDRESS
1.	Alison R C Moore	ALISON RC MOORE	60 Brattle St. #206
2.	Bruce T. Travis	BRUCE TRAVIS	60 Brattle #602
3.	Nancy Silver	NANCY SILVER	60 Brattle St. #602
4.	Roy Petre	Roy Petre	60 Brattle St. #704
5.	Fay Leviero	FAY LEVIERO	60 Brattle #306
6.	Matthew P. Meyer	MATTHEW P MEYER	60 BRATTLE ST. 203

6/8/90

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THANK YOU,

	SIGNATURE	NAME PRINTED	ADDRESS
1.	Mary Anne Gaffney	Mary Anne Gaffney	60 Brattle St. #203 Cambridge
2.	Flora B. Hollinger	Flora Bond Hollinger	#705, 60 Brattle St., 02138
3.	Webb Chappell	Webb Chappell	60 Brattle St 02138 ~~Webb Chappell~~
4.	Thomas Myles	Thomas Myles	60 Brattle ST.
5.	Mary E. Dyer	MARY E. DYER	60 Brattle St.
6.	Michael Corthell	Michael Corthell	15 Ellery Apt 6

6/8/90

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THANK YOU,

	SIGNATURE	NAME PRINTED	ADDRESS
1.	Julie A. Hensler	JULIE A. HENSLER	60 BRATTLE ST. CAMBRIDGE, MA 02138
2.	Linda Witt-Chappell	Linda Witt-Chappell	60 Brattle St CAMBRIDGE MA 02138
3.		ANDRES DROZD	60 BRATTLE ST. CAMBRIDGE MA 02138
4.	Lisa P. Dealy	LISA P. DEALY	60 Brattle St. Cambridge, MA. 02138
5.	Ann Kane	Ann Kane	60 Brattle St Cambridge 02138
6.	Edward L. Doyle	EDWARD L. DOYLE	60 BRATTLE ST. #603 CAMBRIDGE, MA 02138

COMMUNICATIONS & REPORTS
FROM CITY OFFICERS

Comm. from Bruce Travis, et al requesting that the proposed amendment to the Municipal Code of the City of Cambridge relative to Street Performers.

In City Council,

June 11, 1990

Referred to the petition

Powers & Hall
Professional Corporation
Attorneys at Law
100 Franklin Street
Boston, Massachusetts 02110-1586
617-728-9600
Facsimile 617-728-9633

RECEIVED BY
CITY CLERK
1990 JUN 13 PM 2:42
CAMBRIDGE MA.

June 13, 1990

To The Honorable City Council and
The Honorable Mayor Wolf:

I am writing to ask your reconsideration of the amendments to the Street Performer's Ordinance which suspends the license of the permit holder if he has two violations, and raises the application fee 500%. I would also ask that you continue to evaluate your decibel level restrictions. Please consider the following:

1. At the last hearing you pledged to apply the law equally. In the First Amendment area, this principle is especially important. Laws that create classifications that affect fundamental rights will be subject to "strict scrutiny". Very few classifications have ever survived the "strict scrutiny" test.

Your suspension amendment for street performances creates irrational and punitive classifications between people who are creating unwanted noise. Those developers and other "big buck" noise makers who willfully violate the provisions of the Noise Ordinance are not subject to a 30 day suspension of their development activities if they willfully violate the Noise Ordinance. Instead, they are subject to fines tailored to their economic means. Yet my clients, who are engaging in protected activity, are subject to an absolute prohibition of their right to work and express ideas, for a full third of the yearly season. If anything, the "big buck" developers require more stringent regulations to deter them simply because of their size, income and the nature of their activity. Developers stand to gain a lot more than my clients by

violating the Noise Ordinance. The suspension amendment is an overly punitive provision which is not justified by any compelling state interest.

Please consider this analogous situation. I have a license to drive a car. If I park in front of a fire hydrant, in the City of Cambridge, thereby endangering the very lives of perhaps hundreds of people, I get a ticket. This is true even though it is very likely that I parked in this spot willfully. If I repeatedly and willfully park in front of fire hydrants, the penalty is the same. I get a ticket. No one takes away my driver's license or prevents me from working at my job for 30 days. If a ticket is considered a sufficient deterrant to unlawful activity when the activity threatens the very lives of Cambridge residents, why is a greater penalty needed to satisfy the City's interest in preventing unwanted music?

What constitutes willful? If the musician is told to move and does, and then another resident complains in the new location, is that a willful violation? How is the street musician to know in advance what the decibel reading will be inside the second resident's home? If a street musician violates the Ordinance today, and five years from now violates it again, is he subject to the suspension requirement? If so, is this fair?

What about a hearing? The musician is entitled to a hearing on the question of whether he "willfully" violated the Ordinance before you can take away his First Amendment Rights and his livelihood for thirty days. Do you really want to hold such hearings? Who will pay for and adminsiter such hearings?

The existing twenty-five dollar fine is a significant fine for those whose average income is less than $5,000 per year. Twenty-five dollars will often well exceed the intake of an artist and is the equivalent of a large fine to a big developer. Therefore, the $25.00 fine in the draft submitted by your attorney is an appropriate and effective mechanism to

enforce the Ordinance. No discriminatory, vague and absolute ban on street performing is necessary to satisfy the City's legitimate interest.

2. I would also ask that you reconsider your position on the application fee. The proposed application fee amounts to a 500% increase. You say that this will be necessary because you have to buy a $5,000 decibel reader. This is not true. Most of the decibel readings which have been used in drafting this Ordinance cost $30.00 and are available at Radio Shack. Other, less expensive meters are available. Further, the City has a Noise Ordinance which must be enforced on all other activities in the City, which requires a decibel reader and personnel available to enforce the Ordinance during the evening. All residents of Cambridge benefit from having the Noise Ordinance and the Street Performer's Ordinance enforced. No reason exists why my clients should bear a disproportionate burden of the cost. Boston's license fee for street performers is $10.00. No evidence exists that it costs more to enforce noise provisions in Cambridge than it does in Boston. If 50 people in a choir want to sing at Harvard Square for one hour, the cost will be $1,250. This is an unnecessary burden on First Amendment Rights and, as a practical matter will prevent people from exercising their rights.

3. You say you will apply the laws equally, but why do you allow noise levels up to 65 decibels (day) and 55 decibels (night) for noise affecting residences in an industrial area under your Noise Ordinance, whereas my clients are subject to the more restrictive (residential) decibel level reading for all residences, even if the residents are located in an industrial area? Why shouldn't people who make their homes in industrial areas be subject to the activities of people whose conduct has been deemed appropriate for an industrial area?

Why does the noise from street music require a more restrictive decibel level reading, for residences located in industrial areas, than is required for other noise in the same location, such as jackhammers? If a jackhammer and a musician together are creating a noise problem, why is it the musician, who has no power, authority or money, and whose activities are protected by the First Amendment, who should be told to cease his activities? No evidence exists that residents would

rather listen to an unrelenting and unwanted jackhammer than an unwanted musician.

Do you think you would get away with telling a developer that a resident can totally ban his development activities if the sound of his activities are able to be heard above the traffic noise on more than two occasions? Do you think you could tell a car owner that a resident can prevent him from driving in the City of Cambridge for 30 days if he unnecessarily blows his horn twice in Harvard Square in violation of the Noise Ordinance? If not, why do you think it is justifiable to impose such restrictions on my clients?

Didn't you just get done making eloquent speeches on television about how the law would apply equally to all, regardless of wealth or status? Do you intend to actually apply this rhetoric? If so, please ask yourselves why are the profit making activities of the big buck developers more important than my clients' First Amendment rights? If they are not more important, why do you give them favored treatment under your laws?

Thank you for your consideration.

Dianna R. Stallone

DRS/lar

5.

Comm. from Dianna R. Stallone, Powers and Hall requesting the consideration of the amendment to the Street Performers Ordinance which suspends the license of the permit holder if he has two violations.

In City Council,

June 25, 1990

Placed on file

Steven L. Wayne
Head Chef
Global Gourmet
20 JFK Street
Suite One
Cambridge, MA 02138

Mayor Wolf
and City Councillors
City Hall
Cambridge, MA 02139

Honoroable Mayor Wolf and
City Councillors:

As both a resident and a business person in Harvard Square I feel I am more qualified than most to voice an opinion upon the subject of street performing in Harvard Square. I have lived at 20 JFK Street for a number of years, and I can honestly say that I have almost never been bothered by loud "noise" created by street performers. My life has only been made more enjoyable by their presence in the community, and I feel it would be very unfortunate if their public performances were stopped or unnecessarily restricted in any way.

For this reason, I am prevailing upon you to adopt the ordinance proposed by the Street Artists' Guild, including the 80 decibel and 11pm-12am on weekends provisions. I personally object strongly to the idea of measuring decibels from inside homes, particularly if the performers will be subjected to a 60 decibel limit in the daytime and 50 decibels at night. It seems to me to be unworkable and unfair; also I feel the performers need one consistent standard to adhere to rather than an arbitrary "2-tier" system such as this one, which leaves them uncertain of their rights and subject to penalties that are unjust.

I am absolutely certain that all of the problems the City is concerned about are resolved by the proposed ordinance. I know many of the performers, and they are personally just as concerned about keeping volume levels low as you or I. They came to you in good faith with the express purpose of finding a way to lower these levels. I believe it is only a small minority who are creating the disturbances, and the key to solving the

problem is enforcement of noise levels, rather than punishing all of the performers with a too-restrictive ordinance.

When the performers are spread out over a wider area (not just Brattle Street), when they are playing 50 feet from one another, when there is someone appointed by the City of Cambridge to enforce noise levels using a decibel meter, and when the performers are allowed to perform at all hours of the day (further thinning their numbers at any given time), then I believe we will see an almost flawless model for enhancing the community through street performance.

Thank you for your consideration.

Sincerely,



Steven L. Wayne

13.

Comm. from Steven L. Wayne, relative to Street Performers in Harvard Square.

In City Council,

June 25, 1990

Placed on file

RECEIVED BY
OFFICE OF CITY CLERK
1990 JUN 21 PM 12:08
CAMBRIDGE MA.

PETITION IN SUPPORT OF STREET PERFORMING IN CAMBRIDGE

WE THE UNDERSIGNED SUPPORT AND ENCOURAGE THE ADOPTION OF A NEW STREET PERFORMING ORDINANCE THAT FULLY ADDRESSES THE FIRST AMENDMENT RIGHTS OF ARTISTS TO FREEDOM OF EXPRESSION IN PUBLIC AREAS. WE RECOGNIZE STREET PERFORMING AS A LIVING ART FORM THAT ENRICHES BOTH THE CULTURAL AND COMMERCIAL ENVIRONMENT OF THE CAMBRIDGE COMMUNITY, AND WE THEREFORE ASK THE CAMBRIDGE CITY COUNCIL TO TAKE IMMEDIATE STEPS TO IMPLEMENT THE ORDINANCE PROPOSED BY THE STREET ARTISTS GUILD, WHICH ORDINANCE PROVIDES THE FIRST AMENDMENT RIGHTS DENIED THE PERFORMERS IN THE CURRENT ORDINANCE. IN PARTICULAR, WE ASK THE CITY COUNCIL TO RECOGNIZE THE RIGHT OF ELECTRONIC AND OTHER MUSICIANS TO USE APPROPRIATE AMPLIFICATION (I.E. 80 DECIBELS OR LESS) AND THE RIGHT OF PERFORMERS TO EXPRESS THEMSELVES THROUGHOUT CAMBRIDGE'S PUBLIC WAYS (NOT JUST ON BRATTLE STREET IN HARVARD SQUARE). WE ALSO ASK THAT THE CITY COUNCIL EXTEND THE HOURS OF PERFORMANCE TO 12 MIDNIGHT ON FRIDAY AND SATURDAY NIGHTS SO THAT STREET PERFORMERS MAY ENHANCE THE NIGHT LIFE OF THE COMMUNITY. WE FEEL THE NEW ORDINANCE WILL REFLECT A MUCH MORE WORKABLE AND EQUITABLE POLICY THAT WILL BENEFIT BOTH COMMUNITY AND PERFORMERS EQUALLY.

NAME	ADDRESS	CITY	STATE	ZIP
Kimberly Young	45 STRATHMORE RD	BRIGHTON,	MASS	02135
JON DEERY	45 STRATHMORE RD	BRIGHTON	MA	02135
Peter Mansfield	163 Summer St	Somerville	MA	02143
Alison Thompson	18 Sacramento Place	Cambridge	MA	02138
[illegible]	1110 Chestnut St	Newton		02164
[illegible]	228 [illegible]	Princeton	MA	[illegible]
[illegible]	228 [illegible] RD	PRINCETON	MA	01541
[illegible]	168 Norfolk St #4	Camb.		02139
Sumita Dutta	299 Marion Street	Somerville,	MA	02142
Langela Anchez	23 Winter St	Somerville	MA	02144
Clark Andrews	23 Winter St	Somerville		02144
TOM BOLAND Tom Boland	23-A HOWARD St #3	CAMB.	MA	02139
JAMES TABER	129 FRANKLIN ST	Cambridge	MA	02140
Paul Marcus	274 Clarendon St	Boston,	MA	02116
Kimberly D [illegible]	53 Brentwood St	Allston	MA	021354
[illegible]	102 Sycamore St	Belmont	Mass.	02179
[illegible]	P.O. BOX 562	BOSTON		02215
Michael Lacon	10 Cherry St	Som.	MA	02144
[illegible]	52 Salisbury	BROOKLINE,	MA.	02146
[illegible]	131 Franklin St	Allston,	MA	02134
[illegible]	3437 Columbus Ave	Mpls,	MN	55407
[illegible]	131 FRANKLIN ST.	ALLSTON	MA	02134
Jake Fleisher	26 Kenwood St	Brookline		02146
[illegible]	108 HUDSON ST	SOMERVILLE		02144
[illegible]	72 DREW RD	BELMONT	MA	02178
[illegible]	7 MAPLE			02135
Bill French	183 Pitham Av	Cambridge	MASS	

PETITION IN SUPPORT OF
THE STREET PERFORMERS OF CAMBRIDGE

WE, THE UNDERSIGNED, BEING CAMBRIDGE RESIDENTS, SUPPORT AND ENCOURAGE THE ADOPTION OF A NEW STREET PERFORMING ORDINANCE THAT FULLY ADDRESSES THE FIRST AMENDMENT RIGHTS OF ARTISTS TO FREEDOM OF EXPRESSION IN PUBLIC AREAS. WE RECOGNIZE THAT STREET PERFORMING IS A LIVING ART FORM THAT HAS ENRICHED BOTH THE CULTURAL AND COMMERCIAL ENVIRONMENT OF THE CAMBRIDGE COMMUNITY, AND WE THEREFORE ASK THE CAMBRIDGE CITY COUNCIL TO TAKE IMMEDIATE STEPS TO IMPLEMENT THE ORDINANCE PROPOSED BY THE STREET ARTISTS' GUILD, WHICH ORDINANCE PROVIDES THE FIRST AMENDMENT RIGHTS DENIED THE PERFORMERS IN THE CURRENT ORDINANCE. IN PARTICULAR, WE ASK THE CITY COUNCIL TO RECOGNIZE THE RIGHT OF ELECTRONIC AND OTHER MUSICIANS TO USE APPROPRIATE AMPLIFICATION (I.E. 80 DECIBELS OR LESS) AND THE RIGHT OF PERFORMERS TO EXPRESS THEMSELVES THROUGHOUT CAMBRIDGE'S PUBLIC WAYS (NOT JUST ON BRATTLE STREET IN HARVARD SQUARE). WE FEEL THE NEW ORDINANCE WILL REFLECT A MUCH MORE WORKABLE AND EQUITABLE POLICY THAT WILL BENEFIT BOTH COMMUNITY AND PERFORMERS EQUALLY.

NAME	ADDRESS	CITY	STATE	ZIP
Sharrban Williamson	231 Franklin St.	Cambridge	MA	02139
[illegible]	237 FRANKLIN ST.	CAMB.	MA.	02139
[illegible]	500 Memorial,	Cambridge		02139
[illegible]	500 Mem	"	Cambridge	02139
Joan Cameron	85 PRESCOTT ST. #3,	CAMB.	MA	02138
Judith Payson	74 KIRKLAND ST #33	CAMB		02138
Andie Ratt,	180 Belmont St,	Watertown,	MA	02172.
Deborah Eastman	83 Inman St.	Cambr.		02139
GAVIN HYMES	233 MATCHVILLE Rd.	E. FALMOUTH,	MA	02536
James Sterling	181 Holden Wood Rd	Concord	Ma	01742
ANN CORDELL	12 SCOTT ST.	CAMBRIDGE,	MA	02138
MARTIN SEXTON	10 TATCHER St.	Boston		

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NAME	ADDRESS	CITY	STATE	ZIP
ELIZABETH BACKSTROM	174 BROOKLINE ST.	CAMBRIDGE	MA	02139
Nancy Toomey	5 Craigie Circle #47	Camb.	MA	02138
Jon Krasner	14 Orkney St #32	Brighton	MA	
(LLoyd SMITH) Lloyd Smith	5 Craigie Circle #6	Camb,	MA 02138	To Ed Cyr, Ken Reeves & Jonathan Myers!
~~[illegible]~~				
[illegible] Watts	c/o Bristol Lodge	Waltham	Mass	
Sara Doherty	22 Trowbridge St.	Cambridge		
Marsha Jobanz	19 Forest St.	Cam.	MA 02140	
Gail Gardner	50 Follen St	Camb.	02138	
[illegible]	18 Robinson	Camb	02138	
Chris Baleb	116 WARREN ST.	12A Brighton	02135	
Andrea Summersby	Vassal Lane	Camb.		
[illegible]	56 Green St.	JP	Ma 02130	
Nat [illegible]	5 Berkley Pl.	Camb. MA	02138	
Jim Meyers	34 Rockingham St,	Camb. MA	02139	
R. O'TOOLE	85 PRESLOTT ST #58	C'BRIDGE	02138	
Ed Jennott	17 Magnolia	02318		
Beverly Bell	63 Pearl St	Camb	02139	
Rachel Henderson	145 Upland Rd	Camb	02140	
Gina Ogden	36 Sheppard St.	Cambridge	02140	
[illegible]	24 Concord Ave.	Cambridge	02138	
Bill Burke	10 Ashland St	Somerville	02144	
Claire Murphy	28 High St	Camb	02138	
William A. Mendelsohn	42 Huron Ave. Apt. 1	Cambridge	MA 02138	
Jeanne Bunton	929 Mass Ave	Camb	02139	
[illegible] Moriarty	15 Linnaean St #4	Camb	02138	
John Clauffer	64 MYRTLE #6	BOSTON	~~[illegible]~~ 02114	
ARVIN MALIK	86 Ellery St A103	Cambridge	Mass	Wan 6
ANGELA O'CALLAGHAN	1 Stinson Court #1	Cambridge	02139	
ANITA MARTIN	1 STINSON CT.	CAMBRIDGE	MA 02139	
MARY O'CALLAGHAN	1 STINSON CT.	CAMBRIDGE	02139	
Shana Swiss	7 Linnaean St	Cambridge	02138	

PETITION
IN SUPPORT OF
AMPLIFIED STREET MUSIC
IN HARVARD SQUARE

WE, THE UNDERSIGNED, SUPPORT AND ENCOURAGE A MODIFICATION OF THE PRESENT STREET MUSIC ORDINANCE TO REFLECT A MORE WORKABLE AND EQUITABLE POLICY THAT WOULD ALLOW AMPLIFICATION AND AT THE SAME TIME ADDRESS THE NEED FOR NOISE LEVEL RESTRICTIONS. WE RECOGNIZE THE NEED FOR SUCH A CHANGE BECAUSE THE PRESENT ORDINANCE NOT ONLY DOES NOT ADDRESS DECIBEL LEVELS, BUT DISCRIMINATES AGAINST MANY MUSICIANS WHO MUST USE SOME FORM OF AMPLIFICATION EITHER TO MAKE THEIR INSTRUMENTS OPERATE OR TO BE HEARD. WE FEEL THAT STREET MUSIC IS A LIVING ART FORM THAT HAS ENRICHED BOTH THE CULTURAL AND BUSINESS ENVIRONMENT OF THE COMMUNITY, AND WE ASK THE CITY COUNCIL TO TAKE APPROPRIATE STEPS TO ADDRESS THESE CONCERNS.

NAME	ADDRESS	CITY	STATE	ZIP
Albert Ordoubeigian	6 Concord Rd.	Watertown	MA.	02172
Michael Jordan	63 Manors Dr.	Jericho,	NY	11753
Berit Strong	186 Arborway #3	Jamaica Plain	Mass	02130
Kevin P. Leppmann	#4-372 Beacon St.	Somerville,	MA	02143
CAROLINE SIDER	4 FALMOUTH RD.	WELLESLEY	MA	02181
NILS TONNAD.	61 DRANTWOOD RD	ARLINGTON	MA	02174
Judy Sullivan	10 Portsmouth St.	Brighton,	MA.	02135
Maria Napoleone	543 Hyde Park Ave	Roslindale,	MA	

PETITION IN SUPPORT OF
THE STREET PERFORMERS OF CAMBRIDGE

WE, THE UNDERSIGNED, BEING CAMBRIDGE RESIDENTS, SUPPORT AND ENCOURAGE THE ADOPTION OF A NEW STREET PERFORMING ORDINANCE THAT FULLY ADDRESSES THE FIRST AMENDMENT RIGHTS OF ARTISTS TO FREEDOM OF EXPRESSION IN PUBLIC AREAS. WE RECOGNIZE THAT STREET PERFORMING IS A LIVING ART FORM THAT HAS ENRICHED BOTH THE CULTURAL AND COMMERCIAL ENVIRONMENT OF THE CAMBRIDGE COMMUNITY, AND WE THEREFORE ASK THE CAMBRIDGE CITY COUNCIL TO TAKE IMMEDIATE STEPS TO IMPLEMENT THE ORDINANCE PROPOSED BY THE STREET ARTISTS' GUILD, WHICH ORDINANCE PROVIDES THE FIRST AMENDMENT RIGHTS DENIED THE PERFORMERS IN THE CURRENT ORDINANCE. IN PARTICULAR, WE ASK THE CITY COUNCIL TO RECOGNIZE THE RIGHT OF ELECTRONIC AND OTHER MUSICIANS TO USE APPROPRIATE AMPLIFICATION (I.E. 80 DECIBELS OR LESS) AND THE RIGHT OF PERFORMERS TO EXPRESS THEMSELVES THROUGHOUT CAMBRIDGE'S PUBLIC WAYS (NOT JUST ON BRATTLE STREET IN HARVARD SQUARE). WE FEEL THE NEW ORDINANCE WILL REFLECT A MUCH MORE WORKABLE AND EQUITABLE POLICY THAT WILL BENEFIT BOTH COMMUNITY AND PERFORMERS EQUALLY.

NAME	ADDRESS	CITY	STATE	ZIP

PETITION IN SUPPORT OF STREET PERFORMING IN CAMBRIDGE

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NAME	ADDRESS	CITY	STATE	ZIP
[illegible]	2 Ellsworth Ave	Cambridge	MA	02139
MAYHEW WOLFF	391 CONCORD AV.	"	"	02138
Duncan H Brown	4 University Rd.	Cambridge	MA	02138
PAUL SHOEMAKER	369 CABOT ST	NEWTONVILLE	MA	02160
Elizabeth Brewster	2942 Bellevue Ter Nw	DC	DC	20016
Patricia Ann Smith	6312 N. 17th St	Arlington	Va	22205
Damon Iacovelli	39 McKee ST	Manchester, CT		06040
Raymond Davidson	6 Langdon Ave	Watertown, MA		02172
Julie Flipski	42A Linden Ave. #1	Somerville	MA	02143
Susan Wildemann	20 Oak Sq Ave	Brighton	MA	02135

PETITION IN SUPPORT OF
STREET PERFORMING IN CAMBRIDGE

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NAME	ADDRESS	CITY	STATE	ZIP
Ana Prado	Harvard University	Cambridge	MA	02138
Nadine Roquin	15 Arlington St.	Cambridge	DA	02140
Claire Gilbert	32 Chester St	Somerville		02144
Thomas I McGrath	8 Sparks Pl	Cambridge	MA	02138
[illegible]	8 Sparks Pl	Cambridge	MA	02138
Susan M. Kolls	17-19 Washington St #407	Malden	MA	02148
FRANK M HUDSON	73 5TH ST	CAMBRIDGE, MA 02141	Frank M Hudson II	
Jack Nelson	4 Islington Terrace	Allston, Mass		02134
BETTY LATNER	114 EVANS RD.	BRIGHTON, MA.		02146
Janet Sey	169A ERIE ST	CAMBRIDGE	MA	02139
Sheila Kelly	215 Manthorne Rd	W. Roxbury	MA	02132
Charles Davis	154 Morrison Ave	Somerville	MA	02144
Mary Palermo	210 Chester St	Somer-		
Signon Laurence	368 Washington St.	MA	Somerville	
Page McDonald	155 Brattle St	Cambridge	MA	02138

PETITION IN SUPPORT OF
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NAME	ADDRESS	CITY	STATE	ZIP
Bob Haag	290 Beacon	Boston	Ma	
TOM FENAUGHTY	31 Watersedge Dr	NASHUA	NH	03063
[illegible]	99 Brattle			02138
Benjamin Manaste	99 Brattle			02138
Alison Pirie	7 St. James Ave,	Somerville	MA	02144
Geoff DCleper	516 Green St #21	Cambridge	MA	02139
Bill Hall	79 Seventh St.	Cambridge	Ma	02141
John Fraser	73 5th St #1	Cambridge,	Mass	02141
Mary Lombardi	98 Cypress St.	Brookline	MA	02146
Anne Gorski	46 Thomas Park	St. Boston	Ma	02127
BINA AGARWAL	83 BRATTLE ST.	CAMB.	MA	02138
ERIK THORKUDSEN	104 INMAN ST, #3	CAMB	MASS	02139
Kim Genereux	39 Clinton St #4	CAMB.	MA	02139
Kathleen Marino	39 Clinton St 4.	" "	"	02139
Michael Brower	32 Alpine St	Camb.	MA	02138
Kathy Warren	7 Gardenside St	Roslindale	Ma	02131
Megan Kelly	215 MANTHORNE Road	WRox	MA	02132
Al Pollard	243 Hawthorne		MA	02132

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NAME	ADDRESS	CITY	STATE	ZIP
Douglas Smith	1568 B. Cam. Ave	Brighton	MA	02135
Judith Hays	36 French St	Watertown	MA	02172
R. Lynn Borlingly	145 Main St	S. Greenwich	RI	02818
Danielle Allie Devereaux	219 Park Dr #22	Boston	MA	02215
Lauren Marcus	3333 N Charles St	Baltimore	MD	21218
Derenby	59 Conwell St	Marbler	MA	01945
Debbie Metcalf	99 Hillsdale Rd	Medford	MA	02155
Tanya Woodall	23 High View St	Braintree	MA	02184
Robert Bradley	23 High View St	Braintree	MA	02184
CAROL MARCUS	48 WAMMARESSA RD	NEWTON	MA	02168
Jerome Small	Jerome SMALL, 12 ST Germain #4	BOSTON	MA	02115
JACQUELINE JOYCE	42 Hollis St	Newton	MA	02158
Stuart Rankin	9 Sewall Ave. #217	Brookline	MA	02146
LESLIE ANN ROLDAN	173-31 CROYDON RD.	JAMAICA EST.	NY	11432
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Hjordis Kongen	10 Hollis ST.	CAMB.	MA	02140
MICHAEL SHEA	321 LOWELL ST.	SOM.	MA	02145
Julie Simpkins	161 Kelton St.	Alston	MA	02134
MICHAEL APPELL	23 TURNER TERRACE	NEWTON	MA	02160
JOHN HOOVER	24A HIGHLAND ST,	CAMBRIDGE	MA	02138
Anne Greena	372 Washington St	Brookline	MA	02146
Lauren Alperin	125 Coolidge Ave	Watertown	MA	02172
Ken Alperin	125 Coolidge Ave	Watertown	MA	02172
Lauren Solomon	498 Old Bedford Rd	Concord	MA	01742
Mary Cennerazzo	70 Summit St	Arlington	MA	02174
Amy Revis	71 Putnam St	Watertown	MA	02172

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STREET PERFORMING IN CAMBRIDGE

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NAME	ADDRESS	CITY	STATE	ZIP
Carl R. Buffum	130 Central St. #3	Somerville,	MA	02145
Santiago Madriñan	19 Huron Av.	Cambr	MA	02138
[illegible]	16 Wendell St	Camb.	MA	02138
Jennessee Dickenson	50 Irving St	Camb.	"	"
Hillary W. Smith	50 Irving St	Camb.		
[illegible]	18 Centre St #305	Cambridge	MA	02139
[illegible]	15 Sycamore Dr	WM ST	MA	01267
[illegible]	216 Summer St #1	Somerville	MA	02143
[illegible]	16 Bowdoin St.	Cambridge	MA	02138
Judith Cardell	102 Fayerweather	Cambridge	Ma	02138
Mary R. Pulenham-Walsh	49 Wellesley St.	Weston	MA	02193
LEON JACKSON	53 PARK ST	SOMERVILLE	MA	02138
Mutaz Shuaibi	24 Peabody Terrace	Cambridge	MA	02138
Lester Levy	105 Elmwood Ave	Quincy	MA	02170
[illegible]	47 HYSTIC ST #2D	ARLINGTON	MA.	02174
[illegible]	1082 COMM. Ave 305	Boston	MA	02215
[illegible]	1082 Comm #305 #52	Boston	MA	02215
Dana Oliva	433 Broadway	Somerville	Ma	02145
RAYLENE SAMSON	433 BROADWAY	SOMERVILLE	MA	02149
Dana Franzen	31 Pearl St. Apt. 1	Somerville,	Ma	02145
J. P. Langlands	52 Clyde Ave	W. Spfld	Ma	01087
[illegible]	709 UNION ST	Rockland	MA	02370
[illegible]	21 Haverford St. #1	Jamaica Plain	MA	02130
Deirdre McKenna	65 Dane St	Somerville,	MA	02143
Anya Akmal	10 CENTRE ST., #1F	CAMBRIDGE,	MA	02139
[illegible]	1003 Westford St.	Lowell,	MA.	
Scott McKenna	118 Marlboro St	Boston	MA	02116
Andrea Pitt	15 Field Rd	Arlington	MA	02174
Stacy E. Polk	12 Heath Hill	Brookline,	Ma	02146
JIM HARRIS	19 LAFFETTE ST,	WAKEFIELD,	MA	0 8110
DAWN SCHWINNE	22 Heath Hill	Brookline	MA	02146
FRANCO ESILE	2 FOREST ST	Rockport	Ma	01930
THOMAS MÜHLBERGER	230 WARREN ST	BROOKLINE	MA	02146
Christian FRITZ	56 Putnam Ave	Cambridge	MA	02139
[illegible]	16 Cedar St.	Somerville,	MA	02143

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NAME	ADDRESS	CITY	STATE	ZIP
Heidi J Schmidt	805 Holden Gm	Cambridge	MA	02138
Barbara J Akiba	193 Mason Ter.	Brookline	MA	02146
[illegible]	281 HARVARD ST	CAMBRIDGE	MA	02139
Nora L Balfour	35 QUEENSBERRY	BOSTON	MA	02215
Ilana Marcus	48 Lawmarissa Rd	Newton		02168
David Homsey	20 Oak Square Ave	Brighton, MA		02135
Jeanette M Parks	26 Hubbard Ave #10	Cambridge, Ma		02138
Julia Wallace	217 E 5th	NYC	NY	10003
Stephanie Ross White	16 Banks St.	Somerville, Ma		02144
James DeGregori	97 Bartlett #1	Charlestown	MA	02129
Holly DeGregori	97 Bartlett	Charlestown	MA	02129
Adam Klipfel	29 Sherman st	Cambridge	MA	02138
Sarah Klipfel	70 Sparks st	Cambridge	MA	02138
Frederick Moretz	23 Hill Crest st.	Wolthan	Ma.	02154
Sophie Klipfel	29 Sherman st	Cambridge	Ma	02138
Adrian Behrendt	402 North / 56 Linnean	Cambridge	Ma	02138
Belle Mann	16 Bradford Rd	Newton	MA	02161
Jason Mann	16 Bradford Rd	Newton	MASS	02161
Betsy [illegible]	26 Garfield St	Cambridge		02140
USSAMAH AAB	150 ASPINWALL AVE	BROOKLINE		02146.
Deborah Dover	135 Grove St.	Watertown	MA	02172
CAROL PARVEN	77 Orchard	Cambridge	MA	02140
Claire Fitzgerald	2 Vinson Circle	Windover, MA		01890
Nancy Husain	2370 26TH Ave #4	SF	CA	94116

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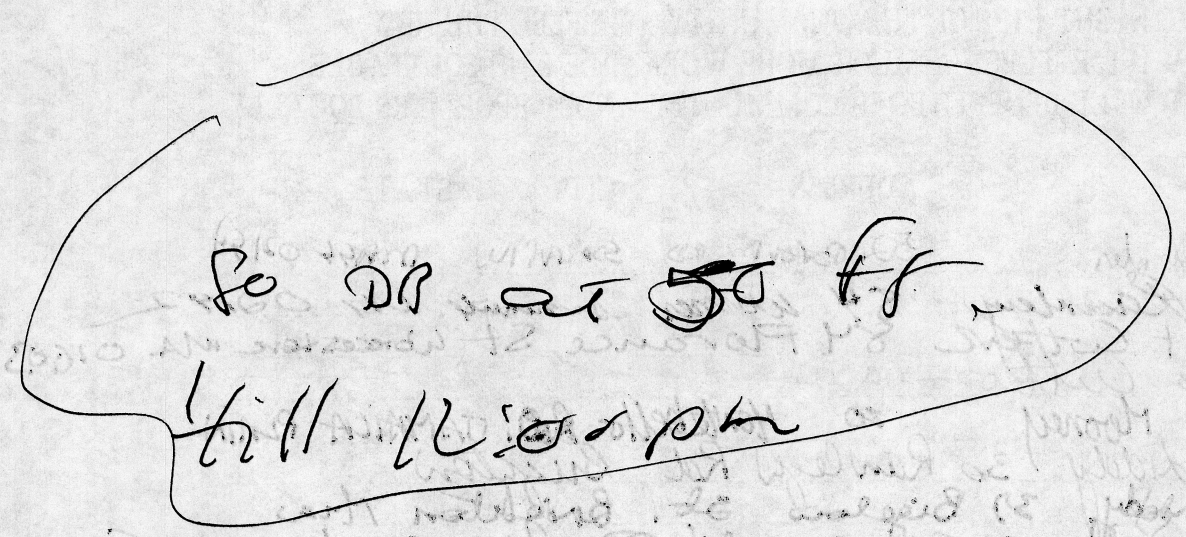
NAME	ADDRESS	CITY	STATE	ZIP
John Simples	52 Browning Rd	Somerville	MASS	02154
Bill Rasenberg	84 Warner	Somerville	MA	02142
Kurt Cutter	84 Florance, St	Worcester	MA	01603
Sasha Cutter	"			
Philip Mooney	20 Montebello Rd	JAMAICA PLAIN		
Catherine Liddy	30 Ranleigh Rd	Brighton		
Grene Liddy	37 Bigelow St.	Brighton	Mass	
Dennis Liddy	51 SAWYER AV	DORCHESTER	MA	02125
Gloria M Burnett	9 Mildred Hamilton	place		02139
Fern E Weiss	19 Andrew St	CAMB	MA	02135
Paula Gilbertson	10 Wachusett St	Jamaica Plain	MA	02130
Elizabeth Mellerd	Rose Terrace, Silver St, Chew Magna, Bristol BS18 8RG, ENGLAND			
Janis Schwarz	269 BOSTON AVE	MEDFORD	02155	396-8214
Tom [illegible]	15 Lambert St.,	Cambridge	02141	
Chris McCloney	19R Greylock Rd	Allston	Ma	02134
CB Goddard	232 HARVARD ST	MEDFORD	MA	02155
Sam Lyman	62 Boylston St	Boston	Mass	02116
J.J. Beath	41 Grady Ct #309	E. BOS	Ma	02128
Susan Forte	239 Washington St	Arlington	MA	02174
Patty Doyle	18 Peter Tufts Road	Arlington	MA	02174
Peter Hayes	#205, 16 Westgate	Woburn	Mass	01801
Leo Smith	16 Suffolk St	Cambridge	MA	02139
Lewis Robinson	11 Hilliard St	Cambridge	Ma	02139



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Hill Morph

50 DB

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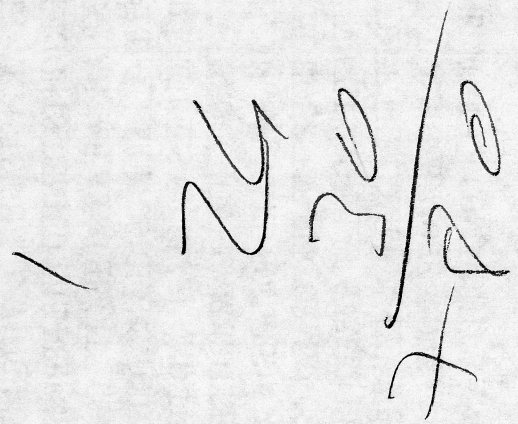
ALEX LIPPARD	15 HUMBOLDT	CAMBRIDGE	MA	02140
David Bunker	41 Parkside St	Somerville	MA	02143
Jim Burns	72 Mt Auburn St	Cambridge	MA	02138
Christopher McEnroe	528 Cambridge St. #2	Allston	Ma.	02134
Greg Dumas	11 Hilsyth Rd. #2	Medford	MA	02155
Marie Mooney	18 Rockview Rd.	milton	MAS	02186
Liana Laughlin	122 Thorndike St Apt 2	Arlington	MA	02174
Edward Cosgro	10 Pleasant St	Cam		
	25 Blakeslee St	Cam		
	360B Columbia Ave	Boston		02116



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Ron O'Reilly	1075 Beacon St.	Brookline	Mass	02146
Brien Langton	56 Lincoln St.	Winthrop	MA	02151
Allan Aks	20 Greystone Dr.	Middleton	Ma.	01949
Mary Eckstein	73 Middle St	Woburn	MA	01801
Karl I. Ely	108 Phelps St.	Marlboro	Ma.	01752
Marian Streetpeople	95 Wash St Suite 246	Weymouth, MA		02188
Jack Langdowne	25 Atherton St.	Somerville	MA	02143
[illegible]	375 HARVARD ST.	CAMB	MA	02138
Norberto Grzywacz	375 Harvard St	Camb	MA	02138
[illegible]	375 W. Broadway	Boston	MA	02111
Donna Carpenter	1450 Comm Ave	Brighton	MA	02135
John Isaac Meats	3650 Meadowlark Lane	Maidenmura, OK		36615
[illegible]	4-B Hingham St.	Cambridge	MA	02138
[illegible]	4-B Hingham St	Cambridge	MA	02138
Susan E. Wolfson	219 Harvard St. #12	BROOKLINE, MA.		02146
[illegible]	39 Hurlbut St	Camb	Ma	02138
[illegible]	39 Hurlbut St.	Camb.	Ma	02138
Luke Hunsberger	13 Ware St., #2	Camb		02138
Risa Goluboff	104 Holden Grove	Camb		02138
Brett Atuff	88 Beacon St #35	Som.		02146
BEVERLY Elba	25 Zamora St	J.P.	MA	02130
Donald Mapel	205 Appleton St.	Cambridge, MA.		02138
Sandon C. Shepard	33 Barnard Rd	Belmont, MA.		02178
ANN F. Bloom	43A PARKER ST.	Watertown, MA		02172
Allen M. Milner	14 Center St.	Watertown		02172
Robert Bottini	42 Old Park Ln.	New Milford, Conn.		
[illegible] Myers	637 Washington St.	Wellesley, MA		02181
Virginia R. Cutler	7 Mansfield Rd	Wellesley	MA	02181
[illegible]	31 Robinwood Ave	J.P.		02130
Nigel [illegible]	9 Stearns St.			02138

PETITION IN SUPPORT OF
STREET PERFORMING IN CAMBRIDGE

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NAME	ADDRESS	CITY	STATE	ZIP
Laura Hanify	225 Mystic	Arlington	MA	02174
LOR ETO RUIZ-BARRA	72 HIBBERT ST.	ARLINGTON	MA	02174
Blatt Neal	225 MYSTIC	Arlington	MA	02174
Richard Stone	179 Putnam	Cambridge	MA	02139
CLYDE SOMMERS	12 WENDELL ST	CAMBRIDGE	MA	02138
[illegible]	15 OXBOW Rd	NATICK	MA	01760
Valerie Linson	23 Willard St	Cambridge	MA	02138
Molly C Matson	1 HARVARD RD	Ayer	MA	01432
Elizabeth [illegible]	1 Harvard Road	Ayer	MA	01432
[illegible]	3 MISSLAND #3	SOMERVILLE	MA	02143
[illegible]	14 [illegible] St	[illegible]	MA	02143
Yvette Moran	41 Grant Ave	Medford		02155
[illegible]	41 GRANT AVE	MEDFORD		02155
[illegible]	62 Fayette St	WATERTOWN		02172
[illegible]	"	"		"
[illegible]	028 HARVARD ST	Boston	MA	02[illegible]
Vincent S.A. Waters	73 PERKINS ST.	WEST NEWTON	MA	02165
KIRSTEN JOHNSON	2 PUTNAM ST	WATERTOWN	MA	02172
Carol Roth	205 Walden St	Camb		02140
[illegible] Lopez	340 Heath St	Chestnut Hill		02167
[illegible]	269 Lamartine St	J.P.		02130
[illegible]	47 Inman St #41	Cambridge	MA	02139
Lauren [illegible]	"	"	"	"
[illegible]	46 [illegible] Rd	Watertown		02172
David Johnedis	3 Lake Circle	Woburn	MA	01801
Susan Block	78 Lake View Ave	Cambridge		02138
Barbara Basiglio	18 Annawan Rd	Newton		02168
Giuliana Salvini	36 William St apt 3	CAMBRIDGE		02139
Ann Chaput	72 Elmwood St	Sommerville	MA	02194
Franklin McAdam	72 "	"	"	"

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NAME	ADDRESS	CITY	STATE	ZIP
Richard G. Sherbe	38 Tremont St	Camb	MA	02138
Zhiqi Yu	2 Soldier's Field Park	Boston	MA	02163
Dan Silver	2 Soldier's Field Park #414	Boston	MA	02163
Beth Rosner	48 Hawthorn St	Camb	MA	02138
Elizabeth MacLeod	77 Dyer Ave.	Milton	MA	02186
Anne Beaton	77 Dyer Ave	Milton	MA	02186
Laura Yohn	12 Foxmeadow Ln	Wayland	MA	01778
Jennifer Weiss Young	32 Stonebridge Rd	Wayland	MA	01778
David Sierra	619 Reynolds St.	Boston	MA	02150
Rhonda Litchfield	27 FAIROAKS	CAMBRIDGE	MA	02140
Bill McIninch, Jr.	102 Gleason Rd.,	Lexington,	MA	02173-3334
Dinah Starr	1747 Dorchester Ave.	Dorchester,	MA	02124
Manuel Esquerra	60 Wadsworth St. #13G	Cambridge	MA	02142
Janet Green	26 Alpha Rd	Dorchester	MA	02124
Allan Green	61 Mooney St.	Cambridge,	MA	02138
Yoshiro Nakasyama	335 Faneuil St.	Brighton	MA	02135
TRACY PUN	11 HILLIARD ST.	CAMBRIDGE	MA	
Eric Meyers	67 Ruggles Rd.	Guilford	CT	06437
DR CHARLES VANDERBURG	15 WOODBINE TERR.	NEWTON	MA	02166
Richard DIAMOND	1 LANGDON ST.	CAMB.	MA	02138
T. K. Pendurtis	25 Winslow Rd	Belmont	MA	02187
Cynthia Vanderburg	15 Woodbine Terr	Newton	MA	02166
David Kupferman	115 Irving St.	Watertown		02172
Catherine Cook	989 Memorial Dr.	Camb.		02138
Jonathan P White	53 Maple St.	Watertown		02172
SARA MEGILL	14 AUSTICOU RD	JAMAICA PLAIN		02130
WANDA RIFKIN	39 Fenwick St.	Framingham,	MA	01701
Odile Weissenborn	150 Court St.	Dedham	MA	02026
Joan Vermette	85 Upland Rd. #3	Cambridge,	MA	02140

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NAME	ADDRESS	CITY	STATE	ZIP
RT Bikkal	86 Brainerd Rd	Allston	Ma	02134
D. Graeer	76 Easton Rd #2	Allston	MA	02134
[illegible]	333 [illegible] St	Cambridge		
Christopher Deery	288 HARVARD ST	CAMBRIDGE	MA	02139
Elizabeth Ozanell	34 Holyoke Rd.	Somerville	MA	02144
Paul W. Burch	259 R Beacon	Somerville	MA	0243
TODD ENSLEY	29R BEACON	Somerville	MA	02143
ELIZABETH HUFFMAN	9315 MANCHESTER-KANSAS CITY		MO	64138
Gil Oblen	82 Willow Ave. Apt. 2	Somerville	MA	02144
JOE BOWBEER	131 ORCHARD #35	SOMERVILLE	MA	02144
Richard Godin	561 Franklin St. #2	Cambridge,	MA,	02139
CLIFF WAGNER	92 CLARK AVE	CHELSEA	MA.	02150
ARAM KALIGIAN	805 MT AUBURN #23	WATERTOWN	MA	02172
[illegible]	1596 Main St.	Concord,	MA.	01742
[illegible]	LONDON, ENGLAND			
Lauza de Bernardis	FIRENZE - ITALY			
Massimo Debiasio	Milano	ITALY		
[illegible]	888 Mass. Ave #311	Cambridge		02139
[illegible]	23 Rosemont ST.	HYDE PARK	MA	02136
Adam Benner	22 Speridakis	Cambridge	MA	02139
[illegible]	9 High St. Pl.	BRKL	MA	02146
Stephen B. Anchard	6 Douglas St	CAmbridge	MA	
Tomas [illegible]	16 Porter St	Somerville	Ma	
Gabriel O'Malley	21 Sparks St	Cambridge	MA	02138
Mikala Woodward	58 Paulson Rd.	Newton	MA	02168
[illegible]	18 Barnard Rd.	Belmont	MA	[illegible]
Gary Holliday	32 Rockledge Rd	Newton	MA	02161
[illegible]	8 LARCHMONT ST.	BOSTON	MA	02124
Deborah Stern	395 School St.	Watertown	MA	02172
Luma Aljishi	58 Bromfield	Somerville		02144
Alison McGinn	8 Hidden Way	Chelmsford		01824
Kelly McGinn	"	"		"
Roopan Tarati	54 Crescent St.	Cambridge	Mass	02138
[illegible]	15 RICE ST	CAMBRIDGE	MA	02140

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NAME	ADDRESS	CITY	STATE	ZIP
MARK BELL	110 GLENWOOD	SOMERVILLE	MA	02145
Julia Bell	SAME			
[illegible]	26 Sutton Hill	Weston	MA	02193
Gale Fowle	11835 Lakeshore W	Auburn	CA	95603
Bob Roth	2 WARWICK PK	CAMB	MA	02140
Charlene Paolucci	820 Collenbrook Ave	Drexel Hill	Pa	19026
Adalicia Roth	2 warwick Pk	Camb	MA	02140
Clare [illegible]	76 Pearce St	W. Newton	MA	02165
Kyra Signer	45 Garfield St.	Cambridge	MA	02138
Al Secunda	1360 N Laurel	L.A.	CA	90046
Marian Friedman	40 [illegible]	Watertown	MA	02172
Charles Rhodes	155 Bigelow St.	Brighton	MA	02135
Robert Fuller	124 W 60TH St., #14F	NY, NY		10023
Roger McMahon	14 Lawrence St.	Camb.	MA	02139
Ellen Mazur	14 William St	Somerville	MA	
Bernie Gilbert	47 Clifton St.	CAMBRIDGE		
Joel Alexander	36-8 Orkney Rd	Brookline	MA	02146
Linda Keenan	593 Centre St #2	Jamaica Plain	MA	02134
Mark Dreiosen	593 centre St #2	Jamaica Plain	MA	02134
Isabella Chun	33 Rachel Rd,	Randolph	MA	02368
[illegible]	16 Marsh St	Quincy	MA	02169
Nancy Zunday	40 Russell St.	Cambridge	MA	02140
Sara Orr	40 Russell St	Cambridge	MA	02140
Fanny Sosenke	7 Pond Lane #4	Arlington	MA	02174
Mario Svirsky	7 Pond Lane #4	Arlington	MA	02174
Stacey Latt	97 Brunswick	Boston	MA	02121
Pam Egerter	121 Willow Ave	Somerville		02144
Raquel Hertz	40 Broadway	Somerville		02145
Jared [illegible]	1010 Memorial Dr. #18	Cambridge	MA	02138
Jessica [illegible]	2866 SW Rose Ln.	Wilsonville	OR	97070
Shulman Yura	3310 Cutlerdale Dr.	Tampa	FL	33618
Amy Tinshel	11650 Helmick Rd.	Monmouth	OR	97361

Please Do Not TAKE PEN -MS.

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NAME	ADDRESS	CITY	STATE	ZIP
Phillip M Stephens	5803 Stearnshill Rd	Waltham	Mass	02154
[illegible]	33 LANCASTER TERRACE	BROOKLINE		
Gerald Edwards	931 Mass Ave	Cambridge	MA	02139
Nancy E Drehwing	931 Mass Ave	Cambridge	MA	02139
Daniel [illegible]	2 Stearns	Cambridge	MA	02138
[illegible]	20 Elm St	Somerville	MA	02143
Daniel Horton	2 STEARNS ST.	CAMBRIDGE	MA	02138
Marsia S. Harris	47 Marion rd	Cambridge		02178
DANIEL MARGUERETTE	12 WRIGHT ST.	MA		02138
FERNANDO GARCIA	12 WRIGHT ST.	MA		02138
JAMES SCHUELE	2 WARE ST.	CAMBRIDGE		02138
Dan GRAHAM	"	"		"
[illegible]	"	"		"
William Reichel	2 Ware St	Cambridge		02138
William Rume	54 Pleasant St,	Cambridge		02139
Liz McKinsty	65 Bent Address	Cambridge		02141
Laura McLean	28 Holyoke St #2	Boston,	MA	02116
Andrea Graziani	28 Holyoke St #2	BOSTON,	MA	02116
LUCIANO D'ADAMIO	53 PROSPECT ST.	CAMBRIDGE	MA	02139
Thomas Kane	6 Heverford St.	Boston	Ma.	02118
Jude Julli	66 Marlise Drive	Attleboro,	MA	02703
E.J. Lanigan	83 Livingston Cr.	Needham,	MA	02192
Marc Garrigus	14 Eldor Dr.	S. Walpole,	MA	02071
Shoshana Waskow	6711 Lincoln Dr	Philadelphia,	PA	19119
MARK SWEIKHART	161 HANCOCK ST	CAMBRIDGE	MA	02139
Howard Mayberry	161 Hancock St	Cambridge	Ma	02139
Dene Kellermann	287 Harvard St	Camb	MA	02139
Marcia Mee-Lee	543 WALNUT ST,	[redacted]	NEWTON	02160
[illegible] Culbert	71 Barclett Ave	Arlington	MA	02174
Kim R. Epp	41 Holden St.	Cambridge	MA	02138

We mean it!!!

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NAME	ADDRESS	CITY	STATE	ZIP
Sandra Healy	2 Highledge Dr.	Penfield	NY	14526
Matthew J Healy	2 Highledge Dr	Penfield	NY	14526
Joyce Schneider	11 Ashcraft Rd	Newton H	MA	02161
Morgan Faust	81 Washington ave	Camb	MA	02140
Consuelo Isaacson	81 Washington Ave	Cambridge		02140
[illegible]	262 School St	Somerville	MA	02145
Richard Bribiesca	Dept Author, Harvard	Cambridge	MA	02140
Audrey Baca	2650 E College Pl	Fullerton	CA	92631
Tricia Caputo Wells	83 Page Rd E	Newton	MA	02160
Shannon White	52 Page Rd	Newton	MA	02160
Kolt [illegible]	18 Boston Ave	Somerville	MA	02144
Kevin Heffernan	195 St Paul St	Brookline	Ma	02146
J.W. [illegible]	[illegible] Rd	[illegible]	[illegible]	02171
Nancy McDonald	108 Forest Rd	Stoughton		02072
[illegible]	37 Kossuth St	[illegible]	R.I.	02860
Genevieve [illegible]	24 Montgomery St	Boston	MA	02116
RATSY KEMP	171 AUBURN ST	CAMB.		02139
Bette Forshee	237 Cedar St.	Somerville		02144
Daniel [illegible]	1501 Beacon St	Brookline		02146
MARC A. SNIDMAN	27 DEERFIELD RD.	SHARON	MASS	02067
Mike Robinson	15 Woodbridge	S Hadley	MA	01077
Emily Northrop	HCR 10 Box 54	Chesterfield	NH	03442
Shirley Northrop	113 W Ridge Dr. So.	Andalusia	Al	36420
Ethan J Rafferty	47 Old Littleton Rd.	Harvard	MA	01451
Dick Fleury	8 Plympton St, No 58	Cambridge	MA	02138
[illegible]	90 Marion St	Brookline	MA	02146
Margaret Hollister	15 Mason Terrace	Brookline	MA	02146
K.M. Holladay	41 Inman St.	CAMB.	MA.	02139
Richard Downtown	7 Allen Rd	Milford	Ma	01757
Katharina [illegible]	186 [illegible] ST.	BROOKLINE	MASS	02146

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NAME	ADDRESS	CITY	STATE	ZIP
Kathy Garon	1 Buckingham Dr.	Westford	MA	01886
Jon Garon	1 Buckingham Dr.	Westford	Ma	01886
Jeffrey Newman	3 Pleas Pl	Cambridge		02139
Matt Garon	One Buckingham Dr.	Westford	MA	01886
Pan Edlefsen	780 Main St.	Acton	Ma	01720
William N. Levine, MD	20 Coolidge Rd	Arlington	MA	02174
Beryl J. Levine	1022 Southwood	Fargo	N.D.	58103
Michael Weinmayr	49 East Street	Lexington	MA	02173
Jeanne Solomon	498 Old Bedford Rd	Concord	MA	01742
GIAN CARLO BUSCAGLIA	114 ELM ST.	CAMBRIDGE	MA	02139
Pau Buscaglia	same ↑			
Maria Szobo	64 Prospect st #2	Cambridge	Ma	02139
Becka Sterlin	74 Egmont st #4	Brookline	Ma	02167
Sunia Hood	25 Sewall st	W. Newton	MA	02165
Neil Raab	779 WASHINGTON ST,	BROOKLINE,	MA	02146
Robert MacDonald	6 Stetson st	Lexington,	MA	02173
Kim Markey	31 South St	Brighton	Ma	02135
AGNES G. VELORIA	"	"	"	"
LAURA FREE	1914 BEACON ST #1	BROOKline	MA	02146
Liuang Yang	306 Summer St	Somerville	MA	02144
Julia Dilins	62 Walnut Hill Rd.	Chestnut Hill	MA	02167
Mike Ledoux	12 Overbrook Ter.	Natick	MA	
Laurie Baldi	80 Warren St	Medford,	MA	02155
[illegible]	1417 Beacon St	Brookline,	MA	02146
Artemis Hanusiak	22 Edmund Rd	Arlington	MA	02174
Philip Midelley	21 Park Vale Ave	Alston	MA	02134
Laura J. Atherton	8 Hastings W	Medford	MA	02155
Kelt J. Carpenter	29 Pine St	Cambrige	Ma.	
Linda J. Wastila	35 Garrison Rd #B	BROOKLINE	MA	02146
Patricia Pirone	18 Mt Hood Rd	Brighton	MA	02146

PETITION IN SUPPORT OF
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NAME	ADDRESS	CITY	STATE	ZIP
Debra Ona	83 Sierra Rd ~~28 Smith~~	Boston	MA	02137
[illegible] Chalfa	83 Sierra Rd	Boston	MA	02137
Bryan Buckus	32 Myrtle St	Malden	MA	02148
Matthew Pina	31 Myrtle St.	Malden,	MA.	02148
Abi Hollard	Big House Fm	Perdine.	Dyfed	WALES.
K. Wiggett	7 Hartley Drive	Boston	MA	02134
C. D. Smith	231 Lyon St.	Ottawa	Ontario	K1J 8M6
Judith L Campbell	17 Michael Way	Cambridge	MA	02141
Jeffrey Zabel	2 Belton St	Arlington	MA	02174
Amy Wilson	15 Trowbridge St.	Cam.		02138
Sangoya Opoka	511A Medford St	Somerville	Ma	02145
Kathleen Egan	1065 Hancock St	Quincy	MA	02169
Thomas Kenny	905 Main St	Cambridge,	MA	02139
Holly Taub	242 Willow	Somerville	MA	02144
[illegible]	242 Willow Ave	Somerville	MA	02144
[illegible]	222 Banks #3	Camb	MA	02138
Dean Ashland	131 Commonwealth Ave.	Boston	MA	02116
Nathan Spell	16 Vineyard	Cambridge,	MA	02138
Rachelle M Spell	16 Vineyard	Cambridge,	MA	02138
Jane Coker	224 Banks St.	Cambridge	MA	02138
Ed Kydd	7 Mascuppin Tr	Tyngsboro		01879
Marie Sciarra	18 Burnside Ave	Somerville		02144
Elizabeth Carver	20 Cedar St	Somerville		02143
[illegible]	330 Woodward St	Newton	MA	02168
[illegible]	5 Iscington Terr.	Allston	MA	02134
Nancy S Wang	323 Marlborough St	Boston	MA	02116
Anne E Woodson	0549 Crawford	San Diego	CA	92120
Stephen J. Wilson	115 River St. #6	Cambridge,	Ma.	02139
Diane Branco	271 Concord Ave	Camb		02138
Robert L. Weber	12 Ridgefield St.	Camb.		02141

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NAME	ADDRESS	CITY	STATE	ZIP
Jennifer Pomeroy	42 Waverly Rd.	Wellesley	MA	02181
Bill Dworkin	168 S. Whitfield Rd	Concord	NH	
Taro YUKITAKE	2-8-8 NAKAMACH	Musashino Tokyo		JAPAN
Ashley Ray Thomas	18 Highland Ave #2	Somerville,	MA	02143
[illegible]	8 Whittier	Boston	MA	02114
Heather Mould	141 Chiswick Rd #4	BRIGHTON	MA	02135
Susan Lee Richards	19 Revere St	Boston	MA	02114
Tamera Lynn	133 Langdon Ave	Watertown	MA	02172
Jace Robeson	64 Dey Rd	Wellesley	MA	02181
Tatsuya Maruyama	23 Iona St #1	Roslindale	MA	02131
[illegible]	21 Higgins St.	Allston	MA	02134
Jim Keefe	40 Spring Park Av	Dracut	MA	01826
JASM Piccin	39 Tanner ST	WATERTOWN	MA	02172
Kathleen Griffin	46 Putnam St	Quincy,	MA	02169
Rhonda Ronczka	145 Nicholson St	New Britain	CT	06111
Cecilia Lin	1156 Comm Ave.	Allston,	MA	02134
Peter Finnerty	289 Highland Ave	Somerville	MA	02144
Diana Lobel	115 Mt Auburn St	Cambridge	MA	02138
Gloria E. Rapkin	55 Norfolk St	CAMB		02139
Samuel Kaplan	625 Trapelo Rd	Belmont		02178
Laraine Faith	20 Pikwedeki Way	So. Boston	Ma	02127
Keith Hays	23A Adams Annex	Harvard Sq.		
Anne McClennan	76 Cambridge Ave.	BOSTON		02130
Amy Thomas	24 Montfern Ave	Brighton		02134
Dudley Kladstrup	112 Winter St	Portland	ME	04102
Jacque Kiley	96 NEWBURY ST.	DANVERS	MA	01923
Phyllis Berger	5 Pamaguardens Apt 1	Brighton	MA	02135
Gayle Merriman	Wellesley College			02181
[illegible]	854 Mass Ave	Cambridge	MA	02139
[illegible]	123 Beech St.	Belmont,	MA	02178

(I live right in Harvard square)

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NAME	ADDRESS	CITY	STATE	ZIP
Patricia Bennett	24 Church St.	Watertown	MA	02172
Jane Meagher	"	"	"	"
Robin A. Feinland	33 Crocker St.	Sommerville,	MA	02143
Geoffrey C. Sather	30 Swan Pl.	Arlington,	MA	02174
J Pavone	25 Ellington St	Som	Ma	02144
H. LOHSE	63 PEARL ST.,	CAMB.	MA	02139
[illegible] Buck	PO Box 626	Cambridge		02238
Dorothea Rudolf	11 A Fayerweather St.	Cambridge	MA	02138
Matt Conlon	116 Court St. 807	New Haven	CT.	06511
TAREK NAGA	2137 Mayview Dr.	LA	CA.	90027
PAULA MARSHALL	10A CHAUNCY ST	CAMB.	MA	02138
Angel Micarelli	115 W. Squantum St	N. Quincy	MA	02171
Rich DiCapua	3 Fairfield St #1	Boston,	MA	02116
Francis Bus	3 Fairfield St #1	Boston,	MA	02116
Patrick J. Murphy	80 Elm Avenue	Quincy	MA	02170
DEIRDRE MURPHY	80 ELM AVE	QUINCY	MA	02170
Amy McGowen	282 Commonwealth Av	W. Concord	Ma	01742
[illegible]	39 GROVE AVE	SALEM	NH	03079
Heather Chaefield	83 Commonwealth Rd	Waterton	MA	02170
Rich Garant	71 GROVE ST #4	ARLINGTON	MA	02174
Barbara Zolit	10 Cornelius Way	Cambridge	Ma	02141
Abraham Brandwein	1820 Comm. Ave #21	Boston	MA	02135
Cheryl Brandwein	1820 Comm. Ave #21	Boston	MA	02135
Diane Zagrodny	100 Sheridan Ave,	Medford,	MA	02155
JAMES FLAHERTY	53A LEE ST	CAMBRIDGE,	MA	02139
Sharon Hoffman	430 Centre St JP	MA		02130
CYNTHIA BAILEY	15 PEABODY ST	NEWTON		02158
Mark David Seman	South Street,	Waltham,	MA	02254
Neal Carter	95 Chilton St	Cambridge,	Ma	02138
Alexa Ragozin	9 Colonial Vil. Dr,	Arlington,	MA	02174

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NAME	ADDRESS	CITY	STATE	ZIP
[illegible]	65 Strathmore Rd	Brookline	MA	02146
Janet Schloss	65 Strathmore Rd	Brookline	MA	02146
Bryan Posner	26 Fairfield St.	Cambridge	MA	02140
Marvin Blok	40 Madison St	Somerville	MA	02143
Alex Krakower	116 Englewood Ave	Brookline	MA	02146
Pamela Enders	12 Ringgefield St	Cambridge	MA	02140
Cindy McElwain	1515 Main St	Concord	MA	01742
Kathleen M. Bardwell	49 Norris St.	Cambridge	MA.	02140
Caroline Gray	321 Lowell St	Somerville	MA	02145
Cecilia Fernandez-Carol	8 Brastow Ave	Somerville	MA	02143
[illegible]	116 Washington St	Brighton	Ma	02135
William F Phillips	51 Churchill Ave.	Cambridge	MA	02140
Michael Bane	368 Cullington St.	Watertown	MA	02172
Helen Foster	125 Coolidge	Watertown	MA	02172
Gordon Gullahan	7 Mountain Ave	Somerville	MA	02143
Stacey DeCaro	59 Amory St	Rox.	MA	02119
Bob Bettelhammer	11 Nina St.	Malden	Mass.	02148
Zaluda Vas	8 Pembroke Ct	Somerville	Ma	02145
Rosario Gomez Sanford	2 Pond St Apt 3	J. P.	MA	02150
J Cormier	45 Lee St	Cambridge		02139
[illegible]	45 Lee St.	Camb		02139
Martin Edw.	52 Dana St	Camb		02138
Elizabeth Yolin	12 Foxmeadow Ln.	Wayland,	MA.	01778
Meredith Bachman	11 Bridle Path	Wayland	MA	01778
[illegible]	52 Dana St	Cambridge	Mass	02138
PATRICIA J. DELZELL	BOX 88	GOFFSTOWN,	NH	03045
Jerome ZOLIT	10 CORNELIUS WAY	CAMBRIDGE	MA	02141
Mary McCoy	1124 Mass Ave	Cambridge	MA	02138
[illegible]	35 Hawthorn	Cambridge		02138
Robert B Chatt	296 Waters Ave	Cambridge	MA	02139
Anca Adrian	179 College Ave. #3	Somerville,	MA	02144
REKA KOSARAS	187 Winchester Bldg	Brookline	MA	02146

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NAME	ADDRESS	CITY	STATE	ZIP
D. Patterson	191 TREMONT ST.	BOS.	MA	02118
CHARLES POWERS	143 WASH	BOSTON	MA	02118
Lisa Ventre	24 Thayer St	Boston	MA	02118
Idole Bonilla	58 Bromfield Rd	Somerville		02144
Luma Arjuki	58 Bromfield Rd	Somerville		02144
PAUL PATA	16 TRENTON	PROV	RI	02906
[illegible]	104 Newcomb St	Brighton	MA	02140
Don London	1440 Beacon St	Brookline		02146
Adaobi Onuoha	237 Cummins Hwy	Roslindale	MA	02131
Laura Bella	177 Erie St	Cambridge	MA	02139
Nathalie Robin	405 Putnam Ave	Cambs	MA	02139
[illegible]	107 Prospect St	Cambs		02139
[illegible]	16 Chatfield St #3	Brighton		02135
[illegible]	Cranwell VA	Hancock		03038
[illegible]	54 Baskin Rd	Lexington	MA	02422
[illegible]	26 Townsend R	Belmont	MA	02178
[illegible]	17 Woodrose Cres	J.P.	Mass	02130
Rebecca [illegible]	15 Trowbridge St	Cambridge		02138
[illegible]	321 Harvard St	Cambridge		
[illegible]	607 Beacon St	Manchester	NH	03104
Corey Montgomery Adams	4 Porcella Rd	Brighton	MA	02135
[illegible]	96 Irving St	Seneca Plain		02130
Dorinda Sugwith	41 Wendell St	Cambridge		02138
Connie Barbour	P.O. 486	Jamaica Plain		02130
[illegible]	24 O'Brien Rd	Roxbury		02119
Ethan Drorbaugh	9 Charles St	Framingham	MA	01701
Joshua Mugrditchian	10 Charles	Camb	MASS	
David Mugrditchian	115 Franklin St	Camb		02139

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NAME	ADDRESS	CITY	STATE	ZIP
Pat Doherty	5 Lucille Ct.	Edison	NJ	08820
Luis Montes	270 Harvard St.	Cambridge	MA	02139
John Schaub	58 Warwick Rd	Melrose	MA	02176
REECE TORMOS	659 D SOMERVILLE DR	Somerville	MA	02143
Angela Meade	5 Calhea St.	Stoneham	MA	02180
J. Stephen Smith	89 Hollyoke	Malden	MA	
Andrea Akerib	16 Winter St	WALTHAM	MA	02154
Tori Rosenthal	16 Winter St. 46A	Waltham		02154
John Deaver	MIT BRANCH BOB 229	Cambridge		02139
ELIZABETH McCALLION	77 HUNTINGTON RD	MILTON		
Elana Herron	79 Emerson Rd	Wellesley	MA	02181
RUTH MOHID	77 SERGEANT CROSSWAY	BROOKLINE	MA	
Kevin Riddel	1 Joslin Place	Boston	MA	02215
NORA Riddel	64 PARKTON Rd	BOSTON	MA	02130
Eric Kehoe	2192 Mass Ave #67	Cambridge	MA	02140
John Krivit	79 Putnam Ave #2	Cambridge	MA	02139
Ben DeSombre	1705 Mass. Ave	Cambridge		02138
Brett Silton	29 Cedar St.	Cambridge		02140
Costanza Eggers	13 Lincoln St #1	Cambridge	MA	02141
Alea Eggers	"	"	"	
Roberto Chap	791 TREMONT St	Boston	MA	02118
Rev. R. N. Lacava	99 Brattle St	Camb	Ma	02138
Marvin O'Connor	38 Fairfield St	Boston		02116
James Sheehy	4 Washington Ave #11	Cambridge		02140
Stacy Kaplan	403 Comm Ave	Boston	MA	02215
Vick G. Thomas	14 Remington St.	Cambridge	MA	02138
Susan E. Matt	16 SHERIDAN St #2	J.P.		02130
Rebecca Morgan	19 Greenough Lane	Boston	MA	02113
James Ladd-Ryan	17 Ann Rd	Revere	Ma.	02151
MICHAEL HAAG	290 BEACON, #1	BOSTON		02116
Gerald Taylor	17 Oak Meadow Rd.	Lincoln	MA.	
M.M. Morganti	101 Lexington Rd.	Lincoln	MA	
William A. Kirby	321 Harvard St	Cambridge		02139

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NAME	ADDRESS	CITY	STATE	ZIP
[illegible]	St Lorraine	Cambridge	MA	02138
[illegible]	14 Bromfield Rd.	Somerville	MA	02144
[illegible]	225 Walden St	Cambridge	MA	02140
[illegible]	156 Allston St	Cambridge	MA	02139
Michael Jones	5 Burns St	Lynn	Ma	01905
Susan Goodman	8 Digren Rd.	Natick	Ma	01760
Noah Goodman	8 Digren Rd.	Natick	Ma	01760
Hope Hayden	162 Hampshire St	Cambridge	MA	02139
[illegible]	5 Kristin Ct	Boston	MA	02136
Lourdes [illegible]	1 Frost St #1	Cambridge	MA	02140
Wendy Daver	29 Concord Ave #806	Cambridge		02138
Jain Mac Intyre	138 Huron Ave #4			02138 Camb.
Theodore R. Treadwell III	71 Easton St.	Allston MA		02134
Steven Cravis	6 Rogers Rd.	Lexington MA		02173
John Bigelow	9 Wait St	Boston MA		02120
Lorraine Saltre	9 Wait St	Boston MA		02120
Blanca Allen	224 Mass. Av.	Arlington	MA	02174
Frank E. Hillett	54 Bishop Allen #2	Cambridge	MA	02139
Bart Taylor	209 E St 7th St	Boston	MA	02127
Linda Braun	11 Parker Rd.	Arl	MA	02174
Mark Roberts	221 Mt. Auburn St. #505	Cambridge	MA	02138
Karen Kosko	44 Thingvalla	Camb		02138
Eugene D Lee	65 Mt Auburn St	Camb		02138
Connie Arseneault	91 Cushing St	Camb		492 4532
Jennifer Kelin	3 N. Hudson St.	Boston	MA	02113
Bill Weinberg	138 Highland Ave	Somerville,	MA	02144
Claudia Carte Sa	75 Brighton Av. #6	Allston,	MA	02134
John Sherman	185 Jamestown	Leominster	MA	01543
Karen Werner	220 Ridgeway Rd	Weston,	Ma	02193

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NAME	ADDRESS	CITY	STATE	ZIP
Melissa DiBiccaro	123 Watson Rd.	Belmont	MA	02178
Michele Widmer	126 Gilbert Rd.	Belmont	MA.	02178
Ruth Tighe	39 Clinton St. #5	Camb	Ma	02139
Pat Kreher	1 Greenough Av	Camb		"
Carl Langshore	54 Stanwood Rd	Glastonbury	CT	06033
Martin Bohler	145 Watson St.	Brighton	MA	02139
Jeff Dilez Kiem	88 Mill Ln	Yarmouthport	Ma	02675
[illegible] P. Laverty	93 [illegible] Rd.	Milton	MA	02152
Alan Neum	48 Kent St	Somerville	MA	02143
Jennifer Hill	75 Commonwealth Rd	Watertown	MA	02172
Adam Gross	10 Shepard St.	Cambridge	Ma	02138
Lisa Sunbury	21 Central St.	Arlington	Mass	02174
Dren Chupp	271 Willow Ave	Somerville	MA	02144
Teresa Hirtz	244 Bonaire Dr.	Toms River	NJ	08757
Allan Goodman	8 Digren Rd	Natick	MA	01760
Andrew H Martensson	383 Chatham St.	Lynn	MA.	01902
Sandra Dlamond	41 Columbus Ave	Somerville	MA	02143
Peter Braun	11 Parker Rd	Arlington	MA	02174
Mitch Boggs	367 Somerville #E	Somerville	MA	02143
Lynn Gaum	"	"		"
[illegible]	244 [illegible] St	Camb.		
Marian Gary	42 Strathmore Rd #24	Brighton	MA	02146
Stephanie Stewart	144 Moody St #18	Walth	MA	02154
William Blakeman	46 Bigelow St	Cambridg	MA	02139
Sharon Weinberg	138 Highland Ave	Somerville	MA	02144
Monica Weinberg	19 Banks St	Somerville	MA	02144
Dean Brown	41 Bennett Rd	Watertown	MA	02172
Alexander Stine	19952 Lichfield	Detroit	MI	48221
Jesse Hawk	9 Smith Ave	Somerville	MA	02143

PETITION IN SUPPORT OF
STREET PERFORMING IN CAMBRIDGE

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NAME	ADDRESS	CITY	STATE	ZIP
Karla Greenleaf-MacEwan	35 William St.	Camb.	MA	02139
Douglas Southard	363A Western Ave	Camb	MA	02139
Diane Sheridan	1848 Comm Ave	Brighton		02135
John Gibbons	59 Allis	Allston		02134
John M Puello	59 Garfield Ave	Medford	Ma	02155
Emily Swedlund	11 Cottage St.	Cambridge	MA	02139
Jennifer Allison	11 Cottage St.	Cambridge,	MA	02139
M Keefe	1086 Pearl St			
C Hartje	52 Bishop Allen Dr. Apt 2	Cambridge		MA
Victor Caballero	126 Allyson Rd.	Chestnut Hill		02167
Timothy B. Skoog	719 East 3rd St.	S. Boston	MA	02127
Dayne Di Biccaro	1230 Acton Rd	Belmont	MA	02178
Stacey DiBiccaro	"	"	"	"
Sue Dolinger	25 Homer Ave.	Apt. 25 Cambridge		02138
Roy Norsigian	WATERTOWN			02172
Esther B. Stanley	39 Hess Road	Belmont		02178
Kathleen J. Waters	6107 Stearns Hill Rd	Waltham	Ma	02154
Chris Atkeson	171 Hancock St. #4	Cambridge	MA	02139
S. D. Sheppard	PO Box 1293	Camb.	MA	02238
Jon Dreyer	45 Strathmore	Brighton	MA	02135
Kim Young	45 Strathmore Rd	Brighton	MA	02105
Patricia Mahanco	24 Washburn St. E	Weymouth,	MA	02189
Alison Demers	56 Stockdale Rd	Needham	MA	02192
Chris Plaut	Box 1878	Babson College	Wellesley	Ma 02157
Erica Jeans	92 Framingham Rd	Southboro	MA	01772
Doug McDonald	28 Old Mystic Rd	Medford	MA	02155
Marcus Lattleton	18 Seminole Harbor	Key West	Fl.	33040
James Shrude	2 Wendt	Cambridge	MA	02138
James Barrett	44 Flanagan Dr.	Framingham	Ma	01701

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NAME	ADDRESS	CITY	STATE	ZIP
Melissa Potter	One Clocktower Pl. #44	Nashua	NH	03060
Jacqueline Sewall	17 Highland St.	Reading	MA	01867
Carol Hill	75 Commonwealth Rd.	Watertown	MA	02172
Nina Ayad	14 Orkney Rd #6	Brookline	MA	02146
Kair Rosenthal	54 Webster Ave	Cambridge	MA	02141
Paul Mercurio	281 Elmwood Ave	Quincy	MA	02170
Maria Nyson	65 Hammond St	Cambridge	MA	02138
Susan Merwin	15B St Johns Rd	Cambridge	MA	02138
Elizabeth Mercurio	281 Elmwood Ave.	Quincy,	MA	02170
Carol A Burns	229 Arlington St	West Medford	MA	02155
Dennis Pearne	133 Grove St.,	Watertown,	MA	02172
Patricia Anderton	60 Winslow Ave			02144
Scott Stephenson	220 Pearl St	Camb	MA	02139
Tavia Mead	172 Richdale Ave	Camb	MA	02140
Candy Malina	47A Dartmouth St.	Watertown	MA	02172
Marjorie C. Dunn	12 Haven Terrace	Dover	MA	02030
Robert A. Dunn	12 Haven Terrace	Dover,	MA	02030
Christopher Malone	17 Mellen St	Cambridge,	MA	02138
Joop Koedam	92 W Cedar St #4F	Boston	MA	02114
Charlie Zender	115 Mt. Auburn #3	Cambridge	MA	02138
Suzanne Morse	3 Prentiss, #4	Cambridge	MA	02140
Dinah Dorfman	60 Wadsworth St. #23F	Cambridge	MA	02142
Tamar Akos	37 Harvard St	Cambridge	MA	
Lisa Nevans	61 Prichard Ave	Somerville	MA	02144
Stephen Frug	45 Sparks St	Cambridge,	MA,	02138
Jessa Piaia	115 Lake View Ave.	Camb.	MA	02138
Bob Johnston	86 Werdell St	Camb	MA	02138
Scott Damgaard	56 Lincoln St.	Winthrop,	MA	02152
Jessica J. Lenz	1697 Cambridge St. #12	Cambridge	MA	02138
Margaret Holmes	64 Lexington Ave	Cambridge		

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NAME	ADDRESS	CITY	STATE	ZIP
Edgar L. Walsh	c/o 115 Dale St.	Roxbury		02119
[illegible]	21 Nutting Ave	Amherst	MA	01002
[illegible]	534 Mass. Ave #4.	Boston	MA	02118
[illegible]	11 Glover St.	Salem	Ma.	01970
[illegible]	c/o 30 Park Ave	Needham	MA	02194
Steve Schmidt	23 Aspinwall Ave	Brook		02146
Lisa Schmidt	960 Oak St	San Francisco	CA	94117
Abby Kaplan	2496 Beacon St.	Chestnut Hill	Ma.	02167
[illegible]	18 Washburn Pl.	Brookline	MA	02146
[illegible]	349 Clark Road	Brookline	MA	02146
Becky Pollard	135 Aspinwall Ave.	Brookline	MA	02146
Ellen Carlino	88 Oakley Rd.	Belmont	MA	02178
Nancy Lange	349 Clark Rd	Brookline	MA	02146
Rachel Zindler	180 Clark Rd.	Brookline	MA	02146
Jamie Delman	131 Freeman St.	Brookline	MA	02148
John [illegible]	46 Bigelow	Cambridge		
Roland J. Zito-Wolf	68 Garfield St	Watertown	MA	02172
Candy Zito-Wolf	"	"		"
Johanne Paulin	47 Rich Park Ave	Jamaica Plain	MA	02130
Jeanne I. Melvin	17 St Germain	Boston		02115
Beverly G. Woods	RFD 2 Woodsville	NH		03785
Bryan L Downs	37 Woodlawn St #2	JP.	MA.	02130
David Waskow	22 Lowden Ave.	Somerville	MA	02144
Thomas E. Dinger	13 Haskell St.	Cambridge	MA	02140
Wendy Flory	10 Montebello Rd #2	JP	Ma.	02130
David A. Elson	5 Derby St.	Newton	MA	0215
Karen MacKay		Montreal	Que	H4N 1V7
[illegible]		Montreal	Que	H1G 4Z2
[illegible]	65 Langdon	Cambridge	Ma	02138
Dianne Dyslin	25 Linden Av., #2	Somerville	MA	02143

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NAME	ADDRESS	CITY	STATE	ZIP
Robin Redman	224 Salem	Medford	MA	02155
The Loss-Eatons	Lexington		MA	02173
JAKE M WARK	46 Cedar Lane Way	Boston,	MA	02108
Adam Mellis	260 Sidney Str.	Cambridge	MA	02139
Anne, David Miller	1 Irving Terrace	Camb.	MA	02138
Simonetta & Joseph Cordima	123 Fellsway	Med		02155
Rolanda Discipio	731 Fellsway	Med		02155
Judith Houldine	93 Wolcott	Brookline		02167
Doug McKenna	93 Wolcott	Brookline		02167
Robert Weinerman	45 Trowbridge St 2B	Cambridge		02138
[illegible]	20 Spring Park Ave	Jamaica Plain	Ma	02130
[illegible]	20 Spring Park	J.P.	MA	02130
Lucy B. Bukett	53 Thomas St	Portland	ME	04102
Anna Martin	174 Appleton St.	Cambridge	MA	02138
MICHAEL OLMSTEAD	10 QUINT AVE	ALLSTON	MA	02134
Roger Stratton	114 Comm. Ave	Allston,	Ma.	02134
Susan DeLorenzo	280 Harvard St #2C	Cambridge	MA	02139
John C. Shanchon	1054 Washington St	Abington	MA	02351
Dave Keaveny	123 Orchard St	Somerville	Ma	02144
Emily Jackson	19 Arden St #1	Allston	MA	02134
Wendy Doherty	Central St.	Somerville	MA	02144
[illegible] Anne Cobb	16 Lopez St.	Camb	MA	02139
[illegible]	20 Wave St #18	Cambridge	MA	02138
[illegible]	20 Wave St #18	Cambridge	MA	02138
Kathleen McNamara	77 So. Central Ave.	Quincy,	MA	02170
Marcia Lasalle	21 Ridge Ave	Newton		02159
Dora Tuel	11 Colby Rd.	Wellesley	Ma	02181
[illegible]	75 Marcine St.	J.P.	MA	02130
Penny S Griffin	81 St. Paul St.	Brookline	MA	
DAVID PARMENTER	42 WARELAND RD	WELLESLEY	MA	02181

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NAME	ADDRESS	CITY	STATE	ZIP
James Yannatos	9 Stearns	Cambridge	Mass	02138
Eric M. Antoniell	160 Chestnut Str	Brookline	MA	02146
[illegible]	131 Salem St.	Boston	MA	02113
Joseph Carson	Univ. of Mass.	Amherst	MA	01003
Siobhan Warren	Dracut	Mass	210 Skyline dr	Ap 7
Maresi A. Berry	320 Memorial Dr	Cambridge		02139
Susanne Burtchell	51 Pettee St	Newton, U.F.	MA	02164
Francis E. Small	85 Withington Rd	Newton	MA	02160
Bonnie Nessanbaum	538 Green St	Cambridge	Ma	02138
[illegible]	39 Hayes St	Arlington	MA	02174
Elizabeth [illegible]	39 Hayes St	Arlington	MA	02174
[illegible]	19 Winchester St #406	Brookline		02146
Michael [illegible]	526 Green St.	Cambridge	MA	02139
Susan Withers	12 Clark Rd	Revere	Ma	02151
Edward T. Murphy	12 Clark Rd	Revere	MA	02151
Joseph [illegible]	90 Connell Ave #2	Somerville	MA	02144
Jennifer Franck	282 Broadway	Arl	MA	02174
Claude Gerard	158 Mt Hope St.	Boston	Ma	02131
[illegible]	16 Smithhurst Drive	Hollister	Mass	01978
Maria Ray	271 Lynn Shore Dr.	Lynn	MA	01902
Dan Fenke	148 Richdale Ave	Camb	02140	597-1600
Douglas [illegible]	242 Marlboro St	Boston	MA	02116
[illegible]	5 Islington Terrace	Allston	MA	02134
[illegible]	19 Huron Ave	Cambridge	MA	02138
Susan [illegible]	19 Everett St.	Cambridge	MA	02138
Diana M. Paliotto	10 Magazine St. #310	Cambridge		
[illegible]	Kirkland B21	Harvard Square		617-868-2775 School
Andrew Speet	141 Barbara Rd.	Waltham	MA	02154
Aaron Prentice	53 Hayes St	Cambridge	MA	02139

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NAME	ADDRESS	CITY	STATE	ZIP	
Doris Hagan	127 Lex. Ave.	Cambridge	MA	02138	
[illegible]	395 Broadway	Cambridge	Ma	02139	
Ellen Cross	14 Hawthorne St.	Cambridge	MA	02138	
[illegible]	61 Huntington Rd	Newton	MA	02158	
Rachel Kuller	23 Lombard St	Newton	MA	02158	
V. Keyfman	1334 Com. Av #12A	Allston	MA	02134	
[illegible] Barns	5 Maple St	Hopkinton	MA	01748	street performances bring us to Cambridge!
[illegible]	8 Hartington	Medford	MA	02155	
Jane Richards	76 Antrim St	Camb.	MA.	02139	
Marilyn Jordan	26 Concord St.	Maynard	MA.	01754	
[illegible]	171 Hancock St	Cambridge	MA	02139	
[illegible]	P.O. Box 94	Boston	MA	02130	
John Harrington	P.O. Box 94	Boston	MA	02130	
[illegible]	PO Box 5358	Cochituate	MA	01778	
BRUCE KINCH	41 William	Cambridge	Ma	02139	
Bob Richards	76 Antrim St	Camb	Ma	02139	
Nancy Messom	166 Hampshire St	Camb	MA	02139	voter!
OTTO the Clown	190 BROOKLINE	CAMBRIDGE	MA	02139	
[illegible]	36 JFK St	Camb.	MA.	02138	
Wayne R. Vanier	111 Pleasant St #12	Watertown	Mas.	02172	
Robert J. [illegible]	10 Wait St. #204	Boston	MA	02120	
[illegible]	11 Royal ave	Camb	Ma.	02138	
[illegible]	19 Hampden Ter	Newton Ctr.	MA	02159	
[illegible]	43 Lakewood Rd.	S. Weymouth	MA	02190	
[illegible]	45 Harding rd	Lexington	MA	02173	
Elizabeth Marcus M.D.	36 Columbia St	Brookline	MA	02146	
Samuel Lipson	West Street	Barre,	Mass	01005	
Charlene Zimkiewicz	West Street	Barre	MA	01005	
Darlene Atkins	37 Lee St	Cambridge		02139	
Laura Weisberg	37 Lee St	Camb	MA	02139	

Please Do Not TAKE THIS PEN! - ms

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NAME	ADDRESS	CITY	STATE	ZIP
Charlene McLean	126 WEBSTER St #2	E. BOSTON	MA	02128
Matt J. Samolis	2 WARE ST # 11	CAMBRIDGE	MA	02138
Mary Kenific	223 Thornton Circle S.	Camillus	SYR NY	13031
ALAN ROSSI	83-04 170th St.	JAMAICA	NYC	11432
MV ROSSI	223 Lexington Ave.	Cambridge	MA	02138
David MacMillan	25A Kelly Rd.	Cambridge		02139
Elizabeth Lenardo	86 Riverside St.	Watertown	MA	02172
Marilyn Sandau	25 Hammond St #5	Camb.	MA	02138
Steven Kruger	1023 Beacon St	Brookline	MA	02146
Katherine Ginnis	40 Cedar St.	Somerville	MA	02143
Stephanie R Haynes	19R Bronity Street	Somerville	MA	02143
JESSICA A. FOSTER	94 ELMWOOD	WELLESLEY	MA	02181
Noel Hardson	4 Pine Ridge	Wellesley	Ma	02181
Kevin J Colon	102 E 22nd St	NY NY	10010	#9G
Ana Cerro	102 E 22nd St	NY, NY	10010	
Robert Ellison	109 Highland Ave. #34	Somerville,	MA	02143
Laura Cole	20 Mellen St.	Cambridge,	MA.	
Kathy Tinney	55b Plymouth St	Abington	MA	02351
Naoto Nemuro				
Suzanne Taft	125 Pleasant St	Cambridge	Ma	02140
D Taylor	19 Cherry St	Somerville	02144	
Adam Scotto	75 Crevninshield Rd.	Brookline		
Chrys Gorman	32 Speridakis Terr.	Cambridge		
Mark D. Gold	35 Inman St.,	Cambridge,	MA	02139
Stephen M. Gross	34 HARVEY St.	Cambridge	MA.	02140
JAMES SHAWN SULLIVAN	14 CADDY RD.	DORCHESTER	MA.	02126
Donna Pinn	78 Myrtle St.	Boston	MA	02114
Jeanne Segal	26 Ivaloo St.	Somerville	MA	02143
RICHARD WILLIAMS	25 IVALOO ST	SOMERVILLE	MA	02143
J. Averill	12 HARRISON ST.	Som.	MA	02143

New York State Supreme Court Justice

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NAME	ADDRESS	CITY	STATE	ZIP
MARY-ELLEN PERRY	11 GRAY ST.	CAMB.	MA	02138
Celdra Mallen	70 Pearl St Apt 6	Somerville	MA	02145
Roy Halleran	14 Midland St	Belmont	Ma.	02178
Dave Wilson	80 West St	Braintree	MA	02184
Frances S Lieberman	24 Ellsworth Ave	Camb	MA	02139
[illegible]	93 Rockwell Ave	Medford		02155
[illegible]	15 B St John's Rd	Cambridge	Ma	02138
James C. Eggleston	153 Richdale Ave	Cambridge	Mass	02140
Matthew Hong	57 Pearson Ave	Somerville	MA	02144
Marilyn Levin	50 Coral Ave	Winthrop	MA	02152
Nancy Mindick	25 Norseman Ave	Watertown	MA	02172
Heather Zacker	287 Harvard St #57	Cambridge	MA	02139
DAVID HARLAN	287 Harvard St #57	Camb.	MA	02139
Gena Andrade	75 Brighton Av #6	Allston	Ma	02134
[illegible]	39 Milton St	Dedham		02026
[illegible]	34 Berkley St	Waltham	MA	02154
Chua Hale BW	#1, 34A Irving St.	Cambridge	MA	02138
Hannah Gon	"	"	"	
Pam Novak	215 Chelmsford St, #12	Chelmsford	MA	01824
Elana Dorfman	60 Wadsworth St #23F	Cambridge	MA	02142
Yaacov Cohen	38 Carey Ave #9	Watertown	MA	02172
Rev David W Bond	417 Common St	Belmont	MA	02178
Maria Napoleone	49 Cushing St	Quincy	MA	02170
Peter W. Blumberg	76 Parkhurst St.	Quincy	MA	02169
[illegible]	30 Fernald Dr	Cambridge	MA	02138
Rosalyn Olick	70 Pearl St. Apt # -1-307	Brookline	MA	02146
Margaret Glynn	26 Seabeds	Needham	Ma	02194
Anna Lerman	22 Seabeds Way	Needham	Mass	
Laurie [illegible]	42 Bedford Rd	Carlisle	MA	01741

Please Do not TAKE PEN. -MS

PETITION IN SUPPORT OF
STREET PERFORMING IN CAMBRIDGE

WE THE UNDERSIGNED SUPPORT AND ENCOURAGE THE ADOPTION OF A NEW STREET PERFORMING ORDINANCE THAT FULLY ADDRESSES THE FIRST AMENDMENT RIGHTS OF ARTISTS TO FREEDOM OF EXPRESSION IN PUBLIC AREAS. WE RECOGNIZE STREET PERFORMING AS A LIVING ART FORM THAT ENRICHES BOTH THE CULTURAL AND COMMERCIAL ENVIRONMENT OF THE CAMBRIDGE COMMUNITY, AND WE THEREFORE ASK THE CAMBRIDGE CITY COUNCIL TO TAKE IMMEDIATE STEPS TO IMPLEMENT THE ORDINANCE PROPOSED BY THE STREET ARTISTS GUILD, WHICH ORDINANCE PROVIDES THE FIRST AMENDMENT RIGHTS DENIED THE PERFORMERS IN THE CURRENT ORDINANCE. IN PARTICULAR, WE ASK THE CITY COUNCIL TO RECOGNIZE THE RIGHT OF ELECTRONIC AND OTHER MUSICIANS TO USE APPROPRIATE AMPLIFICATION (I.E. 80 DECIBELS OR LESS) AND THE RIGHT OF PERFORMERS TO EXPRESS THEMSELVES THROUGHOUT CAMBRIDGE'S PUBLIC WAYS (NOT JUST ON BRATTLE STREET IN HARVARD SQUARE). WE ALSO ASK THAT THE CITY COUNCIL EXTEND THE HOURS OF PERFORMANCE TO 12 MIDNIGHT ON FRIDAY AND SATURDAY NIGHTS SO THAT STREET PERFORMERS MAY ENHANCE THE NIGHT LIFE OF THE COMMUNITY. WE FEEL THE NEW ORDINANCE WILL REFLECT A MUCH MORE WORKABLE AND EQUITABLE POLICY THAT WILL BENEFIT BOTH COMMUNITY AND PERFORMERS EQUALLY.

NAME	ADDRESS	CITY	STATE	ZIP
Mary Ford	31 Magnolia Rd	Melrose	MA	02176
LEON JACKSON THAYER	62, HARVARD	CAMBRIDGE	MA	02138
Scott Carroll	405 Mem. Dr.	Cambridge	MA	02139
Jared Jenisch	45 Francis Av	Cambridge	MA	02138
Susan Ebenstein	253 Highland Ave	Somerville	MA	
Jonathan Stein	71 Magazine St	Cambridge	Ma.	02139
Isabella J. Jackson	518 Putnam Ave	Cambridge	MA.	02139
RICHARD LEISSBERG		Brookline	MAMA	02167
Sue McAvoy	20 Parkway Rd	Brookline		
CAROLE LANDERS	46 Lowden Av	Somerville	MA	02144
DAVE COTTONE	117 SUMMER ST.	MALDEN	MA.	02148
Nikki Boggia	62 Pierpont St	Peabody	MA	01960
Chris Campbell	114 N 21st Street	Newark, Oh		43055
Amy Frankel	65A Dana St.	Cambridge	MA	02138
Melody Harris	83 Brattle St. #21	Camb.	MA	02138
Carole McGranahan	119 Bay State Rd.	Boston	MA	02215
MAH Svaterx	581 Cross St	Carlisle	MA	01791
Steve Donadio	47 Old Marbold Rd	Concord	MA	01742
Patrice Maye	68 Clearwater Dr	Westwood	MA	02090
BRIAN DAVIS	#119 BAY ST. RD	BOSTON	MA	02215
Pamela Perry	34 Walnut St.	Watertown	MA	02172
Leslie A. Grumbach	7 Ocean View Dr #302	Boston	MA	02125
Lisa Grumbach	" "	"	"	"
Paige Dunger	30 Evonaire Cir	Belleair	FL	34616
Jalal Mejel	1010 MASS. AVE #14	CAMBRIDGE	MA,	02138
Tank Kazzaz	" "	"	"	
Steve Vacca	1054 Mass Ave	"	"	"
Stephen Canestaro	89 Trowbridge St	"	"	02138
Ken Kimura	1750 WASHINGTON ST.	BOSTON	MA	02118
Aaron Lipeles	42 Curtis St	Somerville,		02144

Please Do Not TAKE THIS PEN. - MS

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NAME	ADDRESS	CITY	STATE	ZIP
Mary Hatch	61 Bartlett ave.	Arlington	Ma.	02174
CHRIS FENWICK	3550 FARMHILL BLVD	REDWOOD CITY	CA	94061
Susan Wilson	21 Hillside Ter.	Belmont, MA		02178
Dianna Stallone	10 Thacher ST	BOSTON, MA		02113
Susan Radovsky	97 Dover St.	Somerville, MA		02144
[illegible]	3 Cedar Sq #2	Cambridge MA		02140
JEFF JOHNSON	28 PARSONS ST.	BRIGHTON MA		02135
Jackie Liederman	90 Addington Rd.	Brookline, MA		02146
[illegible]	90 Addington Rd	Brookline MA		02146
Lynne Grieve	80 Porter Rd	Cambridge MA		02140
Michael Pellegrini	17 Windsor Road	Somerville		02144
[illegible] Weatherbee	1 Cobb Terr.	Walpole MA		02081
SAMUEL FARNSWORTH	569 MAIN ST.	WATERTOWN MA		02172
Donna Johnson	569 Main St	Watertown, MA		02172
Carrie Weatherbee	1 Cobb Terrace	Walpole MA		02081
[illegible] Dinaga	16 REEDSDALE ST	ALLSTON MA		02134
SUSAN JONES	159 Concord Ave. Apt. 1C	Cambridge MA		02138
Trudy Golden	43 Abbottsford Rd.	Brookline MA		02146
[illegible]	"	"		
[illegible]	30 Ronaele Rd	Cambridge		
Suzette M Forsen	" "	"		
Michael Chimco	Allamachy, NJ	(outside Agitator)		
Eduardo Aluedo	131 St. Botolph	Boston MA		02115
Esther Friedman	19 R Granite St	Somerville MA		02143
[illegible]	39 Perry ST. #2	Somerville "		"
JOSE NAVAS	PO. 1016 Seaward Way	N. Eastham MA		02651
Len Wolfson	1991 High Ridge Rd	Stamford CT		06903
Gregory Ruiz	51 Whitney Rd	Newton MA		02160
[illegible]	7 Putnam Rd	Burlington Ma		01803
V Moldt	100 MT View Terr	Stoneham MA		02180

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NAME	ADDRESS	CITY	STATE	ZIP
Jill Peterson	412 Main St	Acton	Ma	01720
[illegible]	Helen Green	Cambridge	Ma	02138
Lenon Walters	19 Ellery St.	Camb.	MA	02139
Scott Evan	206C Holden Green	Cambridge	MA	02138
Rhoda Baumoll	31 Sydney	Somerville	MA	02145
Charlotte Wiedehott	13 Birch Rd	Acton	Ma	01720
Elaine Joerncy	33A Bow St.	Somerville		02143
Kofi Vandepuye		Somerville		
Bruce Barry	337 ADAMS ST	MILTON	02186	
Aleesa Monroe	51 Hudson St.	Somerville	MA	02143
[illegible]	[illegible]	[illegible]		
Raymond J. Blanchard	[illegible]	Somerville	MA	02144
Paul Andrew Diaz	56 MANSFIELD ST.	ALLSTON	MA	02134
Susan Monaco	Mansfield St.	Allston		02134
Roberto Fontana	P.O. BOX 573	HUDSON	MA	01749
Jean-Paul Deffes	21 Russell St.	Somerville	Mass	02144
Sanjeev Dutta	155 Willow Ave.	Somerville	MA	02144
Jeannie Archibald	31 Jette Ct. #747	Brighton	MA	02135
Stephen Saxenian	39 Perry St Apt 2	Somerville	Ma	02143
Ara Sarkissian	57 ~~New~~ Spruce St	Watertown,	Ma	02172
Trevor Tostevin	100 Hillside Rd.	Watertown	Ma	02172
Michael Ridley	224 Plympton St	Woburn,	MA	01801

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 23, 1990

To the Honorable the City Council:

I am transmitting the attached proposed Street Performers Ordinance for your review and appropriate action.

As you may know, the City currently has a Regulation of Street Performances included as part of the Traffic regulations (copy attached). Several weeks ago Attorney Diana Stallone who represents the Street Artists Guild contacted the Law Department and my office indicating that her clients are prepared to challenge the validity of the existing regulation in the Federal District Court. The Law Department has concluded that the existing regulation is vulnerable to such a legal challenge.

I met with Attorney Stallone and several of her clients. The Guild very reasonably suggested that rather than engage in expensive litigation it might be more constructive to propose an ordinance that does not impose impermissible restrictions. I asked the Law Department to prepare the attached draft ordinance.

I am advised by the Law Department that the courts have recognized street performances as protected expression under the First Amendment to the United States Constitution. Therefore, any regulation of such activity must strike a careful balance between the performer's right to free expression and important governmental interests that are accomplished by the least restrictive means available. The drafting of the attached proposed ordinance was guided by these principles.

I am submitting the attached proposed ordinance in order to begin the appropriate process and debate by the City Council. I believe that the members of the Guild do not agree with all of the provisions of this draft. I also believe that city officials who may be involved in the administration or enforcement of the ordinance may desire different measures. I think that the public debate process of ordination will identify those areas of dispute.

I also believe that any changes contemplated by the City Council should be carefully reviewed by the Law Department given the strict standards of review involved in this area of free expression

Very truly yours

Robert W. Healy

RWH/dad

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge," as revised in 1972, and now designated as "The Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 12.16 of the Code (Street and Sidewalk Use Regulations) is hereby amended by adding thereto the following new section 12.16.160 (Street performers):

12.16.160 Street performers

A. Definitions

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading and reciting.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and all public ways in Cambridge.

B. Prohibition

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit

1. A permit shall be issued by the Cambridge License Commission to each applicant therefor in exchange for a completed application and a fee of $10.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that year.

4. A permit shall be non-transferable, and shall contain the permit number of the applicant and the year in which the permit is valid.

5. Upon issuing a permit, the License Commission shall also give the performer a copy of this section.

D. Display of permit

A performer shall carry the permit on his or her person while performing, and shall show it to any Cambridge Police Officer or Parking Control Officer on request.

E. Permitted performances

1. Performances may take place in the following locations:

In public areas, except within 100 feet of a school or church while in session, and except public areas excluded by the City Council or the Chief of Police pursuant to subsection F of this

section;

On private property, with the written permission of the owner or other person in control of such property;

In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

Monday through Thursday, between 9:00 a.m. and 10:00 p.m.

Friday, between 9:00 a.m. and 11:00 p.m.

Saturday, between 9:00 a.m. and 11:00 p.m.

Sunday, between 10:00 a.m. and 10:00 p.m.

3. No performer or group of performers may generate noise exceeding 80 decibels measured at a distance of 50 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than 50 feet from another performer or group of performers.

6. A performer may request contributions of money or property at a performance, provided that no sign requesting contributions shall exceed 12" x 18" in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale representations of their own work, including but not limited to photos, records, cassettes, videotapes or compact discs. No display of such representations of the performers own work shall exceed more than twenty-five percent of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet.

F. Exclusion of public areas

(1) A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than 14 days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than 10 days prior to said hearing; or

(2) By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal disposition

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: Police Officers and Parking Control Officers. The penalty for each violation will be $25.

2. Suspension of permit

The License Commission may suspend a permit for no more than 60 days if a performer is found to have knowingly provided false information in the application. Before suspending a permit, the License Commission must hold a public hearing, after 10 days written notice to the performer setting forth the facts constituting the basis for the proposed suspension.

H. Exclusivity

The provisions of this section take precedence over any other City regulations or ordinance applicable to Street Performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by Street Performances shall be governed by this section and not by the Cambridge City Noise Ordinance.

I. Severability

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent

jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect.

Regulation of Street Performances

Sec. 1 Definitions

(a) "Perform" – includes acting, singing, playing musical instruments, juggling, dancing and reading.

(b) "Public Areas" – (1) public ways, traffic islands and sidewalks located in the City of Cambridge and (2) such public parks and playgrounds or parts thereof located in the City of Cambridge as may from time to time be designated by the Commissioner of Public Works.

Sec. 2 Prohibitions

No person or group of persons may perform in a public area or for an audience which is present in a public area without a permit issued as provided in Section 3.

Sec. 3 Permit

(a) A permit shall be issued jointly by the Commissioner of Public Works, Director of Traffic and Parking and the Chief of Police (the issuers) of the City of Cambridge.

(b) A permit shall include the name and residence address of the holder.

(c) A permit shall expire on Dec. 31 of the year in which it was issued.

(d) The fee to obtain a permit shall be $5.00.

(e) The Department of Traffic and Parking (the DTP) shall be the issuers' agent to receive applications for and to issue permits hereunder, but the DPT shall have no power acting alone to deny, suspend, or revoke a permit.

(f) Each application for a permit shall contain the applicant's name, residence address, telephone number and, if applicable, the number of persons to perform in such group, and shall be signed by the applicant.

(g) Upon receipt of a completed, signed application the DTP shall give the applicant a copy of these regulations, and after the applicant has read them, shall issue the permit to the applicant unless the applicant holds a permit which was revoked under Sec. 7 and the period of suspension or revocation has not expired.

Sec. 4 Display of Permit

A permit holder shall carry the permit on his or her person while performing, and shall show it to any police officer of the City of Cambridge upon request.

Sec. 5 Permitted Performances

A holder of a permit hereunder and the persons in the holder's group named in permit may perform in a public area, subject to the following conditions:

(a) Performances may take place

(1) In such public areas as may from time to time be designated by the issuers.

(2) On private property, with the written permission of the owner or other person in control of such property.

(3) In public area where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

(b) Performances under Subsections (a) (1) and (a) (2) may take place between 1:00 p.m. and 10:00 p.m. unless otherwise allowed by the Director of Traffic & Parking.

(c) A performer may not use electric or electronic amplification.

(d) A permit holder may request contributions of money or property at a performance, provided that no sign requesting contributions shall exceed 12" x 18" in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat.

(e) A permit may not block passage over a public way or sidewalk except as permitted by the sponsor of an event under Subsection (a) (3) or otherwise allowed by the Director of Traffic & Parking.

Sec. 6 Designations of Public Areas

Designations of areas under Sec. 5 (a) (1) shall be in writing and a copy of the most recent designations shall be given to each applicant for a permit. Any change in the areas designated may be made only after written notice to each permit holder, except that performances may be prohibited without notice in a public area during any emergency.

Sec. 7 Peace and Quiet

A performance in accordance with Sec. 5 shall be presumed not to constitute a disturbance of the peace or quiet.

Sec. 8 Revocation of Permit

The issuers may suspend a permit for not more than 60 days or revoke it if:

(a) Any information contained in the application is found to be false.

(b) The holder violates any of these regulations.

After revocation of a permit, the former holder may not obtain a new permit until such date as the issuers may determine, which shall not be more than 1 year from the date of revocation. No permit may be suspended or revoked unless the issuers hold a public hearing on the suspension or revocation, written notice of which has to be given to the permit holder not less than 7 days prior thereto. Such notice shall set forth the facts constituting the basis for the proposed suspension or revocation.

Sec. 9 Regulations

These regulations are issued jointly by the issuers and may be amended by them after a public hearing, notice of which has been given in writing to the persons then holding permits and published in a newspaper of general circulation in Cambridge at least 7 days prior thereto.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

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3. No performer or group of performers may generate noise exceeding 80 decibels measured at a distance of 50 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded.

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No person or group of persons may perform in a public area or for an audience which is present in a public area without a permit issued as provided in Section 3.

Sec. 3 Permit

(a) A permit shall be issued jointly by the Commissioner of Public Works, Director of Traffic and Parking and the Chief of Police (the issuers) of the City of Cambridge.

(b) A permit shall include the name and residence address of the holder.

(c) A permit shall expire on Dec. 31 of the year in which it was issued.

(d) The fee to obtain a permit shall be $5.00.

(e) The Department of Traffic and Parking (the DTP) shall be the issuers' agent to receive applications for and to issue permits hereunder, but the DPT shall have no power acting alone to deny, suspend, or revoke a permit.

(f) Each application for a permit shall contain the applicant's name, residence address, telephone number and, if applicable, the number of persons to perform in such group, and shall be signed by the applicant.

(g) Upon receipt of a completed, signed application the DTP shall give the applicant a copy of these regulations, and after the applicant has read them, shall issue the permit to the applicant unless the applicant holds a permit which was revoked under Sec. 7 and the period of suspension or revocation has not expired.

Sec. 4 Display of Permit

A permit holder shall carry the permit on his or her person while performing, and shall show it to any police officer of the City of Cambridge upon request.

Sec. 5 Permitted Performances

A holder of a permit hereunder and the persons in the holder's group named in permit may perform in a public area, subject to the following conditions:

(a) Performances may take place

(1) In such public areas as may from time to time be designated by the issuers.

(2) On private property, with the written permission of the owner or other person in control of such property.

(3) In public area where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

(b) Performances under Subsections (a) (1) and (a) (2) may take place between 1:00 p.m. and 10:00 p.m. unless otherwise allowed by the Director of Traffic & Parking.

(c) A performer may not use electric or electronic amplification.

(d) A permit holder may request contributions of money or property at a performance, provided that no sign requesting contributions shall exceed 12" x 18" in size. Contributions may be received in any recepticle, such as an open musical instrument case, box or hat.

(e) A permit may not block passage over a public way or sidewalk except as permitted by the sponsor of an event under Subsection (a) (3) or otherwise allowed by the Director of Traffic & Parking.

Sec. 6 Designations of Public Areas

Designations of areas under Sec. 5 (a) (1) shall be in writing and a copy of the most recent designations shall be given to each applicant for a permit. Any change in the areas designated may be made only after written notice to each permit holder, except that performances may be prohibited without notice in a public area during any emergency.

Sec. 7 Peace and Quiet

A performance in accordance with Sec. 5 shall be presumed not to constitute a disturbance of the peace or quiet.

Sec. 8 Revocation of Permit

The issuers may suspend a permit for not more than 60 days or revoke it if:

(a) Any information contained in the application is found to be false.

(b) The holder violates any of these regulations.

After revocation of a permit, the former holder may not obtain a new permit until such date as the issuers may determine, which shall not be more than 1 year from the date of revocation. No permit may be suspended or revoked unless the issuers hold a public hearing on the suspension or revocation, written notice of which has to be given to the permit holder not less than 7 days prior thereto. Such notice shall set forth the facts constituting the basis for the proposed suspension or revocation.

Sec. 9 Regulations

These regulations are issued jointly by the issuers and may be amended by them after a public hearing, notice of which has been given in writing to the persons then holding permits and published in a newspaper of general circulation in Cambridge at least 7 days prior thereto.

Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

RECEIVED BY
OFFICE OF CITY CLERK
1990 APR 10 PM 3:35
CAMBRIDGE MA.

April 6, 1990

Councillor Frank Duehay
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Duehay:

I am writing to you as Director of the Cambridge Arts Council to express the Council's support for the proposed new ordinance dealing with the issues of Street Performers in Cambridge.

The Arts Council has worked with the Street Performers for many years and is keenly aware of these performer's unique contributions to the quality of life for all of us in Cambridge. The special ambiance of many public areas particularly around Harvard Square regularly attracts residents and visitors alike. The talents and contributions of these performers play a large role in enhancing the livability of our city.

Very sincerely,

Annabelle Hebert

Annabelle Hebert
Executive Director

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

Powers & Hall
Professional Corporation
100 Franklin Street
Boston, Massachusetts 02110-1586
Attorneys at Law
617-728-9600
Facsimile 617-728-9633

April 11, 1990

To the Honorable Cambridge City Council and
The Honorable Mayor Wolf:

The Street Artists' Guild supports the proposed Street Performer's Ordinance, which was drafted in conjunction with the City Solicitor's Office. The Street Artists' Guild does have some concerns relating to selected portions of the draft Ordinance.

We believe that the attached proposed changes are appropriate and necessary to the protection of the constitutional rights of the citizens and to correct an error in the original submission. With the council's permission, we are submitting this statment of reasons in support of the proposed changes.

1. With respect to the Amendment regarding the measurement of decibels, the original draft erroneously states that the performers may not generate noise exceeding 80 decibels. The Ordinance should prohibit noise which is above "a mean sound level exceeding 80 decibels..." The mean level is the standard manner of measuring musical performances, which tend to peak momentarily at higher sound levels (unlike a jack hammer or construction noise which would stay at a steady level). The current draft would probably exclude most musical performances, even those played at a reasonable level. The proposed amendment also sets forth the manner of measuring the mean level, which was also inadvertantly left out of the original draft, but is a standard and accepted manner of measuring sound levels. (See Attachment 1, relating to Section E3).

2. The second change we would recommend relates to police enforcement. (See attachment 2, relating to Section E4). We would recommend that the ordinance omit the last sentence and modify the second to last sentence to make it clear that police must use the least restrictive means of keeping the public order, as is required by the Constitution. At least one court has expressly stated that the police should not be allowed to tell a performer to leave a location. Rather, the police should use the least restrictive means of moving along any portion of the crowd that is causing a problem. See, Davenport v. City of Alexandria, Civil Action No. 81-709-A (involving street performances) wherein the court stated:

> While there is testimony that some merchants complained of a blocking of the sidewalks in the affected two block area, and the City Manager testified that on one occasion he had to walk in the street to avoid a gathering for a street performer in that area, the court is unpersuaded that there is any actual safety endangerment, any real impediment of pedestrian traffic or any substantial interference with patrons of business even in the affected area. Some pedestrians may have been inconvenienced or even annoyed, but this reason for the total ban is outweighed by the preferred position of plaintiff's First Amendment rights.... It is conceded that, particularly in the peak hours, the vehicular traffic on the streets is substantial and congested. Even if a safety problem arose from a person occasionally having to walk in the street (presumably between parked cars, since parking is permitted on the blocks in question) it is a problem which could adequately be resolved by the less restrictive method of having police direct the infrequent crowd members to move on.

Our Amendment would preserve the constitutional standard and make it clear that the police may not adopt a total ban on a performance. The current language allows too much police discretion to interfere with the constitutional rights of the

performers. There is no clear and convincing evidence that a real safety problem exists. In fact, three veteran performers, each with over 10 years experience in street performing, will testify that they have never once heard of an injury to a pedestrian caused by a Street Performer. We do not anticipate that the City will demonstrate a single instance documenting a causal relationship between a street performer and an injury to the public.

Further, the alleged safety problem of people walking in the streets is more illusory than real. To be sure, people regularly walk in the streets in Harvard Square, with or without performances by Street Artists. The very nature of Harvard Square is that pedestrians are everywhere. At no time do police enforce the existing jaywalking laws to prevent the alleged hazard of people in the streets. This is because the fact that people regularly walk in the streets has not caused a significant safety problem. If it did, the police would presumably enforce the law. Yet the possibility of people walking in the streets is repeatedly referred to as the justification for restricting the Constitutional Rights of Street Artists. This restriction of Street Artists' rights is arbitrary and irrational and is not truly required by any compelling state interest.

On the other hand, the City Council will hear evidence of problems with arbitrary police enforcement of the current ordinance. In light of the evidence of police abuse, the total lack of evidence of a real public safety problem, and the court's decision in the Davenport case, the Street Artists' Guild recommends the amendment in Attachment 2.

3. The final and most important change relates to the restrictive times included in the ordinance. The Street Artists' ability to reach their audience is unduly restricted by the time restrictions in the draft Ordinance. The Guild recommends time restrictions of 11:00 p.m. for Sunday through Thursday nights and 12:00 p.m. on Friday and Saturday nights. These restrictions are appropriate and realistic. Similarily, the 7:00 a.m. starting time requested by the Guild reflects the current practice and enables the Street Performers to reach a substantial audience during the morning rush hour (see Attachment 3 relating to Subdivision E2).

The reduction of decibel levels adequately protects any legitimate competing interests. The decibel level restriction ensures that sound levels will be low enough to blend into the ambient noise level at a distance of 50 feet. In light of this restriction, the current draft unreasonably prevents performances at the very times when the optimal audience will be reached. The Street Artists have been playing at these times in the past. The past restrictions were so unreasonable that the ordinance was not enforced. This change will provide realistic time restrictions which will allow for the ordinance to be enforced in a uniform and fair manner. Competing interests will be accomodated by the lower noise levels which will result from the noise restrictions and the availability of more space.

For all of the above stated reasons, the Street Artists' Guild requests that the Ordinance Committee adopt the proposed Ordinance regulating Street Performers with the attached amendments.

Respectfully submitted,

STREET ARTISTS' GUILD

By their attorney,

Dianna R. Stallone

Change Section E.3 on page 3 to read as follows:

No performer or group of performers may generate a mean sound level exceeding 80 decibels at a distance of 50 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this mean sound level is not exceeded. The mean sound level shall be determined as follows:

Every ten seconds, on the mark, the A-weighted sound level on a sound level meter with slow response is recorded until 20 observations have been made. If, during any of these observations, a measurement is substantially affected by any source other than the performer or performers (such as aircraft overflight, close passage of a bus or truck, etc.), measurements made during these periods will not be considered. The observation period shall be extended until 20 valid measurements are obtained. Measurements should not be taken closer than 50 feet from the performer or performers. If, out of these 20 observations, 10 or more are at or below 80 decibels, then the performer or performers shall be considered in compliance with this ordinance.

ATTACHMENT 1

Change Section E4 on Page 3 to read as follows:

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction, however, the police officer shall not cause the performer to leave the location.

Change Subdivision E(2) to read as follows:

2. Performances may take place at the following times:

Sunday through Thursday, between 7:00 a.m. and 11:00 p.m.

Friday, between 7:00 a.m. and 12:00 p.m.

Saturday, between 7:00 a.m. and 12:00 p.m.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 23, 1990

To the Honorable the City Council:

I am transmitting the attached proposed Street Performers Ordinance for your review and appropriate action.

As you may know, the City currently has a Regulation of Street Performances included as part of the Traffic regulations (copy attached). Several weeks ago Attorney Diana Stallone who represents the Street Artists Guild contacted the Law Department and my office indicating that her clients are prepared to challenge the validity of the existing regulation in the Federal District Court. The Law Department has concluded that the existing regulation is vulnerable to such a legal challenge.

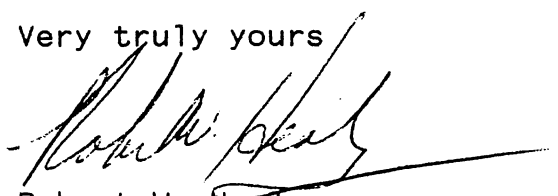
I met with Attorney Stallone and several of her clients. The Guild very reasonably suggested that rather than engage in expensive litigation it might be more constructive to propose an ordinance that does not impose impermissible restrictions. I asked the Law Department to prepare the attached draft ordinance.

I am advised by the Law Department that the courts have recognized street performances as protected expression under the First Amendment to the United States Constitution. Therefore, any regulation of such activity must strike a careful balance between the performer's right to free expression and important governmental interests that are accomplished by the least restrictive means available. The drafting of the attached proposed ordinance was guided by these principles.

I am submitting the attached proposed ordinance in order to begin the appropriate process and debate by the City Council. I believe that the members of the Guild do not agree with all of the provisions of this draft. I also believe that city officials who may be involved in the administration or enforcement of the ordinance may desire different measures. I think that the public debate process of ordination will identify those areas of dispute.

I also believe that any changes contemplated by the City Council should be carefully reviewed by the Law Department given the strict standards of review involved in this area of free expression

Very truly yours



Robert W. Healy

RWH/dad

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge," as revised in 1972, and now designated as "The Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 12.16 of the Code (Street and Sidewalk Use Regulations) is hereby amended by adding thereto the following new section 12.16.160 (Street performers):

12.16.160 Street performers

A. Definitions

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading and reciting.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and all public ways in Cambridge.

B. Prohibition

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit

1. A permit shall be issued by the Cambridge License Commission to each applicant therefor in exchange for a completed application and a fee of $10.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that year.

4. A permit shall be non-transferable, and shall contain the permit number of the applicant and the year in which the permit is valid.

5. Upon issuing a permit, the License Commission shall also give the performer a copy of this section.

D. Display of permit

A performer shall carry the permit on his or her person while performing, and shall show it to any Cambridge Police Officer or Parking Control Officer on request.

E. Permitted performances

1. Performances may take place in the following locations:

In public areas, except within 100 feet of a school or church while in session, and except public areas excluded by the City Council or the Chief of Police pursuant to subsection F of this

section;

On private property, with the written permission of the owner or other person in control of such property;

In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

Monday through Thursday, between 9:00 a.m. and 10:00 p.m.

Friday, between 9:00 a.m. and 11:00 p.m.

Saturday, between 9:00 a.m. and 11:00 p.m.

Sunday, between 10:00 a.m. and 10:00 p.m.

3. No performer or group of performers may generate noise exceeding 80 decibels measured at a distance of 50 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than 50 feet from another performer or group of performers.

6. A performer may request contributions of money or property at a performance, provided that no sign requesting contributions shall exceed 12" x 18" in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale representations of their own work, including but not limited to photos, records, cassettes, videotapes or compact discs. No display of such representations of the performers own work shall exceed more than twenty-five percent of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet.

F. Exclusion of public areas

(1) A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than 14 days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than 10 days prior to said hearing; or

(2) By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal disposition

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: Police Officers and Parking Control Officers. The penalty for each violation will be $25.

2. Suspension of permit

The License Commission may suspend a permit for no more than 60 days if a performer is found to have knowingly provided false information in the application. Before suspending a permit, the License Commission must hold a public hearing, after 10 days written notice to the performer setting forth the facts constituting the basis for the proposed suspension.

H. Exclusivity

The provisions of this section take precedence over any other City regulations or ordinance applicable to Street Performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by Street Performances shall be governed by this section and not by the Cambridge City Noise Ordinance.

I. Severability

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent

jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect.

Regulation of Street Performances

Sec. 1 Definitions

(a) "Perform" — includes acting, singing, playing musical instruments, juggling, dancing and reading.

(b) "Public Areas" — (1) public ways, traffic islands and sidewalks located in the City of Cambridge and (2) such public parks and playgrounds or parts thereof located in the City of Cambridge as may from time to time be designated by the Commissioner of Public Works.

Sec. 2 Prohibitions

No person or group of persons may perform in a public area or for an audience which is present in a public area without a permit issued as provided in Section 3.

Sec. 3 Permit

(a) A permit shall be issued jointly by the Commissioner of Public Works, Director of Traffic and Parking and the Chief of Police (the issuers) of the City of Cambridge.

(b) A permit shall include the name and residence address of the holder.

(c) A permit shall expire on Dec. 31 of the year in which it was issued.

(d) The fee to obtain a permit shall be $5.00.

(e) The Department of Traffic and Parking (the DTP) shall be the issuers' agent to receive applications for and to issue permits hereunder, but the DPT shall have no power acting alone to deny, suspend, or revoke a permit.

(f) Each application for a permit shall contain the applicant's name, residence address, telephone number and, if applicable, the number of persons to perform in such group, and shall be signed by the applicant.

(g) Upon receipt of a completed, signed application the DTP shall give the applicant a copy of these regulations, and after the applicant has read them, shall issue the permit to the applicant unless the applicant holds a permit which was revoked under Sec. 7 and the period of suspension or revocation has not expired.

Sec. 4 Display of Permit

A permit holder shall carry the permit on his or her person while performing, and shall show it to any police officer of the City of Cambridge upon request.

Sec. 5 Permitted Performnances

A holder of a permit hereunder and the persons in the holder's group named in permit may perform in a public area, subject to the following conditions:

(a) Performances may take place

(1) In such public areas as may from time to time be designated by the issuers.

(2) On private property, with the written permission of the owner or other person in control of such property.

(3) In public area where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

(b) Performances under Subsections (a) (1) and (a) (2) may take place between 1:00 p.m. and 10:00 p.m. unless otherwise allowed by the Director of Traffic & Parking.

(c) A performer may not use electric or electronic amplification.

(d) A permit holder may request contributions of money or property at a performance, provided that no sign requesting contributions shall exceed 12" x 18" in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat.

(e) A permit may not block passage over a public way or sidewalk except as permitted by the sponsor of an event under Subsection (a) (3) or otherwise allowed by the Director of Traffic & Parking.

Sec. 6 Designations of Public Areas

Designations of areas under Sec. 5 (a) (1) shall be in writing and a copy of the most recent designations shall be given to each applicant for a permit. Any change in the areas designated may be made only after written notice to each permit holder, except that performances may be prohibited without notice in a public area during any emergency.

Sec. 7 Peace and Quiet

A performance in accordance with Sec. 5 shall be presumed not to constitute a disturbance of the peace or quiet.

Sec. 8 Revocation of Permit

The issuers may suspend a permit for not more than 60 days or revoke it if:

(a) Any information contained in the application is found to be false.

(b) The holder violates any of these regulations.

After revocation of a permit, the former holder may not obtain a new permit until such date as the issuers may determine, which shall not be more than 1 year from the date of revocation. No permit may be suspended or revoked unless the issuers hold a public hearing on the suspension or revocation, written notice of which has to be given to the permit holder not less than 7 days prior thereto. Such notice shall set forth the facts constituting the basis for the proposed suspension or revocation.

Sec. 9 Regulations

These regulations are issued jointly by the issuers and may be amended by them after a public hearing, notice of which has been given in writing to the persons then holding permits and published in a newspaper of general circulation in Cambridge at least 7 days prior thereto.

Street Artists' Guild

P.O. Box 570, Cambridge, MA 02238

April 11, 1990

To the Honorable Cambridge City Council and
The Honorable Mayor Wolf:

The Street Artsits Guild would like to present the following people to provide testimony concerning the proposed Street Performer's Ordinance:

- ✓ Attorney Dianna Stallone (Written submission)
- ✓ Ms. Sharrahan Williamson & Mr. Jonathan Backstrom
- ✓ Mr. Richard Goodman
- ✓ Mr. Steve Friedman
- ✓ Mr. Alexander Feldman
- ✓ Mr. Marty Sexton
- ✓ Mr. Kevin McMamara Somerville Ave. Somerville
- ✓ Mr. Stephen Baird
- ✓ Ms. Chris Connaire
- ✓ State Senator Michael Barrett (Letter to be presented by Aide)

Sincerely,

Stephen H. Baird

prior disputes

how does performer get a space?

pedestrians

Relationship to noise ordinance.

Cambridge Common

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

HEARING ON ORDINANCE
ON STREET PERFORMERS
APRIL 11 1990

IN FAVOR

CHRIS BERNER
STATE SENATOR BARRETT'S
OFFICE.

James McDavitt,
Chair, License
Commission
(in favor with
amendments)
Dave Levin
Vera Meyer
Luke Hunsberger

HOBI SZWAJDERMAN

OPPOSE

BRUCE TRAVIS 60 BRATTLE ST.

In Favor:

Street Performers

Name	Address	
Kara Larsen	7 Austin Ave	02139

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

COUNCILLOR FRANCIS H. DUEHAY
26 LOWELL STREET
CAMBRIDGE, MASSACHUSETTS 02138

April 4, 1990

Committee on Ordinances
Cambridge City Council

Dear Colleague:

At the conclusion of the hearing on the ozone depletion ordinance, the Committee on Ordinances voted to hold the ordinance in committee so that the changes recommended by those who testified could be included.

Those substantive changes have been made, and I enclose the revised version. I have also sent it to the law department for their approval and suggestions. When I receive the law department's recommendations, I shall ask the committee at a subsequent meeting to send the revised ordinance on to the full city council.

Please let me know if you require any further information on this matter.

Sincerely yours,

Francis H. Duehay, Chair
Committee on Ordinances

An Ordinance To Protect the Stratospheric Ozone Layer
By Restricting The Use and Emissions of Ozone-Depleting Chemicals

WHEREAS, available scientific evidence indicates that chlorofluorocarbons (CFCs), halons, and other manufactured substances, when discharged into the environment, deplete the earth's protective ozone layer, allowing increased amounts of harmful ultraviolet (UV-B) radiation to reach the earth's surface, thereby posing a long-term danger to human health, life and the environment by increasing such harms as skin cancers, cataracts, suppression of the immune system, damage to crops and aquatic life, and related harm;

WHEREAS, available scientific evidence indicates that the reduction in levels of ozone-depleting substances required by the Montreal Protocol and US EPA are insufficient to remedy the global health and safety risk from the release of these substances;

WHEREAS, the United States of America is responsible for over one quarter of worldwide CFC production and "consumption",

WHEREAS, CFCs and other ozone-depleting chemicals are also a major cause of global warming (the greenhouse effect), reflecting the Earth's heat to increase the average global temperature and cause serious climate changes; Global warming may cause droughts to become more commonplace, raise sea levels, flooding coastal and wetlands areas;

WHEREAS, many of the same chemicals that destroy stratospheric ozone and cause global warming are also toxic or carcinogenic;

WHEREAS, recycling and recovery technology of ozone-depleting substances is currently available for many applications;

WHEREAS, safe substitutes exist for many applications that currently use ozone-depleting chemicals;

WHEREAS, in light of the current and future limitations on the production of CFCs both nationally and internationally and the in light of the recent tax on CFCs imposed by the federal government, the move to environmentally safer alternatives to CFCs and the recycling and recovery of existing CFCs will create a competitive advantage to those businesses electing to utilize such alternatives prior to the effective date of any comprehensive international or federal regulation restricting the use of ozone-depleting chemicals;

WHEREAS, the City of Cambridge supports all international, federal, and state bans on ozone-depleting chemicals; however, until adequate bans have been adopted by the appropriate agencies, responsible action on the part of the City of Cambridge is necessary to reduce the consumption and emissions of these chemicals in order to protect the long-term health, safety, and welfare of the general public and the environment;

NOW, THEREFORE, the City Council of Cambridge does hereby ordain as follows:

SECTION 1: Definitions

For the purposes of this Ordinance, the following words shall be defined as follows:

"Chlorofluorocarbon," a family of substances containing carbon, fluorine, and chlorine, having no hydrogen atoms and no double bonds.

"CFC," an abbreviation of the word chlorofluorocarbon.

"Commissioner of Health and Hospitals" is the Commissioner of Health and Hospitals for the City of Cambridge, Massachusetts.

"Halon," a family of substances containing carbon, fluorine, and bromine, having no hydrogen atoms and no double bonds.

"Manufactured substances," any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes.

"Ozone-depleting substances" are those manufactured substances with a potential to destroy ozone in the stratosphere listed in section 3 of this ordinance.

"Person," any individual, corporation, government agency, partnership, firm, joint stock company, trust, association, or any other public or private entity engaged in business or in providing a service in the city of Cambridge, Massachusetts.

"Recovery," the process of employing available control technology designed to collect, capture, control, and store manufactured substances, including CFCs, which may cause or contribute to stratospheric ozone depletion.

"Refrigerator," any device using any Ozone-depleting substance for the purpose of the refrigeration of goods.

SECTION 2: Periodic Review of this Ordinance

Many prevalent uses of ozone-depleting chemicals are not restricted by this ordinance because workable substitutes and technologies are not currently available. However, emerging technologies are quickly changing this situation. Therefore, this ordinance shall be reviewed by the Cambridge City Council first at two years and then at four years after its passage with the intention of strengthening this ordinance. Reviews shall include but not be limited to the following topics: strengthening current restrictions, identifying new restrictions, and developing a plan for the disposal of ozone-depleting substances.

SECTION 3: Reporting Requirements

Within ninety days after the passage of this ordinance, any person producing, selling, offering for sale, or using in manufacturing any of the substances listed in this section, shall file a report with the Commissioner of Health and Hospitals setting forth the amount, by weight, of any and all substances so listed, and any and all products containing said substances which were produced, used in manufacturing, and sold by said person during the calendar year 1989. Not less than annually thereafter, said persons shall file a report with the Commissioner of Health and Hospitals setting forth the amount of any and all substances so listed, and any and all of said products, which were produced, used in manufacturing, and sold by said person during the twelve-month period since the filing date of the previous report, until said person ceases production, use, and sale of all substances so listed and all of said products. All such reports shall be signed and attested by a responsible corporate officer.

Substances subject to reporting requirements include: CFC-11, CFC-12, CFC-113, CFC-114, CFC-115, HCFC-22, Halon-1211, Halon-1301, Halon-2402, Carbon tetrachloride, and Methyl Chloroform.

SECTION 4: Specific Restrictions on Uses of Ozone-depleting Substances

a) Restrictions on the use of CFCs in Air Conditioning and Refrigeration Units

Effective January 1, 1991, no person shall perform repair service on any air conditioner or on any refrigerator unless such person uses equipment for recovery and recycling of CFC coolant contained in said air conditioner or refrigerator.

Effective January 1, 1991, all persons retaining automobiles on their premises for the purpose of reselling said automobiles in parts shall use recovery and recycling equipment to recover CFC coolant from each automobile within three business days after said automobile arrives on the premises. Persons affected by this restriction shall not allow CFC coolant to be released into the atmosphere.

All equipment for recovery and recycling of CFC coolant required by this Ordinance shall be approved by Underwriters Laboratory or a similar institution.

b) Restrictions on the sale and use of CFC Refrigerants

Effective January 1, 1991, no person shall sell or offer for sale CFC coolant suitable for use in any air conditioner or refrigerator in quantities smaller than fifteen pounds or to persons not owning recycling or recovery equipment described in section 4a.

c) Restrictions on the disposal of CFCs in Air Conditioners and Refrigerators

Effective January 1, 1991, no person shall allow CFC coolants in air conditioners or refrigerators to be released into the atmosphere nor shall any person dispose of any air conditioner or refrigerator containing any CFC coolant unless said air conditioner or refrigerator has been recovered in the fashion described in section 4a.

Effective January 1, 1991, the Commissioner of Health and Hospitals shall publish a policy for recovery of CFC coolant in air conditioners and refrigerators intended to be disposed of by waste haulers.

d) Restrictions on the use of CFCs in Miscellaneous Consumer Products

Effective at the passage of this ordinance, no person shall sell, offer for sale, or use CFC plastic party streamers, CFC propelled noise horns, or CFC cleaning solutions for consumer electronics and photographic equipment.

e) Phase out of CFC-113, Methyl Chloroform, and Carbon Tetrachloride

Effective January 1, 1992, no person shall produce, sell, offer for sale, or use in manufacturing, CFC-113, Methyl Chloroform or Carbon Tetrachloride in annual quantities greater than fifty percent of the total amount of CFC-113, Methyl Chloroform and Carbon Tetrachloride used during the calendar year 1989.

Effective January 1, 1994, no person shall offer for sale, or use in manufacturing, CFC-113, Methyl Chloroform or Carbon Tetrachloride.

Medical applications for which no safe non-ozone depleting alternatives are available shall be exempt from section 4e. When safe non-ozone depleting alternatives become available, all persons using CFC-113, Methyl Chloroform or Carbon Tetrachloride under this exemption shall show good faith in converting to safe non-ozone depleting substances and products.

f) Restrictions on the use of Halons in Fire Extinguishers

Effective January 1, 1991, no person shall sell or offer for sale, fire extinguishers for consumer applications which contain halons or other ozone-depleting substances.

Effective January 1, 1991, no person shall use fire extinguishers that contain halons or other ozone-depleting substances for the purpose of testing or training except where required by law.

g) Restriction on the manufacture and use of plastic foam and foam insulation product

Effective January 1, 1991, no person shall manufacture or use in the repair or construction of buildings any plastic foam or foam insulation product that contains any Ozone-depleting substance.

h) Restrictions on the disposal of foam insulation products

Effective January 1, 1991, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, renovate, or demolish any building or structure which requires the removal of existing insulation that contains any Ozone-depleting substance without recovering or properly disposing of such insulation consistent with any procedures adopted by the Commissioner of Health and Hospitals, and all applicable state and federal statutes and regulations.

i) Ban on the manufacture of Ozone-depleting substances

Effective January 1, 1992, no person shall produce any Ozone-depleting substance.

SECTION 5: Warning Labels Required

Effective January 1, 1991, no container in which CFCs, Halons, or other ozone-depleting substances are stored or transported, no product containing such substances, nor any product manufactured with a process that uses said substance shall be sold or offered for sale unless it bears a label stating the following:

"Contains (or manufactured with) [name of substance], a substance which harms public health and the environment by destroying stratospheric ozone in the atmosphere."

Said label shall be permanently affixed on the face of said container or product, with the lettering and background in contrasting colors; and the letters themselves not less than one inch high, or twenty percent of the height of any product which is less than three feet in height.

SECTION 6: Enforcement

The Commissioner of Health and Hospitals shall enforce this ordinance and for this purpose shall have the assistance of the City Manager, the Police Department, the Law Department and the Licensing Department. The Commissioner shall levy fines for violations of sections three or four of this ordinance at the rate of $100 per violation per day. Fines collected under this ordinance shall be used to support the implementation of this ordinance.

The Commissioner, or his/her designee, may at any reasonable hour enter into buildings and upon premises and make an investigation as to compliance with this ordinance.

Any citizen may file a written complaint with the Commissioner of Health and Hospitals regarding an alleged violation of any provision of this ordinance. The Commissioner shall investigate such allegation within 30 days of the receipt of this ordinance and shall take enforcement action as necessary to ensure compliance.

SECTION 7: Technical Assistance

The Commissioner of Health and Hospitals will produce, or commission to be produced, a document, available to all persons, for the purpose of assisting any persons affected by this ordinance. This document will be available within six months of the passage of this ordinance and will include, but not be limited to, information describing commercially available alternatives to ozone depleting substances and available technologies to assist in the implementation of safe alternatives.

SECTION 8: Safe Substitutes

To the extent that safer substitutes for particular uses have been designated by an authoritative body, substances listed or covered under M.G.L.c. 111F (the Massachusetts Right to Know Law) shall not be used as replacements for the substances prohibited by this ordinance. For the purposes of this section an authoritative body shall include but not be limited to the Massachusetts Department of Environmental Protection, the Massachusetts Department of Public Health, the Massachusetts Toxics Use Reduction Institute, the US Environmental Protection Agency, or sub-bodies of such agencies.

SECTION 9: Severability

If any section, sub-section, paragraph, sentence or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences or words of this ordinance, and the applications therefore; and to that end the sections, sub-sections, paragraphs, sentences or words of this ordinance shall be deemed severable.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 23, 1990

To the Honorable the City Council:

I am transmitting the attached proposed Street Performers Ordinance for your review and appropriate action.

As you may know, the City currently has a Regulation of Street Performances included as part of the Traffic regulations (copy attached). Several weeks ago Attorney Diana Stallone who represents the Street Artists Guild contacted the Law Department and my office indicating that her clients are prepared to challenge the validity of the existing regulation in the Federal District Court. The Law Department has concluded that the existing regulation is vulnerable to such a legal challenge.

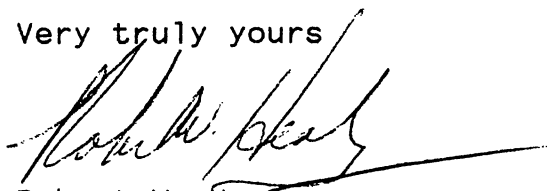
I met with Attorney Stallone and several of her clients. The Guild very reasonably suggested that rather than engage in expensive litigation it might be more constructive to propose an ordinance that does not impose impermissible restrictions. I asked the Law Department to prepare the attached draft ordinance.

I am advised by the Law Department that the courts have recognized street performances as protected expression under the First Amendment to the United States Constitution. Therefore, any regulation of such activity must strike a careful balance between the performer's right to free expression and important governmental interests that are accomplished by the least restrictive means available. The drafting of the attached proposed ordinance was guided by these principles.

I am submitting the attached proposed ordinance in order to begin the appropriate process and debate by the City Council. I believe that the members of the Guild do not agree with all of the provisions of this draft. I also believe that city officials who may be involved in the administration or enforcement of the ordinance may desire different measures. I think that the public debate process of ordination will identify those areas of dispute.

I also believe that any changes contemplated by the City Council should be carefully reviewed by the Law Department given the strict standards of review involved in this area of free expression

Very truly yours



Robert W. Healy

RWH/dad

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge," as revised in 1972, and now designated as "The Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 12.16 of the Code (Street and Sidewalk Use Regulations) is hereby amended by adding thereto the following new section 12.16.160 (Street performers):

12.16.160 Street performers

A. Definitions

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading and reciting.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and all public ways in Cambridge.

B. Prohibition

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit

1. A permit shall be issued by the Cambridge License Commission to each applicant therefor in exchange for a completed application and a fee of $10.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that year.

4. A permit shall be non-transferable, and shall contain the permit number of the applicant and the year in which the permit is valid.

5. Upon issuing a permit, the License Commission shall also give the performer a copy of this section.

D. Display of permit

A performer shall carry the permit on his or her person while performing, and shall show it to any Cambridge Police Officer or Parking Control Officer on request.

E. Permitted performances

1. Performances may take place in the following locations:

In public areas, except within 100 feet of a school or church while in session, and except public areas excluded by the City Council or the Chief of Police pursuant to subsection F of this

section;

On private property, with the written permission of the owner or other person in control of such property;

In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

Monday through Thursday, between 9:00 a.m. and 10:00 p.m.

Friday, between 9:00 a.m. and 11:00 p.m.

Saturday, between 9:00 a.m. and 11:00 p.m.

Sunday, between 10:00 a.m. and 10:00 p.m.

3. No performer or group of performers may generate noise exceeding 80 decibels measured at a distance of 50 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than 50 feet from another performer or group of performers.

6. A performer may request contributions of money or property at a performance, provided that no sign requesting contributions shall exceed 12" x 18" in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale representations of their own work, including but not limited to photos, records, cassettes, videotapes or compact discs. No display of such representations of the performers own work shall exceed more than twenty-five percent of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet.

F. Exclusion of public areas

(1) A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than 14 days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than 10 days prior to said hearing; or

(2) By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal disposition

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: Police Officers and Parking Control Officers. The penalty for each violation will be $25.

2. Suspension of permit

The License Commission may suspend a permit for no more than 60 days if a performer is found to have knowingly provided false information in the application. Before suspending a permit, the License Commission must hold a public hearing, after 10 days written notice to the performer setting forth the facts constituting the basis for the proposed suspension.

H. Exclusivity

The provisions of this section take precedence over any other City regulations or ordinance applicable to Street Performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by Street Performances shall be governed by this section and not by the Cambridge City Noise Ordinance.

I. Severability

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent

jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect.

Regulation of Street Performances

Sec. 1 Definitions

(a) "Perform" — includes acting, singing, playing musical instruments, juggling, dancing and reading.

(b) "Public Areas" — (1) public ways, traffic islands and sidewalks located in the City of Cambridge and (2) such public parks and playgrounds or parts thereof located in the City of Cambridge as may from time to time be designated by the Commissioner of Public Works.

Sec. 2 Prohibitions

No person or group of persons may perform in a public area or for an audience which is present in a public area without a permit issued as provided in Section 3.

Sec. 3 Permit

(a) A permit shall be issued jointly by the Commissioner of Public Works, Director of Traffic and Parking and the Chief of Police (the issuers) of the City of Cambridge.

(b) A permit shall include the name and residence address of the holder.

(c) A permit shall expire on Dec. 31 of the year in which it was issued.

(d) The fee to obtain a permit shall be $5.00.

(e) The Department of Traffic and Parking (the DTP) shall be the issuers' agent to receive applications for and to issue permits hereunder, but the DPT shall have no power acting alone to deny, suspend, or revoke a permit.

(f) Each application for a permit shall contain the applicant's name, residence address, telephone number and, if applicable, the number of persons to perform in such group, and shall be signed by the applicant.

(g) Upon receipt of a completed, signed application the DTP shall give the applicant a copy of these regulations, and after the applicant has read them, shall issue the permit to the applicant unless the applicant holds a permit which was revoked under Sec. 7 and the period of suspension or revocation has not expired.

Sec. 4 Display of Permit

A permit holder shall carry the permit on his or her person while performing, and shall show it to any police officer of the City of Cambridge upon request.

Sec. 5 Permitted Performances

A holder of a permit hereunder and the persons in the holder's group named in permit may perform in a public area, subject to the following conditions:

(a) Performances may take place

(1) In such public areas as may from time to time be designated by the issuers.

(2) On private property, with the written permission of the owner or other person in control of such property.

(3) In public area where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

(b) Performances under Subsections (a) (1) and (a) (2) may take place between 1:00 p.m. and 10:00 p.m. unless otherwise allowed by the Director of Traffic & Parking.

(c) A performer may not use electric or electronic amplification.

(d) A permit holder may request contributions of money or property at a performance, provided that no sign requesting contributions shall exceed 12" x 18" in size. Contributions may be received in any recepticle, such as an open musical instrument case, box or hat.

(e) A permit may not block passage over a public way or sidewalk except as permitted by the sponsor of an event under Subsection (a) (3) or otherwise allowed by the Director of Traffic & Parking.

Sec. 6 Designations of Public Areas

Designations of areas under Sec. 5 (a) (1) shall be in writing and a copy of the most recent designations shall be given to each applicant for a permit. Any change in the areas designated may be made only after written notice to each permit holder, except that performances may be prohibited without notice in a public area during any emergency.

Sec. 7 Peace and Quiet

A performance in accordance with Sec. 5 shall be presumed not to constitute a disturbance of the peace or quiet.

Sec. 8 Revocation of Permit

The issuers may suspend a permit for not more than 60 days or revoke it if:

(a) Any information contained in the application is found to be false.

(b) The holder violates any of these regulations.

After revocation of a permit, the former holder may not obtain a new permit until such date as the issuers may determine, which shall not be more than 1 year from the date of revocation. No permit may be suspended or revoked unless the issuers hold a public hearing on the suspension or revocation, written notice of which has to be given to the permit holder not less than 7 days prior thereto. Such notice shall set forth the facts constituting the basis for the proposed suspension or revocation.

Sec. 9 Regulations

These regulations are issued jointly by the issuers and may be amended by them after a public hearing, notice of which has been given in writing to the persons then holding permits and published in a newspaper of general circulation in Cambridge at least 7 days prior thereto.

Powers & Hall
Professional Corporation
100 Franklin Street
Boston, Massachusetts 02110-1586
Attorneys at Law
617-728-9600
Facsimile 617-728-9633

April 11, 1990

To the Honorable Cambridge City Council and
The Honorable Mayor Wolf:

The Street Artists' Guild supports the proposed Street Performer's Ordinance, which was drafted in conjunction with the City Solicitor's Office. The Street Artists' Guild does have some concerns relating to selected portions of the draft Ordinance.

We believe that the attached proposed changes are appropriate and necessary to the protection of the constitutional rights of the citizens and to correct an error in the original submission. With the council's permission, we are submitting this statment of reasons in support of the proposed changes.

1. With respect to the Amendment regarding the measurement of decibels, the original draft erroneously states that the performers may not generate noise exceeding 80 decibels. The Ordinance should prohibit noise which is above "a mean sound level exceeding 80 decibels..." The mean level is the standard manner of measuring musical performances, which tend to peak momentarily at higher sound levels (unlike a jack hammer or construction noise which would stay at a steady level). The current draft would probably exclude most musical performances, even those played at a reasonable level. The proposed amendment also sets forth the manner of measuring the mean level, which was also inadvertantly left out of the original draft, but is a standard and accepted manner of measuring sound levels. (See Attachment 1, relating to Section E3).

2. The second change we would recommend relates to police enforcement. (See attachment 2, relating to Section E4). We would recommend that the ordinance omit the last sentence and modify the second to last sentence to make it clear that police must use the least restrictive means of keeping the public order, as is required by the Constitution. At least one court has expressly stated that the police should not be allowed to tell a performer to leave a location. Rather, the police should use the least restrictive means of moving along any portion of the crowd that is causing a problem. See, Davenport v. City of Alexandria, Civil Action No. 81-709-A (involving street performances) wherein the court stated:

> While there is testimony that some merchants complained of a blocking of the sidewalks in the affected two block area, and the City Manager testified that on one occasion he had to walk in the street to avoid a gathering for a street performer in that area, the court is unpersuaded that there is any actual safety endangerment, any real impediment of pedestrian traffic or any substantial interference with patrons of business even in the affected area. Some pedestrians may have been inconvenienced or even annoyed, but this reason for the total ban is outweighed by the preferred position of plaintiff's First Amendment rights.... It is conceded that, particularly in the peak hours, the vehicular traffic on the streets is substantial and congested. Even if a safety problem arose from a person occasionally having to walk in the street (presumably between parked cars, since parking is permitted on the blocks in question) it is a problem which could adequately be resolved by the less restrictive method of having police direct the infrequent crowd members to move on.

Our Amendment would preserve the constitutional standard and make it clear that the police may not adopt a total ban on a performance. The current language allows too much police discretion to interfere with the constitutional rights of the

performers. There is no clear and convincing evidence that a real safety problem exists. In fact, three veteran performers, each with over 10 years experience in street performing, will testify that they have never once heard of an injury to a pedestrian caused by a Street Performer. We do not anticipate that the City will demonstrate a single instance documenting a causal relationship between a street performer and an injury to the public.

Further, the alleged safety problem of people walking in the streets is more illusory than real. To be sure, people regularly walk in the streets in Harvard Square, with or without performances by Street Artists. The very nature of Harvard Square is that pedestrians are everywhere. At no time do police enforce the existing jaywalking laws to prevent the alleged hazard of people in the streets. This is because the fact that people regularly walk in the streets has not caused a significant safety problem. If it did, the police would presumably enforce the law. Yet the possibility of people walking in the streets is repeatedly referred to as the justification for restricting the Constitutional Rights of Street Artists. This restriction of Street Artists' rights is arbitrary and irrational and is not truly required by any compelling state interest.

On the other hand, the City Council will hear evidence of problems with arbitrary police enforcement of the current ordinance. In light of the evidence of police abuse, the total lack of evidence of a real public safety problem, and the court's decision in the Davenport case, the Street Artists' Guild recommends the amendment in Attachment 2.

3. The final and most important change relates to the restrictive times included in the ordinance. The Street Artists' ability to reach their audience is unduly restricted by the time restrictions in the draft Ordinance. The Guild recommends time restrictions of 11:00 p.m. for Sunday through Thursday nights and 12:00 p.m. on Friday and Saturday nights. These restrictions are appropriate and realistic. Similarily, the 7:00 a.m. starting time requested by the Guild reflects the current practice and enables the Street Performers to reach a substantial audience during the morning rush hour (see Attachment 3 relating to Subdivision E2).

The reduction of decibel levels adequately protects any legitimate competing interests. The decibel level restriction ensures that sound levels will be low enough to blend into the ambient noise level at a distance of 50 feet. In light of this restriction, the current draft unreasonably prevents performances at the very times when the optimal audience will be reached. The Street Artists have been playing at these times in the past. The past restrictions were so unreasonable that the ordinance was not enforced. This change will provide realistic time restrictions which will allow for the ordinance to be enforced in a uniform and fair manner. Competing interests will be accomodated by the lower noise levels which will result from the noise restrictions and the availability of more space.

For all of the above stated reasons, the Street Artists' Guild requests that the Ordinance Committee adopt the proposed Ordinance regulating Street Performers with the attached amendments.

Respectfully submitted,

STREET ARTISTS' GUILD

By their attorney,

Dianna R. Stallone

Change Section E.3 on page 3 to read as follows:

No performer or group of performers may generate a mean sound level exceeding 80 decibels at a distance of 50 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this mean sound level is not exceeded. The mean sound level shall be determined as follows:

Every ten seconds, on the mark, the A-weighted sound level on a sound level meter with slow response is recorded until 20 observations have been made. If, during any of these observations, a measurement is substantially affected by any source other than the performer or performers (such as aircraft overflight, close passage of a bus or truck, etc.), measurements made during these periods will not be considered. The observation period shall be extended until 20 valid measurements are obtained. Measurements should not be taken closer than 50 feet from the performer or performers. If, out of these 20 observations, 10 or more are at or below 80 decibels, then the performer or performers shall be considered in compliance with this ordinance.

ATTACHMENT 1

Change Section E4 on Page 3 to read as follows:

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction, however, the police officer shall not cause the performer to leave the location.

Change Subdivision E(2) to read as follows:

2. Performances may take place at the following times:

Sunday through Thursday, between 7:00 a.m. and 11:00 p.m.

Friday, between 7:00 a.m. and 12:00 p.m.

Saturday, between 7:00 a.m. and 12:00 p.m.

Powers & Hall
Professional Corporation
100 Franklin Street
Boston, Massachusetts 02110-1586
Attorneys at Law
617-728-9600
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April 11, 1990

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2. The second change we would recommend relates to police enforcement. (See attachment 2, relating to Section E4). We would recommend that the ordinance omit the last sentence and modify the second to last sentence to make it clear that police must use the least restrictive means of keeping the public order, as is required by the Constitution. At least one court has expressly stated that the police should not be allowed to tell a performer to leave a location. Rather, the police should use the least restrictive means of moving along any portion of the crowd that is causing a problem. See, Davenport v. City of Alexandria, Civil Action No. 81-709-A (involving street performances) wherein the court stated:

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On the other hand, the City Council will hear evidence of problems with arbitrary police enforcement of the current ordinance. In light of the evidence of police abuse, the total lack of evidence of a real public safety problem, and the court's decision in the Davenport case, the Street Artists' Guild recommends the amendment in Attachment 2.

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Every ten seconds, on the mark, the A-weighted sound level on a sound level meter with slow response is recorded until 20 observations have been made. If, during any of these observations, a measurement is substantially affected by any source other than the performer or performers (such as aircraft overflight, close passage of a bus or truck, etc.), measurements made during these periods will not be considered. The observation period shall be extended until 20 valid measurements are obtained. Measurements should not be taken closer than 50 feet from the performer or performers. If, out of these 20 observations, 10 or more are at or below 80 decibels, then the performer or performers shall be considered in compliance with this ordinance.

ATTACHMENT 1

Change Section E4 on Page 3 to read as follows:

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction, however, the police officer shall not cause the performer to leave the location.

Change Subdivision E(2) to read as follows:

2. Performances may take place at the following times:

Sunday through Thursday, between 7:00 a.m. and 11:00 p.m.

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Saturday, between 7:00 a.m. and 12:00 p.m.

Powers & Hall
Professional Corporation
100 Franklin Street
Boston, Massachusetts 02110-1586
Attorneys at Law
617-728-9600
Facsimile 617-728-9633

April 11, 1990

To the Honorable Cambridge City Council and
The Honorable Mayor Wolf:

The Street Artists' Guild supports the proposed Street Performer's Ordinance, which was drafted in conjunction with the City Solicitor's Office. The Street Artists' Guild does have some concerns relating to selected portions of the draft Ordinance.

We believe that the attached proposed changes are appropriate and necessary to the protection of the constitutional rights of the citizens and to correct an error in the original submission. With the council's permission, we are submitting this statment of reasons in support of the proposed changes.

1. With respect to the Amendment regarding the measurement of decibels, the original draft erroneously states that the performers may not generate noise exceeding 80 decibels. The Ordinance should prohibit noise which is above "a mean sound level exceeding 80 decibels..." The mean level is the standard manner of measuring musical performances, which tend to peak momentarily at higher sound levels (unlike a jack hammer or construction noise which would stay at a steady level). The current draft would probably exclude most musical performances, even those played at a reasonable level. The proposed amendment also sets forth the manner of measuring the mean level, which was also inadvertantly left out of the original draft, but is a standard and accepted manner of measuring sound levels. (See Attachment 1, relating to Section E3).

2. The second change we would recommend relates to police enforcement. (See attachment 2, relating to Section E4). We would recommend that the ordinance omit the last sentence and modify the second to last sentence to make it clear that police must use the least restrictive means of keeping the public order, as is required by the Constitution. At least one court has expressly stated that the police should not be allowed to tell a performer to leave a location. Rather, the police should use the least restrictive means of moving along any portion of the crowd that is causing a problem. See, Davenport v. City of Alexandria, Civil Action No. 81-709-A (involving street performances) wherein the court stated:

> While there is testimony that some merchants complained of a blocking of the sidewalks in the affected two block area, and the City Manager testified that on one occasion he had to walk in the street to avoid a gathering for a street performer in that area, the court is unpersuaded that there is any actual safety endangerment, any real impediment of pedestrian traffic or any substantial interference with patrons of business even in the affected area. Some pedestrians may have been inconvenienced or even annoyed, but this reason for the total ban is outweighed by the preferred position of plaintiff's First Amendment rights.... It is conceded that, particularly in the peak hours, the vehicular traffic on the streets is substantial and congested. Even if a safety problem arose from a person occasionally having to walk in the street (presumably between parked cars, since parking is permitted on the blocks in question) it is a problem which could adequately be resolved by the less restrictive method of having police direct the infrequent crowd members to move on.

Our Amendment would preserve the constitutional standard and make it clear that the police may not adopt a total ban on a performance. The current language allows too much police discretion to interfere with the constitutional rights of the

performers. There is no clear and convincing evidence that a real safety problem exists. In fact, three veteran performers, each with over 10 years experience in street performing, will testify that they have never once heard of an injury to a pedestrian caused by a Street Performer. We do not anticipate that the City will demonstrate a single instance documenting a causal relationship between a street performer and an injury to the public.

Further, the alleged safety problem of people walking in the streets is more illusory than real. To be sure, people regularly walk in the streets in Harvard Square, with or without performances by Street Artists. The very nature of Harvard Square is that pedestrians are everywhere. At no time do police enforce the existing jaywalking laws to prevent the alleged hazard of people in the streets. This is because the fact that people regularly walk in the streets has not caused a significant safety problem. If it did, the police would presumably enforce the law. Yet the possibility of people walking in the streets is repeatedly referred to as the justification for restricting the Constitutional Rights of Street Artists. This restriction of Street Artists' rights is arbitrary and irrational and is not truly required by any compelling state interest.

On the other hand, the City Council will hear evidence of problems with arbitrary police enforcement of the current ordinance. In light of the evidence of police abuse, the total lack of evidence of a real public safety problem, and the court's decision in the Davenport case, the Street Artists' Guild recommends the amendment in Attachment 2.

3. The final and most important change relates to the restrictive times included in the ordinance. The Street Artists' ability to reach their audience is unduly restricted by the time restrictions in the draft Ordinance. The Guild recommends time restrictions of 11:00 p.m. for Sunday through Thursday nights and 12:00 p.m. on Friday and Saturday nights. These restrictions are appropriate and realistic. Similarily, the 7:00 a.m. starting time requested by the Guild reflects the current practice and enables the Street Performers to reach a substantial audience during the morning rush hour (see Attachment 3 relating to Subdivision E2).

The reduction of decibel levels adequately protects any legitimate competing interests. The decibel level restriction ensures that sound levels will be low enough to blend into the ambient noise level at a distance of 50 feet. In light of this restriction, the current draft unreasonably prevents performances at the very times when the optimal audience will be reached. The Street Artists have been playing at these times in the past. The past restrictions were so unreasonable that the ordinance was not enforced. This change will provide realistic time restrictions which will allow for the ordinance to be enforced in a uniform and fair manner. Competing interests will be accomodated by the lower noise levels which will result from the noise restrictions and the availability of more space.

For all of the above stated reasons, the Street Artists' Guild requests that the Ordinance Committee adopt the proposed Ordinance regulating Street Performers with the attached amendments.

Respectfully submitted,

STREET ARTISTS' GUILD

By their attorney,

Dianna R. Stallone

Change Section E.3 on page 3 to read as follows:

No performer or group of performers may generate a mean sound level exceeding 80 decibels at a distance of 50 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this mean sound level is not exceeded. The mean sound level shall be determined as follows:

Every ten seconds, on the mark, the A-weighted sound level on a sound level meter with slow response is recorded until 20 observations have been made. If, during any of these observations, a measurement is substantially affected by any source other than the performer or performers (such as aircraft overflight, close passage of a bus or truck, etc.), measurements made during these periods will not be considered. The observation period shall be extended until 20 valid measurements are obtained. Measurements should not be taken closer than 50 feet from the performer or performers. If, out of these 20 observations, 10 or more are at or below 80 decibels, then the performer or performers shall be considered in compliance with this ordinance.

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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

May 3, 1990

Dianna R. Stallone, Esquire
Powers & Hall
100 Franklin Street
Boston, MA 02110-1586

Dear Attorney Stallone:

Pursuant to our conversation at the conclusion of the Ordinance Committee hearing held on May 1, 1990, I am enclosing for your files the communication received by the committee from Bruce Travis.

You had indicated you had received the other documents distributed that evening.

If you believe you are missing any relevant communications from that night please feel free to contact me and I will make the files available.

I hope you will find this information beneficial.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs.

60 Brattle Street
Cambridge, Massachusetts 02138
April 30, 1990

Councillor Francis H. Duehay
Chair, Ordinance Committee
Cambridge City Council
Cambridge City Hall
975 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Councillor Duehay and Members of the Ordinance Committee:

Thank you for the opportunity to express my concerns about the proposed Street Performers ordinance at your meeting two weeks ago. I appreciate your decision to keep it in committee until a full review and revision can be carried out. I also found the decibel level testing which Councillor Myers arranged for this past Friday evening very helpful in understanding the real impact of the proposed ordinance.

I believe that in its present form, the Street Performers ordinance does not adequately protect the rights of Cambridge residents to freedom from disturbances of the peace and quiet and other nuisances caused by unwanted musical sounds. I would like to raise a number of serious questions about the ordinance, most of which I did not ask at your meeting. I hope that you will find these questions helpful as you work with the city's legal department to revise the proposed ordinance.

As I understand it, there are three major ways in which the proposed ordinance does not yet meet the test of protecting the rights of residents to peaceful enjoyment of their homes, while providing for reasonable expression of First Amendment rights by performers. First, the proposed ordinance opens up all of Cambridge to street performances and puts the burden on residents to go through the process of having the area around their homes excluded. Second, it suspends the protections of the city's Noise Ordinance which would prohibit unwanted musical sounds within residential zones and those sounds which "spill over" zone boundaries and property lines. Third, by these steps, it prevents residents from using the subjective provisions of the Noise Ordinance (8.16.020.16a-e and 17, 8.16.050.C,I and J) to stop unwanted musical sounds which measure below the objective standard of 50 dB and yet are experienced as a disturbance of the peace and quiet.

In this letter, I'll begin by describing some of the legal questions I feel are raised by the proposed ordinance. Then I will point to what I see as its specific problems. After predicting some of the negative consequences of the ordinance, I will try to respond to your request for proposed solutions by describing how the proposed ordinance might be revised.

In a larger sense, however, I feel that the issue here is not only one of legal rights and technical solutions to a complex problem, but also of what it means to share the responsibility of living, working

and playing in close proximity to others. What kind of relationships of mutual respect make our neighborhoods liveable, and how can good laws help us learn to share common space better? It's my hope that in creating what an ordinary, reasonable Cambridge resident feels is a fair ordinance, we will arrive at a model that other communities will find helpful and that will allow all of us to live together in peace.

* * *

LEGAL QUESTIONS: FREE SPEECH AND NEIGHBORHOOD RIGHTS

I would like to raise some legal questions which seem to apply to the proposed ordinance. I've referred to individual cases or precedents only to suggest that these and other similar cases might be worth looking at. I look forward to hearing your answers to these questions.

Are there precedents for restricting the volume and manner of expression of political speech if it disturbs the peace of residential neighborhoods?

Here are two cases to consider. In U.S. Labor Party v. Pomerleau (557 F.2nd 410, CA MD 1977), those advocating a political position in a public place were found to be entitled to speak only in a manner similar to "the sounds encountered daily in the most tranquil community", which seems to me to describe ordinary conversation on a sidewalk which is not audible within residences. In another case involving sidewalk picketing accompanied by disturbing noises in a residential neighborhood, (Frisby v. Schultz, 101 L.Ed.2nd 420, US WIS 1988), the court found that there was a "significant governmental interest" in"protecting residential privacy". The court upheld picketing as constitutionally protected speech, but defined prohibited forms of picketing as those producing "speech directed primarily at those who are presumptively unwilling to receive it", the court also holding that "there is no constitutional right to force speech into the homes of unwilling listeners". There seems to say that no one is required to listen to political speech of 50 dB or any other lower level if they don't wish to, and if they find it to be a disturbance of their peace and quiet.

Are there precedents for restricting the time and geographical location of expression of political and other speech if it disturbs the peace of residential neighborhoods?

In Beckerman v. City of Tupelo (664 F.2nd 502, CA MISS 1981), the court held that a community can define a "deservedly protected actual residential area" from disturbances to peace and quiet which can be defined as "compelling needs of society". In addition, the court held that in granting permits, the city could require applicants to demonstrate the actual sound level of their speech. In a case dealing with a rock concert promoter (Jim Crockett Productions v. City of Charlotte), 706 F.2nd 486, CA NC 1983), the court permitted the city to regulate "the specific

permissible volume of sound that could be permitted at very specific geographical points and at designated hours." In Gay Student Services v. Texas A & M (CA Texas 1984), zoning of speech was found permissible if it served a compelling state interest, was narrowly drawn and content-neutral, and regulated the time, place and manner in a way that left open "ample, alternative channels of communication" to the speakers. Have the courts ruled in other cases on the meaning of "ample, alternative channels of communication" as applied to cases involving political or artistic expression in residential neighborhoods or areas close enough for sound to spill over and cause a disturbance of the peace?

Are municipalities required to use the least restrictive means in relocating or limiting political expression?

In Jim Crockett Productions v. City of Charlotte, the court answered that "the least restrictive means of regulation" is not required, and the court required"only that the reasonableness of the decision be viewed in light of less drastic means for achieving the same basic purpose". This seems to mean that cities can seek a middle ground that is reasonable, and that the solution needs only to stand the test of reasonableness. This finding seems to contrast with the approach described by City Manager Healy in his letter of March 23, 1990 in which he stated that regulation of the proposed Street Performers ordinance must be "accomplished by the least restrictive means available".

What reasons would a municipality have to provide to justify yielding its authority to enforce reasonable noise control standards for residential neighborhoods?

Section H of the proposed ordinance rules out application of the Noise Ordinance (Chapter 8.16) anywhere in Cambridge except in areas to be excluded later, in response to requests from residents and city officials. The Noise Ordinance carefully defines sound disturbances both objectively, in decibels, and subjectively, prohibiting any "nonmeasured pollution acts" which "create or cause to be created loud and unnecessary noises which...are not readily subject to measurement" (8.16.020.17). It also prohibits "yelling, shouting, hooting, whistling or singing on the public streets...at any time or place so as to annoy or disturb the quiet, comfort or repose of persons..." (8.16.050.C). This comprehensive use of objective and subjective provisions, curfews and geographical limitations follows the guidelines recommended by experts in the field (Noise Control: a Handbook of Principles and Practices, ed. David Lipscomb and Arthur Taylor, pp. 281-284). In particular, the subjective provisions protect residents against disturbances of the peace caused by sounds which may not meet the objective decibel measure, but which a reasonable resident would consider a disturbance of the peace.

What rational basis would the city have for overriding the protections of such a vital and carefully drawn ordinance, provided

that the city also provided "ample, alternative channels of communication" to street performers? With regard to the city's zoning plan, which establishes residential boundaries, what rational basis would there be for not recognizing these boundaries when it comes to street performances and unwanted musical sounds, but continuing to recognize them in all other cases, which is the effect that the proposed ordinance would seem to have. It seems to me that the city would have to demonstrate an overwhelming and far more compelling case for dropping these safeguards than the proposed ordinance describes.

Is there a precedent for giving artistic expression broader protection than is granted to political speech under the First Amendment?

If there is such a precedent, then it would be helpful for the city's legal department to provide it. If not, then precedents applying to political speech, which seems to be the most constitutionally protected form of speech, would be the guidelines for regulating the manner and volume of sound produced by street performers, as well as location and time limitations.

SPECIFIC PROBLEMS OF THE PROPOSED ORDINANCE

1. Section H, "Exclusivity" seems to be one of the most problematic sections of the entire proposed ordinance. As I've stated above, it exempts the entire city from the Noise Ordinance. Are there any other city regulations, including the zoning plan, that would be thrown into question by this section? If you decide to uphold this section of the proposed ordinance, I hope that you will state the rational and compelling basis for doing so.

2. Section A.3. The phrase "all public ways" allows performances on any public sidewalk in Cambridge unless excluded by Section F.

3. There is no reference to the city's regulations concerning disturbances of the peace and quiet, as there were in Section 7 of the old ordinance.

4. Section F, "Exclusion of public areas", seems vague and undefined, and puts residents in the difficult position of having to listen to unwanted musical sounds until they can get areas near their homes excluded from performances, requiring considerable outlays of time and perhaps money. Any adequate ordinance, it seems to me, needs to start by recognizing that the entire city of Cambridge is covered by the Noise Ordinance and all other relevant regulations, unless specific areas are excluded from this protection by a Street Performers ordinance. That would seem to be a more common-sense way to proceed.

5. Section E.3. The 80 dB level does not take into account the necessity of conforming to the Noise Ordinance's provisions for the boundaries of residential zones and property lines. It does not define peaks, maximums, or other measurement procedures for sound levels. No rationale seems to be stated for the selection of 80 dB, which is considered to be approximately 8 times the volume of sound at 50 dB. Since it has been found that sound diminishes at approximately 6 dB per doubling of distance beyond 50 feet, the 80 dB limit seems destined to conflict with the Noise Ordinance. (Leo Beranek, Noise and Vibration Control, p. 181).

6. Section F also seems to establish one organization as receiving special notice about the ordinance. Is there any precedent in the city's codes which gives such standing to any corporation, business or non-profit group?

7. Section G, "Penalties" does not seem to specify who is granted authority to measure dB levels as part of the enforcement of the ordinance. Presently the Licensing Commission does this. Wherever this authority is located, will a unit be created, trained and funded to provide residents with adequate enforcement? Also, there is no provision in the proposed ordinance for a manual of enforcement procedures or a map of geographical locations for performances. They as well as residents nearby need to know the time, place, and manner of limitations, as well as the "ample, alternative channels of communication" provided.

PREDICTABLE NEGATIVE CONSEQUENCES OF THE PROPOSED ORDINANCE

1. The proposed ordinance will allow street performances anywhere in the city and puts all residents at risk of having to appeal for exclusion of areas around their homes.

2. Residents will not be able to use the subjective provisions of the Noise Ordinance to protect themselves from unwanted musical sounds which are below 50 dB but still constitute a disturbance of the peace.

   These subjective provisions need to be maintained especially because of the unique way that the sound produced by different musical instruments actually travels. Horns, bagpipes, drums, and other musical instruments at very low and very high frequencies can often be heard clearly at great distances even though they fall below 50 dB. It is also probable that they can't be voluntarily quieted by performers to levels acceptable to them as artists.

3. "Population pressure" and the wording of Section E.5 will force performers to move closer to and into residential zones.

While the provisions of this section make sense from the perspective of performers, they also create a dilemma of human ecology. Fifty-foot spacing is a considerable distance in the crowded spaces of Brattle Square and other areas, and there are many more hopeful performers than spaces most weekend nights. Performers have said that they depend on contributions from spectators, so they will probably tend to locate where there is an audience. Pedestrians are still frequent on Brattle St. sidewalks from Sage's down to Hilliard St., and it is likely that some performers will set up there, as they have sometimes done in the past

WHAT NEEDS TO BE DONE: PROPOSED SOLUTIONS

Since several members of the ordinance committee asked me for my ideas, I would like to propose some tentative ways of responding to the problems I've described. While my preference would be to build provisions for street performances into the Noise Ordinance, I'll try to focus here on how the proposed separate Street Performers ordinance could be reworded to meet the needs of residents and performers. I'd appreciate hearing any and all other proposed solutions that could make the ordinance stronger.

1. Strike out Section H, "Exclusivity" and Section A.3.

2. Add the phrasing "unwanted musical sounds" wherever necessary and consistent to the Noise Ordinance.

3. Replace Section H with wording creating defined Performance Districts throughout the city in locations where residents' rights to peace and quiet will not be affected.

This approach should assume that all residential areas are protected by the Noise Ordinance, zoning plan and any other relevant regulations. The basic concept of the Performance District is similar to that of the "overlay" zoning district.

4. Gather survey information on the impact of unwanted musical sound on residents to determine the boundaries of Performance Districts.

This includes not just measuring sounds on the street at residential and property line boundaries, but also inside the homes of residents who are affected. This should include residents in non-residential zones, students, workers at nearby businesses, and visitors at hotels; their opinions and the sound levels where they live and work are important.

5. Within Performance Districts, set differing decibel levels at different geographical locations.

   Some instruments generate louder sounds than others, so in order to stay within the very reasonable 50-foot spacing for performers, quieter instruments could be asked to perform closer to the edges of the Performance Districts where they would not disturb nearby residents; louder instruments could play in the center. If there still turn out to be too many performers for the common spaces designated at the Performance Districts, creative licensing arrangements (such as used for wilderness areas) might be devised. "Ample, alternative channels of communication" does not in my view mean unlimited channels, but I think it should be possible to create Performance Districts in several areas to meet what the counts seem to require in this respect.

6. Make standards of enforcement and designated locations clear to one and all.with enforcement directions and maps, as well as signs at performance locations indicating the boundaries of Performance Districts.

   This would protect performers who are not aware of the city's ordinances.

7. Create a sound control unit either in the Police Department or other appropriate agency, and fund it.

* * *

In conclusion, I'm hopeful that the outcome of this process will be a model Street Performers ordinance, along with appropriate modification of the Noise Ordinance. I hope that the questions, issues and proposed solutions I've offered will be helpful to you. Thank you for keeping the proposed Street Performers ordinance in committee until you are satisfied that it is the kind of legislation you want all Cambridge residents to live with.

Sincerely yours,

Bruce Travis

Bruce Travis
354-7417

C. C. 108

City of Cambridge

CITY COUNCIL HEARING SCHEDULE

Monday, April 30, 1990	5:30 P. M.	Regular City Council Meeting. (Sullivan Chamber)
	7:00 P. M.	The City Council will conduct a public hearing to discuss the findings of the Mayoral Blue Ribbon Committee on the Commonwealth Day School.
Tuesday, May 1, 1990		The Committee on Ordinances will conduct a public hearing on the following:
	5:15 P. M.	Proposed amendment to the Municipal Code of the City of Cambridge to amend the Cambridge Employment Plan. (Sullivan Chamber).
	5:30 P. M.	Proposed amendment to the Muncipal Code of the City of Cambridge regulating Street Performers. (Sullivan Chamber)
Wednesday, May 2, 1990	5:30 P. M.	The Committee on Finance will meet to discuss the City Manager's submitted Fiscal Year 91 operating and capital budget. (Sullivan Chamber)
Thursday, May 3, 1990	5:30 P. M.	The Committee on Claims will hold a public hearing to review pending claims. (Ackermann Room)
	7:00 P. M.	The Environment Committee will conduct a public hearing to receive a report from Mark Corrales, Graduate Student at the Kennedy School of Government, regarding a residential curbside recycling program. (Public Works Department Conference Room at 147 Hampshire Street).

Your Good Health

How To Stay Well, and What To Do When You're Not

Edited by

William I. Bennett, M.D.

Stephen E. Goldfinger, M.D.

G. Timothy Johnson, M.D.

Harvard University Press
Cambridge, Massachusetts
London, England 1987

perhaps suffer from—high levels of noise in order for passengers to enjoy the convenience of rapid transportation. In some instances the person at risk is the consumer who purchases a product that has been inadequately tested and proves to be hazardous. The only way to prevent this type of mishap is with an adequate early-warning system alerting consumers and manufacturers to the health hazards involved.

In this chapter, we focus on certain important and recurring themes arising from the effect of modern living on health—chiefly problems of the workplace, but also problems of the environment and of housing.

Noise Pollution

We *expect* cities to have a noisy soundtrack: honks, crashes, rumbles, and plunks of cars, construction sites, delivery trucks, and portable stereos. But noise can also follow those who flee from modern life. After building a dream-house retreat near Altamont Pass, a California family lost a lot of sleep when a windmill farm was built next door. Another windmill, in a northeastern vacation community, drove its neighbors crazy (first) and into court (second), where they succeeded in getting an order to have it turned off. The roar of passing automobiles or low-flying airplanes is a pretty standard feature of all but the most remote areas. There's no doubt that noise is an almost universal irritant—but is it a health hazard?

Sound versus noise

Webster's definition of noise has a nice ring to it—"any loud, discordant, or disagreeable sound." Of course, a sound does not have to be loud to be annoying or bothersome. Noise is unwanted sound; the experience has both a psychological and a physical component. One person's music may be another's noise.

Sound begins as the movement of air molecules. A vibrating object (like the sound box of a guitar) sets up alternating bands of compression and expansion in the surrounding air. When these vibrations strike the ear drum, they are transmitted to delicate cells, known as *hair cells,* in the inner ear. Hair cells, responding to the pattern of vibrations, convert them to another code, which is transmitted to the temporal lobe of the brain. Here begins the process of decoding the sound to extract information, pleasure, or annoyance.

Sound carries both energy and information, which are really just different aspects of the same process of wave formation. Waves have two main properties: the speed at which they vibrate, and the intensity of each vibration. (If you think of the ocean's surface, you can imagine these properties as, respectively, the rate at which waves hit the shore and the average height of their crests.) With sound, it is chiefly the intensity (essentially, how tightly air molecules pack together with each vibration) that creates the sense of loudness, though frequency also makes a contribution, with higher sounds perceived as louder.

Thus, there is more than one way to describe the volume of a sound. The actual amount of energy it is carrying can be measured; this is usually expressed in *decibels,* abbreviated *dB*. For many purposes, though, a modified form of the decibel scale is used. Called the "A-scale," this system of measurement compensates for the effect of frequency and corresponds very closely to the way people actually hear sound. When the A-scale is used, decibels are abbreviated *dbA*.

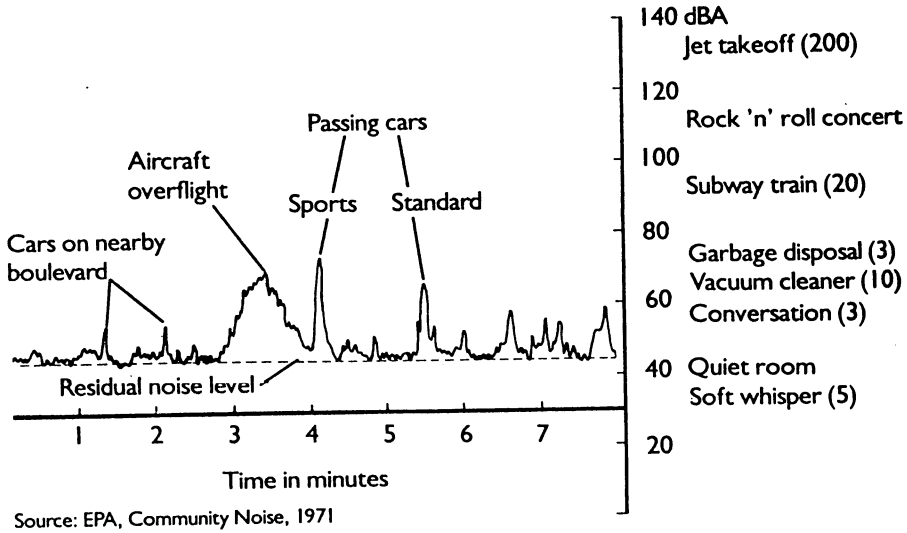
Although the decibel scale is based on physical measurement of sound pressure, what most people are really interested in knowing is the quantity we call "loudness," which has to be evaluated by having people listen to sounds and rate them. When loudness is measured this way, an increase of 10 decibels generally makes a given sound twice as loud, and an increase of 20 decibels is heard as a fourfold increase. (Thus, the decibel scale is not a linear scale, like a ruler marked in inches, but logarithmic.) The rustling of leaves measures about 10 dbA; human conversations average 50, and a ringing telephone commonly reaches 60. Household appliances, such as vacuum cleaners, measure around 90; and subway trains, jack hammers, and disco music may exceed 100. Depending somewhat on the circumstances, sounds over 60 are perceived as intrusive, those over 80 are annoying, and those exceeding 100 decibels are extremely bothersome. (Obviously, the audience at a rock concert assigns a somewhat different value to these measurements.)

Because sound is a form of energy, it has the potential to damage human tissue. Most vulnerable to injury are the sound-sensing hair cells themselves. Thus, hearing impairment is the major physical consequence of loud sound. A single, explosive noise is capable of

NOISE POLLUTION

The graph below shows 8 minutes of noise sampled on a city street in the early afternoon. The volume ranges from about 45 dBA to a peak of more than 70 when a sports car drives by.

The volume of some familiar sounds, as measured by the decibel "A" scale, is indicated on the graph at the right. Distance, in feet, from the source is given in parentheses. An increase of 10 dBA indicates an approximate doubling in perceived loudness.



Source: EPA, Community Noise, 1971

damaging hair cells, but hearing loss is usually the result of continual exposure to volumes over 80–85 decibels. Current estimates are that 8 million production workers in the United States are exposed to noise at this level, and about 1 million of them have detectable hearing loss as a result. To prevent this type of hearing loss, several steps have to be taken. Equipment can be engineered to make it run more quietly. Workers who wear ear plugs or earmuff-type shields can reduce their noise exposure by 7–20 dBA, and this precaution is recommended to anyone who is routinely exposed to noise from industrial machinery or aircraft at levels above 80–85 dBA. Rock musicians, whose sound exposure during a work night may be roughly comparable to a steelworker's exposure during a work shift, have not routinely protected themselves and are now often proving to suffer occupational hearing loss.

The hair cells are the only parts of the adult body that have been shown to suffer physically from exposure to audible sound, but the possibility has been raised that intense noise can harm the fetuses of pregnant women exposed in the workplace. This concern was raised by studies of babies born to women living near large airports. A higher rate of low birth weight and such defects as cleft palate or cleft lip was reported. The National Research Council investigated these reports and concluded there was not sufficient evidence to prove that exposure to noise of high intensity is harmful to fetuses. However, it is theoretically possible that loud sounds could be directly noxious to the fetus, or could produce changes in the mother's physiology that lead to damage. So, even though there is no solid proof that such damage occurs, the Council did recommend that pregnant women avoid exposure of long duration to very loud sounds.

Someone else's drummer

Physical reactions to noise can occur, even when the volume itself is not loud enough to produce tissue damage. Unwanted, uncontrollable, and unpredictable noise well below 85 decibels may have physiological effects. Your neighbor's stereo does not have to be loud to prevent you from falling asleep. The fact that you have no control over it and cannot turn it off may be sufficiently upsetting. Noises from passing trucks or trains have that same quality; they intrude on an activity—or rest—and cannot be controlled. When the source of the noise is particularly disliked, then the sound may be even more irritating than it otherwise would be.

A typical response to this sort of intrusive lower-level noise is the complex of physiological responses known as *stress* or *arousal.* These reactions may take the form of a change in heart rate or rhythm, an increase in blood pressure, a temporary rise in the level of blood cholesterol, or excessive secretion of certain hormones. Stress reactions are more common, and usually more severe, when the unpleasant stimulus is combined with a sense that there is no getting away from it and nothing to be done about it.

Whether people who live in noisy environments actually suffer such ill effects is not firmly established. Several European studies have reported that people living near noisy airports have more evidence of cardiovascular and circulatory problems than those living out of earshot. Higher-than-average blood pressures have been re-

ported for children living near the Los Angeles airport. These community studies certainly suggest that noisy environments are a health hazard, but further research with more rigorous methods is needed to confirm or refute the relationship.

Noise may have a less direct, but nonetheless real, effect on health by disturbing sleep. Even people who believe that they have adapted to the sound of passing elevated trains or overhead jets often have disordered sleep patterns. Frequent shifts in the course of the night from deep to lighter sleep may lead to an ongoing sense of fatigue. The associated lapses of attention or concentration could become a safety hazard.

Bad vibes

Whether or not physical health is affected by noise, mental health does seem to be affected. The heads as well as the hearts of people living near noisy airports have been studied, and it has been found that these people are admitted to hospitals for mental health reasons with higher than average frequency. But this kind of correlation has many pitfalls of method and must be interpreted with caution.

Social behavior may be impaired in noisy environments. There's an abundance of anecdotal evidence—such as accounts of fights breaking out because someone is playing a radio too loudly—supporting this notion. One field study has demonstrated that people are less helpful, if not more hostile, in a noisy place. The experimenter dropped a load of books in an area where there were many passersby. People were much less likely to stop and help when a loud lawn mower was running nearby than when the area was quiet. This effect has been confirmed by other research showing that people who ask for help or for directions get less help in a noisy than in a quiet environment.

A good deal of psychological research on the effects of noise has been conducted in the area of learning. Noise begins to take its toll on learning at a fairly early age. Young children acquire language skills more slowly and are less likely to explore their environments when they live in a noisy home. Part of the reason may be that children have less opportunity to interact with adults when the environment is noisy.

Studies of children in day care and at school have indicated that learning is slowed in a noisy environment. Preschoolers attending a day care center near one of New York City's elevated trains scored below normal in certain psychomotor tasks. Also in New York, children living near the two airports or a noisy highway were found to have lower reading scores than average for the city. In schools near the Los Angeles airports, children scored low on measures of problem solving.

One particularly interesting test of the noise hypothesis was conducted in a classroom adjacent to elevated train tracks in New York. The reading ability of sixth-graders in this room was found to be a year behind that of sixth-graders on the quiet side of the building. Pressure was then placed on the transit authority to install rubber pads on the tracks near the school. The Board of Education also installed acoustic ceilings in the rooms facing the tracks. The result was a somewhat quieter learning environment. After these changes were made, the children's reading scores were found to be the same on the two sides of the building. In the light of these results, the city is now planning to use noise-reduction methods in schools under flight paths to the airports—in the hope that reading scores will go up.

Noise and progress

A lot of changes associated with modernization of life lead to noisier environments. Large, spacious offices in which workers are separated only by partial dividers are plagued by the cacophony of typewriters, copying machines, calculators, telephones, and electric pencil sharpeners. Household appliances—dishwashers, hair dryers, vacuum cleaners, and garbage disposals—contribute their share of noise to the environment. Sometimes increased noise is the result of compromise, as when the New York Transit authority ordered shiny, smooth-riding subway cars that were also very loud owing to the type of motor installed. Sometimes the noise is intentional, as when a penetrating beeper is installed on a truck to warn when it is backing up.

Most of these noise problems can be solved with available engineering methods. The solution may sometimes be expensive, of course. On the other hand, living with a noisy environment has its own invisible costs. The employer who invests in sound-damping walls and ceilings, or in quieter equipment, may realize gains in productivity. At least, this possibility is suggested by studies of the adverse effects of noise on problem-solving ability.

Sometimes, noise reduction is not so much a matter of equipment as planning. A school can be noisy (in the sense of having sounds where they aren't wanted) simply as a result of putting classrooms or libraries, which should be quiet, near gymnasiums, where loud sounds are expected and perhaps even desirable. Other typical problems in school buildings include noisy heating or ventilating equipment, vibrating ductwork, poorly sealed doors, and just plain overcrowding.

As a direct hazard to health, noise takes a relatively limited toll. Damage to hearing, which can be permanent, is the outstanding risk of prolonged exposure to loud sound. Less easily measured, but quite possibly significant, are the indirect effects on both emotions and cognitive processes. This is an area where such terms as "health," "comfort," and "ability" become blurry. Although not conclusive, the available studies indicate that there are real losses in learning ability, social interaction, and productivity in noisy environments.

Indoor Air Pollution

People who live in the North try to keep the winter cold out of their homes by spending at least 5 months enclosed in what they hope is a highly insulated, air-tight space. People who live in the South turn on their air conditioners, close all their windows, and try to keep the coolness from escaping. In both cases, the quality of indoor air is treated mainly as a matter of temperature control. But researchers are now learning that some of our efforts to control indoor air temperature and to conserve energy, admirable though they may be, can lead to a very serious threat to health in the form of air pollution. The exact scope of the problem in the U.S. has yet to be determined, but we do know that the average American is indoors 90% of the day. So even low levels of indoor pollution can have adverse effects, simply because we are exposed to it so much of the time.

When, in the effort to save money on heating and cooling costs, buildings are constructed so that they drastically reduce the exchange of air with the outside, the saving in energy may actually lead to added costs in health problems. Sometimes a building meets the required ventilation standards for air flow and exchange, but because of design defects, occupants actually breathe relatively stagnant air. For example, in large work spaces broken up with low partitions, virtually all of the air circulation may be overhead, with little of it reaching inside the cubicles themselves. Substances that vaporize from the building materials, or pollutants that are added by the inhabitants themselves—primarily cigarette smoke—may contaminate the air.

Common sources

Contaminants enter indoor air in a number of ways. In both commercial and residential structures, newer types of building materials (including urea-formaldehyde insulation) or carpets and furnishings may give off formaldehyde gas over a period of months or years. Certain pesticides used to saturate building foundations may be picked up in the heating system and spread through the interior. Asbestos insulation, if it starts to break down, can scatter high levels of hazardous fiber into the indoor environment. Microbes such as bacteria and molds can grow in the water of air-conditioning or humidifying systems, as the emergence of Legionnaires' disease has taught us.

Tobacco smoke

One of the major indoor air pollutants is cigarette smoke. Cigarette smoke inhaled "passively" is made up of the fumes given off by idling cigarettes (sidestream smoke) and the residue exhaled by smokers. Although sidestream smoke is diluted in a large volume of room air, to begin with it contains a higher concentration of ammonia, benzene, carbon monoxide, nicotine, and certain carcinogenic tars than mainstream smoke. So it may be proportionately more hazardous.

Environmental tobacco smoke is a health hazard to both adults and children who are exposed to it.

The children of smoking parents have more respiratory infections than those of nonsmokers, and their lungs do not develop at the normal rate. Although a minority of adults smoke, a majority of children live in homes with at least one cigarette smoker. Thus, the problem of smoke exposure in childhood is a fairly large one.

Nonsmoking adults exposed to the smoke of others over a long

Controllable and Uncontrollable Stress in Humans: Alterations in Mood and Neuroendocrine and Psychophysiological Function

Alan Breier, M.D., Margot Albus, M.D., David Pickar, M.D., Theodore P. Zahn, Ph.D., Owen M. Wolkowitz, M.D., and Steven M. Paul, M.D.

The authors exposed 10 healthy human volunteers to stress of loud (100 dB) noise under controllable and uncontrollable conditions on two separate days. Subjects reported higher self-ratings of sadness, lack of control, tension, stress, unhappiness, anxiety, and depression; had greater hypothalamic-pituitary-adrenal axis function as measured by elevations in plasma adrenocorticotropic hormone; and had higher levels of sympathetic nervous system and electrodermal activity after the uncontrollable stress condition than after exposure to controllable stress. Thus, lack of control over even a relatively aversive stimulus can produce alterations in mood as well as neuroendocrine and autonomic nervous system changes in healthy subjects.
(Am J Psychiatry 1987; 144:1419–1425)

The role of life stresses in precipitating depression has been investigated in several clinical studies (1–5). Reviews of this literature (6, 7) reveal that the adverse life events most commonly associated with the onset of depression include death of a close family member, serious illness in self or close family member, loss of job, and/or marital separation. These adverse life events are often outside the control of the individual confronting them, and feelings of helplessness and lack of control may result or become exacerbated.

A parallel body of research on the effects of uncontrollable and controllable stress in laboratory animals (8–10) also suggests that lack of control over aversive stimuli results in a variety of neurobiological and behavioral alterations. This phenomenon, termed "learned helplessness," has been proposed as an animal model of depression (8–11). Extensive studies in animals have demonstrated that exposure to uncontrollable stress has specific neurochemical and neuroendocrine consequences. These include central catecholamine depletion (12, 13), decreased γ-aminobutyric acid (GABA) release (14), lowered threshold to bicuculline-induced seizures (15), and altered hypothalamic-pituitary-adrenal (HPA) function (16–19). Such effects are not observed after exposure to identical amounts of controllable stress. Alterations in HPA function following uncontrollable but not controllable stress are of particular interest because of the now well-documented abnormality in HPA function observed in many depressed patients (20–22).

In the present study, we have attempted to bridge the clinical literature associating stress and the development of mood state alterations and the laboratory studies of controllable and uncontrollable stress. We have examined the behavioral, neuroendocrine, and psychophysiological effects of brief stress in healthy volunteers. We assessed the effects of relatively brief exposure to uncontrollable stress, in contrast to identical amounts of controllable stress, on ratings of stress, anxiety, and depression; plasma levels of adrenocorticotropic hormone (ACTH); and electrodermal activity. We also present preliminary data regarding the effects of uncontrollable and controllable stress on plasma epinephrine and norepinephrine levels.

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METHOD

Ten volunteers who had no family or personal history of psychiatric disorders and who were in good physical health as determined by a physical examination gave informed written consent and participated in the study. Six of the subjects were men and four were women. Their mean±SD age was 33±9 years.

Each subject participated in two alternately assigned tests on different days separated by 1 week. On the controllable stress test day, an aversive loud noise was administered and could be stopped if the subject learned a simple button push sequence. On the uncontrollable stress test day, the button responses did not stop the noise. The procedure was a modification of that reported in previous studies examining uncontrollable stress in humans (23, 24) and was controlled by a PDP-11 laboratory computer.

The noise stress consisted of exposure to 60 trials of loud pure tones (100 dB, 3000 Hz, maximum duration= 5 seconds) delivered through headphones. The mean± SD intertrial interval was 25±10 seconds (range=10–40 seconds). A push button was placed convenient to the subject's left hand. Two lights, one blue and one red, labeled "Subject-Out" and "Time-Out," respectively, were positioned in front and in clear view of the subject. In the controllable stress condition, four presses of the button stopped the noise. The button had a 0.5-second "stick" in the down position, which limited the rate at which it could be depressed so that a minimum noise burst was approximately 2 seconds long. If the noise was successfully stopped before 5 seconds, the blue light flashed for 2 seconds. If the subject failed to stop the noise, the red light flashed to indicate that the noise was automatically terminated.

The amount of noise stress was held constant in both conditions by "yoking" the duration of uncontrollable noise to the duration of controllable noise. The first subject and every alternate subject studied had the controllable noise on the first test day and the uncontrollable noise on the second test day. The noise durations experienced during the controllable stress trials were recorded and used for each subject's test day of exposure to uncontrollable stress. The alternating subjects were exposed to uncontrollable stress on the first test day and controllable stress on the second test day. Thus, each subject was used as his or her own control. To preserve randomization, each first-day uncontrollable noise was yoked to the durations of controllable noise of the preceding subject.

Following the noise stress, subjects were given a mental task consisting of 20 five-letter single-solution anagrams. A mental task was incorporated into the paradigm because animal studies have shown that deficits resulting from uncontrollable stress are manifested after the stress when the animal is challenged by a performance test. The five-letter anagrams were presented individually on 3×5-inch index cards, and a maximum of 100 seconds was allowed to solve each anagram. Two different sets of anagrams were used, one for each of the two test days. One set used the letter order 2-4-5-1-3 so that the word "paint" appeared as the anagram "antpi," and the other set used the letter order 4-2-1-5-3 so that the word "voice" appeared as "covei." Performance was scored by counting the number of anagrams successfully solved and the mean±SD length of time it took to solve each word (25).

The procedures followed on the uncontrollable and controllable stress test days were identical. Subjects were seated at 2:00 p.m. in a quiet testing room and remained seated throughout the study, which ended at 4:15 p.m. After a 30-minute acclimation period, an intravenous catheter was inserted in the subject's right antecubital fossa and kept patent with a slow infusion of isotonic (0.9%) saline. Leads for the measurement of skin conductance, skin temperature, and heart rate were then attached. Thirty minutes later, the following instructions regarding the noise condition were read for both the uncontrollable and controllable stress conditions:

> From time-to-time a loud noise will come on for a while through headphones. When that noise comes on there is something you can do to stop it. There are two lights located on the box in front of you. The lights will tell you how the noise on each trial was controlled. If you find the way to stop the noise then the blue light marked "Subject-Out" will momentarily flash on after each time you stop the loud noise. If you fail to stop the noise then the red light marked "Time-Out" will flash when the noise stops. Remember, when the blue light flashes on this means that you have stopped the noise. But, if the red light flashes, this means you did not stop the noise but it stopped automatically. Taking the earphones off or dismantling the apparatus is not the way to stop the noise. I can't answer any questions now. Once again, there is a way to stop the noise but it is up to you to figure out how.

After the 20th and 40th noise trial, a written message that read "continue to try hard" was presented to the subjects to encourage them to keep trying to stop the noise. At the completion of their exposure to noise, which took 30 minutes, subjects were given a 10-minute rest and rating period, which was followed by instructions regarding the mental task and the task itself, all of which took 15 minutes. Following the completion of the mental task, there was a 25-minute inactive period until the termination of the study.

The degrees of feelings of helplessness and control that subjects experienced during the noise stress were determined by administering a visual analogue self-rating scale at the end of the noise condition. This scale asked, "How helpless did you feel during the noise condition?" and "How much control did you feel you had over stopping the noise?" Subjects marked a 100-mm line scored from "not at all" to "extremely." A similar visual analogue self-rating scale scored on a 100-mm line to assess the mood states of tense, happy, and stressed was administered before and at the end of the noise stress and after the anagram task. The Profile of Mood States (POMS) (26), a self-rated inventory of

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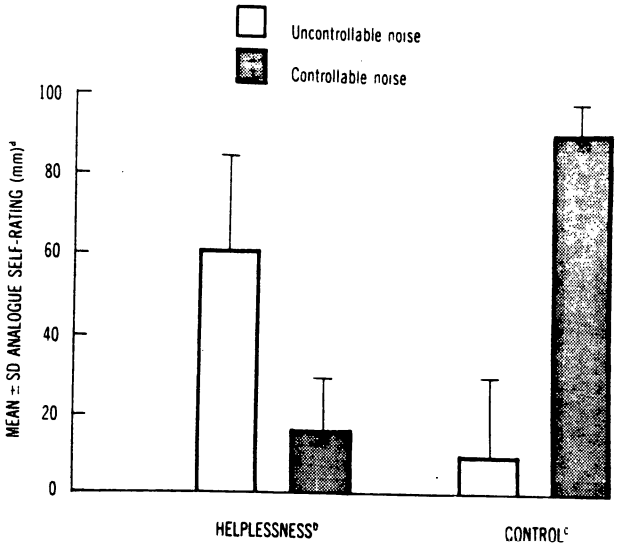
al blood samples were collected through the
nous catheter at the following intervals: 15 and
tes before the noise condition; 5 and 15 minutes
noise exposure; at the end of the 30-minute
ndition; after the 10th anagram, which was 15
s after the end of the noise condition; and at the
the study, which was 45 minutes after the end of
oise stress. Blood was collected in EDTA-
ning tubes and immediately placed on ice.
a, obtained within 30 minutes of collection by
ging whole blood (800 *g* for 10 minutes), was
at −80 °C. ACTH was measured in triplicate
extracted plasma by radioimmunoassay (27, 28).
CTH assay used was highly sensitive (the lowest
of detection was 1.9 pg/ml) and specific (the
reactivity with other peptides was less than
. All ACTH values in this study were deter-
from samples assayed in the same run.
sma was available to determine levels of epineph-
and norepinephrine in four subjects at the follow-
points: baseline (before exposure to noise), after
-minute noise condition, during the mental task
inutes after the start of the noise condition), and
e end of the study. Samples were assayed from
ated plasma by high-pressure liquid chromatog-
with electrochemical detection (29, 30). Lowest
of detection for epinephrine and norepinephrine
.1 pg/ml and 5.0 pg/ml, respectively (29).
o conventional indexes of electrodermal activity
measured bilaterally—mean skin conductance
and number of fluctuations per minute—in addi-
to mean heart rate and mean skin temperature
These were determined for the 2.5 minutes before
cond through the seventh blood drawings. The
lasma ACTH values and the two values for each
physiological measure determined before expo-
to noise were not significantly different and were
aged to yield baseline values for the time before
sure to noise.
ta were analyzed by a two-factor analysis of
nce (ANOVA) with repeated measures (Condi-
uncontrollable versus controllable stress] by
with repeated measures (32); adjusted degrees
edom for repeated measures were used where
opriate. Because each subject participated in both
itions, the ANOVA assessed the data in a paired
er. Analogue mood scale items and ACTH data
further analyzed with post hoc Newman-Keuls
nd by paired t tests. Spearman's correlation
icients were used for correlative analysis. All
ability values are two-tailed.

LTS

10 subjects successfully stopped the noise during
controllable noise condition after a mean±SD of

FIGURE 1. Self-Ratings of Helplessness and Control by 10 Normal Volunteers After Exposure to Controllable and Uncontrollable Noise

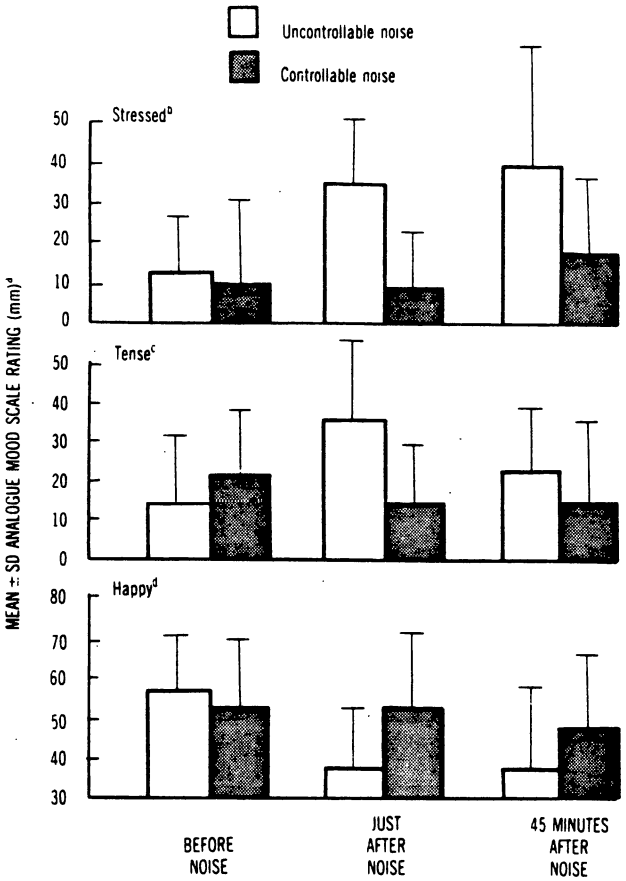


[a]0=none; 100=extreme.
[b]Significant difference between conditions (F=24.7, df=1, 8, p<.005).
[c]Significant difference between conditions (F=196.8, df=1, 8, p<.001).

4±3 trials. The mean±SD duration of exposure to noise per trial was 2.8±0.5 seconds. The subjects' self-ratings of feelings of helplessness during exposure to noise were significantly higher at the end of the uncontrollable noise condition than they were at the end of the controllable noise condition (figure 1). Their self-ratings of feelings of control were significantly higher after the controllable noise condition (figure 1).

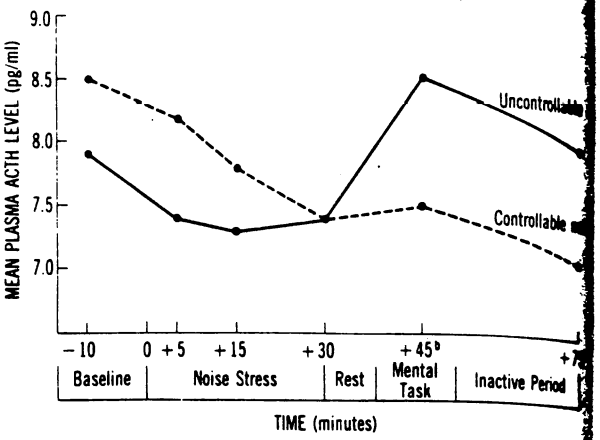
The subjects' self-ratings of feeling stressed, tense, and happy were also significantly different for the two stress conditions (for feeling stressed, F=11.2, df=2, 13, p<.005; for feeling tense, F=8.6, df=2, 13, p<.005; for feeling happy, F=8.3, df=2, 13, p<.02). Post hoc testing revealed that there were significant differences between the two stress conditions in the self-ratings of feeling stressed immediately after the noise exposure and 45 minutes after the noise exposure (figure 2). The ratings of feeling tense and happy were significantly different between conditions immediately after the noise exposure. The self-ratings of feeling stressed were significantly higher after exposure to uncontrollable noise than they were before this exposure (end of noise versus baseline) (figure 2). Self-ratings of feeling happy were significantly lower (figure 2). There were no significant differences in these variables between baseline ratings and ratings made after noise exposure in the controllable stress condition. Further, there were significant condition versus time effects for the POMS depression-dejection factor (F=13.6, df=1, 8, p=.006) and tension-anxiety factor (F=4.2, df=1, 8, p=.07), although the overall magnitude of depression-dejection ratings was relatively modest. There were no significant differences (condi-

FIGURE 2. Self-Ratings of Mood States by 10 Normal Volunteers During Controllable and Uncontrollable Noise Conditions



[a]0=none; 100=extreme.
[b]Significant difference between noise conditions just after noise ($p<.01$) and 45 minutes after noise ($p<.01$). For the uncontrollable noise condition, the stress rating was significantly higher just after noise ($t=3.7$, $df=9$, $p=.005$) and 45 minutes after noise ($t=2.8$, $df=9$, $p=.08$) than it was at baseline.
[c]Significant difference between noise conditions just after noise ($p<.05$).
[d]Significant difference between noise conditions just after noise ($p<.05$). For the uncontrollable noise condition, the happiness rating just after the noise was significantly lower than at baseline ($t=3.0$, $df=9$, $p=.01$).

FIGURE 3. Plasma ACTH Levels of 10 Normal Volunteers Du Controllable and Uncontrollable Noise Conditions[a]



[a]Significant Condition by Time interaction ($F=5.6$, $df=2,$ $p=.006$).
[b]$t=2.4$, $df=9$, $p<.05$, comparison between uncontrollable controllable noise conditions.
[c]$t=2.7$, $df=9$, $p<.05$, comparison between uncontrollable controllable noise conditions.

tion versus time) between controllable and uncontrollable conditions for other POMS factors (anger-hostility, $F=1.6$; vigor, $F=0.2$; fatigue, $F=0.1$; confusion, $F=0.3$). In contrast, exposure to controllable noise alone failed to alter mood ratings: there were no significant differences in ratings immediately after exposure to controllable noise or 45 minutes after such exposure compared with ratings made before such exposure (figure 2).

The behavioral changes resulting from exposure to uncontrollable stress were accompanied by increases in ACTH secretion. There were significant differences in ACTH secretion between the two conditions ($F=5.6$, $df=2, 22$, $p=.006$) (figure 3). ACTH levels were significantly higher in the uncontrollable stress condition than in the controllable stress condition at 15 minutes (during the mental task) and 45 minutes (at the end the study) following cessation of the noise stress (fig 3). Although the magnitude of the ACTH rise relatively modest, the uncontrollable stress AC levels 15 and 45 minutes after the exposure to n were significantly higher than the uncontrollable st ACTH levels at the end of the exposure to n ($t=2.4$, $df=9$, $p<.05$; $t=2.7$, $df=9$, $p<.05$, resp tively). There were no significant differences betw the uncontrollable and controllable stress ACTH lev during the noise stress period. The peak change ACTH levels (mental-task ACTH levels minus end-of-noise ACTH levels) in the uncontrollable str condition was significantly correlated with the p change (end-of-noise values minus pre-noise values) ratings of feeling stressed ($r=.83$, $N=10$, $p=.00$ happy ($r=-0.64$, $N=10$, $p<.05$), and tense ($r=.6$ $N=10$, $p<.06$). To further assess the ACTH data, added the factors sex and day to the ANOVA determine if the gender of the subjects and the order which subjects participated in controllable versus controllable stress affected the ACTH response. Th were no significant gender (Condition by Time by Se $F=0.86$) or order (Condition by Time by Day: $F=2.$ interactions.

Mean±SD plasma epinephrine levels in the unco trollable stress condition during the mental ta (38.2±15 pg/ml) were significantly higher than th were at the end of noise exposure (25.1±9 pg/ml ($t=3.7$, $df=3$, $p=.03$). There were no signific changes in mean±SD plasma epinephrine level at ot points in the uncontrollable stress condition (baseli 26.6±9 pg/ml; end of study: 26.2±6 pg/ml) and significant changes in mean±SD plasma epinephri level during the controllable stress condition (baseli 28.3±16 pg/ml; end of noise: 22.4±13 pg/ml; me

of 10 Normal Volunteers Dur
loise Conditions[a]

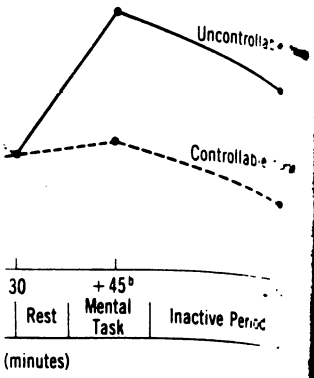
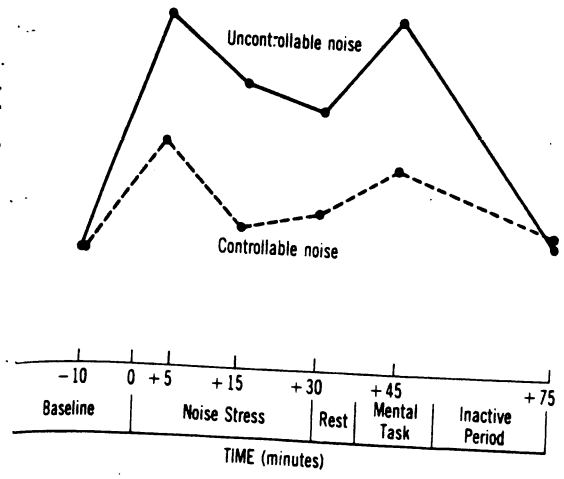


FIGURE 4. Skin Conductance Levels of 10 Normal Volunteers During Controllable and Uncontrollable Noise Conditions[a]



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ificant Condition by Time interaction (F=3.7, df=2, 19,
4).

: 31.1±23 pg/ml; end of study: 22.8±11.7 pg/ml).
ere were no significant changes in plasma norepi-
hrine levels in the uncontrollable and controllable
ditions.

kin conductance levels in the controllable and
ontrollable conditions were significantly different:
levels in the uncontrollable stress condition were
er than those in the controllable stress condition
ughout the noise and mental task conditions
ure 4). Another index of electrodermal activity, the
ber of fluctuations of skin conductance, also
ed a significant Condition by Time interaction
.6, df=5, 40, p<.05); the largest differences be-
n conditions, again, were during the noise expo-
and mental task periods. There were no significant
rences (condition versus time) between the uncon-
ble and controllable stress conditions for mea-
of skin temperature or heart rate. The change in
conductance level from baseline during the ana-
task was significantly rank-correlated with the
ge in tension before and after exposure to noise
1, N=10, p<.05) and stress (ρ=.68, N=10,
5, ratings. A Spearman rank-order correlation
used here because of skewed distribution of skin
uctance levels.

ere were no significant differences in anagram
performance between the uncontrollable and con-
ble stress conditions, respectively (mean±SD
er word: 21±11 versus 21±13, F=0.1, df=1, 8,
; number of incorrect words: 6±4 versus 7±5,
, df=1, 8, p=0.9).

SSION

e results of this study demonstrate that exposure
ef uncontrollable aversive stimuli produces
er alterations in mood as well as in HPA and
sympathetic nervous system activity than exposure t
identical amounts of controllable aversive stimuli. Th
uncontrollable stress condition resulted in higher self
ratings of helplessness, stress, tension, anxiety, anc
depression and produced significantly different pat-
terns of ACTH secretion that were highly correlatec
with many of these behavioral changes as well as
elevations in plasma epinephrine levels and electroder-
mal activity.

These data are similar to those reported from vari-
ous "learned helplessness" paradigms in animals, al-
though there are also important differences between
the human uncontrollable stress paradigm reported
here and uncontrollable stress experiments in animals.
In many animal studies (12, 13), both the magnitude
and duration of stress exposure are greater than those
used in this and other human studies. The latter may
account for the more profound neurobiological and
behavioral changes in animals exposed to uncontrol-
lable stress. Nevertheless, the determination of mood
changes such as "depression" following uncontrollable
stress in animals can be inferred only indirectly from
behavioral observation and performance tasks, where-
as direct assessment of mood state changes is possible
in humans. There are, however, several parallels be-
tween the results of this study and studies of uncon-
trollable stress in animals. In the rhesus monkey,
higher levels of plasma cortisol and lower levels of
social activity were observed following exposure to the
stress of aversive uncontrollable noise (100 dB) com-
pared with baseline values and with levels of animals
exposed to the stress of identical amounts of control-
lable noise (18, 19). Similar results have also been
observed in rodents: significantly higher plasma levels
of corticosterone have been observed following expo-
sure to uncontrollable stress than following exposure
to controllable stress (16).

Our finding that elevations in plasma ACTH, a
hormone with a plasma half-life of less than 10
minutes (33, 34), occurred 15 and 45 minutes after
exposure to uncontrollable (but not controllable)
stress suggests that increased ACTH secretion did not
result solely from the immediate inability to terminate
the aversive stimuli. Rather, the neurochemical and
neuroendocrine effects of uncontrollable stress appear
to be sustained well beyond the cessation of the noise
stress. Animal studies have shown, for example, that
plasma corticosterone levels remain elevated up to 3
hours following the cessation of uncontrollable stress
(16). Further, many of the physiological and behav-
ioral deficits observed following exposure to uncon-
trollable stress are manifest only after challenging the
animal with a performance task or other mild stressor
(8–10). Thus, in our study the mild stress associated
with the mental task may have contributed to the
elevations in levels of ACTH, epinephrine, and elec-
trodermal activity observed following exposure to
uncontrollable stress. It is interesting that these indexes
did not appear to be influenced by the identical mental
task following controllable stress. There were sus-

tained elevations during uncontrollable noise exposure of skin conductance but not of ACTH levels, suggesting a dissociation between these measures during uncontrollable stress exposure. The fact that skin conductance is known to reflect tonic arousal may account for these differences (35).

In animals, the neurochemical changes associated with uncontrollable compared with controllable stress are only beginning to be understood. A decrease in the depolarization-induced release of GABA, a major inhibitory neurotransmitter, has been reported to occur following exposure to uncontrollable but not controllable stress in rats (14, 15), which results in a state of increased neuronal disinhibition lasting at least 2 hours following cessation of the stress (15). A similar disinhibitory state following uncontrollable stress in our subjects could explain the augmented ACTH release during a subsequent mental task, since enhancement of central GABA-ergic neurotransmission has been shown to have an inhibitory influence on HPA axis activity (36–38). In addition, changes in central catecholamine levels and turnover have also been reported following uncontrollable stress in rodents, and these changes appear to be related to both the motor and performance deficits of uncontrollable stress (12, 13). The increased plasma epinephrine and electrodermal activity during uncontrollable stress is consistent with this in that it suggests a greater sympathetic nervous system response to this condition.

Regardless of the exact neurochemical changes responsible for the behavioral, neuroendocrine, and electrodermal response to uncontrollable stress in our subjects, the results of our study bridge several largely independent and extensively investigated lines of research in human affective disorders. These include the abnormal HPA axis activation observed in many depressed patients (20–22) and the effects of "stress," particularly stressful life situations that engender feelings of helplessness, in precipitating depressive symptoms (1–7). Moreover, in our subjects the alterations in HPA axis function were correlated to the well-known cognitive deficits that characterize many depressed patients (39). Further assessment of HPA axis response to the uncontrollable stress paradigm would be useful. For example, it would be interesting to determine if, following dexamethasone administration, uncontrollable stress results in cortisol nonsuppression, a phenomenon seen in some types of affective illness (20, 21). It will also be interesting to extend our paradigm to patients with various forms of affective disorders both while they are symptomatic and while they are in remission. Preliminary results (unpublished data of Breier et al.) suggest exaggerated behavioral and neuroendocrine changes following uncontrollable stress in patients with unipolar and bipolar disorders compared with healthy volunteers. We conclude that the human paradigm for exposure to uncontrollable stress described here may be a useful tool to examine the neurobiological correlates of mood in normal volunteers and psychiatric patients.

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Chronic Stress Increases Serotonin and Noradrenaline in Rat Brain and Sensitizes Their Responses to a Further Acute Stress

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Abstract: The effects of 1 h/day restraint in plastic tubes for 24 days on the levels of serotonin (5-HT), 5-hydroxyindoleacetic acid (5-HIAA), tryptophan (TP), and noradrenaline (NA) in six regions of rat brain 20 h after the last restraint period were investigated. The levels of 5-HT, 5-HIAA, and NA but not TP increased in several regions. The effects of 1 h of immobilization on both control and chronically restrained rats were also studied. Immobilization per se did not alter brain 5-HT, 5-HIAA, and TP levels, but decreased NA in the pons plus medulla oblongata and hypothalamus. However, immobilization after chronic restraint decreased 5-HT, increased 5-HIAA, and decreased NA in most brain regions in comparison with values for the chronically restrained rats. We suggest that chronic restraint leads to compensatory increases of brain 5-HT and NA synthesis and sensitizes both monoaminergic systems to an additional acute stress. These changes may affect coping with stress demands. **Key Words:** Serotonin—5-Hydroxyindoleacetic acid—Tryptophan—Noradrenaline—Chronic restraint. **Adell A. et al.** Chronic stress increases serotonin and noradrenaline in rat brain and sensitizes their responses to a further acute stress. *J. Neurochem.* 50, 1678–1681 (1988).

Stress alters the utilization of central neurotransmitters, in particular that of noradrenaline (NA) and serotonin (5-HT), and also alters behavior. Most work has concerned NA. Acute stress generally increases its turnover and levels are decreased if the stress is sufficiently severe (Stone, 1975; Tanaka et al., 1982; Ida et al., 1984; Lehnert et al., 1984; Glavin, 1985). Less attention has been paid to 5-HT although several studies suggest that acute stress increases turnover as brain levels of 5-hydroxyindoleacetic acid (5-HIAA) increase but those of 5-HT are unaltered (Curzon et al., 1972; Morgan et al., 1975; Joseph and Kennett, 1981; Kennett and Joseph, 1981). It has been suggested that stress-induced increases of 5-HT turnover do not merely reflect its intraneuronal metabolism (Grahame-Smith, 1971), but also increased functional activity of serotonergic neurons (Joseph and Kennett, 1981, 1983; Kennett and Joseph, 1981).

Unlike acute stress, repeated stress does not deplete brain NA. This may reflect adaptation due to enhanced activity of the enzymes involved in NA biosynthesis (Kobayashi et al., 1976; Kvetnansky, 1980; Stone and McCarty, 1983) so that stress-dependent increased demands for the transmitter are met.

There have been relatively few studies of the effect of chronic stress on brain 5-HT metabolism (Roth et al., 1982; Hellhammer et al., 1984; Kennett et al., 1985, 1986) and little is known about possibly adaptative changes of 5-HT metabolism although tryptophan hydroxylase (tryptophan-5-monooxygenase; EC 1.14.16.4) activity is reported to be increased after repeated stress exposure in some brain nuclei and decreased in others (Culman et al., 1984).

To elucidate possible serotonergic adaptative mechanisms we have investigated the effects of a daily period of restraint for 24 days on the concentrations of 5-HT, 5-HIAA, and tryptophan (TP) in six regions of rat brain. NA was also measured. We have also studied the effects of the above procedure on 5-HT metabolism and NA changes elicited by acute immobilization stress.

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Abbreviations used: 5-HIAA, 5-hydroxyindoleacetic acid; 5-HT, 5-hydroxytryptamine (serotonin); NA, noradrenaline; TP, tryptophan.

MATERIALS AND METHODS

Animals

Male Sprague–Dawley rats 43–47 days old on arrival at the laboratory were used. The animals were maintained four per cage in a controlled environment (temperature, 22°C; lights on from 0700 to 1900 hours) for 1 week before starting the experiment. Food and water were always available ad libitum.

Stress procedure

The rats were randomly assigned to control and chronic restraint groups. Control animals were left undisturbed in their cages for 24 days. Chronic restraint was for 1 h/day (except Sundays) in plastic tubes (22 cm length, 6 cm diameter) for 24 days. Approximately 20 h after the last session, groups (n = 6–7) of control and restrained animals were killed by decapitation within 30 s after being taken from their home cages. Other groups (n = 7) of control and restrained rats were immobilized for 1 h and killed immediately. This acute immobilization was done by taping the rear and forelimbs to metal mounts fixed to a board. Head motion was limited by metal loops fixed over the neck as described by Kvetnansky and Mikulaj (1970).

Neurochemical analysis

Brains were rapidly removed after killing, blotted with filter paper, and frozen at −90°C until assayed. The following regions were dissected on a glass plate over ice as described by Glowinski and Iversen (1966): frontal cortex, midbrain, pons plus medulla oblongata, hypothalamus, hippocampus, and striatum. Homogenization was carried out in 10 volumes of ice-cold 0.1 *M* HCl containing 1.0 *M* NaCl and 2.3 m*M* ascorbic acid. 5-HT, 5-HIAA, TP, and NA were assayed by HPLC using a Waters M590 solvent delivery pump and a WISP 710B automatic injector fitted with a μBondapak C_{18} column (also from Waters Associates, Milford, MA, U.S.A.). 5-HT and TP were determined with a 450-10S Fluorescence Detector (Perkin-Elmer, Norwalk, CT, U.S.A.) set at 280 nm (excitation) and 340 nm (emission). The mobile phase was 0.1 *M* formic acid/methanol (85:15, vol/vol, pH 2.35) at a rate of 1 ml/min. Determination of 5-HIAA and NA was carried out with a LC-4B Amperometric Detector (Bioanalytical Systems, West Lafayette, IN, U.S.A.) at a voltage setting of 0.7 V. The composition of the later eluent was 5 m*M* octane sulfonic acid, 0.1 m*M* sodium acetate, 60 m*M* NaOH, 40 m*M* citric acid, and 5% methanol.

Statistical analysis

Results were subjected to one-way analysis of variance followed by Duncan's multiple-range test. The following comparisons were performed: control versus acute immobilization, control versus chronic restraint, chronic restraint versus chronic restraint plus acute immobilization, and control versus chronic restraint plus acute immobilization. For all comparisons the criterion for statistical significance was $p < 0.05$.

RESULTS

Chronic restraint did not change TP levels in any of the brain areas studied relative to control rats but significantly increased 5-HT in all regions studied and increased 5-HIAA in frontal cortex, hypothalamus, and hippocampus. NA was significantly increased in frontal cortex, midbrain, and hippocampus.

The effects of 1 h immobilization on brain levels of 5-HT, 5-HIAA, TP, and NA in control or chronically restrained rats are also shown in Table 1. It did not alter concentrations of 5-HT, 5-HIAA, or TP but the concentrations of NA in the hypothalamus and pons plus medulla oblongata were decreased in relation to control animals.

Acute immobilization decreased NA in frontal cortex, midbrain, and hypothalamus, and 5-HT in all brain regions (except pons plus medulla oblongata) of chronically restrained rats. These acutely immobilized rats also showed decreased 5-HT in the hippocampus, decreased NA in the hypothalamus, and increased 5-HIAA in the pons plus medulla oblongata relative to unrestrained control rats. Acute immobilization of chronically stressed rats increased 5-HIAA in all brain regions except the striatum, when compared to levels just after chronic restraint. 5-HIAA was also significantly increased above control values in each region.

DISCUSSION

Chronically stressed rats were killed 20 h after the last restraint session to minimize its immediate effects on neurotransmitter metabolism. Chronic restraint did not modify TP levels, which agrees with findings after seven daily immobilizations (Kennett et al., 1985). Thus 5-HT metabolism may alter after chronic stress without alteration of brain TP levels. Daily exposure to 1 h of restraint for 24 days increased both 5-HT and 5-HIAA in some brain regions, particularly in frontal cortex, hypothalamus, and hippocampus. This suggests that chronic restraint activates not only the synthesis but also the metabolism of 5-HT. The enhancement of 5-HT synthesis might be due to increased hydroxylation of TP by tryptophan hydroxylase, the rate-limiting enzyme of the 5-HT biosynthetic pathway (Friedman et al., 1972). It has been reported that chronically stressed male but not female rats showed increased levels of 5-HT in the frontal cortex and striatum (Kennett et al., 1986). Furthermore, increased brain tryptophan hydroxylase activity is reported in the locus ceruleus after seven immobilization sessions (Culman et al., 1984). However, other authors did not find alterations either in the activity of this enzyme in several regions of the rat brain (Palkovits et al., 1976; Culman et al., 1984) or in the concentration of 5-HT in brain stem regions (Culman et al., 1984; Kennett et al., 1985), after repeated immobilization stress. It is also possible that the increased 5-HT levels after stress may be a reflection of a feedback response of 5-HT synthesis to its enhanced release (Hamon et al., 1979) or even that under chronic stress more TP is taken up by the brain and metabolized so that TP levels remain unchanged. As tryptophan hydroxylase is not saturated by its substrate, the rate of 5-HT syn-

TABLE 1. *Effect of 1-h immobilization, chronic restraint, and acute immobilization following chronic restraint on the concentrations of 5-HT, 5-HIAA, TP, and NA in various regions of the rat brain*

	Control	Immobilization	Chronic restraint	Chronic restraint and immobilization
Frontal cortex				
5-HT	295 ± 36 (6)	252 ± 53 (7)	415 ± 32 (7)[b]	253 ± 19 (7)[d]
5-HIAA	259 ± 50 (6)	310 ± 23 (7)	379 ± 66 (7)[b]	499 ± 77 (7)[b,d]
TP	3.6 ± 0.3 (6)	3.4 ± 0.2 (7)	3.7 ± 0.2 (7)	3.9 ± 0.5 (7)
NA	299 ± 50 (6)	254 ± 25 (7)	406 ± 60 (7)[b]	329 ± 60 (7)[c]
Midbrain				
5-HT	421 ± 30 (5)	391 ± 98 (7)	567 ± 64 (7)[b]	441 ± 67 (7)[d]
5-HIAA	599 ± 78 (6)	677 ± 81 (7)	685 ± 75 (7)	855 ± 65 (7)[b,d]
TP	3.5 ± 0.4 (6)	3.8 ± 0.2 (7)	3.6 ± 0.5 (7)	3.4 ± 0.5 (7)
NA	414 ± 39 (6)	373 ± 44 (7)	478 ± 35 (7)[b]	410 ± 22 (7)[d]
Pons plus medulla oblongata				
5-HT	344 ± 23 (6)	329 ± 52 (7)	494 ± 11 (7)[b]	473 ± 64 (7)[b]
5-HIAA	366 ± 43 (6)	407 ± 39 (7)	439 ± 125 (7)	581 ± 108 (7)[b,d]
TP	3.3 ± 0.3 (6)	3.3 ± 0.3 (7)	3.5 ± 0.4 (7)	3.3 ± 0.2 (7)
NA	693 ± 77 (6)	575 ± 82 (7)[b]	710 ± 70 (7)	662 ± 43 (7)
Hypothalamus				
5-HT	554 ± 27 (6)	577 ± 27 (7)	728 ± 76 (7)[b]	597 ± 48 (7)[d]
5-HIAA	696 ± 63 (6)	755 ± 54 (7)	867 ± 127 (7)[b]	1,107 ± 84 (7)[b,d]
TP	4.3 ± 0.5 (6)	4.6 ± 0.4 (7)	4.0 ± 0.3 (7)	4.4 ± 0.3 (7)
NA	2,047 ± 210 (6)	1,506 ± 242 (7)[b]	2,167 ± 375 (7)	1,638 ± 146 (7)[b,d]
Hippocampus				
5-HT	274 ± 35 (6)	253 ± 24 (7)	353 ± 87 (7)[b]	200 ± 16 (7)[b,d]
5-HIAA	343 ± 48 (6)	366 ± 74 (7)	436 ± 79 (7)[a]	581 ± 36 (7)[b,d]
TP	3.6 ± 0.3 (6)	3.5 ± 0.3 (7)	3.3 ± 0.3 (7)	3.1 ± 0.1 (7)
NA	303 ± 70 (6)	255 ± 19 (7)	463 ± 107 (7)[b]	379 ± 30 (7)[c]
Striatum				
5-HT	339 ± 31 (6)	389 ± 68 (7)	462 ± 38 (7)[b]	338 ± 47 (7)[d]
5-HIAA	492 ± 52 (5)	511 ± 78 (7)	516 ± 84 (7)	607 ± 92 (7)[a]
TP	3.7 ± 0.3 (6)	3.7 ± 0.2 (7)	3.5 ± 0.2 (7)	3.3 ± 0.3 (7)
NA	250 ± 80 (6)	231 ± 14 (7)	265 ± 83 (7)	204 ± 43 (7)

Values are expressed as ng/g, except for TP (μg/g). Results are means ± SD. Number of animals is in parentheses.
Significant differences from conrol group: [a]$p < 0.05$, [b]$p < 0.01$ or from chronic restraint group: [c]$p < 0.05$, [d]$p < 0.01$. Comparisons by Duncan's multiple-range test.

thesis depends on TP availability (Fernstrom and Wurtman, 1971). On the other hand, the concentration of NA in frontal cortex, midbrain, and hippocampus was also increased in the chronically restrained rats, probably due to the enhanced tyrosine hydroxylase (tyrosine-3-monooxygenase; EC 1.14.16.2) activity (Kobayashi et al., 1976; Weiss et al., 1976; Kvetnansky, 1980; Stone and McCarty, 1983).

One hour of immobilization significantly depleted NA in hypothalamus and pons plus medulla oblongata, but did not affect 5-HT or 5-HIAA. This agrees with evidence that 5-HT turnover is less affected by stress than NA turnover (Thierry et al., 1968; Anisman and Zacharko, 1982). Nevertheless, when acute immobilization was preceded by chronic restraint, 5-HT and NA decreased and 5-HIAA increased in most brain regions as compared to the effects of chronic restraint alone. It thus appears that previous chronic restraint sensitizes brain 5-HT and NA metabolism to subsequent acute stress. NA in the pons plus medulla oblongata, however, did not show such an effect. Here acute immobilization reduced levels relative to control rats, but when it followed chronic restraint, they were not significantly different from those of chronically restrained rats. This might be due to the activation of a mechanism which would prevent the depletion of NA by stress (Welch and Welch, 1968).

Sensitization of NA response to an acute stressor by previous exposure to another stressor has been previously reported by Anisman et al. (1981). Our data confirm this report and indicate a similar sensitization of the serotonergic system. However, though 5-HT and NA were decreased, their values were in general not below those of nonstressed animals, because they had been previously raised by the chronic stress. The only exceptions were 5-HT in the hippocampus and NA in the hypothalamus which showed the most marked depletions (−43% and −24%, respectively) below the values for the chronically restrained group. This suggests a special responsiveness to acute stress after an earlier stressful experience. The physiological significance of such a sensiti-

ation could perhaps be related (whether positively or negatively) to the maintenance of an adequate response to a novel stress as previous chronic stress increases vulnerability to behavioral deficits produced by subsequent acute stress (Weiss et al., 1975; Platt and Stone, 1982).

In summary, the present data show enhanced brain 5-HT and NA levels as a consequence of chronic restraint stress. These changes may be due to adaptative processes maintaining levels of these neurotransmitters needed for the resultant higher utilization required. The increased concentrations of 5-HT and NA could also protect the animals from depletion below basal levels when exposed to a further acute stress (Thierry et al., 1976).

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Reply

cated in our report, our findings
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skepticism is well taken. As we
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Immunocompetence During Stress

SIR: Alteration in immunocompetence during stress relates to basic concepts of homeostasis and adaptation. These basic concepts need clarification to interpret the data presented by Joseph R. Calabrese, M.D., and associates in their article on alterations in immunocompetence during stress, bereavement, and depression (1).

Walter B. Cannon (2) discovered that the awareness of a threat triggered an intense activation of the sympathetic nervous system; he called the results of this acute activation the "fight-or-flight" reaction. Dr. Calabrese and colleagues mentioned that lymphocytes in the spleen are surrounded by noradrenergic fibers, but Cannon did not find changes in the immune tissues during the fight-or-flight response. We cannot ignore the fact that the awareness of a threat also triggers a behavioral response which eliminates the threat before immunologic changes can take place. When the mental arousal is not a threat, the behavioral response does not occur immediately; nevertheless, the sympathetic nervous system is still activated to some degree. Under those conditions, noradrenergic fibers in the spleen, and probably other areas, are active for an extended period of time, and immunologic changes have time to develop.

In the 1930s Hans Selye (3) discovered another response to stressors—in this case triggered by a somatic condition or tissue damage. This response resulted in various changes within the body that Selye called "general adaptation syndrome," including an involution of thymicolymphatic tissues. Selye considered the symptoms to be an alarm reaction alerting the organism to a disturbance that could spread to other parts of the body. Consequently, the organism produces another biologic response to restore the homeostasis and prevent further changes. While the body is repairing tissue damage, the two responses counterbalance each other and no symptoms are noted. Selye called that condition "stress" (4). The following conclusions result from the discoveries I have just mentioned.

1. The fight-or-flight reaction discovered by Cannon is not stress but occurs during the mental stress accompanying any state of awareness. It does not include immunologic changes because the awareness of a threat is promptly terminated by a behavioral response.

2. If a state of awareness is not terminated, the organism suffers from a persistent mental stress that keeps the sympathetic nervous system constantly active. Under these conditions, the immune system suffers changes that can be detected.

3. The alarm reaction discovered by Selye includes immunomodulation but is not stress.

4. When the alarm reaction is counterbalanced by another adaptive response, the symptoms of the general adaptation syndrome disappear, but the physiological functions of the body are under stress.

These statements concerning stress relate only to the original works of Cannon and Selye. We now have evidence that the body produces other biological mechanisms that must be considered part of the stress response.

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Calabrese Replies

SIR: I agree with Dr. Fernandez that it is important to consider the concepts of homeostasis and adaptation when discussing data which suggest that stress, bereavement, and depression can alter immunocompetence. It was, however, the nineteenth-century physiologist Claude Bernard who first recognized the importance of homeostasis and adaptation as he stated, "The constancy of the 'milieu interieur' is the condition of a free and independent existence" (1). Later, the pioneering work of Cannon and Selye greatly advanced our awareness of the role that emotion plays in homeostasis and adaptation. Cannon provided observations that he believed important to his "emergency theory of emotion" and in 191 coined the term "fight-or-flight" response. He argued that whereas the parasympathetic branch of the autonomic nervous system regulates such vegetative functions as digestion the sympathetic branch prepares the body for defense against stress.

On the other hand, the work of Selye greatly clarified the coordinated roles of the autonomic nervous system, endocrine system, and immune system in the response to stress. He suggested that there are three distinct stages in the body's response to stress. The first stage is accompanied by activation of both the hypothalamic-pituitary-adrenal-cortical and sympathoadrenal medullary axes and is called the "alarm reaction." The second is the "stage of resistance," during which the most appropriate local defense against stress is organized. The third stage occurs if the stress is too strong or too prolonged. In this "stage of exhaustion," the body's resistance declines and death usually follows.

Dr. Fernandez concludes that the fight-or-flight response does not involve immunologic changes because behavioral responses terminate the threat. Frequently, however, a behavioral response is unsuccessful in its attempt to accomplish this and the organism sustains trauma. There is reason to believe that neuroendocrine changes accompanying the alarm reaction have immediate adaptive immunomodulating properties which prepare the organism for the possibility of the incoming trauma. In fact, it is clear that the glucocorticoids and catecholamines have potent immunomodulating properties that are frequently seen within minutes.

It is true that chronic arousal leads to persistent activation of the sympathetic nervous system and that immunologic changes typically occur as a result of this activation. I disagree, however, with the suggestion that the alarm reaction is not a stress. Selye himself addressed this issue by stating that the body's attempts to deal with stress can themselves be stressful to the body, resulting in what he called "diseases of adaptation." For example, high levels of ACTH and corticosteroids in the body can lead to ulceration, cardiac disease, and high blood pressure.

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Role of the pineal gland in immunity

II. MELATONIN ANTAGONIZES THE IMMUNOSUPPRESSIVE EFFECT OF ACUTE STRESS VIA AN OPIATERGIC MECHANISM

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SUMMARY

We have recently demonstrated that the pineal neurohormone melatonin exerts important immunoregulatory functions. We now report that exogenous melatonin counteracts completely the effect of acute anxiety–restraint stress on thymus weight and antibody response to sheep red blood cells (SRBC). In addition, administration of melatonin in the evening prevented paralysis and death of mice infected with sublethal doses of encephalomyocarditis virus (EMCV) after acute stress. The anti-stress activity of melatonin was present in mice injected with T-dependent antigens, and it was abolished by the contemporary administration of the specific opioid-antagonist naltrexone. This suggests that melatonin exerts its remarkable anti-stress effect on antigen-activated cells via an opiatergic mechanism. These findings have important implications at both basic and clinical levels. They provide a new approach to a possible physiological 'up-regulation' of the immune response under virus- and/or stress-related immunosuppression.

INTRODUCTION

...hological and emotional conditions of the most varied ...e and origin can affect neuroendocrine and immune ...ions. It is now widely accepted that these closely inter...n mechanisms change the susceptibility to various diseases, ...ding cancer (Ader, 1981; Fox & Newberry, 1984; Guille-Cohn & Melnechuck, 1985; Plotnikoff *et al.*, 1986).

...nvironmental stimuli, such as light and temperature, are ...duced into neuroendocrine signals by the cyclic circadian ...esis and release of melatonin (*N*-acetyl-5-methoxytrypta...) by the pineal gland (Brown & Niles, 1982; Reiter, 1984; ...rod, Fraschini & Velo, 1982). Psychosocial factors and ... also seem to modify the production of melatonin (Linch, ... & Wurtman, 1973), and alterations of the circadian rhythm ... release have been associated with anxiety states, affective ...ders and cancer (Brown & Niles, 1982; Arendt, Wirz-...ce & Bradtke, 1977; Birau, 1981). Furthermore, the pineal ...d and melatonin in particular seem to exert an oncostatic ... in a variety of experimental and clinical models (Blask, ...). We have reported that functional and pharmacological ...ition of melatonin synthesis leads to a significant depres... of humoral and cell-mediated immune responses in mice ...estroni & Pierpaoli, 1981; Maestroni, Conti & Pierpaoli, ...b). We have demonstrated that when melatonin is administered in a circadian fashion to normal adult mice, the neurohormone possesses powerful immuno-augmenting properties (Maestroni, Conti & Pierpaoli, 1986b, 1987a, b). Evening melatonin can also antagonize the suppression of antibody production induced by pharmacological doses of corticosterone or cyclophosphamide (Maestroni *et al.*, 1986b, 1987a, b). Melatonin was effective only in *vivo* on antigen-primed mice, and its immuno-augmenting effects were antagonized completely by the specific opioid-antagonist naltrexone (Maestroni *et al.*, 1986b, 1987a, b).

Of basic experimental and clinical significance is the evidence in this report that exogenous melatonin can abrogate completely the effects that anxiety stress induced by physical restraint produce on thymus weight, antibody production and on resistance to sublethal inocula of EMCV in mice. In accordance with previous findings, we show here that even under acute stress situations melatonin operates on antigen-activated cells via an opiatergic mechanism.

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MATERIALS AND METHODS

Mice

BALB/cJ inbred female mice from our animal quarter, aged 2–3 months, were used. The mice were maintained under a dark-light cycle of 12 hr (6 a.m., light on; 6 p.m., light off) at 22 ± 1°. Great care was taken to avoid environmental stress before and during the course of the experiments (noise, smells, cage crowding and so on).

(a)



(b)





(c)



mus of stressed mice. xperiments shown in d for histology: care s. The figure shows a (a) SRBC-primed, -primed, restrained al controls. Haema-

d antigen-primed n on Table 3, fully ss model (Tables 1 ect of corticoster- l i.v. with 8×10^6

Table 3. Melatonin antagonizes the reduction of thymus weight [illegible] by corticosterone in mice immunized with vaccinia virus

Group	(*n*)	Corti-costerone	Vacc. virus	Treatment	Thymus weight / body weight
A	(10)	+	+	PBS	1·59 ± 0·4[illegible]
B	(10)	+	+	Melatonin	2·28 ± 0·[illegible]*
C	(10)	+	–	PBS	1·63 ± 0·4[illegible]
D	(10)	+	–	Melatonin	1·64 ± 0·[illegible]
E	(10)	–	–	—	3·01 ± 0·2[illegible]

Groups A, B, C, D were injected s.c. daily for 5 days at 8 a.m. with a PBS suspension of corticosterone-acetate (0·5 mg/mouse/day). Groups A, B were then inoculated i.v. with 8×10^6 pfu of *Vaccinia* virus at 9 a.m. On the same day and for 5 consecutive days groups B, D were treated s.c. at 4 p.m. with 40 μg/kg b.w. of melatonin. Groups A, C were injected with PBS as control. On the 5th day the mice were killed and thymus and body weight measured.

Values are given ± the standard deviation.

* $P < 0{\cdot}01$ B versus A, C, D (analysis of variance).

pock-forming units (pfu) of *Vaccinia* virus (Table 3). Experiments are now underway to evaluate the effect of melatonin on anti-viral T-cytotoxic responses *in vivo*.

DISCUSSION

Our results indicate that endogenous opioid peptides that are assumed to bind to μ or k-type opioid receptors are activated by exogenous melatonin and can counteract the effect of stress and/or of corticosterone on the immune response and on the size of the thymus. This effect does not seem to depend on a direct protection of lymphoid cells from the lytic action of corticosterone (Fig. 3). Therefore, it is improbable that there is a direct melatonin–opioid interference in pituitary–adrenal mechanisms as well as in the recently suggested feedback loops between the neuroendocrine systems and lymphocyte and/or monocyte products (Smith & Blalock, 1986; Besedovsky *et al.*, 1986). On the other hand, normal, non-stressed mice injected with SRBC and treated with melatonin showed, as reported elsewhere (Maestroni *et al.*, 1986b, 1987a), an increase in antibody production but no enlargement of the thymus. Further studies are needed to demonstrate conclusively that melatonin acts via a specific opioid peptide. Endorphins and enkephalins have been reported to exert many, albeit controversial, effects on the immune system (Plotnikoff *et al.*, 1986). In relation to the size of lymphatic organs, large doses of enkephalins injected in rodents can induce marked changes in the size of spleen and thymus (Murgo, Faith & Plotnikoff, 1986). The same enkephalins do not affect the primary antibody response to SRBC in mice (Murgo *et al.*, 1986). It is conceivable that many contradictory findings reported recently can be explained by a complete neglect of a proper hormonal circadian rhythmicity for the expression of an immune response. In fact, we have demonstrated that exogenous melatonin has immuno-augmentative properties only if injected at a time of the day which is synchronous to its endogenous circadian rhythm (Maestroni *et al.*, 1987b).

The melatonin–opioid anti-stress effect on antibody production and thymus weight may reflect a physiological function of endogenous melatonin. We have reported that mice kept for [illegible] generations under constant environmental lighting, a procedure which abrogates pineal function, do not grow [illegible] and display a marked atrophy of the thymolymphatic [illegible] (Maestroni & Pierpaoli, 1981). Experiments to elucidate [illegible] important point are in progress.

The present results have important implications both at the experimental and clinical level. In a general sense, it is not surprising that melatonin, the pineal neurohormone which coordinates the neuroendocrine response of the organism to basic environmental variables such as light and temperature, also exerts such a dramatic activity on the immune system. Hormones can be certainly considered as fundamental components of the environmental stimuli and to represent special 'sensors' (Smith & Blalock, 1986; Besedovsky *et al.*, 1986; Maestroni *et al.*, 1986a). Antigen-activated lymphocytes have been shown to release stress hormones, such as ACTH and endorphins (Smith & Blalock, 1986), and the monokine IL-1 has been demonstrated to stimulate directly ACTH production in the pituitary (Besedovsky *et al.*, 1986). Melatonin may represent a cardinal molecule which modulates, via the endogenous opioid system, the immunosuppression induced by infectious agents and by stress. On the other hand, the endogenous opioid system seems to play a key role in the co-ordination of the response to stress (Plotnikoff *et al.*, 1986), and there are indications that the negative influence of stress or 'distress' arises from an exhausted endogenous opioid system (Cohen *et al.*, 1986). Most interestingly, unescapable acute anxiety stress such as that generated in this study has been shown to lower the circadian production of melatonin (Linch & Deng, 1986). Thus, melatonin may possess the physiological role of restoring the activity of the endogenous opioid system to co-ordinate the stress response. Finally, the identification of this fundamental neuroimmunoregulatory mechanism can provide the basis for new physiologic prophylactic and immuno-therapeutic interventions.

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Effects of age on metabolic responses to acute and chronic stress

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ODIO, MAURICIO R., AND ALVIN BRODISH. *Effects of age on metabolic responses to acute and chronic stress.* Am. J. Physiol. 254 (Endocrinol. Metab. 17): E617–E624, 1988.—The effect of age on the capacity of an organism to mobilize glucose and free fatty acids during stress and to adapt these responses from an acute to a chronic stress situation is not known. The purpose of this study was to determine whether aging impaired the capacity to *1)* raise glucose and free fatty acid levels and suppress insulin release in acute stress situations and *2)* develop adaptation of these responses to exposure to chronic stress. Our results indicate that 6-mo-old rats (young) trained to escape electric shock (short-term modulation) showed greater acute stress-induced hyperglycemic, hypoinsulinemic, and lipolytic responses than untrained young rats. By contrast, in 22-mo-old rats (old), responses of trained and untrained animals were not different. In the chronic stress (long-term adaptation) experiments, it was found that *1)* adaptation of stress-induced hyperglycemia occurred at a faster rate in young than in old animals; *2)* in young but not in aged rats, a strong positive correlation was observed between adaptation of stress-induced hyperglycemia and hypoinsulinemia; and *3)* in young rats, stress-induced lipolytic responses declined proportionately to the duration of chronic stress exposure, whereas by contrast in chronically stressed aged rats steady-state levels of free fatty acids were not raised during exposure to stress. Thus we conclude that *1)* glucose intolerance may play a key role in the altered stress-induced metabolic responses of aged rats; *2)* with age, there is a loss of plasticity in physiological adaptive response mechanisms associated with metabolic responses to stress.

F-344 rats; glucose; insulin; free fatty acids

AN ESSENTIAL COMPONENT of an organism's response to stress is the mobilization of glucose and free fatty acids from glycogen and triglyceride depots to provide the metabolic fuels necessary to deal with an environmental threat (3, 27). When an animal is confronted with a stressful situation, sympathetically mediated response mechanisms bring about a rapid increase in blood glucose levels. Release of adrenomedullary epinephrine to initiate hepatic glycogenolysis and inhibition of insulin release are two of the most important consequences of sympathetic activation that contribute to the development of stress hyperglycemia (1, 12, 27). In addition, norepinephrine released from sympathetic nerve endings in adipose tissue activates adipose tissue lipase, resulting in deesterification of triglycerides and release of free fatty acids into the circulation (3). Once initiated, the maintenance and temporal variation of stress-induced hyperglycemia and hyperlipemia are the result of complex interactions involving neural influences on the adrenal medulla, liver, endocrine pancreas, and adipose tissue and on neuroendocrine responses coordinated by the hypothalamic-pituitary axis (3, 22, 26, 27).

Considerable evidence suggests that the functional capacity of physiological systems associated with energy metabolism declines during aging. For example, many mammalian species are known to develop glucose intolerance (2, 5) associated with decreased insulin-stimulated glucose transport and utilization (8, 25) as a function of advancing age. Likewise, the functional capacity of adipose tissue also declines with age apparently as a result of impaired responsiveness to stimulation with catecholamines (6, 28) and other lipolytic hormones (14). However, little is presently known regarding the possibility that these age-associated deficits may limit the ability of the organism to produce the metabolic fuels necessary to deal with stressful environmental challenges.

The purpose of this study was to determine whether aging impaired the capacity to *1)* raise glucose and free fatty acid levels and suppress insulin release in acute stress situations and *2)* develop adaptation of these responses when exposed to chronic stress. The rationale for focusing on these biological variables was twofold. First, they constitute key links in the chain of physiological events that provide the animal with the energy resources needed to deal with environmental challenges. Second, perturbations of biological systems, associated with energy metabolism, are well established correlates of human and animal aging. The results obtained indicated that *1)* short-term modulation and long-term adaptation of stress-induced hyperglycemic, lipolytic, and hypoinsulinemic responses are different in young and old animals; *2)* insulin resistance may be a key factor in the regulation of metabolic responses of aged rats during stressful challenges; and *3)* short- and long-term plasticity of response mechanisms associated with energy metabolism declines with age.

MATERIALS AND METHODS

Animals

Male Fischer 344 rats were brought into our animal colony at 3–5 and 19–21 mo of age. Experiments were

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initiated after a 3-wk period of acclimation when the animals were 4–6 and 20–22 mo of age. Rats were assigned to specific experiments based on their respective ages so that at the time of death the animals were 6 mo of age (young) or 22 mo of age (aged). The rats were housed in stainless steel cages (2 rats/cage) in a barrier-equipped, limited access facility and were maintained on a 14:10 light:dark cycle (lights on: 0800–2200) and allowed free access to Purina 5001 rat diet (Ralston-Purina, St. Louis, MO) and tap water. Temperature in the colony room was maintained between 23 and 25°C. The animals were periodically weighed and inspected to ensure that only healthy animals were used in the experiments.

Stress Procedure

The stress model used is technically designated as a signaled, two-way shock-escape electric foot shock. Groups of eight animals were placed in Plexiglas chambers (1 group/chamber) equipped with an electrifiable stainless steel grid floor. A power supply was used to maintain constant (unscrambled) electrification of either half of the grid at a fixed intensity of 0.75 mA using minimal voltage. An electronically driven gate alternated electrification from one to the other half of the grid floor following a variable interval (VI) schedule (mean VI = 105 s; SD = 55 s; range = 15 s to 5 min). Each current alternation was preceded by a 2-s auditory cue. A current level of 0.75 mA was selected because there is evidence in the literature of age-associated differences in threshold for electric shock detection at current intensities below 0.4 mA (11, 17). At 0.75 mA, we found no evidence of age-dependent differential reactivity to shock, and the stimulus remained aversive for extended periods of time (i.e., daily 4-h exposures for up to 6 mo) without causing any physical injury to the animals.

Except as indicated for specific experiments, all animals used in these studies were trained to escape further electric shock by alternately moving from one to the other half of the grid with each current shift over a 2-day period as follows: *1*) *day 1*, the animals were subjected to a single 1-h stress session (0830–0930); and *2*) *day 2*, the animals were exposed to a single 2.5-h stress session (0830–1100). We have found that this training schedule, which involves a total of 120 trials (35 trials on *day 1* and 85 trials on *day 2*), adequately circumvents the possibility of age-dependent learning differences that have been reported as a function of task complexity (10) and number of training trials (18). It is our consistent observation that by the end of this training interval young and aged animals have fulfilled the prescribed escape-efficiency criterion by moving at least 95% of all trials from one to the other half of the grid within 2 s after the side they occupied became electrified. Thus we feel confident that this stress model adequately fulfills the indispensable requirement for any study of this type that the degree of stress applied be comparable between animals of different ages.

General Procedures

The major objective of these experiments was to determine the influence of age on *1*) the capacity of the animal to mobilize metabolic fuels during exposure to acute stress and *2*) the ability to develop adaptation of these responses during exposure to chronic stress. The basic experimental strategy employed was to obtain time-response profiles for the measured metabolic parameters in young and aged animals trained to escape electric shock during a 4-h acute stress exposure. These acute response profiles were then compared with those yielded over the course of an identical 4-h stress session by young and aged rats that had been exposed to 108 or 220 cumulative h of stress over 27 or 55 consecutive days, respectively.

For all experiments, control rats remained undisturbed in home cages. At the time of each stress session, experimental rats were transferred from their home cages into large plastic cages (8 rats/transfer cage) and transported to the stress facility in an adjacent room. Each group of eight animals was then placed into a preassigned stress chamber. At the end of individual stress sessions, the rats in each group were again transferred to a plastic cage and immediately returned to their original home cages. Throughout the experiments each pair of home-cage mates came into contact only with the other three pairs of age-matched cage mates assigned to a particular stress chamber. All stress sessions began at 0830 and ended at 1230. To avoid the need to kill more than 32 stressed and 8 control rats on any given day, the initiation of the specific experiments described below was staggered over a 5-day period. Throughout the text, reference is made to animals being killed immediately after termination of exposure to 15 min or 1, 2, or 4 h of stress. Because it took 10 min to kill each group of eight rats, the actual time interval is ±5 min from the time specified.

Acute Stress Experiments

The purpose of these experiments was twofold: first, to obtain a time-response profile for the metabolic responses measured over the course of a 4-h acute stress exposure in young and aged rats trained for 2 days previously to escape electric shock; and second, to determine the effect of age on the modulation of these responses during a 3-day acute exposure to shock stress. The experiments were as follows: *1*) untrained rats, groups of eight stress-naive young and aged rats were killed immediately after termination of exposure to a single 15-min or 1-h session of stress (*day 1*); *2*) trained rats, four groups of eight young and four groups of eight aged rats were trained in the shock-escape procedure on *days 1* and *2* of the experiment as described above. On *day 3*, groups of eight young and aged rats were exposed to 15 min or 1, 2, or 4 h of stress and immediately killed. Also on *day 3*, pairs of young and aged control rats were killed at hourly intervals (1 pair per age per h) over the period of 0830–1230 for a total of eight control rats killed in each age group. Control levels for the stress-induced responses measured on *day 3* of the experiments were

obtained by pooling the data yielded by the eight nonstressed rats killed in each age category.

Chronic Stress Experiments

The purpose of these experiments was to determine the effect of age of the animals on the adaptation of the metabolic responses measured during exposure to chronic stress. Eight groups of eight young and eight groups of eight aged rats were trained to escape electric shock on *days 1* and *2* of the experiment as described. Beginning on *day 3*, the animals were subjected to daily (5 days/wk) stress sessions of 4 h duration between 0830 and 1230. Four groups of young and four groups of aged rats that had each received a total cumulative stress exposure of 108 h over 27 consecutive days were killed on the following day immediately after termination of exposure to 15 min or 1, 2, or 4 h of stress. The remaining four groups of young and four groups of aged rats continued to receive daily stress sessions for an additional 28 days until all animals had been exposed to a cumulative total of 220 stress h over 55 consecutive days. On the following day, groups of young and aged rats were killed immediately after being exposed to 15 min or 1, 2, or 4 h of stress. As was done for the acute experiments, on *days 28* and *56* of the chronic studies, pairs of young and aged control rats were killed at hourly intervals (1 pair per age per h) over the 0830–1230 interval. Control values for the responses measured on each of these days were obtained by pooling the data from the nonstressed animals killed in each age category.

Procedure for Death and Sample Collection

All animals were killed by decapitation. Animals undergoing stress exposure were sequentially removed from the stress chamber and quickly transported to an adjacent room (isolated from the stress and housing facilities) where they were killed within 20 s after removal from the chamber. The procedure was repeated until all eight rats in a given stress chamber had been killed. All animals continued to be exposed to stress until they were removed from the chamber for death. Control animals were individually removed from home cages and likewise killed within 20 s after removal from home cage. Trunk blood was collected from each animal using plastic, heparinized (heparin = 100 U/ml in 0.9% NaCl solution) funnels into chilled, heparinized, 12-ml plastic culture tubes. Immediately after completion of bleeding each tube was returned to an ice bath until the death of eight stressed or two control rats. The blood was then centrifuged (3,000 rpm × 20 min) in a refrigerated centrifuge maintained at 4°C. The plasma was then harvested and aliquoted into 2-ml cryotubes maintained at −20°C by immersion in a dry ice bath. To avoid freeze-thaw cycles, separate plasma aliquots were prepared for each assay from each rat. Additional aliquots were also kept as backup samples. The plasma aliquots were stored at −80°C until assay.

Assay Procedures

Plasma glucose (PGL) concentration was determined using a glucose analyzer (model 23A, Yellow Springs Instrument, Yellow Springs, OH). Plasma insulin (INS) was measured using a Cambridge Medical Diagnostics (Billerica, MA) ^{125}I-insulin immunodiagnostic kit that utilizes porcine insulin as standard. Free fatty acids (FFA) were determined by the colorimetric method of Duncombe (7). Palmitic acid (free acid, ~99% pure) was obtained from Sigma Chemical (St. Louis, MO) and used as standard for assay of FFA. All other reagents used for FFA analysis were of the highest grade available from commercial sources.

Statistical Analyses

The data were analyzed using appropriate three-way analysis of variance (ANOVA) for independent measures. All post hoc comparisons were done by Newman-Keuls test, and the criterion for statistical significance was set at $P < 0.05$. To facilitate the discussion of the data, the area under the curve (AUC) was calculated for the time-response profiles obtained for each of the physiological variables measured in the acute (*day 3*) and chronic (*days 28* and *56*) experiments. AUC values were calculated using as base line the level for each parameter measured in control rats. AUC values were determined using a digitizing pad and Sigmascan software (Jandel Scientific, Sausalito, CA).

RESULTS

Responses of Shock-Escape Trained and Untrained Young and Aged Rats to Acute Stress

The purpose of this experiment was to determine whether the responses of acutely stressed rats would vary, as a function of age, between animals trained to escape electric shock (*day 3* groups) and rats with no previous experience in the shock-escape procedure (*day 1* groups). The results obtained at 15 min and 1 h of acute stress exposure in young and aged stress-naive (*day 1*) and escape-trained (*day 3*) rats are summarized in Table 1.

PGL responses. As indicated in Table 1, young and aged rats demonstrated significant increases in PGL at 15 min of stress, followed by a decrease in the response at 1 h of stress. Analysis of the data by three-way ANOVA indicated no significant effect of age ($F_{1,52}$ = 1.12; $P < 0.3$) but significant ($P < 0.001$) effects of training ($F_{1,52}$ = 52.18) and duration of stress exposure ($F_{1,52}$ = 51.09). The ANOVA showed age times training ($F_{1,52}$ = 11.71; $P < 0.001$) significance as well as age times training times time ($F_{1,52}$ = 14.30; $P < 0.0001$) significant interactions. The significant three-way interaction appears to be due to the observation that the PGL response of young rats increased significantly ($P < 0.05$) between *days 1* and *3* at 15 min and 1 h of stress exposure, whereas in aged rats an increased response between *days 1* and *3* was seen only at 1 h of stress.

Plasma INS responses. Young and aged acutely stressed rats demonstrated a sustained decrease in INS

TABLE 1. *Plasma glucose, insulin, and free fatty acid responses of stress-naive (day 1) and escape-trained (day 3) 6- and 22-month-old rats at 15 min and 1 h of stress exposure*

Days	6-Mo-Old Rats		22-Mo-Old Rats	
	15 min	1 h	15 min	1 h
	Glucose, mg/dl			
1	159.8±4.2*†	143.3±4.0*	188.3±6.6	144.4±1.9*
3	200.9±4.0‡	172.5±3.1	181.7±7.2	176.0±7.5
	Insulin, μU/ml			
1	45.9±3.9*	34.3±2.0†	44.6±2.9	40.6±2.2
3	35.3±2.4‡	28.9±2.8‡	42.9±2.9	36.0±1.7
	Free fatty acids, μeq/ml			
1	0.17±0.01*	0.18±0.01*†	0.20±0.02*	0.36±0.03*
3	0.25±0.02	0.34±0.03	0.30±0.02	0.30±0.02

Values are means ± SE for 8 young rats and 7 old rats. Statistically significant post hoc (Newman-Keuls; $P < 0.05$) differences from * corresponding age-matched, escape-trained group; † corresponding stress-naive 22-mo-old group; ‡ corresponding escape-trained 22-mo-old group.

levels as a function of duration of stress exposure on *days 1* and *3*. Analysis of the data by three-way ANOVA indicated significant effects of age ($F_{1,52} = 6.8$; $P < 0.01$), training ($F_{1,52} = 10.47$; $P < 0.002$), and duration of stress exposure ($F_{1,52} = 14.90$; $P < 0.0001$). However, neither the age times training ($F_{1,52} = 1.43$; $P < 0.24$) nor the age times training times time ($F_{1,52} = 0.97$; $P < 0.33$) interaction terms of the ANOVA were statistically significant. In spite of the lack of a significant three-way interaction, the data presented in Table 1 suggest a pattern of age-associated effects comparable with that seen in the case of PGL, in that stress-induced INS changes were more pronounced in young rats on *day 3* than on *day 1* but remained virtually unchanged in the aged rats.

Plasma FFA responses. Plasma FFA responses measured in young and aged rats on *days 1* and *3* were significantly ($P < 0.0001$) altered by age ($F_{1,52} = 16.34$), training ($F_{1,52} = 26.94$), and duration of stress exposure ($F_{1,52} = 24.04$). Likewise, the ANOVA showed the age times training ($F_{1,52} = 17.12$; $P < 0.0001$) and the age times training times time ($F_{1,52} = 23.57$; $P < 0.0001$) interactions to be statistically significant. On *day 1*, aged rats had higher FFA levels than young rats at 1 h of stress. As was the case of PGL and INS, young rats demonstrated significantly ($P < 0.05$) greater effects of stress on FFA levels on *day 3* compared with *day 1* at 15 min and 1 h of stress. By contrast, in aged rats the effect of stress on *day 3* was greater ($P < 0.05$) at 15 min but less ($P < 0.05$) at 1 h compared with *day 1*.

Responses of Acutely and Chronically Stressed Young and Aged Rats

The objective of this experiment was to determine the influence of age on the adaptation of PGL, INS, and FFA responses during exposure to chronic stress. For this purpose, between and within age comparisons were made using the time-response curves obtained during a 4-h stress session from escape-trained rats stressed acutely (*day 3*) and from animals that had been expo previously to 108 (*day 28*) or 220 (*day 56*) cumulat hours of stress over 27 or 55 consecutive days, resp tively. The results are presented in Figs. 1–3.

PGL responses. The time-response curves for P obtained in acutely and chronically stressed young a aged rats are presented in Fig. 1. Resting PGL levels control rats obtained on *days 3, 28,* and *56* of the exp iments did not differ significantly from each other eit within or between age groups. Analysis of the PGL d by three-way ANOVA indicated no significant main fect of age ($F_{1,224} = 1.2$; $P < 0.3$) but significant (P 0.0001) main effects of days in stress ($F_{2,224} = 131.$ and duration of stress exposure ($F_{4,224} = 92.27$).

As is evident from the data in Fig. 1, the stress-indu hyperglycemic response peaked at 15 min of stress posure and subsequently declined over time in acut and chronically stressed young and aged rats. Howe as suggested by a statistically significant age times d in stress times time interaction ($F_{8,224} = 2.94$; $P < 0.00$ the results yielded by 6- and 22-mo-old stressed r differed in two important respects. First, during ac stress exposure (*day 3*), the rate of decline of the str induced hyperglycemic response was considerably fa in young compared with old rats. Statistically, this supported by the significant ($F_{4,224} = 3.39$; $P < 0.01$) times duration of stress interaction declared by the A OVA model and by post hoc comparisons, which ir cated that PGL levels were significantly ($P < 0.$ higher at 15 min and lower at 4 h of stress exposur young compared with aged rats. Second, the data p sented in Fig. 1 showed a pronounced decline in magnitude of stress-induced PGL responses betw

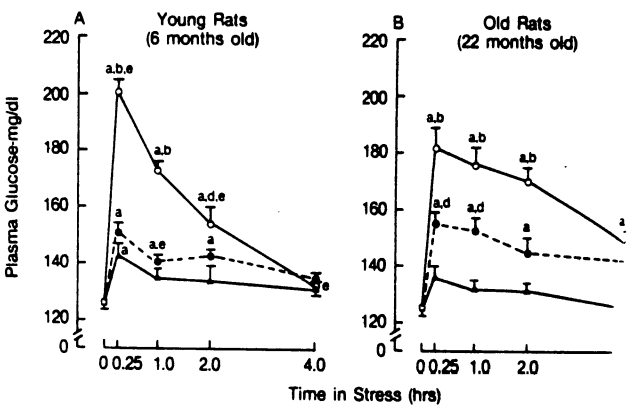

FIG. 1. Plasma glucose responses of acutely (*open circles*) and ch ically (*closed symbols*) stressed rats during a 4-h stress exposure (*A* mo-old rats; *B*: 22-mo-old rats). Groups of rats were killed after i ation of stress exposure at various times shown on abscissa. □, Con rats; ○——○, acute stress (*day 3*); ●- - -●, 28 days chronic st ▲——▲, 56 days chronic stress. Control values did not differ betwe different experiments; therefore for graphical presentation only, were pooled and are presented as means ± SE for 24 (*A*) and 21 rats. For stressed rats, each point represents means ± SE for 8 (*A*) 7 (*B*) rats. For each age, statistical post hoc comparisons (Newm Keuls; $P < 0.05$) were done between control and stressed groups between stressed rats killed at same point during stress expos Agewise post hoc comparisons were done only between groups kille equivalent time points. Lower case letters indicate statistically sig cant post hoc differences from age-matched controls (*a*), age-matc 28- and 56-day chronic stress (*b*), age-matched 28-day chronic st (*c*), age-matched 56-day chronic stress (*d*), corresponding 22-mo group (*e*), all age-matched stressed rat groups (*f*).

acutely and chronically stressed rats in both age groups. However, relative to the corresponding acute response, the magnitude of the decline in stress hyperglycemia at 28 days of chronic stress was considerably greater in young compared with old rats. In addition, between 28 and 56 days of chronic stress, PGL responses further declined markedly in 22-mo-old rats but only slightly in 6-mo-old animals. Hence, the data obtained from chronically stressed 6- and 22-mo-old rats indicated an age-dependent differential rate of hyperglycemic response attenuation during exposure to chronic stress. Statistical support for this observation was provided by the significant ($F_{2,224} = 5.50$; $P < 0.005$) age times days in stress interaction demonstrated by the ANOVA and by post hoc analysis of the data, which indicated that in old but not in young animals the PGL responses seen at 28 days differed significantly ($P < 0.05$) from those measured at 56 days of chronic stress.

These data indicated that acute stress-induced hyperglycemia increased to a higher level and decreased at a faster rate in young compared with aged rats. Likewise, the results showed that during exposure to chronic stress hyperglycemic responses decreased at a faster rate in young than in old animals compared with the corresponding acute response.

Plasma INS responses. Figure 2 summarizes the INS time-response curves obtained from acutely and chronically stressed young and aged rats. Resting INS values in young and aged control rats were not significantly different from each other in any of the three separate experiments (i.e., *days 3, 28,* and *56*). Analysis of the data by three-way ANOVA declared significant main effects of age ($F_{1,224} = 6.19$; $P < 0.01$), days in stress ($F_{2,224} = 14.18$; $P < 0.0001$), and duration of stress ($F_{4,224}$ = 2.36; $P < 0.0001$).

Even though the three-way interactive term of the ANOVA did not show statistical significance ($F_{8,224}$ = ; $P < 0.86$), the data in Fig. 2 suggest that the age of the animals influenced stress-induced INS responses because of two primary factors. First, INS levels in young and aged rats decreased steadily during the 4-h acute stress exposure. However, the magnitude of this decrease was considerably greater in 6- than in 22-mo-old animals. Statistically, the age times time interactive term of the ANOVA was not significant ($F_{1,224} = 1.92$; $P < 0.11$) but post hoc pairwise comparisons of the results indicated that INS levels in young but not in old rats were already significantly ($P < 0.05$) below control values at 15 min of stress exposure and that stress-induced INS suppression was significantly ($P < 0.05$) greater at 15 min and 1 h of stress in 6- compared with 22-mo-old animals. Second, the data in Fig. 2*A* clearly show that in young animals INS levels at 15 min of stress were comparable, whereas at subsequent time points INS levels were significantly higher in chronically stressed compared with age-matched acutely stressed rats. By contrast, in aged rats, INS levels at 15 min and 1 h of stress were comparable between acutely and chronically stressed animals and, at 2 and 4 h of stress, only slightly higher in the latter compared with the former groups of age-matched rats. Statistical support for these age-related differences was provided by the significant ($F_{2,224} = 6.39$; $P < 0.002$) age times days in stress interaction declared by the overall ANOVA model and by the observation that none of the post hoc pairwise comparisons between INS levels of acutely and chronically stressed old rats were significant.

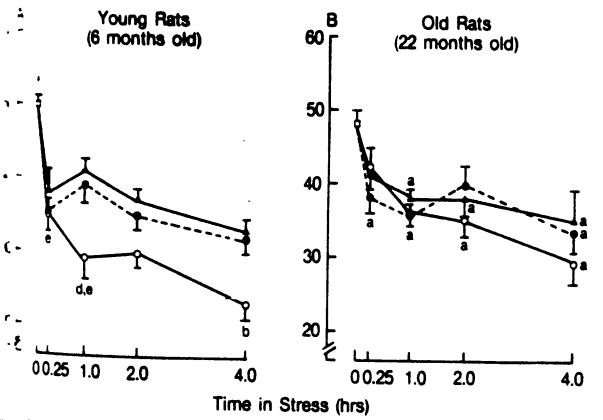

FIG. 2. Plasma insulin responses of acutely (*open symbols*) and chronically (*closed symbols*) stressed rats during a 4-h stress exposure (*A*: 6-mo-old rats; *B*: 22-mo-old rats). All explanations, symbols, and post hoc statistical comparisons are as indicated in legend to Fig. 1.

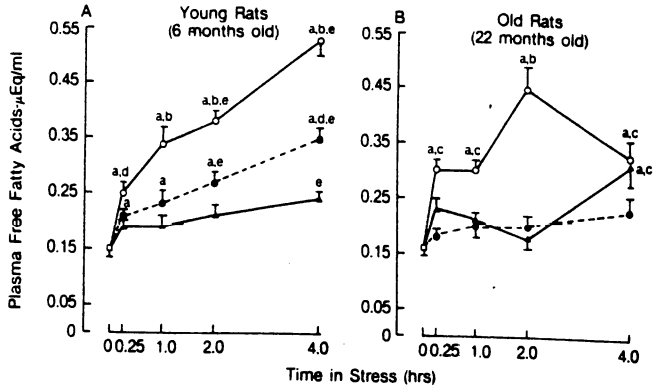

FIG. 3. Plasma free fatty acid responses of acutely (*open symbols*) and chronically (*closed symbols*) stressed rats (*A*: 6-mo-old rats; *B*: 22-mo-old rats). All explanations, symbols, and post hoc statistical comparisons are as indicated in legend to Fig. 1.

The results obtained from this experiment indicate that young animals show greater stress-induced insulin suppression than old animals. In addition, the data showed that in 6- but not in 22-mo-old rats, the effects of stress on INS levels decreased in magnitude as a function of chronic exposure to the same stressful stimulus.

Plasma FFA responses. The FFA responses obtained in acutely and chronically stressed aged rats are presented in Fig. 3. As was the case for PGL and INS, no differences were observed in resting FFA levels between young and aged control rats in any of the three separate experiments. Analysis of the FFA results by three-way ANOVA showed significant main effects of age ($F_{1,224} = 6.77$; $P < 0.01$), days in stress ($F_{2,224} = 101.06$; $P < 0.0001$), and duration of stress exposure ($F_{4,224} = 70.62$; $P < 0.0001$) and significant interactions between age times days in stress ($F_{2,224} = 8.12$; $P < 0.0004$), age times time ($F_{4,224} = 7.70$; $P < 0.0001$), and age times days in stress times time ($F_{8,224} = 7.59$; $P < 0.0001$).

As shown by the data presented in Fig. 3, marked age-

associated differences were observed in plasma FFA responses of acutely stressed animals (*day 3*). In young rats, plasma FFA levels increased steadily over the course of the 4-h stress session. By contrast, in aged rats, plasma FFA levels increased sharply during the first 15 min of stress, showed no further increase over the next 45 min, reached a peak at 2 h, and significantly decreased from the peak value after 4 h of stress exposure. Age comparisons of these data by post hoc test indicated no significant differences between FFA levels of young and old rats at 15 min and 1 h of stress. However, FFA values were significantly (Newman-Keuls, $P < 0.05$) higher at 2 h and lower at 4 h of stress in 22- compared with 6-mo-old rats. For both young and old animals, stress-induced plasma FFA responses decreased significantly at 28 and 56 days of chronic stress compared with those seen in acutely stressed age-matched rats. However, 6-mo-old animals showed a stepwise decline in this response as a function of duration of chronic stress exposure and, at the same time, showed similar time-response profiles in the acute and chronic stress situations. By contrast, in aged rats, FFA time-response curves were markedly flattened and different in pattern from that shown by acutely stressed age-matched counterparts.

The results of this experiment indicated that during acute exposure to stress, 22-mo-old rats did not maintain a prolonged elevated FFA level as did 6-mo-old animals. Likewise, the data showed a pronounced inability of old rats to increase levels of plasma FFA during chronic stress exposure compared with young animals.

TABLE 2. *Plasma glucose, insulin, and free fatty acid responses of acutely (day 3) and chronically (days 28 and 56) stressed 6- and 22-month old rats over a 4-h stress exposure*

Treatment	Days	6-Mo-Old Rats	22-Mo-Old Rats
		Glucose, mg·h·dl^{-1}	
Acute stress	*3*	127.80	163.91
Chronic stress	*28*	61.19	87.05
Chronic stress	*56*	32.37	20.64
		Insulin, μU·h·ml^{-1}	
Acute stress	*3*	−82.30	−51.64
Chronic stress	*28*	−57.28	−42.39
Chronic stress	*56*	−49.00	−40.73
		Free fatty acids, μeq·h·ml^{-1}	
Acute stress	*3*	0.94	0.80
Chronic stress	*28*	0.49	0.18
Chronic stress	*56*	0.24	0.27

Values represent AUC values for each of the time-response profiles presented in Figs. 1–3. AUC values were calculated using the actual level for each parameter measured in control rats as the base-line value for each response. Negative numbers are used to indicate a stress-induced decrease in insulin levels from base-line values.

DISCUSSION

These experiments provide strong evidence of age-dependent differences with respect to *1*) the regulation of metabolic responses during stress and *2*) the modulation of these responses by short- and long-term repetitive stress exposure. It is important to note that in agreement with earlier reports (9, 13, 15), we found no evidence of age-associated differences in resting levels of PGL, INS, and FFA in the control animals in any of three separate experiments (i.e., *days 3, 28,* and *56*).

Although on *day 1* the 15 min stress-induced hyperglycemic response was significantly greater in aged compared with young rats, PGL levels were comparable in both age groups at 1 h of stress. Since other investigators reported no evidence of sympathetic nervous system hyperreactivity in aged compared with young rats exposed to electric shock (20), cold (19), or immobilization (4) stress, it is unlikely that this mechanism could explain the age-related difference in stress-induced hyperglycemia. On the other hand, stress-induced PGL levels (Fig. 1) decreased from the peak level achieved at 15 min of stress exposure at a faster rate in young compared with aged rats, despite the observation (Fig. 2) that INS levels remained higher in 22- compared with 6-mo-old rats throughout the course of stress exposure. These findings were further supported by AUC determinations (Table 2), which showed that during the 4-h stress exposure PGL levels were 28% higher in aged than in young rats, whereas the stress-induced drop in INS levels was 37% less in 22- compared with 6-mo-old animals. In fact, the PGL time-response profiles are remarkably similar to those expected when comparing glucose tolerance curves between normal and diabetic rats. Therefore these data suggest that age-associated glucose intolerance may underlie the differences in stress-induced hyperglycemic responses observed in these experiments between young and aged rats.

The data on FFA suggest that insulin resistance may play a key role in the regulation of metabolism under stressful conditions in aged rats. Earlier reports (17, 23) had shown that young rats maintain a steady increase in circulatory levels of FFA during the course of exposure to 6 h of electric shock stress. The present data (Fig. 3*A*) confirmed these reports and further indicated that aged rats were unable to maintain the steady increase in FFA levels seen in young rats during stress exposure (Fig. 3*B*). It is known that the responsivity of adipose tissue to lipolytic stimuli declines with advancing age (6, 14, 28). Because we observed significantly higher levels of FFA in aged compared with young rats during the first 2 h of stress exposure, it appears unlikely that a decrease in the responsiveness of adipose tissue could be the sole factor underlying the observed age-related differences in stress-induced lipolytic responses. One can speculate that as a consequence of tissue insulin resistance decreased INS-mediated lipogenesis (8, 18) may have contributed initially to the higher FFA levels seen in aged compared with young rats. Likewise, it would not be unreasonable to propose that as energy requirements increased over the course of a prolonged exposure to stress, aged rats utilized FFA at a faster rate than young animals, secondary to age-dependent glucose intolerance, thereby dropping circulatory levels of this energy substrate. Our experiments were not designed to distinguish between mobilization and utilization of energy substrates. Nonetheless, our results provide strong evidence to suggest that age-dependent metabolic dysfunctions

...y limit the capacity of the aged animal to generate ...e metabolic fuels necessary to deal with environmental ...allenges. Furthermore, the data suggest that tissue ...ulin resistance may constitute a key factor in the ...erved age-related, stress-induced metabolic dysregu...tions.

These experiments also demonstrated significant age-...ociated differences in the modulation of adaptive re...nses to short-term (i.e., *day 1* vs. *3*) and long-term (i.e., *day 3* vs. *days 28* and *56*) repetitive exposure to ...ress. Our data (Table 1) showed rapid modulation of ...tabolic responses to stress in young but not in aged ...ts. Escape-trained (*day 3*) young rats consistently ...wed greater stress-induced hyperglycemic, hypoinsu...emic, and lipolytic responses than their stress-naive, ...e-matched counterparts. By contrast, escape training ...reased only the early 15-min FFA response in aged ...ts. An earlier report (24) demonstrated that 3 days of ...ermittent exposure to electric shock stress signifi...ntly increased adrenomedullary tyrosine hydroxylase ...ivity in very young but not in older rats. Therefore ...r findings coupled with reports from the literature may ...ggest an age-related loss of plasticity in physiological ...ponse mechanisms that may be essential to deal with ...essful environmental events.

The results from the long-term experiments also re...aled significant age-associated differences with respect ...daptation of metabolic responses to chronic stress. ...r data (Fig. 1) clearly showed that stress-induced ...perglycemic responses became attenuated during ...onic stress exposure in rats from both age groups. ...wever, we found that aged rats required 56 days of ...ress exposure to achieve the level of hyperglycemic ...ponse attenuation seen in young animals after only ... days of chronic stress. On the other hand, AUC ...erminations (Table 2) showed that relative to age-...tched acutely stressed rats the attenuation of PGL ...ponses was comparable in magnitude (i.e., ~50%) ...er 28 days of chronic stress between young and aged ...ts. However, PGL levels in 28-day chronically stressed ...mals were similar at 15 min but significantly lower at ... and at 4 h of stress in young compared with aged ...ts. Taken together, these observations reinforce our ...erpretation that glucose intolerance may be a primary ...tor underlying differences between stress-induced hy...glycemic responses of young and aged rats. After 56 ...s of chronic stress, PGL responses were comparable ...ween 6- and 22-mo-old rats, suggesting that adapta...n of stress-induced hyperglycemia was delayed but not ...rely prevented in aged animals.

The data in Fig. 2 established a good correlation be...een attenuation of stress-induced hyperglycemic and ...oinsulinemic responses in young rats that was not ...served in aged rats. This is clearly borne out by the ...a in Table 2, which show a pronounced decline in the ...gnitude of stress-induced hypoinsulinemia in young ...t not in aged rats. These findings suggest that, first, ...enuation of stress-induced PGL responses can occur ...the absence of parallel changes in INS responses, and ...ond, aged rats were less able to develop adaptation of ...S responses during chronic stress exposure than young animals. Overall, our results indicated that in young but not in aged rats PGL and INS levels covaried consistently in a manner expected by the regulatory interdependence of these two physiological variables.

The FFA results (Fig. 3) present a somewhat more complex picture. In young animals (Table 2), a stepwise attenuation of stress-induced lipolytic responses during chronic stress exposure was observed comparable to the PGL and INS changes indicative of metabolic response adaptation during chronic stress exposure. By contrast, in aged rats, stress-induced FFA responses were no longer different from control values by 28 days of chronic stress. These observations can be interpreted as *1*) adaptation of FFA responses occurred at a faster rate in aged than in young rats; *2*) chronic stress exposure exacerbated age-associated functional deficits at the level of adipose tissue, thus further compromising the lipolytic capacity of the aged rat; and *3*) during chronic stress exposure aged rats preferentially utilized FFA as energy substrates, secondary to glucose intolerance, and thus maintained lower steady-state levels of this substrate. At present, we cannot distinguish between these or other possibilities. However, the pronounced nature of the change between the acute and chronic lipolytic responses of these animals appears to suggest that FFA may play a key role in the ability of aged rats to deal with chronic exposure to stressful stimuli.

In summary, three major conclusions can be drawn from these experiments. First, the data have clearly shown that short-term modulation and long-term adaptation of stress-induced hyperglycemic, hypoinsulinemic, and lipolytic responses are age-dependent events. Second, the results strongly suggest that the development of age-related glucose intolerance, possibly secondary to tissue insulin resistance, is a key factor in the manner of regulation of the metabolic responses of aged rats to stressful environmental challenges. Third, there appears to be an age-dependent loss of short- and long-term plasticity of response mechanisms associated with energy metabolism during exposure to stress. Overall, at a more speculative level, these age-associated deficits might force the aged animal to mobilize and perhaps utilize more of its physiological resources than would a younger animal in dealing with challenges posed by the environment. Failure of metabolic adaptation could constitute a factor whereby environmental events may contribute to further impair the aged animal and thus to accelerate the process of biological senescence.

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SECTION C

THE STUDY OF STRESS AND DISEASE: SOME DEVELOPMENTS AND REQUIREMENTS

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Abstract—This article considers the study of stress in relation to the onset, course, and outcomes of disease, and is divided into three parts. The first part describes the relationships between personality, environmental stressors, and disease. The second focuses specifically on the requirements that must be fulfilled to allow for the conclusion that there is a relationship between stress and the onset of disease. Finally, in the third part models describing the relationship between stress and the course of disease or medical outcome are presented and discussed.

Key words—asthma, health behaviour outcomes, psychological intervention, health education

SOME RELEVANT PSYCHOSOCIAL VARIABLES

A wealth of evidence supports the role that psychological factors play in the development of disease. More specifically, an ever growing body of literature deals with the relationship between stress and health [1]. The term *stress* refers here to a state of imbalance within a person, elicited by an actual or perceived disparity between environmental demands and the person's capacity to cope with these demands [2]. The study of this relationship has been approached from several different perspectives.

Life events

A considerable amount of research has been directed toward studying the links between *stressful life events* and the development of disease. Events operate as stressors to the extent that they tax or exceed the adaptive resources of the person. Within this approach a distinction is made between major life events, such as divorce, unemployment, serious illness or death of a beloved person, and daily stressors such as household troubles, time pressure, environmental hassles, e.g. neighbourhood deterioration, noise, crime, and job dissatisfaction [3–7]. It has recently been stressed that these day-to-day events have proximal significance for health outcomes [5].

Although the life events approach has been criticized, mostly for methodological reasons [8–10], several studies have convincingly shown effects of these stressful life events (see reviews [11–13]). For instance, it was found that Navy personnel with high stress scores, reflecting life histories with more frequent and serious stressful events, suffered more illness episodes during their work at sea [14]. Furthermore, some researchers have reported increased mortality among widows and widowers in the first few months after the death of their spouse [15].

Research programmes in the tradition of Holmes and Rahe are especially illustrative of such an approach [16]. These investigations use checklists of life events. Some studies in which such inventories are used offer substantial support for a relationship between stressful life events and disease [17]. In a recent study, Caspi, Bolger and Eckenrode [7] examined major life events as possibly potentiating the effect of stressful daily events. It was found that chronic ecologic stress exacerbated the effects of daily hassles. Contrary to expectations, however, previous exposure to major life events decreased this impact. This particular study shows that stress is not a single variable that can be readily measured and correlated with adaptational outcomes. Instead stress can be best regarded as a complex rubric consisting of interrelated processes [18]. In the traditional life event investigations, however, events are tested as simple situational main effects with for each individual a similar impact which overwhelms all adaptive efforts. If situations are powerful enough [19, 20] strong effects will be found, overriding almost completely the personal qualities of individuals. However, it is known that most stressors exert a much weaker controlling influence. As stated in a review by Krantz and Glass [21] there is increasing evidence that different psychological processes mediate or modify the possible relationship between stress and disease. Factors mediating the environmental stressor–disease relationships include coping styles, personality traits, and social support. A short overview of the most relevant studies on these factors is presented below.

Coping

Folkman *et al.* [22] outlined that the relationship between stressful events and health is mediated by coping processes. It is clear that individuals differ with respect to their cognitive and behavioural efforts to manage, reduce, minimize, master or tolerate the internal and external demands of person–environment transactions. The question is which coping techniques are most effective with respect to health status. For instance, in the literature the following variables have been suggested; repression, the inhibition of emotional expression, and the engagement in agitated interactions with the environment [11]. Gentry and Kobasa [23] discerned different coping styles as mediators of stress–disease relationships: anger–coping transformational and regressive

coping, active–coping, active–behavioural and avoidance coping, and mature/immature coping.

Habitually expressing anger, when confronted with the microstressors of life, affects blood pressure and hypertension status [24]. Transformational coping, involving optimistic appraisal, is directed at the transformation of a stressful situation into a more optimal environment. As such it comes close to what is called "problem-focused coping" [25]. Transformational coping is contrasted with a regressive type of reaction, focussing on emotional reactions [25]. It involves an active approach, cognitive as well as behavioural, in contrast to passivity or avoidance. In several studies [26, 27] it has been found that problem-orientedness led to fewer symptoms of problems such as insomnia or headaches. Not all studies reveal such strong relationships between coping skills and health status. Andrews and co-workers [28, 29] did not succeed in finding positive mediating effects for 'mature' versus 'immature' coping. Gentry and Kobasa [23] convincingly show that the negative findings of the Andrews' group were due to the uncommon, strongly idiosyncratic definitions of 'mature' and 'immature'.

In a very recent study, Folkman *et al.* [22], using a new, more sophisticated version of the Ways of Coping Checklist, found significant correlations between particular coping techniques and health status. However, all correlations were negative. For instance, confrontive coping correlated −0.17 with health status, distancing −0.22, escape-avoidance −0.24, and so on. The fact that all correlations were negative indicated that the more subjects coped, the poorer their health was. This last study makes it clear that the role of coping processes, despite the important positive findings mentioned above, still constitutes relatively open territory.

Personality characteristics

Stressful life events do not have a universal impact on health. Therefore, the aim of quite a number of investigations has been the identification of persons less (or not) affected when exposed to stressful episodes. Consequently, the central questions are: which personality characteristics augment people's vulnerability to disease? and which personality traits protect the person from developing illness? There is some consensus within the field of stress research that traits leading to realistic or—even better—optimistic cognitive appraisals and decisive action will, most likely, decrease the likelihood of subsequent illness [30].

Stress resistance, conceptualized as "*hardiness*" by Kobasa and co-workers [30–33], has been shown to have consequences for health outcomes. Hardiness is composed of three components; (a) a deep sense of commitment and purpose in life, (b) a sense of personal control over external events, and (c) flexibility in adaptation to environmental changes. Somewhat related is Scheier and Carver's [34] concept of dispositional optimism. These authors found that optimistic subjects were less likely to report physical symptoms. Wheaton [35] considered fatalism and inflexibility. Both low fatalism and low inflexibility were found to have strong moderating influences on the impact of stress. *Hostility* has been found to be related to coronary artery disease [36] and the development of coronary heart disease [37, 38]. The personality characteristic studied the most intensely is the *type A behaviour pattern* [39], characterized by intense ambition, competitive drive, time urgency, and easily evoked hostility. Type A behaviour has been established as a risk factor for coronary heart disease [39]. It is clear that the type A pattern is not a unitary phenomenon [40]. It has recently been shown that the various components of the pattern are not equivalently related to health status. Cardiovascular risk seems especially related to the hostility and anger aspect of the type A behaviour pattern [41].

Recently, Smith and Anderson [40] presented a more complete account of type A behaviour in relation to the risk of CHD. Starting from an interactional model of person–situation transactions, these authors formulated a model emphasizing "that Type A pattern represents an ongoing process of challenge and demand engendering behaviour" [40, p. 1166]. Meaning that, type A do not simply respond to challenges and demands, they also construct via cognitive and overt behaviours a subjective and objective environment rich in those classes of stimuli.

It is self-evident that description of personality variables with relevance for health is inexhaustible. Other dispositions studied are, e.g. locus of control [42], self-esteem, self-denigration, and a person's feeling of coherence [44].

Social support

Social support, involving emotional concern, instrumental aid, information and/or feedback [45] is studied very intensely [e.g. 46, 47]. In these investigations social support is conceived as a psychological resource. It refers to the perceptions of an individual as regards the quality of his/her social network; it is not the social network as such. Gentry and Kobasa, stated in their review [24], that there is now ample evidence that social support mediates stress–illness relationships. To illustrate their point they summarized the major findings of 11 studies. Positive results were found in seven of the studies, negative in three, and one study showed weak and inconsistent support for the mediating role of social support. Cohen [11] and Wheaton [35] also reviewed the research on social support; they, however, were more pessimistic. Cohen concluded her overview with the statement that the general trend is indeed intriguing, but the research base weak: "There are numerous studies in which the expected relationships do not hold, and some of the most positive findings are open to alternative interpretations since other variables (such as the person's state of mental well-being or his or her 'social marginality') may be confounded with the measures of support" [11, p. 99].

Conclusions

In summary, we have emphasized several factors that may moderate the relation of stress to health status. Intriguing relations have been found. However, much more remains to be detected. Most of the personality and health research cited above departs from rather sketchy trait models featuring single dimensions. It is our strong conviction that future research will be more powerful if based on a broad

theory of personality which specifies the ongoing transactions between the person and an ever changing environment. To cite Kobasa [33, p. 303]: "Personality and social realities in isolation provide incomplete formulations." Such a theory should also be a base for the development of more sophisticated methodologies. More adequate measures of coping techniques are needed especially on social support, and on the situation side, of the stressful environment.

STRESS AND THE ONSET OF DISEASE

Possible pathways

Considering the mechanisms linking stress and disease, one can distinguish three possible pathways [48]: (a) stress may have direct psychophysiological effects which affect health; (b) stress may lead to health impairing habits and behaviour; and (c) the stresses of illness may cause illness behaviour which influences the course of disease.

Only the first two of the above mentioned pathways can explain the relationship between stress and the onset of disease. These two pathways will be explained below. The third pathway will be illustrated and discussed in the last part of this article. (a) Stress may have direct psychophysiological effects. This hypothesis states that psychosocial stimuli can lead directly to changes in bodily functioning, resulting in diverse pathological manifestations. Changes in hormonal functioning and in the activity of the immune system are of special interest to researchers in this tradition. These processes are assumed to negatively affect the host resistance thereby increasing the risk of disease. (b) Stress may lead to health-impairing habits and behaviours. Behavioural reactions to stress include actions to remove the source of the threat or escape, and reactions aimed at palliating the negative emotional consequences [25]. In the last category (emotion focused coping) one may discern behaviours that are damaging to health. In addition to involuntary reactions (e.g. disturbed sleeping patterns and decreased appetite) one can think of more voluntary reactions such as drinking alcohol and cigarette smoking. When these coping mechanisms evolve into habits or life-styles, they can become risk factors for several kinds of disease. It must be noted, however, that the time course between stress and disorder will be generally longer than when there is a direct relationship as described above.

However, the question remains as to whether there is enough evidence to support these pathways. Considering the many review papers on the issue, one may be surprised by the difference in conclusions. They may vary from "there is no scientific proof of such a relationship" and "the evidence is suggestive, but inconclusive" to "it now seems to be established that stress can have damaging effects on health".

The lack of overall accepted requirements

In our opinion these different conclusions emerge because authors use different requirements which have to be met in order to accept a relationship between stress and the onset of disease.

Rather than adding another review paper to the list, we thought it wise to present and discuss a few requirements which may lead to a relevant discussion on the topic. Scherg used the following 'causality criteria' [49]: (a) temporal sequence of factor and disease; (b) strength of the association; (c) consistency; (d) biological plausibility; (e) specificity; and (f) persistency [3]. Each of these requirements will be discussed in more detail below.

(*a*) *Temporal sequence of factor and disease.* The causal factor must antecede the onset of pathological processes. Unfortunately, for a number of disorders (e.g. cancer and myocardial infarction) exact dating of the first onset of pathology is not possible. As a consequence, caution is needed in the interpretation of so called prospective studies.

To examine causal relationships adequately, prospective studies and/or experimental investigations are needed. For ethical reasons the possibilities for experimental investigations on humans are very limited. As far as it is known only allergies and infectious diseases are studied in this way [50–53]. However, these studies more often than not deal with the gravity of symptoms rather than with the onset of disease. The role of psychosocial factors in triggering allergic reactions has been shown by Wolff and associates, who used psychiatric interviews to induce stress [50]. They found that the content of the interviews determined the onset and the seriousness of symptoms like hay fever. The few experimental studies with infectious disease only show the importance of psychosocial factors with respect to the course and seriousness of the disease [51, 52]. Prospective studies have been carried out with respect to cancer, infectious diseases and cardiovascular disorders. The five pure prospective studies on cancer identified by Scherg deal mostly with personality factors and psychological states such as depression. Scherg concluded, that with the exception of the controversial studies by Grossarth-Maticek and co-workers [54, 55], these studies have yielded very poor results.

In short, the results of prospective cancer studies thus far do not allow the conclusion of an association between psychosocial factors and cancer. This does not mean that such a relationship does not exist; there is simply a lack of data [56]. Greer [57], for example, noted that there were no prospective studies based on the promising results of retrospective investigations.

In contrast, several infectious diseases have been studied in prospective designs. Results often favour the conclusion that stress is a co-determinant of symptomatology due to infection. Stress determines (as one factor out of a set of intrinsic and extrinsic factors) the outcome of a host–pathogen interaction. To mention a few examples, Haggerty and associates [58] let mothers keep diaries of stressful life events and collected biweekly throat cultures and bimonthly antistrepsolyn-0 titres of all family members. It appeared that in the two weeks before the onset of infections, there was a three to four-fold increase in events, which again subsided to base rate immediately after. In about one out of four of all infections studied the onset was preceded by such acute stressful events. The same author also found a relationship between beta-streptococcal infections in families and chronic stress, as measured by a social worker. In a recent Australian study [59], high and low stress groups were identified by median splits of data

collected from the Life Event Inventory, the Daily Hassles Scale, and the General Health Questionnaire. These questionnaires were administered before and during the six months of daily respiratory data collection. In the high stress group significantly more episodes and symptom days were found. For other examples, the reader is referred to available reviews [60–62].

Theorell and associates [63] found a significant association between 'psychosocial work load' and risk for myocardial infarction in a prospective study. In addition, studies in the life event tradition often yielded correlations of about 0.30 between life events scales and scores on symptom checklists. However, the value and the interpretation of these findings are open to discussion. Some people state that the height of the association does not warrant a causal interpretation, whereas others challenge such statements [64, 65].

Finally, there are those studies which focus on one special event, e.g. bereavement, job loss, or divorce. By far the most attention has been paid to bereavement. In general, such studies show that bereavement enhances the risk of becoming ill. This seems to hold for nearly all categories of disorders [66–68].

In summary, there is lack of prospective studies with respect to cancer and cardiovascular disease. On the other hand, it may be considered as a fact that stressful events influence the onset of infectious diseases.

(*b*) *Strength of the association.* This requirement is based on the opinion that the chance that strong associations are due to sources of error is smaller than for weak associations. Current theorizing on stress–illness relationships questions the importance of this requirement. As described in the first part of this article, recent research points at the importance of the mediating and/or moderating role of personality characteristics and environmental variables. If one does not take these variables into account, only weak associations will be found. Splitting groups on the basis of such variables implies that one finds a strong relationship for one group, and a weak or no relationship for the other group.

In short, we think that this requirement must be differentiated. For studies on the general population, different criteria are required than for studies that focus on specific subgroups. In addition, it is worth mentioning that little is known about the strength of the association, since different investigators studying different variables use different ways to measure the association. Epidemiologists often use the relative risk index to compare different groups. In many studies explained variance is used as a criterion. Cooke and Hole [65] criticize the use of explained variance and plead for the use of the 'population attributable risk percent'. Comparing explained variance and this index these authors conclude that there is a clinically significant association between stress and (psychiatric) disease.

In conclusion, talking about 'the' relationship between 'stress' (how defined?) and 'disease' (what kind of disease?) is rather useless. We can only speak of a relationship between a definite form of stress and a specific disease, which more often than not only applies for a specific group of the population.

(*c*) *Consistency.* This implies that important results can be replicated by different investigators, at different times and with different methods. Once again, one may doubt whether all these criteria can and must be met in stress research. First of all group factors may play an important role when results seem inconsistent. For example, it may not be excluded that there are some immunological subgroups within immunity related diseases (such as cancer, allergies, or rheumatic diseases) to which certain relationships apply. The same applies for cardiovascular disease, as it is suggested that psychological factors only play a role in the aetiology of angina. Moreover, Williams *et al.* [69] found a relationship between type A behaviour and angiographically documented coronary atherosclerosis, the relationship, however, was conditioned by age, i.e. it only held for patients aged 45 or younger.

The requirement that the use of different methods must lead to the same results also needs some comment. For example, type A behaviour may be measured by a structured interview procedure or by means of a questionnaire (e.g. Jenkins activity survey). Generally, most interesting findings in type A research are those based on the interview method. Although both measurement procedures claim to measure the type A construct, the relationship between them is only moderate. The fact that two measures claim to measure the same concept is, therefore, no guarantee that they really do so.

In addition, according to Syme [70] the quality of a lot of research is doubtful and may be a source of inconsistency in results. He proposed that instead of trying to set an issue with one conclusive research project, one should look for what is consistent in different imperfect research projects.

(*d*) *Biological plausibility.* This requirement implies that the relationship between a particular factor and disorder must make sense given the present state of knowledge of biological processes. For stress research, this means that hypotheses must be formulated linking short-term reactions and (long-term) pathology.

Although the mechanisms are not yet very well understood, present knowledge allows for some interesting hypotheses. Zegans [71, pp. 145–146] lists the following speculations on how short-term transient events may be transformed into tissue damage and pathophysiology: (a) the acute body response itself may cause damage; (b) repeated occurrence of the stress may cause damage; (c) the acute physiological reaction may become chronic if it becomes conditional to a benign stimulus resembling the stressor or to symbolic representations (words, images, thoughts) of it; (d) a coping strategy may be used successfully but thereafter the physiological component remains active; (e) a minor stressor may trigger a disproportionate physiological response; (f) an appropriate physiological response may result in damage to some other aspect of the body; (g) coping strategies can misfire when the behavioural aspects are blocked while the physiological aspect is expressed.

In addition, Zegans [71, pp. 146–147] also mentions the structures that may be involved in a stress–disease relationship. These being as follows: (a)

the immune response may be lowered (enhancing the chance of infectious disease and, probably, cancer) or exaggerated (which may lead to allergies and/or autoimmune diseases); (b) both hypo- and hyperfunctioning of endocrine glands may entail several somatic disorders; (c) the balance of autonomic control may be altered, resulting in changes in the functioning of the cardiovascular, respiratory, secretory and visceral systems; (d) peptide release in extra-CNS sites may be changed; (e) altered sleep patterns may affect protein metabolism, hormone secretion, and other vegetative functions; (f) disturbances in the neurotransmitter, neuromodulator and neuroendocrine functions of the brain may result in health damaging effects such as changes in eating and health habits. In short, the present state of the art, in both cardiovascular psychophysiology and in psychoneuroimmunology certainly does not exclude the possibility of a relationship between environmental and psychological conditions, on the one hand, and cardiovascular disorders and immunity related diseases, on the other hand.

(*e*) *Specificity*. This means that the causality factor needs to be specific for the disease under study. This requirement demands for explanation and comment. This requirement is typical for research on specific aetiologic factors (micro-organisms) in infectious diseases. But what does it mean for stress research? More than ten years ago, the late John Cassel [72] discussed the erroneous interpretation of stress theory. Comparing psychosocial processes and micro-organisms, he pointed out that these psychosocial processes are probably not directly pathogenic and not unidimensional. It is not very probable that different stressors evoke different pathology or that, for example, the death of a beloved person causes other pathology than divorce or job loss. What probably makes more sense is the classic psychosomatic hypothesis that a particular emotion or attitude may lay at the basis of a specific disease. However, this specificity hypothesis is not confirmed by the modern literature [21, 73].

Selye [74, 75] stated that the general adaptation syndrome determines that, ultimately, disease will occur. However, the specific nature of the disorder is determined by what Selye calls "conditioning" factors, let us say the intrinsic weakness of the subject (locus minoris resistentiae) and external conditions. In short, at the physiological level, stress is described in a rather non-specific way. For the sake of completeness it must be noted that Henry and Stephens [76] postulate a second biological stress state characterized by adrenergic and adrenal medullary activity. But these two states are by far insufficient to explain the many diverse disorders that seem to be associated with stress.

Studies with bereaved persons show that morbidity is elevated for all kinds of diseases [77]. In contrast, in the already mentioned study of Theorell and associates [63], no relationship was found between experienced psychosocial work load and ulcers of gastritis, low back pain and degenerative joint disease, or severe accidents. With the exception of the studies by Grossarth-Maticek and co-workers [54, 55] and Appels and his group [78], there are very few studies reporting a specific association between psychosocial variables and disease entities. However, even in these exceptions there is no proof that the psychosocial variables under study do not also influence the onset of other diseases. In addition the studies by Grossarth-Maticek are very controversial [49]. In conclusion, we do not think that the specificity requirement must be met in stress research.

(*f*) *Persistency*. This means that the relationship must be maintained, even when controlled by other risk factors. The meaning of this requirement is that if stress affects health habits and behaviours such as smoking or the use of alcohol which prove to be related with poor health outcomes, one may not conclude that there is an association between stress and disease. We think that this is rather a question of definition. We agree that if the stress–disease relationship is an indirect one, it has to be specified as such, but this does not mean to say that there is no relationship between stress and disease.

Conclusions

It is clear that accepting or rejecting one or more of these six criteria leads to a different answer to the question: "Is there a relationship between stress and the onset of disease?" Let us take the case of bereavement as an example. It has been shown that bereaved people have an elevated risk to become ill (this applies to almost all diseases) [66, 68, 77]. In addition, it has been shown that the hormonal levels of bereaved people may be disturbed, and that the functioning of specific components in their immune system may be affected [68]. From these findings, one has to conclude that the evidence is suggestive, but inconclusive. We must realize, however, that the situation is very different for different diseases and different stressors. It seems that infectious diseases have been shown to have the strongest association with stress. As far as cardiovascular diseases are concerned there are a number of well-designed retrospective studies providing evidence in favour of the hypothesis that psychosocial factors may be important in the aetiology of this disease. To mention some impressive findings, Buell and Eliot [79] described the incidence of sudden death at the Kennedy Space Center during the mid-1960s. The sudden death rate among the men working at the Kennedy Space Center was nearly 50% higher than that of matched control groups, although they did not score high on traditional risk factors. Divorce rate was three out of four marriages and these men had the doubtful honour to lead the nation in per capita consumption of alcohol. In addition to psychiatric pathology such as anxiety and depression, there were also findings of an unusually high percentage of abnormal resting cardiograms. Kringlen [80] studied monozygotic and dizygotic twins; one member of each set of twins having coronary heart disease. It was observed that the affected member in most cases had been exposed to a more stressful work situation. These and many other studies back the hypothesis that cardiovascular disease is related to stressful conditions. On the other hand, Freeman [81] recently stated that "The proponents of the view that stress, however defined, can cause atheroma have yet to prove their case." Although this author accepts the hypothesis that acute severe psychological stress can

provoke fatal arrythmias and even myocardial infarction, he also points at studies showing that 92% of non-fatal myocardial infarcts occurred without being preceded by signs of psychological stress. However, comparable findings are also reported for the traditional biomedical risk factors [82]. Most people who smoke do not get sick of it and most people with elevated serum cholesterol levels will not develop myocardial infarction.

Finally, we want to make the following two points. Firstly, investigators should start to focus their attention on more than one category of stressors [64]. With the possible exception of the classic work by Brown and Harris [83], there are hardly any studies which take into account all the possible sources of stress. Secondly, we wish once again to emphasize the importance of the time factor. The uncertainty of the exact time of onset of disease and the lack of knowledge about the time course of the specific effects of the different kinds of stressors make an optimal timing for measurement difficult if not impossible, and probably leads to an underestimation of the associations. Is it just a coincidence that the evidence is best for the infectious diseases or is it because the timing of the onset of infectious diseases is easier?

STRESS AND THE COURSE OR OUTCOMES OF DISEASE

The lack of models

The next four paragraphs deal with the relationship between stress and the progression or outcomes of disease. It is, however, difficult to distinguish between the influence of psychological factors on the onset and on the course of disease, as factors which influence or cause the onset of disease may also have an impact on the course of an established disease. As such the pathways for the onset of disease may also serve to explain the course of disease. There are, however, a lot of models in the literature which aims specifically at explaining the relationship between stress, illness behaviour and the course of disease [11, 48, 84, 85]. The way patients perceive and cope with the stresses of illness seems to be the main underlying mechanism. Where the main problem for the relationship between stress and the onset of disease may be reduced to the question: Which requirements must be met?, the main problem in the study of stress and the course of disease seems to be a diversity of findings which lack integration. Most researchers collect data which may have clinical relevance but fail to fit this into a more theoretical frame of reference. There are, however, several models that may be used as guidelines for research. In this section four such models are presented: Lazarus' stress appraisal model [86, 87]; Leventhal's self regulation model [85]; Kinsman's psychomaintenance model [88]; and emotional control models [89].

Lazarus' stress appraisal model

Lazarus' model illustrates that appraisal processes are central to human behaviour in stress situations (Fig. 1). If an individual is confronted with a situation, primary appraisal processes are put into action. The key question is: "Am I okay or in trouble?" According to Lazarus there are three possibilities: (1) the situation is considered irrelevant (and so has no consequences as far as well-being is concerned), (2) the situation is seen as positive (and in this case results in pleasant emotions and a sense of positive well-being) or (3) the situation is regarded as a damage or as a loss, as à threat or as a challenge. The outcome of these appraisal processes will determine the quality of the emotion to be experienced. For example anxiety is experienced when the person judges the situation as stressful and threatening.

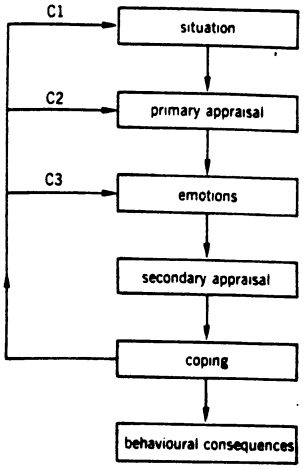

Fig. 1. Model for coping with medical illness (after Lazarus and Folkman, 1984).

The experience of an emotion motivates the individual to take action. This is where secondary appraisal takes place; the issue being: 'What can I do about it?' Secondary appraisal can be regarded as the planning and the evaluation of possible coping processes. Coping processes aim at (1) bringing about changes in the stressor or the situation (C1), (2) modifying the meaning of the situation (C2) or (3) regulating experienced emotions (C3) [43, 90]. Coping with the stresses of illness may result in various behavioural consequences, which influence medical outcome. Although Lazarus and his colleagues restricted themselves to the theoretical aspects of their theory, the model has been used in various studies on illness behaviour. Maes and Schlösser [91] used Lazarus' stress appraisal model as a frame of reference for the development of a research model, which links coping with asthma to specific health behaviour outcomes. The central idea of this model is that coping fulfils a mediating role in the relationship between the stresses of the illness and health behaviour outcomes. The results of this study showed that coping variables (specific for dealing with asthma) such as reacting emotionally in attack situations, focussing on asthma in everyday life and maintaining a restrictive life-style explained considerable parts of the variance in the well-being of asthmatic patients, in the number of hospital admissions or the number of days absent from work because of asthma.

In contrast to more traditional information processing, or so-called 'cold cognition' models, Lazarus' models emphasizes the role of a constant interplay of cognitions and emotions in various behavioural outcomes. This model can, therefore, be described as a

well-being model as it suggests that the maintenance or improvement of well-being plays an important role in information processing. Although the model undoubtedly illustrates that stress may affect the individual's appraisal of physical problems, it confounds behaviour aiming at the restoration of health with behaviour aiming at the restoration of well-being. Leventhal's self-regulation model is a lot more elaborate in this respect.

Leventhal's self-regulation model

Leventhal's self-regulation model is also an information processing model (Fig. 2). The basic theme of this model is that individuals are motivated into regulating or minimizing their health related risks and into acting to reduce these health threats in ways consistent with their perceptions of them. According to Leventhal, the processing system operates in stages. In the first stage the definition of the *representation* of the problem and the emotion accompanying it is created. The second stage involves the development and execution of response plans for *coping* with both the problem and the emotion. The third stage is one of *appraisal* to determine to what extent the goals specified by the representation have been reached. Information from the appraisal stage feeds back into the prior stages and can alter the individual's coping strategies and/or the way the problem is defined or represented. The system is recursive. Each adaptive episode alters the underlying memory structures and thereby changes subsequent adaptive episodes [85, p. 220].

In contrast to Lazarus' model the processing system is divided into two parallel pathways. One involves the creation of an objective view or representation of an illness and the development of a coping plan for managing the threat. A second pathway involves the creation of an emotional response to the problem and the development of a coping plan for the management of emotion. The two pathways interact as the individual adapts to each specific situation, with the interactions occurring both consciously and preconsciously [85, p. 220].

The main arguments of this model are: (1) that the way the individual represents health threats or symptoms (the identity, cause, consequences, time limits and duration of the threat) guides coping responses and suggests criteria for appraising outcomes, and (2) that the elaboration of an illness representation will reflect interactions between both the objective and the emotional processing systems. The model has been empirically founded by studies of patients adapting to high blood pressure and to chemotherapy treatment for cancer.

The psychomaintenance model of Kinsman and associates

According to Kinsman *et al.* [88] psychomaintenance refers to "psychologic and behavioural factors which maintain and increase both perceived severity and medical intractability of the illness once it has already developed" (p. 435). The psychomaintenance model can be defined as a personality dimension model. As Fig. 3 illustrates, the central

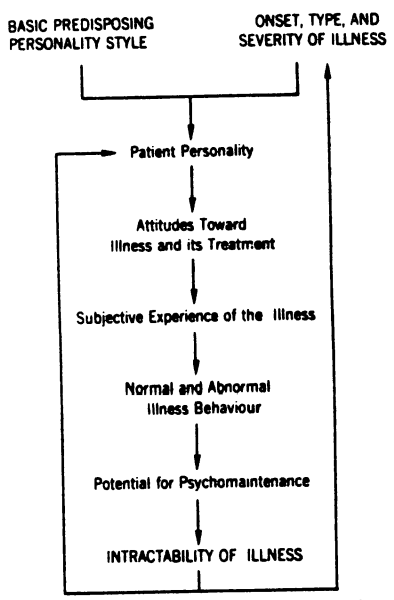

Fig. 3. A schema for psychomaintenance in chronic illness (Kinsman *et al.*, 1982).

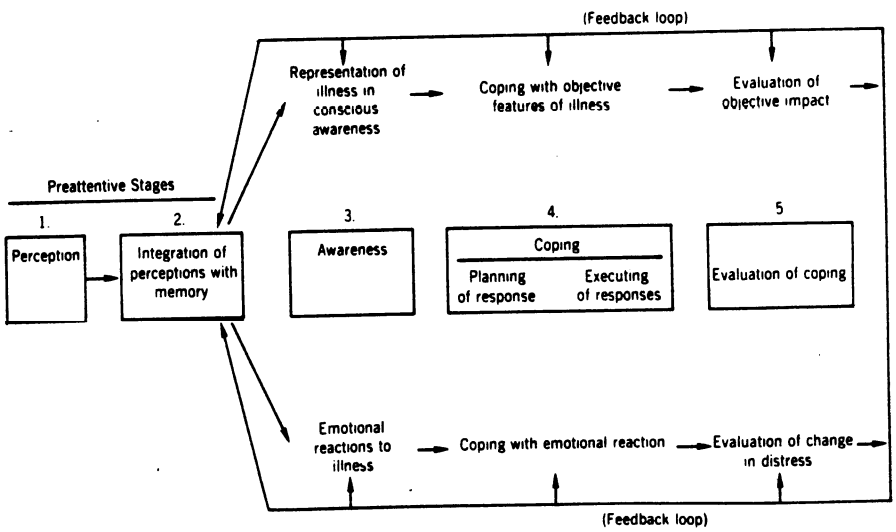

Fig. 2. The self-regulating processing system (Leventhal *et al.*, 1984).

idea of the model is that the premorbid predisposing personality style interacts with the onset, type, and severity of the illness to result in a specific patient personality. This patient personality determines specific attitudes towards the illness and treatment conditions, which influence the way in which the symptoms of the illness are experienced by the patient. The subjective experience of the illness in turn influences the potential for psychomaintenance and the intractability of illness.

At first sight, the model is not so different from Lazarus' stress model since the subjective experience of illness may be defined as illness related stress, and psychomaintenance may be seen as a complex form of coping behaviour. However, closer inspection of the model reveals that the basic assumptions of both models are very different. Lazarus' model is a transactional model, whereas that of Kinsman and his colleagues is more a personality trait model referring to a basic predisposing personality style which interacts with a specific illness determining stress, coping and disease outcome.

The psychomaintenance model has been tested exclusively with asthmatic patients. In several studies a clear relationship has been found between anxiety and the use of medical resources. When discharged from the hospital, patients reporting low levels of state anxiety were prescribed less intense medication than those reporting high levels. The relationship proved to be independent of other (including medical) variables [92]. Furthermore, patients reporting high or low trait anxiety were twice as likely to be re-admitted into hospital as patients reporting moderate anxiety [93, 94]. In addition, Dahlem and others [95] observed that patients displaying low anxiety during an attack did not take enough medicines and that patients reporting high state anxiety took too many, irrespective of the seriousness of the attack. Patients reporting moderate anxiety during an attack proved to use their medicines in the most efficient way. Similar results were found in other studies [96, 97]. The psychomaintenance model has undoubtedly been a fruitful model for the understanding of the relationship between the stresses of asthma and medical outcome. However, the model not only underestimates the role of coping behaviour as a mediating variable between the experience of specific emotions and the use of medical resources [98], but also other process and environmental factors [99].

Emotional control models

The main argument of these models is that emotions may influence disease states. There are a number of pathways through which emotions may influence illness that vary in the directness of the influence [100, 101].

In the past attention was focused primarily on more direct pathways: emotions were seen as aetiological factors in the development of a disease or in the precipitation of an acute crisis such as cardiac death [100]. More recently, however, attention has been paid to more indirect pathways and emotions are now considered to influence a way of coping with illness which may have an impact on the course of the disease.

The literature on the relationship between emotions and the course of disease may be reviewed along the dimension of aggressivity–passivity [100]. The central idea of this model is that the failure of attempts to cope with physical illnesses results in durable stereotype emotional forms of coping, in which aggressive behaviour represents the more active pole, and helplessness or hopelessness the more passive pole of the dimension.

Emotional control models may be seen as an addition to the above described models: they start where the others end. The above described models may be defined as mastery models. Mastery occurs when the coping strategies of the individual are able to resolve the stressful situation. Coping responses, however, may as well be inadequate. In this case coping responses become more stereotyped and eventually fatigue may occur. Fatigue results in the inability to cope and/or in feelings of depression, hopelessness and helplessness. Aggressiveness may be defined as a form of stereotype coping when loss of control over the threat is experienced. In addition, the expression or suppression of these feelings seems to play an important role as both forms of control may bring about deregulations of autonomic and endocrine functions which may lead to pathology of tissues or organs [102]. Although there is some evidence that extreme emotions may lead to critical health conditions, the empirical evidence is not very strong [11]. There is a lot more evidence supporting the influence of emotional *control* on the course of illness. Greer and Morris [103] and Morris *et al.* [104] found that women who developed breast cancer differed from other women, in that they exhibited greater degrees of anger suppression. Greer *et al.* [105] found that women with breast cancer who reacted with feelings of helplessness and hopelessness had a more negative medical outcome than women with breast cancer who were reacting more with denial or in a more active, or aggressive way. Other researchers found that the dimension of passivity–aggressivity was a powerful predictor of morbidity and mortality in ageing populations [106]. The passivity response was associated with significantly higher morbidity and mortality than the aggressivity response. In addition, there seems to be a relationship between the inhibition of anger and the development of hypertension and coronary heart disease [107–109].

The problem with this model is however that there is no single emotion control model, only bits and pieces of empirical evidence proving that emotions may effect medical outcome. The main advantage of this line of research is that it represents a non-mastery stress model which is an important addition to the other models. Besides the role of coping with stress the concept of control is introduced. From this point of view different coping strategies may ultimately be similar in the amount of experienced control and may, therefore, have similar effects on outcome variables.

In conclusion, one could say that various models make explicit that individual differences in appraisal processes, based on cognitions stored in long term memory, guide or shape specific forms of coping behaviour (and/or forms of control over experienced

distress or the problem at hand) which in turn influences medical outcome variables in different groups of patients. However, the models differ in the degree of stability of these individual differences over different situations, in the definition of concepts such as coping and control and, last but not least, in the description of the basic underlying information processing system. Although, the existing models are rather general models, they may be used as a frame of reference by researchers. In our opinion, the problem is not the lack of models for the relationship between stress and the course of a specific disease but that researchers collect data without a frame of reference, and with idiosyncratic measuring instruments which leads to incomparable results. As a consequence, we can argue that stress may influence the course of disease but that the mechanisms remain basically unknown. The association between more active, aggressive ways of coping and medical outcome in cancer and in elderly patients forms a good example of the problem at hand. Is the relationship mediated by a psychophysiological pathway or does a more active way of coping influence medical decisions and treatment?

GENERAL CONCLUSION

To conclude there is a lot of evidence supporting a relationship between stress and the onset and the course of disease or medical outcome. For specific conclusions the reader is referred to the conclusions at the end of each section of this article.

In general, we can say that there is increasing evidence that different psychological factors, including coping styles, personality traits and social support, mediate or modify stressor–disease relationships. However, much of the current research focuses on trait-like models featuring single dimensions. We are in need of a broader transactional theory of personality in order to understand the effects of a constant interplay between a dynamic person and an ever changing environment.

Furthermore, whether or not we accept the existence of a relationship between stress and the onset of disease is rather a question of definition. We pointed out that conflicting conclusions stem from a difference in requirements, which must be met in order to accept the relationship. We argued that several causality requirements used in biomedical research do not apply for stress research, thus coming closer to the conclusion that there is evidence supporting the relationship between (some forms of) stress and the onset of (some) diseases. But even if one doubts whether there is a relationship between stress and the onset of disease one thing is certain. In terms of health on a population level it seems far better to accept the hypothesis wrongly than to reject it unjustly.

Finally, we tried to illustrate that there is a lot of evidence that stress has an influence on the course of disease, but that the main problem in this field is that the existing research is carried out without the use of available models and theories or with idiosyncratic measuring instruments. As a consequence it is difficult to integrate the existing bits and pieces of evidence into an overall theory. In order to move towards more general frameworks four existing research models or paradigms were presented, which can guide future research.

As an overall conclusion one could say that what we really need is an integrative, transactional stress theory on the one hand, and a wide agreement on research requirements on the other.

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SECTION C

STRESS AND DISEASE: THE CONCEPT AFTER 50 YEARS†

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Abstract—Although there is no generally accepted definition of 'a state of stress' in biological or social systems, biologists and social and behavioral scientists continue to use the term. They communicate meaningfully by describing and measuring sources of stress and their observed effects on living organisms, without attempting to define the intervening variables. Biologists and medical scientists tend to be concerned with sources of stress that are concrete and observable, and can otherwise be considered as 'causes' of illness and injury; social and behavioral sciences tend to be concerned with sources of stress that represent information that arises from outside the person and is mediated by higher centers of the central nervous system. It is clear that such "psychological stresses' can lead to alterations of internal functions down to the biochemical level, and that they are potential 'causes' of disease; but they do not usually act independently of other mechanisms.

The central thesis of the stress theory of disease, as elaborated by Cannon and Selye, appears to have been thoroughly established. Disease can be regarded as a phenomenon that occurs when an agent or condition threatens to destroy the dynamic steady state upon which the integrity of the organism depends; and the manifestations of disease appear to be, in large measure, manifestations of the organism's efforts to adapt to, and to contain, threats to its integrity. In this sense, all diseases are to some extent disorders of adaptation. Also, it appears that the course and manifestations of any disease can be influenced to some extent by activities of the nervous and endocrine systems that are initiated by the central nervous system in response to information from the social and interpersonal environment. On the other hand, the theoretical explanation of how 'stress' causes disease, which was developed in the 1930s and 1940s and based on a hypothetical 'state of stress' within the organism, as a model derived from engineering concepts, is clearly incorrect. The relation of an organism to its environment is, in large measure, a communicative interaction. Its response to a threat to its integrity is based upon the evaluation of the information received. This response is not random and non-specific, but directed, and it is as highly specific as the effector mechanisms of the organism can make it.

Key words—stress, stress theory, stress disorders, psychological stress

In 1972, for a meeting of this group, I prepared a paper titled "The Concept of Stress in the Biological and Social Sciences," which, among other things, questioned whether or not there was any scientifically meaningful definition of the term 'stress' as applied to biological and social systems [1]. There is still today no generally agreed upon definition of 'stress' in such systems that allows anyone to determine unequivocally when the state exists and to categorize it as present or absent, if not to measure it. Nevertheless, biological, social and behavioral scientists have continued to use the term. The 1985 edition of the Cumulated Index Medicus [2] lists more than 1100 scientific articles relating to 'stress' or its effects in biological and social systems, 'stress disorders' and 'psychological stress'. So much for my objections.

Since the scientists who use the term 'stress' can be presumed to be communicating with each other in a meaningful manner, one must assume that they share a common general understanding of its meaning, and that the concept of 'stress' continues to have a heuristic usefulness. It is worthwhile, therefore, to consider what the source of common understanding may be; whether it is different for scientists in different fields; how it relates to the concept of 'stress' as Cannon [3] and Selye [4, 5] used it a half century ago; and where we now stand on the question of 'stress and disease'. This is the burden of this essay.

From a perusal of the titles of scientific articles, and of some of the relevant literature, it is evident that authors in the biological and social sciences have tended to avoid a definition of the 'state of stress'. On the other hand, they have usually provided a description of the source of the stress, which in many cases they measure or quantify rather precisely. The basis for effective communication arises when there is a detailed and quantitative description of the source of the 'stress', and of one or more measurable effects upon the system that is being 'stressed'.

In the biological literature, one finds that authors have used the term 'stress' in relation to single organisms, populations of organisms, and ecosystems. Since our interest is in the effect of stress upon 'health', our concern at this time is how biologists use the term in relation to single organisms. This is true because 'health', and 'illness', as these terms are used in the medical sciences, are phenomena of people as individuals. Medical scientists do speak of the 'health' of human populations, but when they do so, they actually speak of the cumulated mani-

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†[A Special Issue devoted to Stress will shortly be appearing—ED.].

festations of mortality, morbidity, disability and impairments of the individual members of a population. The 'health' of human societies, as such, or of human ecosystems, are concepts outside of the medical sciences.

When biological scientists describe the sources of stress for individual organisms, one sees that they refer variously to conditions that arise within the organism, such as dehydration or depletion of stores of fat or carbohydrate; to conditions that arise outside of the organism, such as heat, cold, or an inadequate food supply in the environment; to the impingement of agents or energy from outside the organism, such as micro- or macro-predators, or physical trauma; and to information from outside of the organism, such as that arising from the presence of other organisms that are perceived as hostile. The common feature of all of these 'sources of stress' is that they have the effect of perturbing the dynamic steady state upon which the life of the organism depends, or of threatening to do so. The implication is that the organism must adapt to the effects of these 'sources of stress' in order to survive. The adaptation, even if successful in preserving life, may transiently or permanently limit the ability of the organism to carry out some of its functions or activities, and may involve structural damage to the organism that can be permanent and severe.

When human biologists, who are for the most part medical scientists, speak of the 'sources of stress' that affect the human organism, and especially when they describe their observations from experimental and clinical studies, the 'sources of stress' that they most often speak of are concrete and observable phenomena that are otherwise described as 'causes' of illness and injury: microbial infections; trauma; abnormalities of food or fluid intake; the ingestion of toxic substances; external conditions such as heat or cold; and internal conditions such as those created by stroke, vascular occlusion, or hemorrhage. In the terms of the medical sciences at the present time, most of the 'causes' of disease and death may be described otherwise as 'sources of stress' for the organism. Similarly, the impairments of function and many of the changes in structure that occur as a part of the adaptation to these 'sources of stress', represent a major part of manifestations of the 'diseases' or 'injuries' that they produce. In this sense, it now appears that all of the manifestations of disease and injury that occur to people may be regarded as being produced, to a greater or lesser extent, by adaptations to sources of 'stress'. If one regards the concept of 'disorders of adaptation' as proposed by Selye in 1946 [4], as including any disease that is wholly or in part manifested by an adaptation to a source of stress, then this category now includes all diseases.

Forty years after Selye, physicians in general and many psychologists remain ambivalent about whether information arising from outside of a person and mediated only by the higher centers of the central nervous system, can 'cause' bodily disease. 'Stresses', which originate in this manner and are mediated in this way, are the ones that are most frequently called 'psychological stresses'. Much of the past and present scientific literature relating to 'psychological stress' has been concerned with experimental and clinical evidence that information acquired from the social and interpersonal environment and mediated by the central nervous system through its control of internal regulatory processes, *is* able to produce alterations of internal functions down to the biochemical level. At the present time there is no reason to doubt that information acquired and mediated in this manner is a potential 'cause' of disease. However, clinical and epidemiological observations suggest that this kind of information rarely operates by this mechanism alone. It often operates also through changes in gross motor behavior, through changes in patterns of activity, through changes in exposure to infection or trauma, and through changes in the ingestion of food, fluid, and substances such as cigarettes, alcohol, and medications. Probably for this reason, there has been a reluctance to see this mechanism as a sole instigator of bodily illness. Possibly for this reason also, investigators and observers of 'psychological stress', have tended to focus upon its effects on the higher functions of the central nervous system—the changes in mood, thought, and behavior—that are its most immediately evident effects.

Social scientists and others who have concerned themselves with the 'stress' that arises from a person's relation to the society in which he lives, have usually spoken of 'stress' as if they meant 'psychological stress', much in the sense that psychologists usually speak of such stress. Sources of stress of the kind that the biologists speak of are usually not treated in the category of 'stress' in the social science literature. When there is a discussion of a subject such as the agricultural practices of a society and their relevance to the presence of cystercercosis, beri-beri, or protein-calorie malnutrition, the parasites, and the deficiencies of vitamins, proteins, or calories in the food are not usually described as 'stresses'. The 'stress' paradigm in the social sciences (as perceived by this medical scientist) is, in general, based on the assumption that each human society prescribes a variety of forms of behavior that are proper for its members, with a variety of proper relationships between these members, and a number of proper functions for each of them; and that all of these vary with variations in the role of the individual. The prescribed forms of behavior and relationships are internalized by the individual as guidelines and values. The society usually provides sanctions for those who move outside the proper range of relationships and behavior. In such a system, 'stress' occurs for a person when he is faced with a situation that implies for him two or more different kinds of behavior, based on two or more different sets of guidelines and values, which are in conflict and are not readily reconcilable.

That encounters with this kind of 'stress' are a common feature of the lives of people in modern societies is abundantly evident. Moreover, history and literature, both scientific and popular, make it evident that people in all human societies have encountered such 'stress', that it has been a potent cause of emotional turmoil and disturbed behavior, and that illness and death, by whatever mechanism, have often followed as apparent consequences of the encounter. However, when one poses questions such as whether this kind of 'stress' is more common in one society than in another, to what extent it

accounts for the morbidity and mortality within a society, by what mechanism it does so, and whether or not this kind of 'stress' should be considered as distinct from other kinds of 'stress' that biologists have considered, the answers are not readily forthcoming.

That encounters with 'social stresses', as we have just described them, should be a feature of life in any human society seems to be implied by the very nature of human societies. Human social groups, like animal social groups, are fundamental biological organizations. It is elementary that people do not exist except as members of social groups. Each person owes his very origin to two other people and his continued existence to many others, if only for the means of obtaining food, clothing, and shelter. The sociobiologists have presented evidence that animal social groups are adaptive, and have survival value so far as the species is concerned, but not ultimately so far as the individual member of the species is concerned [6]. The individual animals in a social group do tend to thrive because the existence of the group provides a better supply of food and a greater protection from ecological threats; but the group, as a group, does not behave as if the welfare of the individual members were the purpose for its existence. It behaves, rather, as if its purpose were to direct the genetic inheritance of the species toward an optimal configuration for the survival of the species. It provides for competition among its members—often mortal—for the privileges of reproduction. It produces an excess of offspring with the expectation that many of the weak will die. It allows the aged, the ill, and the injured to die also; and it provides roles for certain members of the group in the defence of the group and its offspring, which often imply that those who occupy these roles will die also.

That human societies behave as if the welfare of the social group were ultimately more important than that of any individual member is clear; but whether the ultimate adaptive purpose of modern human social groups is to preserve and enhance the genetic inheritance of the species is at least debatable. Modern human societies appear to be concerned with the welfare of their individual members to a degree that is entirely 'unnatural' in terms of the behavior of other species. They attempt to preserve the lives of all human offspring including the weak, the defective, and those with genetically transmittable disorders. They attempt to prevent diseases and injuries of all sorts, to whomever they occur. They protect the ill, the disabled, and the aged, and they attempt to guarantee for each member of the society his full biological span of life. Some modern societies have been so successful in providing these measures of good health for their members that the effort consumes a significant proportion of all the goods and services that these societies produce.

Such concern for the welfare of the individual does not, however, provide convincing evidence of a greater altruism among modern *homo sapiens* than among any other species. It is probably an outgrowth of the explosive and highly successful development of the cultural adaptation by mankind during the last 10 million years. The development of tool using, tool making, and, especially, of language, has meant that information acquired by the individual human during his own lifetime can be transmitted to other individuals directly and immediately, bypassing entirely the much slower method of genetic inheritance. The development of writing and other means of recording and transmitting information has created a vast store of information outside of any individual member of the species, and potentially accessible to all. This, along with the extraordinary elaboration of human societies, and the minute divisions of labor within them, has greatly enhanced the value of the individual human as such. A person with special skills and knowledge has great value for the group as a whole, even though he may be aged, infirm, or the carrier of a genetic defect. His knowledge and his skills can contribute significantly to the information available to the group, and can be readily transmitted to others or recorded for the use of all. His roles within the group contribute additionally to his value.

One need not be a Beethoven or a Newton to qualify for the self-serving altruism of a modern human society. A mechanic or a farmer, or almost any other modern human, is no undifferentiated *homo*. His skills and knowledge and his value for his own group are usually well worth the group's efforts to preserve them. In addition, his roles in his family, in his employment, and in his social group, and his relations to other members in the group make them, to a greater or lesser extent, dependent on him, and upon his activities. These too provide them with good reason to be concerned for his welfare. All of which suggests that modern societies are behaving more and more as if the primary focus of their adaptive efforts were shifting from the preservation and enhancement of the genetic inheritance of the species to the preservation and enhancement of its cultural inheritance, which has become the primary mode of human evolution during the last 300,000 years.

The temporary effect of the outwardly altruistic concern of modern societies for their individual members does not, of course, mean that these societies are any more free of constraints on the behaviour of their members than were primitive societies, or even animal societies. Indeed, there is much reason to believe that, for the individual, the constraints on his behavior in modern human societies are much larger in number and more detailed than they were in the past, and that they have increased rapidly during the past 300 years with the development of clocks, artificial lighting, and modern methods of communication, transportation, manufacturing and commerce. Modern industrial societies that provide a high standard of living and a long life for their members also provide them with schedules for their daily round-of-life—for when they must get up, must go to work, and when they must carry out many other activities and duties during the course of the day, as well as when they must pay their bills, celebrate their holidays and pay their taxes. They prescribe for them what kind of work they must do and how they must do it, as well as how they must dress, drive their automobiles, and carry out a very great number of their other daily activities. The modern transportation within these societies moves their members about every day on timed and often trying schedule, and the modern communication sys-

tems inform their members rapidly and repeatedly of interpersonal, social, and natural phenomena that are often threatening or anxiety-producing for them. At the same time modern societies, like older societies, continue to prescribe the forms of relationships between their members, and to constrain their opportunities for the expression of their aggression and the satisfaction of their biological needs. Perhaps more than ever in the past, these societies create manifold opportunities for their members to experience frustration, conflict, uncertainty and insecurity. On the surface it might appear that 'psychological stress', as we have recently defined it, is potentially a much more important cause of illness in modern societies than the more 'physical' causes of stress, such as infection, injury, or starvation, which have been the major source of concern of biological scientists and which appear to have been significantly alleviated by modern societies.

So far as I am aware, the data that would allow one to obtain a quantitative answer to this hypothesis about the relation of 'stress' to illness in modern societies do not exist. However, it is possible to look at one of the much studied diseases that are prevalent in modern societies to see how much of what kind of 'stress' appears to be primarily involved in its genesis. Arteriosclerotic heart disease (a.k.a. 'coronary heart disease' or 'ischemic heart disease') comes to mind immediately in this context. It has been, in some ways, the quintessential disease of the industrial societies of the 20th century. One of its most characteristic manifestations, the 'acute myocardial infarction', was first recognized as a diagnostic entity during the first two decades in this century. A second, 'unexpected sudden death', became increasingly prevalent during the first half of the century, until, in the 1950s, it was recognized as the most frequent single cause of death in the United States. Even 'angina pectoris', the oldest of its widely recognized manifestations, is relatively new as a diagnostic entity; it received its name and its first description in the late 18th century.

One can surely say that the increased prevalence of these three manifestations of ischemic heart disease during the last three centuries, and especially during the present century, has been a product of modern human society, if only in the sense that the great majority of the cases of myocardial infarction, angina pectoris, and sudden death occur to people beyond the age of 50—and such people were a smaller proportion of the population of western Europe and America 300 years ago than they are today. However, one cannot say that the disease did not exist before that time, even though the number of people who had it appears to have been fewer. Arteriosclerosis, which is the basis for the disease, has been found in Egyptian mummies; the 'sudden deaths' of men, and especially of old men, have been described sporadically since ancient times; and sometimes fatal attacks of 'acute indigestion' and other kinds of rapidly fatal abdominal and chest pain, some of which may have represented myocardial infarctions, have been described throughout recorded history.

Nevertheless, it is evident that the disease is much more prevalent in modern societies than it was in the past. This appears to be the case not simply because it is a disease of older people, but also because it is a disease of well-nourished people who have a high caloric intake and a high intake of saturated fat, and because the probability of its occurrence is enhanced by a low level of physical activity. People whose caloric intake is at a subsistence level, who consume very little red meat or animal fat, and who do a great deal of physical labor, may not have the disease. Relative under nutrition and hard physical labor have been the lot of the great majority of mankind since the species evolved. It was only with the development of agriculture and of complex human societies that a relative excess of food became available for a privileged minority of the population, some of whom were also relatively protected from physical exercise. It was the members of this privileged minority who, in ancient Egypt, were much more likely to be mummified after they died, and who, in any era, have been more likely to have their illnesses described by historians or biographers. The disease apparently did not become widespread in any population until the middle of the 18th century, after technological progress in agriculture and a rising standard of living made it possible for an increasing number of people in Europe and in America to consume ever larger amounts of red meat, lard, butter, and milk in their diets. This dietary abundance became steadily more prevalent until, in the first half of the 20th century, one found large segments of national populations in countries such as the United States and Finland, in which 40% or more of the dietary calories came from fats.

Was this a disease of 'stress'? In a biological sense, it was. A constant and heavy dietary influx of saturated fat is a source of 'stress' for a human organism in the sense that biologists use this term. In order to transport the fat through the blood stream, the liver of the man who consumes so much fat is forced to create large amounts of cholesterol. With the passage of time more and more of this cholesterol becomes trapped in the lining of the arteries, where it builds up to the point at which it begins to limit the blood supply to organs that are served by these arteries, at first partially or transiently at times of high demand (as in angina pectoris), and later totally and permanently (as in myocardial infarction). Following the classical formulation of Selye, it is the adaptation to the source of 'stress' (that is, the manufacture of cholesterol), rather than the source of 'stress' itself (the excess of fat), which creates the manifestations of the 'disease'.

Common clinical experience, as well as epidemiologic evidence, indicates that this source of 'dietary stress' does not act alone to produce ischemic heart disease. The excess of calories, and the relative obesity that accompanies it, exacerbates, if it does not cause, the hypertension that is often present also. Hypertension creates myocardial hypertrophy and leads to myocardial failure, both of which render the heart more vulnerable to the effects of ischemia caused by arterial narrowing and occlusions, and greatly increase the likelihood of angina pectoris, myocardial infarction, and sudden death.

It appears also that some effects of the 'psychological stresses' that have always been a feature of life in human societies, have been directed peculiarly at

the human vascular system in modern societies because of a method that many modern people have used to alleviate the symptoms of these 'stresses'. Since neolithic times men had used beer, wine, and other alcoholic drinks, and sometimes various drugs, to alleviate the discomfort, fatigue, and anxiety that they experienced during their daily lives; but it was only during the last four centuries, and especially during the last century, that European people began to use tobacco for this purpose. The use of tobacco appears to be, among other things, a specific threat to the vascular system.

One might say that the use of tobacco has had a special attractiveness for people in modern societies. Alcohol and other drugs have the disadvantage that they impair the functions of the higher centers of the central nervous system, and thus impair people's ability to perform a large number of the many activities that modern people must carry on during their daily lives. Tobacco does not have this effect. The pipe of tobacco or the cigar provides a sense of well-being without creating drunkenness.

Pipes and cigars were, of course, the forms of tobacco that were used mostly during its first three centuries. They were used mostly by men, and were consumed mostly after meals, and their overall effect in causing disease was relatively small. Cigarettes, which were developed toward the end of the 19th century and became popular at the end of World War II, became much more widely used. They were acceptable to women as well as to men. They were cheap, and convenient, and they could provide a brief lift or a moment of relaxation for almost anyone at any time without significantly impeding his ability to perform even the most complex of mental tasks. During the first half of the 20th century, cigarettes became the 'small beer' of the great majority of people in modern industrial societies. But cigarettes not only have the great disadvantage of causing cancer; they have another also. Substances inhaled when cigarettes are smoked cause damage to the lining of the blood vessels and enhance the likelihood that accumulations of cholesterol will occur in them. Cigarette smoking appears to have contributed markedly to the increase of angina pectoris, myocardial infarction, and sudden death in modern societies.

There is also, of course, the possibility that the neurally mediated effects of the 'pace of life', and the 'pressures and tensions' of living in the modern world may have helped to increase the prevalence of the manifestations of ischemic heart disease, also. In a certain sense, this does appear to be true. In the United States both myocardial infarctions and sudden arrhythmic deaths do occur with a statistically significant excess of frequency in the morning hours when people are alert [7]. Arrhythmic deaths also occur with more than the expected frequency when people are alert, aroused, and active, and with less than the expected frequency when they are resting, asleep, or inactive [8]. Files of clinical histories of people who died suddenly usually include many examples of sudden deaths or myocardial infarctions that occur after heated arguments, exciting events, or strenuous exercise. There is very good reason to believe that alertness and arousal increase the probability of angina pectoris, myocardial infarction, and sudden arrhythmic death.

However, when one looks more closely at the data relating to all of these events, one sees, for example, that the vast majority of the sudden deaths that occur to people under circumstances of excitement or activity, occur after activities such as running for a bus, or pull-starting a lawn mower, and that those who die under these circumstances have engaged in these and similar activities many times before without dying. In addition, one sees that many of the people who die suddenly, die during or after activities such as urinating or defecating, which cannot easily be considered as 'stresses of modern life' [9].

When one examines the clinical data from cases such as these prior to their death and the results of autopsy examinations after the deaths, one finds almost without exception, that those who die suddenly are people with pre-existing heart disease, who usually have myocardial ischemia, and often have myocardial hypertrophy and myocardial failure, as well as damage to their cardiac conduction systems at the time they die—and a significant proportion of these people also have had recent acute myocardial infarctions, which have been 'silent'. The activity in which they were engaged at the time of death seems simply to have triggered an arrhythmia in a heart already damaged by atherosclerosis and hypertension. That such an activity can, in fact, be a trigger for an arrhythmia in such a heart, there seems to be little doubt—both experimental and clinical evidence indicate that the neural effects of CNS arousal, for example, can increase myocardial irritability, and that in its aftermath there may be a significant effect upon cardiac impulse formation. The case with acute myocardial infarction is similar. Even though infarctions occur more frequently when people are alert, a very large proportion of them occur to people with underlying arteriosclerosis, or myocardial hypertrophy, most of whom have also experienced the 'risk factors' of elevated blood lipids, cigarette smoking, and hypertension.

'Type A' behavior, as a behavior pattern, has typified the theoretical formulations that have been put forward to relate 'psychological stress' and 'social stress' to coronary heart disease. However, 'type A' has not proved to be persuasive as an important risk factor outside of the group in which it was originally described [9]. Although one can readily believe that people who exhibit type A behaviour are more aroused more of the time than many other people, more than CNS arousal by itself appears to be necessary for the occurrence of myocardial infarction.

In several American groups, as well as in Europe, a low level of education, both alone, and in conjunction with a low level of income, has been associated with a relatively high risk of myocardial infarction and arrhythmic death. However, this social variable, too, appears to be a surrogate for other 'risk factors' that lie behind them. In the American groups people with relatively higher levels of education have, on the whole, been less obese, with lower cholesterol levels and less hypertension, and they have been less likely to smoke cigarettes than less well-educated people

in the same group [10]. There is much to suggest that the negative gradient of cardiovascular disease with education in American society exists because this social variable is systematically related to biological variables. However, it seems quite possible, also, that this association may be, in part, a result of a greater appreciation by better educated people of the significance of the risk factors that are associated with the occurrence of heart disease.

The experiences with coronary heart disease thus provides some indication of where the 'stress theory' of disease, which was initiated by the work of Cannon and Selye, stands today. Its central thesis appears to have been thoroughly established. A disease—any disease—appears to be a phenomenon that occurs when an agent or condition threatens to destroy the dynamic steady state upon which the integrity of the organism depends. The manifestations of disease—any disease—appear to be, in large measure, manifestations of the organism's efforts to adapt and to contain threats to its integrity. In this sense, all diseases can be considered to be 'disorders of adaptation', as Hans Selye described some of them to be. It can also be considered to be established that the course and manifestations of any disease can be influenced to some extent by activities of the nervous and endocrine systems that are initiated by the central nervous system in response to information from the environment—including the social and interpersonal environment. The process is very like that which Cannon, Selye, and Harold Wolff described [11]. Thus the substance of the 'stress theory of disease' appears to be correct, and it is generally accepted to be so.

On the other hand, the theoretical explanation of how 'stress' causes disease, which was developed in the 1930s and the 1940s and based on a hypothetical 'state of stress' within the organism, as a model derived from engineering concepts, is clearly incorrect. The relation of an organism to its environment is in large measure a communicative interaction. Its response to a threat to its integrity is based upon the evaluation of the information received. This response is not random and non-specific, but directed, and it is as highly specific as the effector mechanisms of the organisms can make it. It is only because of the limited number of these effector mechanisms and the limited extent to which they can be targeted on a given threat that the response appears to be 'non-specific'.

The implication of this for social science and medicine appears to me to be quite positive. There can be no doubt that the form and structure of human societies, their institutions and their practices profoundly affect the nature of the human diseases that occur among their members. The mechanisms by which they do so are complex, multiple, and interacting. 'Psychological stress' is only a small part of these. Social scientists should feel free to look at any of the mechanisms that are involved and at their interactions. It is too restrictive, for example, simply to look at the time- and schedule-generated sympathetic arousal of employed people in industrial societies as a factor in the genesis of myocardial infarction.

There are many important questions relating to disease that appear to be apt for investigation by social scientists. In the broadest sense social scientists have an opportunity to ask questions about disease and its prevention that might not readily occur to biological scientists. In a society that can produce adequate amounts and kinds of food, shelter, clothing, sanitation, and immunization for its members, could the general education of all people become one of the single most cost-effective, public health measures? If one dissuades people from using a given 'stress-relieving' procedure, such as smoking cigarettes, may they not turn to other procedures to obtain a 'transient lift', a relief from anxiety, and a feeling of well-being? Might it be socially profitable to attempt to develop a substance that, like tobacco, might be non-intoxicating, but also non-addictive, and not damaging to the organism in any other ways? To what extent is it desirable to reduce the 'stress of modern life' in a society that bases its evolution on culture change and technological advances, and on the diversity and plasticity of social structures and processes? May not some degree of insecurity and anxiety and some sense of urgency be both expected and desirable among the members of such a society? May it not be true that social change and culture change are more important to the society than the tranquillity and feeling of security of its members and their freedom from symptoms?

Questions such as these, which are now 'far-out' are perhaps no further out than the question of 'stress and disease' was in the 1930s, at a time when all of the manifestations of disease were considered to be caused directly by infectious agents, trauma, dietary deficiencies, toxic materials, and other external agents. They seem to be waiting for social scientists to have a look at them.

MEDICAL LIBRARY

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Facsimile 617-728-9633

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1990 JUN -8 PM 6:20
CAMBRIDGE MA.

June 8, 1990

Joseph E. Connarton
City Clerk
Office of the City Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

Dear Mr. Connarton:

Enclosed please find copies of a letter relating to the latest "hearing" on the Street Performance Ordinance.

I would appreciate it if you could see to it that each member of the City Council receives a copy of this letter today so that they may evaluate the Street Artist's position before the hearing on Monday.

Also, I would appreciate receiving copies of all minutes of the Ordinance Committee. Thank you for your assistance.

Very truly yours,

Dianna R. Stallone

DRS/lar
Enclosures

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Facsimile 617-728-9633

RECEIVED BY
OFFICE OF CITY CLERK
1990 JUN -8 PM 6:20
CAMBRIDGE MA.

June 8, 1990

To the Honorable Cambridge City Council and
The Honorable Mayor Wolf:

The Street Artists have the following comments regarding the latest "hearing".

1. We object to the Ordinance Committee's refusal to hear public commentary on the latest amendments to the Ordinance. The Street Artists were advised that a "public hearing" would be held on the new proposed Ordinance. Your own internal notice states that a "hearing" will be held on the Ordinance. (See attached). Sixteen Street Artists and myself showed up at the hearing. We were arbitrarily denied an opportunity to present testimony and arguments against certain amendments. We note, however, that individual Council Members did confer with the single resident who continues to complain about the Street Artists.

2. It should be noted that this particular resident complained at the last hearing that the Street Artist's performances would cause cancer to nearby residents. This is absurd. I personally heard this resident state to a Street Artist "why don't you get a real job?" after the hearing on Thursday. This statement is indicative of pernicious and unfounded prejudice against the Street Artists and casts serious doubt upon the true motives behind the complaints of this person. The City Council should not adopt public policy decisions which impinge upon the fundamental rights of other residents and the Street Artists based upon such attitudes.

3. My conversations with Mr. Travis, the only other resident who has complained about the Street Artists, indicates that he <u>opposes</u> Counselor Duehay's current proposal

that measurements be taken inside resident's homes. He also agrees with the Street Artists that there is insufficient evidence to support the 50 and 60 decibel level restrictions. He does not oppose the Street Artist's suggestion that the 80 decibel restriction at 50 feet be adopted and enforced for a limited period of time, to see if it adequately protects the resident's interests.

4. The Street Artists will challenge the time restrictions, the school and library restrictions, and the provisions regarding decibel readings inside residents' homes contained in the current draft of the Ordinance. The Street Artists have a pending lawsuit filed which seeks compensatory and punitive damages for past violations of their constitutional rights by the City, together with attorney's fees. This complaint will simply be amended to include a challenge to the new Ordinance and damages for the continued violation of the Street Artists' rights. (See Complaint, Memorandum of Law in Support and Affidavits attached).

5. The draft of the Ordinance submitted by the City Attorney expanded the hours for performances until midnight on Friday and Saturday nights. Your own attorney publicly advised that unreasonable restrictions would be struck down. He further advised that caselaw exists in which Courts have struck down similar restrictions on Street Artists as unconstitutional. He stated that the 12:00 restriction was reasonable, but that this was a gray area in the law. He also said that, where there are gray areas, the City should err on the side of the constitution.

In direct contravention to this advice, one conservative member of the Ordinance Committee, who had not attended any of the fact finding meetings; waited for a time when other key members were absent and moved to amend the City Attorney's draft to restrict the time to 11:00 p.m. The reason advanced

by this member was that he had been to Harvard Square and he thought there were "too many people" in the square. This amendment was carried on the vote of two members of the City Council. Jonathan Myers spoke eloquently against this change. To imply that this amendment has the approval of the "Ordinance Committee" is a sham. No competent Judge will agree that "too many people" in Harvard Square constitutes a compelling state interest sufficient to restrict fundamental constitutional rights.

6. The Street Artists requested that the City consider putting the word "public" before the words school and library in the Ordinance. This is because of the placement of Harvard University and the Adult Center for Education in Harvard Square. No evidence exists that the activities of the street musicians has caused a single complaint from these entities, despite the fact that they have been performing in close proximity to the schools and libraries for years. The City Council should respond to demonstrated problems when restricting the constitutional rights of its constitituion.

The Street Artists strongly object to Counselor Duehay's unilateral and arbitrary rejection of this proposal <u>without a vote</u> by the Ordinance Committee.

7. Finally, keeping in mind that the City is bound by the constitution to adopt the least restrictive means of serving its legitimate governmental interest, the Street Artists request that you ask yourselves the following questions:

a. What legitimate governmental interest will be served by an absolute ban (including story telling, poetry reading, and juggling) within 100 feet of a school or library? What evidence exists to support such a restriction?

b. How can you adopt a 50 decibel level restriction on First Amendment Rights when the traffic noise already exceeds 50 decibels? What evidence do you have to support this level? Your own evidence shows that, without any musicians playing, the sound level was 64 decibels inside a residents home. Doesn't this amount to an absolute ban? Absolute bans are unconstitutional.

c. How will a Street Artist know in advance whether his conduct will be in conformance with the law if he/she cannot tell in advance from where the sound will be measured? As a practical matter, once a Street Artist is set up in a particular spot, asking him to move on a Saturday night amounts to shutting him down since all of the other appropriate spots will be already occupied. Is this fair when the artist cannot tell in advance whether his conduct will be within the boundaries of the Ordinance?

d. How will you be able to enforce the measurements inside the resident's homes when you cannot differentiate the source of the noise and the sound of birds chirping already exceeds the decibel level?

e. Why does the performer have to move rather than turn down the music? What if he turns the music off and the sound levels still exceed 50 decibels inside the resident's home? Does this mean he can not perform even though he is not responsible for the noise?

f. How can you justify added restrictions on First Amendment Rights that are not applied to unprotected noise? Isn't this a classic content based prior restraint?

g. If residents can complain and force musicians to stop playing whenever the sound level exceeds or meets the traffic noise in his home, why do you need the time restrictions? Why doesn't the 80 decibel level at 50 feet and the 50 decibel level in the home adequately protect the legitimate interests of the residents?

h. What legitimate governmental interest exists to support a prohibition against story telling, poetry reading, magic tricks or juggling between 11:00 p.m. and 12:00 p.m. on Friday and Saturday nights? What about between 7:00 a.m. and 9:00 a.m.? Is the City Counsel going to restrict itself from leafleting during these times? Is the City going to prevent the Harvard Business Association from handing out "The Square Deal" leaflet between 7 and 9 a.m.? If not, why are my client's activities being singled out for

this prior restraint on their Constitutional Rights?

i. Are you aware that Street Musicians routinely play in the City of Cambridge between 7 and 9 a.m.? No complaint has ever been made, to our knowledge, regarding the activity. What evidence do you have to support the need for this restriction?

j. Can you as an elected representative, charged with the task of protecting the constitutional rights of all of your constituents, really justify supporting an unconstitutional provision in your law, affecting the fundamental rights of Street Artists, on the basis that you do not think it will ever be enforced? Is this the right way to make laws?

It should be noted that Counsellor Duehay repeatedly rejected legitimate questions from the Ordinance Committee members on the basis that the Ordinance would be debated at the regular meeting of the City Counsel. These questions remain unanswered. We request your careful consideration of these issues in evaluating the Street Performer's Ordinance.

Very truly yours,

Dianna R. Stallone

DRS/lar
Enclosures

cc: Sharrhan Williamson
Stephen Baird
Donald Drisdell

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

'90 JUL -3 PM 4:55
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JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

June 5, 1990

TO: Members of the Ordinance Committee

FROM: Mr. Joseph E. Connarton, City Clerk JEC

SUBJECT: **Ordinance Committee Meeting**

Please be advised that Councillor Francis H. Duehay, Chair of the above Committee has scheduled a hearing for Thursday, June 7, 1990 at 6:00 p.m. in the Sullivan Chamber, City Hall.

The purpose of this hearing will be to consider the Street Performers Ordinance.

You are requested to attend at this time.

s

cc: Councillor Francis H. Duehay, Chair

JS 44
(Rev. 07/86)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

The Street Artist's Guild, Martin L. Sexton, Sharrhan Williamson, Jonathan Backstrom and William Richard, III

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Suffolk
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

The City of Cambridge, Cambridge Police Department and Individual Unknown Officers of the Cambridge Police Department, the Cambridge Licensing Commission and James McDavitt

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Middlesex
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Dianna R. Stallone (617) 728-9600
Powers & Hall, P.C.
100 Franklin Street
Boston, MA 02110

ATTORNEYS (IF KNOWN)

Donald Drisdell
Deputy City Solicitor
795 Mass Ave
Cambridge, MA 02134

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

(PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) Violation of U.S. and Massachusetts Constitutions, First Amendment Rights, abuse of process, malicious prosecution, violation of Massachusetts Civil Rights Act, all for enforcement of unconstitutional Ordinance regulating street performers.

V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury—Med Malpractice
- ☐ 365 Personal Injury—Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☒ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 Habeas Corpus
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Food & Drug
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC (405(g))
- ☐ 863 DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions

VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A ☐ UNDER F.R.C.P. 23 **CLASS ACTION** **DEMAND $** Temporary Restraining Order Permanent Injunction; Attorney's Fees, costs and damages

Check YES only if demanded in complaint:
JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY (See instructions):

None JUDGE _____ DOCKET NUMBER _____

DATE May 21, 1990

SIGNATURE OF ATTORNEY OF RECORD Dianna Stallone

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
DISTRICT COURT OF MASSACHUSETTS

STREET ARTISTS GUILD, MARTIN L. SEXTON, SHARRHAN WILLIAMSON, JONATHAN BACKSTROM, WILLIAM RICHARD GOODMAN, III Plaintiffs v. THE CITY OF CAMBRIDGE, CAMBRIDGE POLICE DEPARTMENT and INDIVIDUAL UNKNOWN OFFICERS OF THE CAMBRIDGE POLICE DEPARTMENT, THE CAMBRIDGE LICENSING COMMISSION and JAMES MCDAVITT, LICENSING COMMISSIONER Defendants	COMPLAINT

COUNT I

General Allegations

1. This is an action for declaratory relief, a temporary restraining order, permanent injunction, compensatory and punitive damages, costs and attorneys fees pursuant to G. L. c. 231(A) §1, et seq., 42 U.S.C. §1983 and 42 U.S.C. §1988, M.G.L. c. 12 §11H, 11I.

2. Plaintiff, the Street Artists Guild ("SAG") is an unincorporated association of artists, including, but not limited to, actors, poets, jugglers, mimes, musicians and magicians.

3. The SAG has a principal place of business at 42 Rose Street, Jamaica Plain, Massachusetts.

4. The SAG has capacity to sue for violation of the Constitutional Rights of its members, pursuant to Rule 17(b) of the Federal Rules of Civil Procedure.

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Professional Corporation
100 Franklin Street
Boston, Mass. 02110-1586
(617) 728-9600

5. The individual plaintiffs, Martin Sexton, Sharrhan Williamson, Jonathan Backstrom and William Richard Goodman, III (hereinafter "the individual plaintiffs") are all citizens residing in various cities of this Commonwealth and are street musicians who are members of the Street Artist's Guild.

6. The defendant, City of Cambridge, is a Municipal Corporation organized under the laws of the Commonwealth of Massachusetts and situated in Middlesex County.

7. The defendant, Cambridge Police Department, is an agent of the City of Cambridge, acting under its direction and control and under color of state law.

8. The defendants, unknown officers of the Cambridge Police Department, are individual police officers, whose identities are not yet known, and who have participated in the violation of the plaintiffs' constitutional and statutorily protected rights. These officers have acted in violation of law and have stepped outside of their representative capacity. Said officers are thereby stripped of any immunity and may be sued in Federal Court for damages.

9. The defendant, Cambridge Licensing Commission is an agent of the City of Cambridge, acting under its direction and control and under color of state law. James McDavitt is the Licensing Commissioner, who, in addition to the other conduct of the defendants alleged herein, deliberately and in bad faith orchestrated a delay in the adoption of the new Ordinance, when he knew that the plaintiffs' rights were being violated under the old Regulation

10. In all of the conduct alleged in this Complaint the defendants have acted in bad faith and in violation of plaintiffs' clearly established rights.

11. In all of the conduct alleged in this Complaint the defendants have acted with intentional, reckless and callous indifference to the constitutional rights of the plaintiffs.

12. Jurisdiction in this case is invoked pursuant to Title 28 U.S.C. §1343(a) 1,3 and 4 as the controversy involves violation of plaintiffs' civil rights as guaranteed by the Massachusetts Constitution, the United States Constitution, and enforceable under 42 U.S.C. §1983.

13. Plaintiffs state that the City of Cambridge and its agents have violated their constitutional rights by enacting

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and enforcing a Regulation contained within the City of Cambridge, Massachusetts traffic regulations (February 1983) entitled "Regulation of Street Performances (hereinafter referred to as "the Regulation"). Said Regulation is attached as Exhibit A to the Affidavit of Dianna R. Stallone.

COUNT II

Violation of Constitutional Rights

14. This Count is brought on behalf of all of the plaintiffs. Plaintiffs incorporate by reference the allegations of Paragraphs 1 through 13 of Count I as if set forth in full.

15. The Regulation is violative of the plaintiffs' First and Fourteenth Amendment Constitutional rights under the Constitutions of the Commonwealth of Massachusetts and the United States.

16. The Regulation contains an absolute ban on all amplification. Said absolute ban is arbitrary, unreasonable and not in furtherance of any important or substantial state interest. Any state interest involved can be addressed by a less restrictive means than an absolute ban. Further, said absolute ban is irrational and does not accomplish the end which the City seeks to achieve.

17. The absolute ban is unconstitutional in its application as the City and its agents have applied the Regulation in an arbitrary and discriminatory manner based upon the content of the communication and the identity of the communicator.

18. Said absolute ban and its arbitrary and discriminatory enforcement constitute an unlawful prior restraint and content based regulation of plaintiffs' First Amendment rights.

19. The Regulation is unconstitutional and in violation of plaintiffs' civil rights as it contains an absolute ban on the exercise of constitutional rights in the entire City of Cambridge except for a few blocks designated by the City and its agents.

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20. The Regulation is in violation of the plaintiffs' civil rights insofar as it unreasonably and irrationally contains an absolute ban on all First Amendment performance activities, regardless of the degree of noise or disturbance before 1:00 p.m. and after 10:00 p.m.

21. The Regulation is vague, ambiguous and overbroad.

22. The Regulation does not contain proper standards for revocation or suspension of a permit. Said Regulation allows arbitrary and unreasonable interference with plaintiffs' First Amendment rights.

23. All of the above restrictions are not in furtherance of a substantial and important state interest.

24. All of the above restrictions are not the least restrictive means available to achieve any state purpose which does exist.

25. Plaintiffs have and will continue to suffer immediate and irreparable harm and emotional suffering and distress if this Court does not issue a Temporary Restraining Order and Permanent Injunction preventing the defendants from enforcing the unconstitutional Regulation and from further violating the plaintiffs' civil rights.

26. No adequate remedy at law exists to compensate plaintiffs for the continual violation and prior restraint of their First Amendment rights.

27. Because the Regulation is clearly unconstitutional and the City has admitted that the Regulation is "vulnerable" to constitutional attack, the plaintiffs will likely prevail on the merits.

COUNT III

Violation of the Massachusetts Civil Rights Act

28. Plaintiffs reallege the allegations of 1 through 27 of Counts I and II as if set forth full.

29. This Count is brought on behalf of the individual plaintiffs, Sharrhan Williamson, Jonathan Backstrom, Martin

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Sexton and William Richard Goodman, III. These plaintiffs state individual claims against the defendants. The defendants have enacted and continued to enforce the unconstitutional Regulation even after they knew or should have known that the Regulation was unconstitutional. (All as is more specifically set out in Count IV). This amounts to an interference with plaintiff's secured and constitutionally protected liberty rights by threats, intimidation and coercion, all of which constitutes a violation of M.G.L. Chapter 12 §11H, 11I.

30. These actions of the defendants were conducted with threats and coercion, in bad faith and contrary to the clearly established rights of the plaintiffs.

31. The acts of the defendants, set forth in this complaint constitute intentional, reckless and callous indifference to the Constitutional Rights of the plaintiffs.

COUNT IV

Malicious Prosecution

32. Plaintiffs reallege the provisions of Paragraphs 1 - 31 above. The Count is brought by the individual plaintiffs as if set forth in full.

33. The City has acknowledged that the current Regulation is probably unconstitutional. In fact, the City Solicitor has recommended a new Ordinance which would eliminate the ban on amplification, and the restriction of performances to designated areas. The new Ordinance would also expand the existing time regulations.

34. The Deputy City Attorney was contacted by the SAG's attorney. The SAG attorney agreed to forego a Motion for a Temporary Restraining Order on the existing Regulation if the City would agree to voluntarily stop enforcing the current Regulation.

35. Pursuant to this request, the City Manager, or his agent, advised the police that the Regulation had constitutional problems and that a new Regulation was being drafted.

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36. The City Manager, or his agent, also directed the police not to enforce such unconstitutional provisions of the current Regulation.

37. The Cambridge Police continued to harass, intimidate and threaten the street musicians with arrest after the police department was advised of the unconstitutionality of the Ordinance.

38. This continued harassment of street musicians was again called to the attention of the City through its Deputy City Solicitor.

39. After being advised of the continued harassment of the street musicians, the Deputy City Solicitor contacted the Cambridge Police and again advised that the City Manager had issued a directive not to enforce the Regulation.

40. The Cambridge Police continued to harass, intimidate and threaten to arrest the plaintiffs, in violation of their Civil Rights, even after being again advised not to enforce the Regulation.

41. All of the above amounts to malicious prosecution of the plaintiffs.

42. Plaintiffs will suffer immediate and irreparable injury if the police are allowed to continue this pattern of harassment in violation of plaintiffs' Civil Rights.

COUNT V

Abuse of Process and Bad Faith Enforcement

43. The individual plaintiffs reallege the allegations in paragraphs 1 through 42 above as if set forth in full.

44. The conduct of the police, James McDavitt, the Licensing Commission and the City in knowingly and intentionally enforcing the unconstitutional Regulation amounts to an abuse of process and bad faith enforcement.

45. Plaintiffs have been damaged in an amount to be determined and have and will suffer immediate irreparable harm

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if the defendant is allowed to continue to enforce the Regulation.

COUNT VI

Punitive Damages

46. The individual plaintiffs restate the allegations set forth in the above Counts as if set forth in full.

47. All of the above actions were in bad faith and in violation of clearly established rights of the plaintiffs.

48. All of the above actions were done with intentional reckless and callous indifference to the constitutional and statutory rights of the plaintiffs.

49. Plaintiffs are entitled to punitive damages against the Police, the Licensing Commission, James McDavitt and the City.

COUNT VII

General Allegations

50. An actual controversy has arisen among the parties within the meaning of Mass. G. L. c. 231(a)1, all as indicated by the foregoing.

51. The violation of plaintiffs' Civil Rights is legally enforceable under U.S.C. §1983 and M.G.L. c. 12 §11I.

52. Plaintiffs are entitled to costs, attorneys fees and interest pursuant to 42 U.S.C. §1988 and Mass G.L. c. 12 §11H.

53. The individual plaintiffs are entitled to triple damages, compensatory damages, damages for emotional distress and punitive damages on their individual claims.

54. Plaintiffs are entitled to a Temporary Restraining Order and Permanent Injunctive relief.

WHEREFORE, for each of the above Counts, Plaintiffs pray that this Court:

a. Declare the rights of the Plaintiffs under the United

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States and Massachusetts Constitutions and the laws of Massachusetts;

b. Issue a Temporary Restraining Order preventing the City of Cambridge, Licensing Commission and the Cambridge Police from enforcing the unconstitutional Regulation.

c. Issue a Permanent Injunction preventing further violation of plaintiffs' Civil Rights and, in particular, from enforcing the provisions of the Regulation.

d. Award the individual plaintiffs compensatory, triple and punitive damages

e. Award all of the plaintiffs costs and attorneys fees, pursuant to 42 USC §1988 and M.G.L. c. 12 §11I and interest.

f. For other such relief as this Court deems just and proper.

Respectfully submitted,
THE PLAINTIFFS,
By their attorney,

Dianna R. Stallone
BBO # 549925
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100 Franklin Street
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Dated: May 24, 1994

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UNITED STATES DISTRICT COURT
DISTRICT COURT OF MASSACHUSETTS

STREET ARTISTS GUILD, MARTIN L. SEXTON, SHARRHAN WILLIAMSON, JONATHAN BACKSTROM, WILLIAM RICHARD GOODMAN, III Plaintiffs vs. THE CITY OF CAMBRIDGE, CAMBRIDGE POLICE DEPARTMENT and INDIVIDUAL UNKNOWN OFFICERS OF THE CAMBRIDGE POLICE DEPARTMENT, THE CAMBRIDGE LICENSING COMMISSION and JAMES MCDAVITT, LICENSING COMMISSIONER Defendants	MOTION FOR TEMPORARY RESTRAINING ORDER

The above named plaintiffs, by and through their attorney, hereby move the Court for a Temporary Restraining Order preventing the City from enforcing the provisions of the Ordinance contained within the City of Cambridge Massachusetts Traffic Regulations (February 1983) entitled "Regulation of Street Performances" (hereinafter referred to as "the Regulation").

As grounds for this motion, the plaintiffs say that said Regulation is violative of the plaintiffs' Constitutional First and Fourteenth Amendment Rights under the Constitutions

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of the Commonwealth of Massachusetts and the United States.

Further, the Regulation and its enforcement is violative of the plaintiffs' rights secured by the Massachusetts Civil Rights Act, M.G.L. c.12 §11H, 111 and amounts to malicious prosecution, bad faith enforcement and abuse of process.

Plaintiffs will suffer immediate irreparable injury as a result of the continued violation of their Constitutional Rights by the City of Cambridge and its agents.

The City of Cambridge has acknowledged the constitutional problems in the Regulation and there is a strong probability that the plaintiffs will prevail on the merits. The plaintiffs rely upon the attached Memorandum of Law, together with the exhibits and affidavits submitted herewith in support of this motion.

WHEREFORE, the plaintiffs respectfully request that this Court issue a Temporary Restraining Order preventing the City of Cambridge and its agents from enforcing said Regulation.

THE PLAINTIFFS,
By their attorney,

Dianna R. Stallone
BBO# 549925
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100 Franklin Street
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Dated: May 24, 1990

I hereby certify that a true copy of the above document was served upon the Attorney of Record for each other party by hand on May 24, 1990.

Dianna R. Stallone

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UNITED STATES DISTRICT COURT
DISTRICT COURT OF MASSACHUSETTS

STREET ARTISTS GUILD, MARTIN L. SEXTON, SHARRHAN WILLIAMSON, JONATHAN BACKSTROM, WILLIAM RICHARD GOODMAN, III Plaintiffs v. THE CITY OF CAMBRIDGE, CAMBRIDGE POLICE DEPARTMENT and INDIVIDUAL UNKNOWN OFFICERS OF THE CAMBRIDGE POLICE DEPARTMENT, THE CAMBRIDGE LICENSING COMMISSION and JAMES MCDAVITT, LICENSING COMMISSIONER Defendants	PLAINTIFFS' MEMORANDUM IN SUPPORT OF THEIR MOTION FOR TEMPORARY RESTRAINING ORDER

INTRODUCTION

The plaintiffs respectively submit this Memorandum of Law in Support of Their Motion for a Temporary Restraining Order preventing the City from enforcing an unconstitutional Regulation restricting The First Amendment Rights of Street Performers. (The Regulation is attached as Exhibit 7A). Plaintiffs require the Order because they will suffer immediate, irreparable harm if the City continues to knowingly violate their Constitutional Rights with threats, coercion and intimidation. The City has acknowledged that the Regulation is "vulnerable" to the plaintiffs' Constitutional attack. Because no after-the-fact legal remedy can compensate plaintiffs for the prior restraint on their First Amendment

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Rights, and because these rights are continually violated by the City and its Agents, the plaintiffs respectfully request that this Court grant a Temporary Restraining Order preventing the City from enforcing the unconstitutional Regulation.

PROCEDURAL AND FACTUAL BACKGROUND

Normally, a lengthy recitation of background facts would be avoided. However, plaintiffs believe that a historical review will put into context the compelling need for this court's protection of plaintiffs' rights.

For many years the Street Artists' Guild, ("SAG") through its President, Steven Baird, has repeatedly objected in writing to the existing Regulation relating to street performances in the City of Cambridge. These objections were ignored. In 1985, SAG formally submitted a proposed new Ordinance and asked the City to revise the Regulation on the basis that it was unconstitutional. In response to SAG'S request, the City Licensing Commissioner, James McDavitt, drafted a lengthy Ordinance which was much more restrictive than the current Regulation and contained grossly unconstitutional provisions (for example, the Proposed Ordinance required individual street performers to post a $20,000 bond and obtain liability insurance as a precondition to their ability to exercise their constitutional rights).

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SAG rightly rejected this proposal and, because it was unrepresented by counsel resorted to various political means of redress. Throughout this time, the continued enforcement of the unconstitutional Regulation was arbitrary and discriminatory.

In 1989, SAG, retained legal counsel, to approach the City regarding the Regulation. Plaintiffs' attorney contacted the City Licensing Commissioner, James McDavitt and proposed a new Ordinance which would cure the constitutional defects in the existing Regulation. In response to this inquiry, Mr. McDavitt submitted a Proposed Ordinance, representing to plaintiffs' counsel that the proposal was an attempt to address the concerns raised by the plaintiffs' draft proposal. Unbeknownst to the plaintiffs' counsel, this proposal was the same one that Mr. McDavitt had previously submitted in 1985.

Upon reviewing the Ordinance, plaintiffs' counsel advised Mr. McDavitt in writing that the proposal was totally unacceptable and that she intended to submit it to the local newspapers for their comments, since the proposal purported to regulate the dissemination of newspapers. In early November, 1989, Mr. McDavitt called plaintiffs' counsel and denied that he had ever submitted the proposal with the intention that it

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become law. He stated that the proposal was a dead issue and threatened to sue plaintiffs' counsel if she disclosed to the press that he intended to have the proposal become law. Mr. McDavitt further insisted that, he had nothing to do with the licensing of street performers and that there was no reason to talk with him about the issue further. He then refused to have any further input in the drafting of the Ordinance.

At this point, counsel for plaintiffs began to draft a complaint to be filed in Federal Court, since informal negotiations with Mr. McDavitt had proven futile. Plaintiffs' counsel then conferred with the Deputy City Solicitor who proved to be much more reasonable than Mr. McDavitt. With mutual cooperation, the Deputy City Solicitor and plaintiffs' counsel were able to come up with a draft proposal. Although the parties did not completely agree on all of the provisions, a majority of the problems were resolved.

With the assurance of the Deputy City Solicitor that the new Ordinance would be immediately submitted for prompt action on the part of the City Counsel, and that the City would not enforce the current Regulation, plaintiffs' counsel agreed to forgo seeking a Temporary Restraining Order to prevent enforcement of the current Regulation.

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In early March, 1990, the draft was completed and was to be submitted to the City Counsel. At about this time, there were several unusually warm days and the Street Artists were out in Harvard Square attempting to assert their Constitutional Rights. Plaintiffs' counsel received several complaints from street artists that the police were enforcing the provisions of the Regulation. Street Artist William R. Goodman was repeatedly threatened with arrest and told to leave Winthrop Park for playing his guitar and singing. At that time, plaintiffs' counsel personally went to Harvard Square and talked with various police officers to avert the arrest of her clients. Plaintiffs' counsel talked to the Captain in charge and advised that the City was not to be enforcing the Regulation. The officer agreed not to enforce the Regulation for the weekend but denied that he had received an official directive from the City. He asked that the City Attorney call on Monday and issue an official directive not to enforce the Ordinance. The following week, plaintiffs' counsel was advised that the City Manager did in fact issue a directive to the police department to stop enforcing the Regulation.

Thereafter, on April 11, 1990, a hearing was held regarding the proposed new Ordinance. At the hearing, dozens

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of people, including a representative from the Cambridge Arts Counsel, appeared in favor of the proposed Ordinance and the amendments proposed by the plaintiffs' attorney. In contrast, only one resident, who lived on Brattle Street, spoke against the rights of the street performers. The only other attack on the Ordinance came from James McDavitt, despite his earlier insistence that he had nothing to do with the licensing of street performers.

Based upon the testimony of a single resident, the City Counsel decided to hold a second hearing to give the resident an opportunity to obtain more input from other residents to be presented at the second hearing. A second hearing was held in May. Only one other resident testified against the proposed Ordinance. This resident broke down in tears while stating her belief that the actions of the street musicians would cause cancer to nearby residents. No evidence whatsoever regarding a public safety problem was submitted at the first hearing. As a result of these two complaints and the new suggestions raised by Mr. McDavitt at the hearing, the Proposed Ordinance has not been adopted by the City Counsel and the old Regulation remains in effect.

During this delay, the police have been threatening

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musicians with arrest and forcing musicians to leave Harvard Square in direct violation of the City Manager's order. That order was again reaffirmed to the police on Friday, May 19, 1990 by the Deputy City Solicitor after the police threatened to arrest a street musician. Nevertheless, on the same night, a police officer again ordered a street musician to leave Harvard Square in violation of his constitutional rights.

The enforcement of the Regulation has been arbitrary, irrational and discriminatory both before and after the City issued its directive. All of which is set forth in greater detail in the Affidavits attached to this Memorandum of Law.

Because the City continues to knowingly enforce an unconstitutional Ordinance, and because of the delay in enacting a new Ordinance, the plaintiffs have no choice but to appeal to this Court for relief.

LAW

A Temporary Restraining Order should be granted where 1) the plaintiff will suffer from immediate irreparable injury which out weighs any harm to the defendant or the public and; 2) there is a likelihood that plaintiff will succeed on the merits. Foxboro Company vs. Arabina American Oil Company, 805 F.2d. 34 (First Cir. 1986). The circumstances of this case more than satisfy these requirements.

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I. Plaintiffs Will Suffer Immediate Irreparable Harm if the Unconstitutional Regulation is Enforced by the City, Contrary to its Own Directive.

The United States Supreme Court has held that threats of prosecution for the exercise of First Amendment Rights, without more, constitutes irreparable injury which requires equitable relief. Dombrowski v. Pfister, 380 U.S. 479, 489 (1965). "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, 373 (1976); Westinghouse Broadcasting Company, Inc. v. Dukakis, 409 F.Supp. 895, 897 (D. Mass. 1976). (city counsel's refusal to allow proceedings to be filmed constitutes irreparable injury).

In this case, although the City has issued a directive that the regulation not be enforced, the Cambridge police continue to enforce the Ordinance. This injury is particularly egregious, where, as here, the enforcement of the Ordinance is arbitrary and discriminatory. (See affidavits of Street Performers attached as Exhibits 1-6).

The enforcement of the Ordinance has always been arbitrary and discriminatory. For example, some musicians are threatened with arrest and told to leave while others engaging

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in the same conduct are allowed to stay. Two minority musicians were actually arrested and fined One Hundred Dollars each for exercising their constitutional rights. Those preaching from the bible, with or without amplication, and business related solicitors are allowed to stay. In addition, some street performers are thrown out of a particular area because it is not within the designated area for performances, while others in the same location, on the same day, are allowed to stay. Finally, musicians are told to leave even when they are in full compliance with the law.

All of this continues to occur, even though the City has acknowledged the constitutional problems in the Regulation and has directed the police not to enforce the regulation. These arbitrary and discriminatory practices provide a potent prior restraint and chilling effect on the communication of ideas and artistic expression which constitutes the very cornerstone of our liberty.

It is difficult to conceive of a more clear case of irreparable injury than when a governmental entity deliberately and in a discriminatory manner enforces an unconstitutional prior restraint on fundamental First Amendment liberties. For this, plaintiffs have no adequate remedy at law and immediate equitable relief is requested.

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II. The Harm to Plaintiffs is Far Greater than Any Conceivable Harm to the City or the Public if the Temporary Restraining Order is Granted.

The City will not be harmed by the grant of the Temporary Restraining Order. The restraining order will simply force the Cambridge City Police to comply with the directive already issued by the City Manager. Since the City has already agreed that the regulation should not be enforced, it is difficult to understand how this Court's enforcement of that agreement could harm the City.

Plaintiffs anticipate that the City will allege a public safety problem. The city's allegation of public safety concerns are illusory and wholly unsupported by any evidence. Mere assertions and dire predictions of future disruption must be supported by some actual evidence. The government bears the burden of providing this evidence before a regulation restricting first amendment rights can be upheld. Fantasy Bookshop, Inc. v. the City of Boston, 652 F.2d 1115 (1985).

Not a shred of such evidence exists here. Artists have been playing in Harvard Square for over fifty years. In the hearing held on the proposed Ordinance, the City was challenged to come forward with some evidence in support of some public safety problem. The City did not present a single

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instance of any person being injured as a result of a street artist's activities.

Further, the street artists have been proceeding with the understanding the the current regulation is not to be enforced. Counsel for SAG publicly called upon her clients to exercise restraint and cooperate with the police during this transitionary period. No public safety problem has arisen as a result of the activities of the street artists. If the City is truly concerned about a public safety problem, it has a perfectly good Ordinance which was drafted by its own Attorney, which it can adopt.

The City's argument that the possibility of offending the sensibilities of residents requires the continued violation of plaintiffs' constitutional rights is without merit and should be rejected by this Court. It is notable that the existence of the City's Regulation has not provided a rational scheme to protect those sensibilities in the past and provides no legal basis for doing so now.

Finally, the rights of the public to receive and benefit from the free flow of ideas and expression is endangered by the enforcement of the Regulation. The compelling interest of the public is to maintain the liberty of its citizens. The

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public interest is served, rather than harmed, by the granting of the Temporary Restraining Order.

III. PLAINTIFFS ARE ENTITLED TO IMMEDIATE EQUITABLE RELIEF AS THEY WILL SURELY PREVAIL ON THE MERITS.

Any Government Regulation that limits or conditions in advance the exercise of protected First Amendment activity constitutes a form of prior restraint, See, Southeastern Promotions, Ltd. v. Conrad, 420 U.S 546, 552-58, 95 S.Ct. 1239, 1243-46 (1976). Any such restraint comes "bearing a heavy presumption against its constitutional validity". Id. at 558, 95 S.Ct at 1246, quoting Bantam Books, Inc. v. Sullivan, 372 US 58, 70, 83 S.Ct. 631, 639 (1963). The State may, in narrowly defined circumstances, provide appropriate time, place or manner regulations. These regulations will be upheld only if they serve a substantial and important State interest by the least restrictive means possible. See, Erznoznik v. City of Jacksonville, 422 US 205, 209, 95 S.Ct. 2268, 2272 (1975); Cox v. Louisana, 379 US 536, 554, 85 S.Ct. 453, 464 (1965); United States v. O'Brien, 391 US 367, 377, 88 S.Ct. 1673, 1679 (1968).

The current Regulation is clearly unconstitutional as it creates an absolute ban on amplification without regard to

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noise level and totally restricts all performances throughout most of the City of Cambridge. Further, the Regulation creates an absolute ban on all performances before 1:00 p.m. and after 10:00 p.m. regardless of the level of noise or disturbance. The unrealistic and irrational provisions of the Regulation have resulted in the widespread disregard of the Regulation, both by police and performers. This allows for unfettered discretion on the part of the police and discriminatory enforcement. Accordingly, both on its face and as applied, the Regulation is unconstitutional and must not be enforced by the City of Cambridge.

1. The Absolute Ban on Amplification Contained In the Regulation is Arbitrary, Irrational and Overbroad.

The current Regulation contains an absolute ban on amplification. This ban is arbitrary, irrational and not the least restrictive means of accomplishing any State interest. Presumably, the State interest is to prevent an unreasonable level of noise. An absolute ban on amplification is overbroad and prohibits protected activity not implicated in the State's legitimate interest. The ban on amplification is outmoded in the current state of technology. Many instruments now require an amplifier in order to elicit any audible sound from the

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instrument. Unlike the older, less versatile instruments, amplified music (such as electric guitars, and keyboards) allow the musician to have complete control over the volume of sound coming from the instrument. Amplified instruments can be turned down so that they can barely be heard. In fact, many non-amplified instruments, such as drums and saxaphones are capable of, and consistently do, make more noise than amplified instruments played at a reasonable decibel level. Thus, the total ban on amplification is arbitrary and overbroad because it proscribes constitutionally protected activity which is not at a noise level detrimental to the public. At the same time, the regulation is irrational because it does not prevent the unreasonable level of noise which comes from certain unamplified instruments.

The City's interest in preventing unreasonable noise can be accomodated by a less restrictive means, tailored to the level of noise involved. This is currently the practice with respect to the existing Noise Regulation. There is no need for a total ban on any particular method of conducting sound. Overbroad criteria must consistently be struck down. Davenport v. City of Alexandria, 683, F.2d 853 (1982); Goldstein v. Town of Nantucket, 477 F. Supp. 606(D. Mass. 1979).

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In the Goldstein v. Nantucket case, the plaintiff was a professional musician who sued the town of Nantucket for requiring him to obtain a Transient Vendor's license in order to exercise his First Amendment rights. The musician was granted an interim permit and was allowed to perform at specified locations and times. Judge Zobel granted a permanent injunction preventing the town of Nantucket from requiring the license because it did not contain narrow and objective standards, strictly tailored to the State's interest. In her Memorandum, Judge Zobel specifically rejected the defendant's argument that the commercial aspect of the musician's speech required a different standard. The Court stated that the "plaintiff's public performance of Nantucket's traditional folk music is clearly within the scope of First Amendment expression" and the "fact that plaintiff accepts contributions of passerbys during his public performances... plainly does not broaden defendant's limited mandate to exercise impartial regulations upon the use of the sidewalk for public expression" Id. at 609.

The total ban on amplification is overbroad, arbitrary and irrational and violates plaintiffs' constitutional rights. The City has acknowledged this and has eliminated the ban on amplification in the proposed Ordinance.

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2. The City's Total Ban on First Amendment Rights in All Areas of the City With the Exception of Three Blocks is Without Justification and Unconstitutional.

The Regulation restricts all First Amendment performances except in areas designated by the City. The City has allowed public performances only in approximately three blocks in the entire City of Cambridge. This excludes all of Kendall Square, all of Central Square and the vast majority of Harvard Square.

The public parks and sidewalks are the natural place for the exercise of First Amendment Rights. These rights cannot be abridged on the plea that they may be exercised in some other place. Schneider v. State of New Jersey, 308 U.S. 147 (1939).

The City bears a heavy burden to show that the restriction is the narrowest possible regulation on free expression consistent with the compelling State interest. Davenport v. City of Alexandria, 748 F.2d 208 (1984). In the Davenport case, the plaintiff was a bagpipe performer who brought an action against the City for enforcing an Ordinance restricting street performances. The Ordinance allowed performances in eight parks and plazas and disallowed performers on the

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sidewalk in the Central Business District. The District Court enjoined the City from enforcing the Ordinance, holding that the ban the sidewalk performances was an overbroad speech restriction and that the permit scheme was an unconstitutuional prior restraint. The decision of the District Court was upheld by the United States Court of Appeals for the Fourth Circuit. The Appellate Court agreed that the total ban was overboad and not necessary to any public safety interest. The same result is required here.

3. The Absolute Ban on all Performances Before 1:00 p.m. and After 10:00 p.m. In Every Area of the City is Arbitrary and Overbroad.

The Regulation contains an absolute ban on all performances, regardless of the level of noise or disturbance before 1:00 p.m. and after 10:00 p.m. It is notable that this Regulation would apply to jugglers, poets and storytellers, who do not play music. This time restriction is grossly overbroad and not narrowly restricted to any compelling State interest. It is ironic that City Council Members would deny performers access to the audience at the morning rush hour when the Council Members themselves routinely target the morning rush hour for their own political leafleting for their individual campaigns. This discriminatory preference for

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political and business interests amounts to an unconstitutuional content-based prior restraint.

All of the above analysis regarding the space restrictions and the absolute ban on amplification applies to the time restrictions in the Regulation. An absolute ban on all street performing before 1:00 p.m. and after 10:00 p.m. is overbroad and violates the First Amendment rights of the plaintiffs, as well as the rights of those who wish to receive the message extended by plaintiffs.

4. The Arbitrary and Unreasonable Nature of the Regulation has Caused it to be Enforced in an Unfair and Discriminatory Manner.

As the attached Affidavits amply demonstrate, the fact that the Regulation contains unreasonable and irrational restrictions on First Amendment Rights results in arbitrary and discrimintory enforcement.

It is important to note that the harassment of the street musicians has not been curtailed as a result of the directive on the part of the City Manager to stop enforcing the Regulation. Several musicians have been threatened with arrest or have been told to leave in spite of said directive. (See Affidavits of Sharrhan Williamson, Martin Sexton and Richard Goodman). In fact, one musician, Martin Sexton, was

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threatened with arrest and told to leave repeatedly on the same day that the City Attorney called to remind the police not to enforce the Regulation. The arrest was averted only because plaintiffs' counsel personally intervened. The Regulation is unconstitutional both on its face and in its application.

5. Plaintiffs Have Established a Claim Under the Massachusetts Civil Rights Act.

The Massachusetts Civil Rights Act prevents interference with constitutionally protected rights by threats, intimidation or coercion. M.G.L. c. 12, §11H, 11I. In Batchelder v. Allied Stores Corporation, 393 Mass. 819 (1985), a uniformed security officer ordered plaintiff to stop soliciting and distributing his political handbills. Although the plaintiff objected, he complied. The Supreme Judicial Court held that the officer's conduct in restraining the plaintiffs' First Amendment Rights constituted "sufficient intimidation or coercion to satisfy the Statute". Id. at 823.

The facts in Batchelder are remarkably similiar to the facts in this case. Like the plaintiff in Batchelder, the plaintiffs in this case have been deprived of their secured Constitutional Rights by threats, intimidation and coercion. This is particularly egregious where, as here, the City has actual knowledge of the unconstitutionality of the Regulation.

Powers & Hall
Professional Corporation
100 Franklin Street
Boston, Mass. 02110-1586
(617) 728-9600

CONCLUSION

For all of the above reasons, the plaintiffs respectfully state that they have and will continue to suffer immediate and irreparable harm by the continued and knowing violation of their Constitutional Rights by the City. No adequate remedy at law exists. The City will not be harmed by being required to do what it has already agreed to do. In effect, the plaintiffs are asking this Court to enforce the City's own directive to the police. Accordingly, the plaintiffs respectfully request that this Court immediately issue a Temporary Restraining Order to prevent the City and its Agents from enforcing the unconstitutional Regulation.

THE PLAINTIFFS,
By their attorney,

Dianna R. Stallone
BBO# 549925
Powers & Hall, P.C.
100 Franklin Street
Boston, MA 02110
(617) 728-9600

Dated: May 24, 1990

I hereby certify that a true copy of the above document was served upon the Attorney of Record for each other party by hand on May 24, 1990.

Dianna R. Stallone

Powers & Hall
Professional Corporation
100 Franklin Street
Boston, Mass. 02110-1586
(617) 728-9600

AFFIDAVIT OF MARCELLO OZAIN ROSSI

1. My name is Marcello Ozain Rossi and I am a resident of Boston, Massachusetts. I am a musician by trade.

2. On February 23, 1990 I was playing a conga drum at Harvard Square with another musician.

3. An Officer Bellisimo came up to me and arrested me for playing my drum. He announced that we did not have a permit to play. I told the police officer that we did have a permit. The officer refused to look at the permit. I started reading the permit aloud and the officer said the permit was invalid because no percussion instruments were allowed. The officer did not tell us that we were not in a designated spot or that we should move to another area.

4. We started playing again and the officer came up grabbed me, jerked my arm around my back and then arrested me. He said I was disturbing the peace. I was handcuffed. My partner, Cyril Atef was also handcuffed.

5. A Sargeant came along and stated that we were not in a designated spot. At this time, we were already handcuffed and did not have any chance to move to designated spot.

6. We were never given a map showing the designated areas where we should not play when we received our permit. We had no idea that there was any problem with the area in which we were playing. We were very surprised to be told that we should not be playing in this spot because we played at the same spot every weekend for several months last year. The police would ask us if we had a permit. As long as we had a permit, we were allowed to play.

7. We were taken to jail and kept for about three hours. We were required to post bail and the police officer kept our permit.

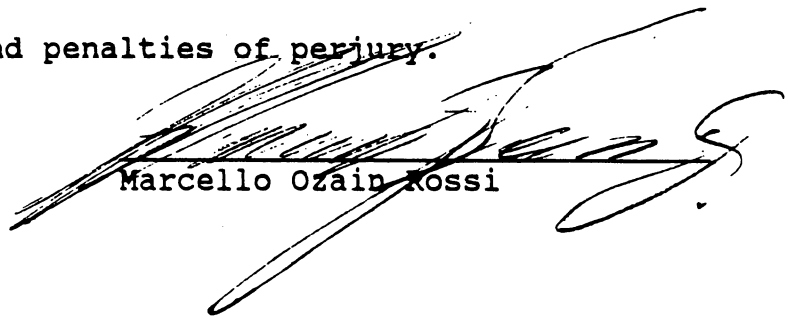
EXHIBIT 1

8. A hearing was held on February 26, 1990 and the police officer did not show up for the hearing. We were unrepresented by counsel and did not know how to make a challenge to the Regulation or how to defend ourselves. We were fined $100 each even though the police officer did not show up.

9. I know that other musicians have played drums and percussion instruments both in and outside of designated areas and they have not been arrested.

10. I am of Latin-Indian descent. The music we play has a distinctly ethnic sound. We believe that our arrest was discriminatory and in violation of our Civil Rights.

Signed under pains and penalties of perjury.



Marcello Ozain Rossi

AFFIDAVIT OF MARTIN SEXTON

1. My name is Martin Sexton and I am a resident of Brookline, Massachusetts. I am a member of the Street Artist's Guild.

2. I am a musician by trade. I play an electric guitar and sing music that I compose myself.

3. Most of the time I play either in the subway or in Harvard Square, Cambridge.

4. I play in Cambridge because I find that the people in Cambridge are the most receptive to my musical messages.

5. The instrument that I play requires an amplifier. The amplifier that I use is adjustable so that I can regulate the amount of sound coming from the amplifier. The amplifier can be turned down to the point where my instrument is at the level of conversation between two people. Because I usually play outdoors, in a high traffic area the sound is diffused and it is much harder to hear than music played indoors.

6. I have tried to play a classical guitar outdoors. This guitar does not use an amplifier. Without the amplifier, I find that I cannot be heard above the traffic noise. This also puts such a strain on my voice that it injures my vocal cords and I cannot continue to play and sing.

7. There have been many times when I have wanted to play in Cambridge and I have not been allowed to do so. During the day the police come and tell me that I have to leave. Also at night, certain police will make me leave, or will shut me down at 10:00 p.m. I cannot predict when they will make me leave and when I will be left alone. My equipment is heavy and difficult for me to transport, so I am very very much inconvenienced by this.

8. There are so few places where we are allowed to play that I have been forced to go to Harvard Square on

EXHIBIT 2

Saturday afternoons and sit for five hours waiting to reserve a spot to play.

9. Most of the street performers try to cooperate with one another and we try to set up a reasonable distance from other performers. There are many more performers than spots to play. This causes some people to turn up their music to be heard over other performers who are forced to set up too close, due to the lack of space. If we try to spread out and play in other areas, the police make us leave.

10. I try to be considerate of businesses and other people. The feedback that I get from people is overwhelmingly positive. People seem to genuinely enjoy my music.

11. To my knowledge, no one has ever been injured as a result of my playing. I have never heard of anyone being injured or any safety problems with any other performer.

12. The enforcement of the Ordinance has been arbitrary and discriminatory. For example, on Friday, May 18th at about 6:00 p.m. I was setting up my equipment near the Coop on Mass. Avenue in Harvard Square. This spot is a favorite of the musicians, partly because the sidewalk is very wide so that people can comfortably stand and listen for a few moments before passing on. Musicians routinely play in this spot. I had not even started to play when a police officer told me that I had to leave. I told the officer that it was my understanding that the City Manager had directed the police not to enforce the existing Ordinance because it was unconstitutional. The officer responded that he did not care and that, if I did not leave, he would arrest me. The officer's manner was very intimidating and threatening. I told the officer that I would not play and sing, but that I wanted to stay until my lawyer arrived. The officer again threatened me with arrest if I did not pack up my case. He stated that I was blocking the sidewalk. I was not blocking the sidewalk as it was very wide. I have attached to this Affidavit a photograph (Exhibit A). This photo was taken at

about 7:30 p.m. on Friday May 18th and accurately shows my position on the sidewalk. When the police tried to arrest me, there was a person handing out leaflets who had set up a large sign on the sidewalk within a few feet of me. The police did not ask this person to leave. The photo attached as Exhibit B correctly and accurately shows the leafleter and his sign on the sidewalk.

My lawyer arrived and informed me that she had talked to the police and the City Attorney and that I could continue to play. I moved my equipment closer to the entrance of the Coop because, by now, the Coop was closed and I would not be blocking the entry to the store. At this point, I was almost completely off of the sidewalk. Within an hour, another police officer came and told me that no amplifiers were allowed and that I had to leave. My lawyer was no longer in sight and I felt that I had no recourse so I packed up my instrument and left Harvard Square. Exhibit C correctly and accurately shows my position when I was again asked to leave.

13. Although my attorney has advised me that the police are not to enforce the current Ordinance, the police continue to do so. In addition to my experience on May 18, 1990, I was also subject to police harassment and told to leave on Saturday, May 12, when I was playing my guitar at a location designed for street performing, located just beyond the entrance to the Harvard Square Train Station. This space is commonly referred to as "The Pit". I was unable to contact my lawyer and I was afraid to argue with the police officer so I left when the officer told me to leave. Exhibit D correctly and accurately shows my location at "The Pit" when I was asked to leave. Exhibit E correctly and accurately shows other street musicians playing in the same place on the same day with amplifiers who were not asked to leave. Exhibit F shows other street musicians playing with amplifiers both in and outside of the designated areas who were not asked to leave.

14. Usually the loudest noise comes from instruments like the drum, cymbals, saxophone or the player piano. Because these instruments do not use amplifiers,

these players are allowed to stay, when I am shut down, even though they are making more noise than my instrument.

15. The police allow people with or without amplifiers shouting religious messages and/or handing out leaflets in the middle of the sidewalk to stay when they shut shut me down. These people are apparently allowed to stay because they are making religious speeches. Also, business related leafleters are allowed to stand in the middle of the sidewalk and solicit business. The police do not make these people leave or threaten to arrest them for blocking the sidewalk. I am attaching to this Affidavit photos, as Exhibits G and H which accurately show these people at work in Harvard Square on Saturday, May 19, 1990 in the afternoon.

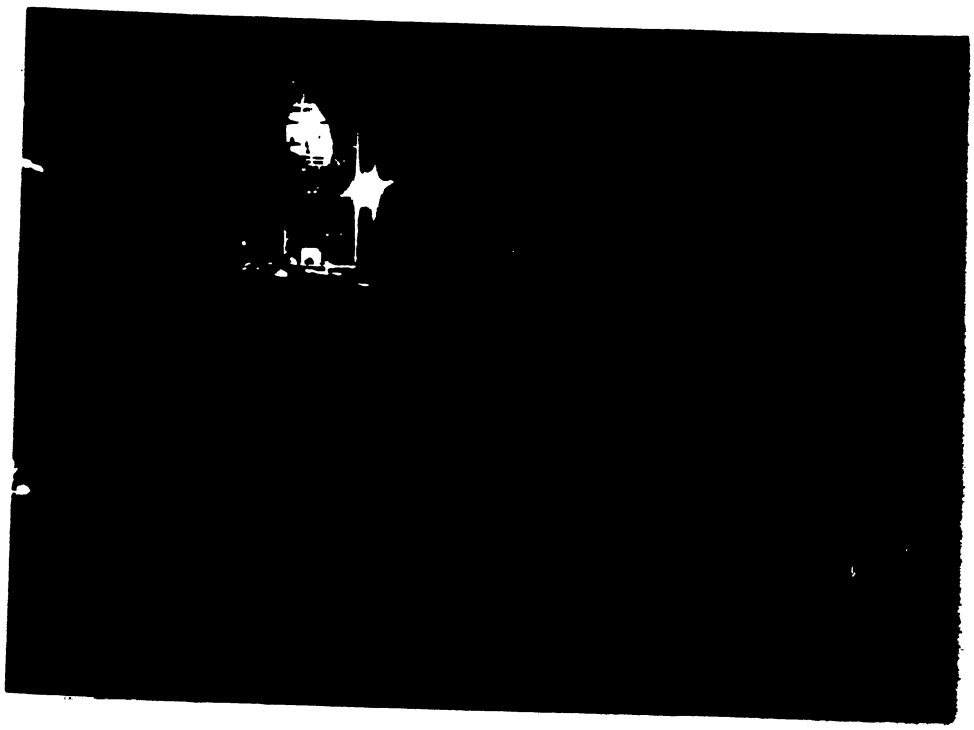
16. I would like to be able to play in areas of Cambridge other than the two or three blocks designated by the City, because of the limited space and the number of artists who want to perform in Harvard Square.

The above statements are true and correct to the best of my knowledge.

Signed under the pains and penalties of perjury this 22 day of May, 1990.

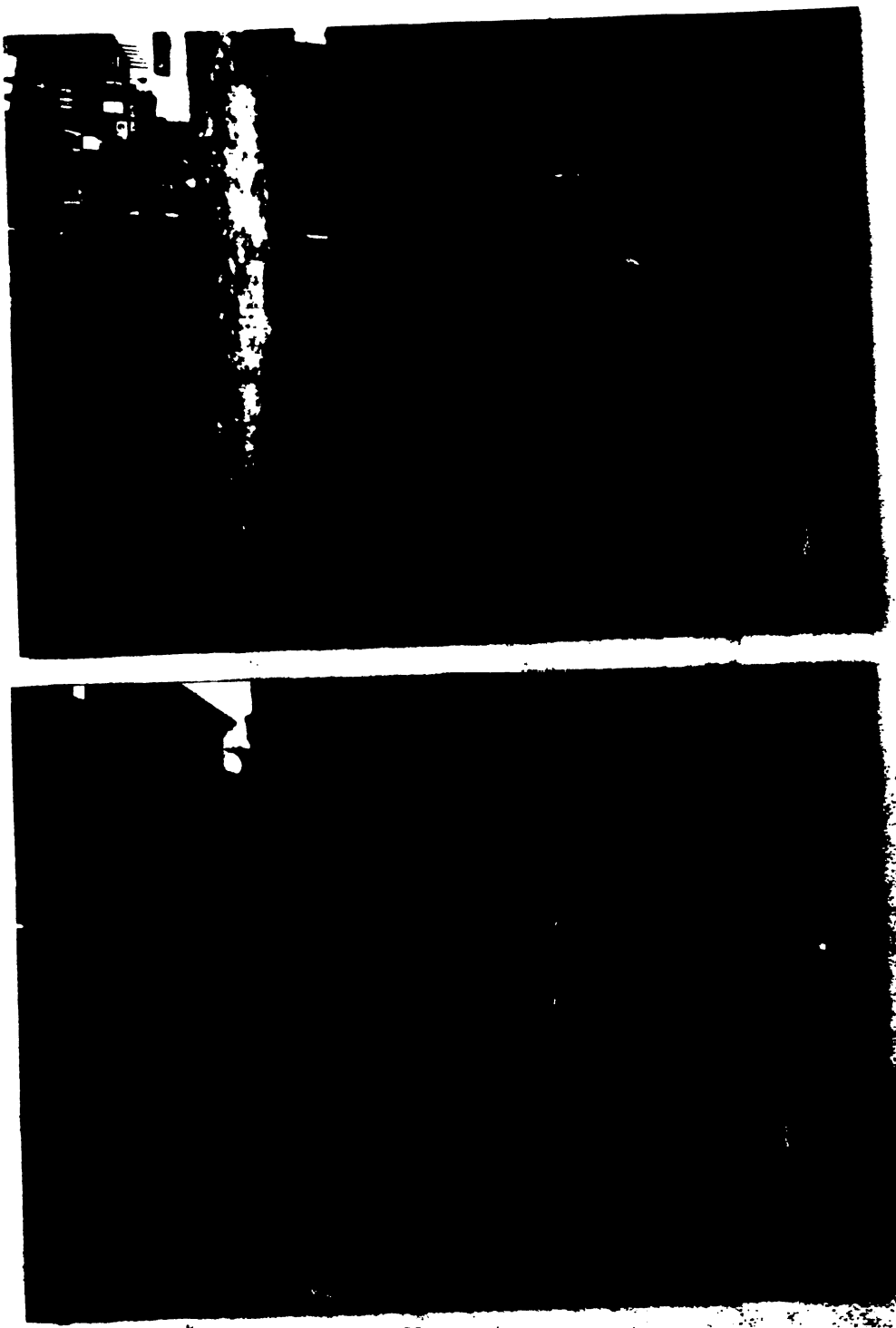
Martin L. Sexton

Martin L. Sexton



(POSITION OF MARTIN SEXTON WHEN HE WAS TOLD HE WAS BLOCKING THE SIDEWALK).

EXHIBIT 2A



Shows business Leafleter (in green suit) and his placard on the sidewalk, who was NOT asked to leave and the width of the sidewa

EXHIBIT 2B



POSITION OF MARTIN SEXTON after the Coop closed and he WAS Again told to leave, this time for having an amplifier.

EXHIBIT 2C

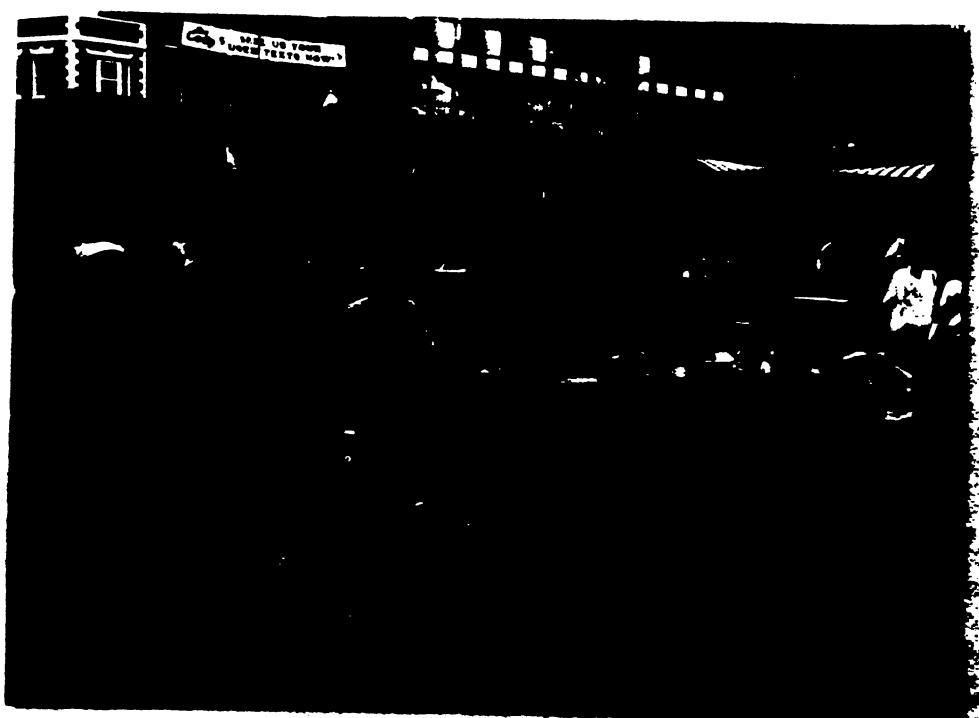




POSITION AT "The pit" where MARTIN SEXTON WAS told to leave for being in an undesignated area.

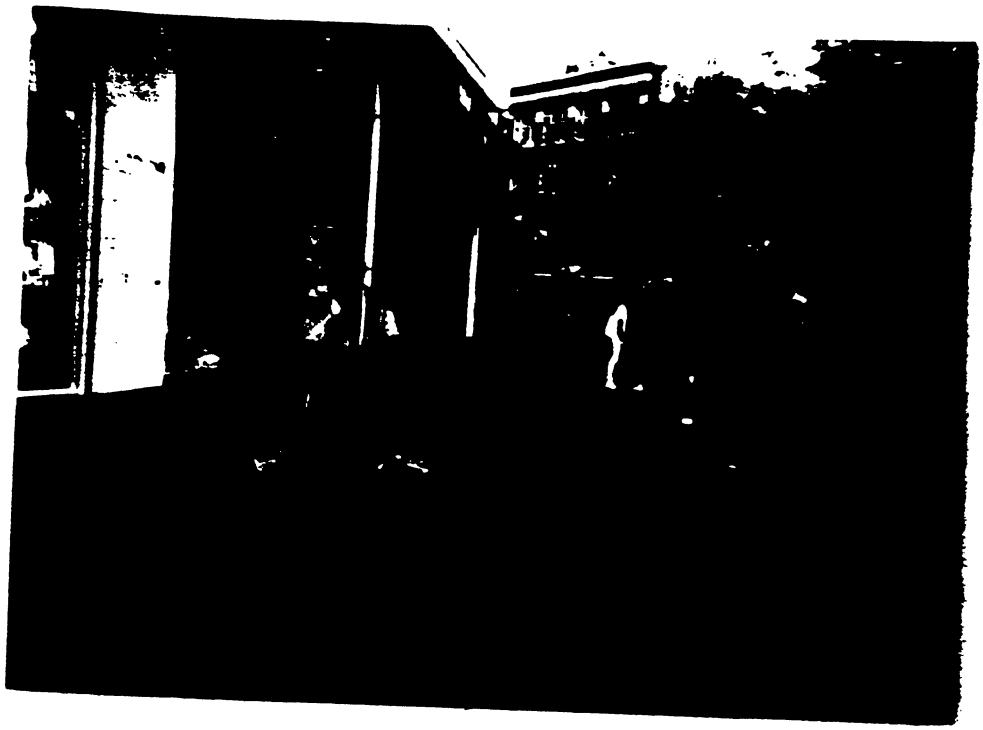
EXHIBIT 21





Other musicians on same day in same spot, with amplifiers who were allowed to play.
(Notice MARTIN SEXTON waiting for spot with his equipment)

EXHIBIT 2E



OTher musicians with Amplifiers who were allowed to play

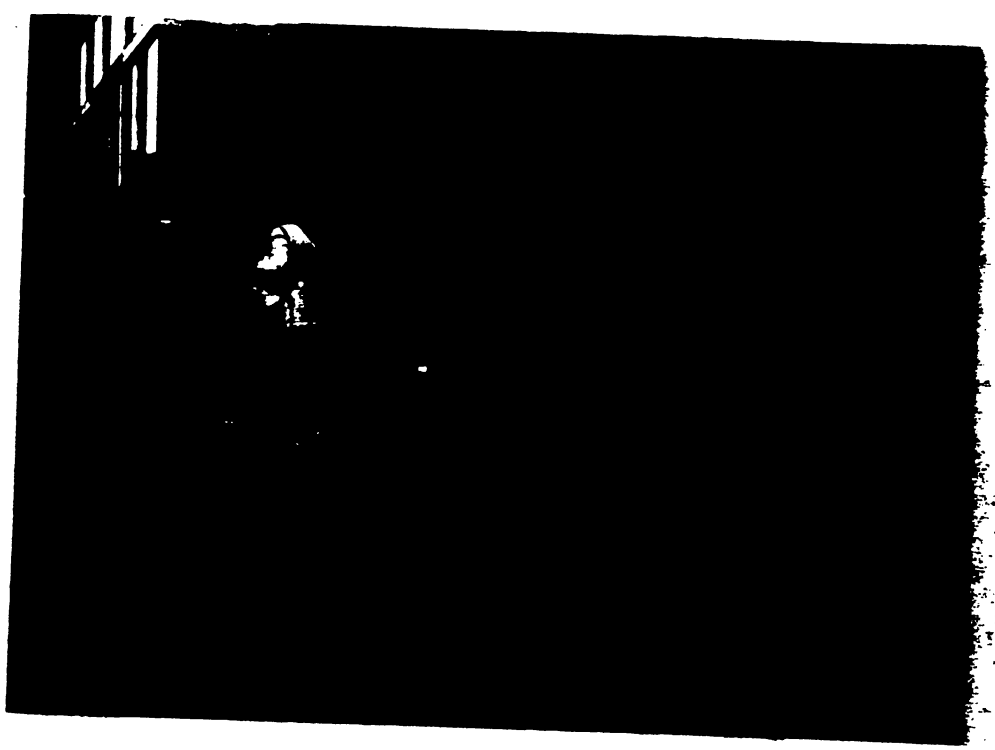


EXHIBIT 24

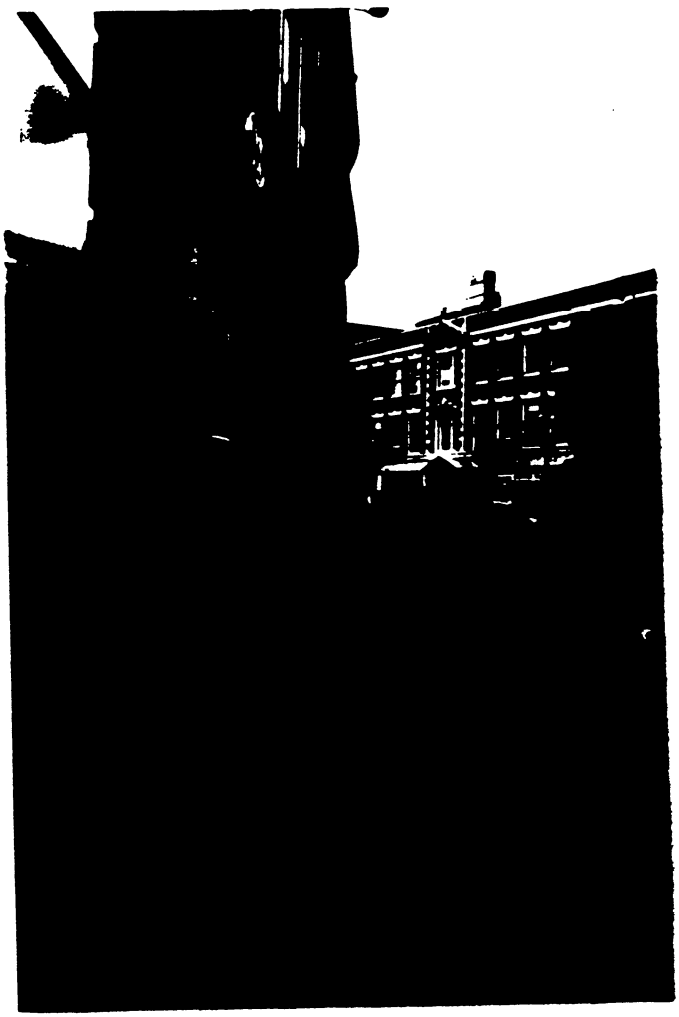


Bible reader and two leafleters with religious messages who were NOT asked to leave.



Bible reader and two leafleters in the middle of sidewalk who were NOT asked to leave.

EXHIBIT G



Business Leafleter in middle of sidewalk who was NOT asked to leave.

EXHIBIT 2H

AFFIDAVIT OF CYRIL D. ATEF

1. My name is Cyril D. Atef and I am a musician by trade.

2. On February 23, 1990 I was playing a drum at Harvard Square with another musician.

3. An Officer Bellisimo came up to us and requested that we stop playing and we did. He immediately announced that we did not have a permit to play. My partner, Marcello Rossi, told the police officer that we did have a permit. The officer refused to look at the permit. Marcello started reading the permit aloud and the officer said the permit was invalid and that no percussion instruments were allowed. The officer did not tell us that we were not in a designated area or that we should move to another area.

4. Marcello started playing a shaker and the officer came up and grabbed Marcello and put handcuffs on him. I started to play too and was also handcuffed and arrested.

5. A Sargeant came along and stated that we were not in a designated spot. At this time, we were already handcuffed and did not have any chance to move to designated spot.

6. We were never given a map showing the designated areas where we should not play when we received our permit. We had no idea that there was any problem with the area in which we were playing. We were very surprised to be told that we should not be playing in this spot because we played at the same spot every weekend for several months last year. The police would ask us if we had a permit. As long as we had a permit, we were allowed to play.

7. We were taken to jail and kept for about three hours. We were required to post bail and the police officer kept our permit.

EXHIBIT 3

8. A hearing was held on February 26, 1990 and the police officer did not show up for the hearing. We were unrepresented by counsel and did not know how to make a challenge to the Regulation or how to defend ourselves. We were fined $100 each even though the police officer did not show up. We went to the Records Department at the Police Station to get our permit back. The Officer had not turned in our permit and we never did get it back.

9. I know that other musicians have played drums and percussion instruments both in and outside of designated areas and they have not been arrested.

10. I am of French-Iranian descent and my partner is of Latin-Indian descent. We believe that our arrest was discriminatory and in violation of our Civil Rights.

Signed under pains and penalties of perjury.

Cyril Atef

AFFIDAVIT OF SHARRHAN WILLIAMSON

1. My name is Sharrhan Williamson and I am a resident of Cambridge, Massachusetts. I am a member of the Street Artists' Guild. S.W.

2. I am a professional musician. I play electronically altered flutes with my partner, who plays electronic synthesizer. We compose our own music.

3. Most of the time I play either in Harvard Square in Cambridge or in the subway.

4. I enjoy performing in Cambridge because that is where I receive the most positive response to my music.

5. The instruments I play require the use of amplification. That is, the electronic delays and reverbs that are an intrinsic part of my musical style require amplification in order to be operable and audible at all. With the addition of these electronic effects I have been able to create a distinctly unique polyphonic sound that makes the electronically altered flute a totally different instrument from an acoustic flute.

6. I should add that in the past I have found it impossible to play acoustic flute and be heard above the traffic noise and other sounds of the Square. The flute by itself is a relatively quiet instrument that does not carry well at all out of doors.

7. On many occasions during my thirteen year career as a street musician, I have been prevented from performing in Harvard Square by the police. These shut-downs have tended to be extremely arbitrary and random, so that I never knew on a given day whether I would be allowed to play or forced to leave. This has been very stressful and burdensome to me, and has made it extremely difficult at times for me to make a living. In fact, I have been repeatedly threatened with arrest. This has made me afraid to play. S.W.

8. There are only a handful of officially "designated" spots for the street performers to use at Harvard Square. I would estimate that only eight performers, maximum, could comfortably fill these areas without being too close to one another and interfering with each others' acts. Because there are so many wanting to perform at night, competing for the same small area, there is a tendency for musicians to set up too close to others. This in turn leads to

EXHIBIT 4

performers inadvertently having to turn their volumes up in order to compete with one another.

Because my act is relatively quiet, I cannot deal with the night-time competition, so my partner and I are forced to play during the day.

9. I always strive to be cooperative and aware of others' concerns, both with other street performers and with businesses and citizens. I have received a tremendously positive response from the public over the years.

10. To my knowledge, no one has ever been injured as a result of my performance or as a result of any other street performer's act.

11. The police have on occasion allowed preachers with amplifiers to continue preaching near me when they shut me down.

12. I would very much like to play in other areas of Cambridge than the areas currently designated.

13. A resident who lives in Harvard Square about one-hundred yards from where I generally play in the afternoons, recently remarked to me quite emphatically that he <u>never</u> had been able to hear my music from his residence, but he <u>could</u> in fact often hear the "drums, bagpipes and saxophones".

These instruments are seldom shut down because they do not use amplification. My partner's electronic synthesizer, on the other hand, despite being a much quieter instrument than any of the above, is frequently shut down because it cannot be operated at all without an amplifier.

The above statements are true and correct to the best of my knowledge.

SIgned under the pains and penalties of perjury this twenty-second day of May, 1990.

Sharrhan Williamson

Sharrhan Williamson

AFFIDAVIT OF JONATHAN D. BACKSTROM

1. My name is Jonathan Backstrom and I am a resident of Cambridge, Massachusetts. I am a member of the Street Artist's Guild.

2. I am a professional musician. I play an electronic keyboard. I compose my own music and play at Harvard Square.

3. The reason I play in Cambridge is because I find that the audience is most receptive to my music.

4. The instrument that I play must be amplified in order to be heard.

5. The keyboard will not function without an amplifier. The volume on the instrument can be lowered to the point where it can hardly be heard.

6. Over the years that I have been playing in Cambridge, I have been threatened with arrest on numerous occasions by the police. The police have acted in a coercive and intimidating manner towards me.

7. Even though the current Ordinance allows music to be played after 1:00 p.m., the police would routinely prevent me from playing until after 4:00 p.m. This was a particular hardship to me because I cannot compete with the noise level that exists in the evening.

8. I am 95 percent blind and deaf and am restricted to using a cane if I choose to walk alone. Because of this, one police officer, Benjamin Capello, has advised me that I cannot play while he is on duty,

EXHIBIT 5

but that it would be permissible for me to play when he was not on duty. He then advised me of the specific schedule that he would be working. He also told me that I could go across the street to another undesignated area, and play while he was on duty. I have personal knowledge that this arbitrary enforcement is also experienced by other musicians.

9. Because I cannot wait for four hours for a place to play in the limited designated areas, I am precluded from playing in the City of Cambridge in the evenings.

10. I have never caused a disturbance by my performances. The response that I get from people is overwhelmingly positive. To my knowledge, no one has ever been injured as a result of my or any other street performer's activities in Cambridge.

Signed under the pains and penalties of perjury this 22nd day of May, 1990.

Jonathan D. Backstrom

Jonathan D. Backstrom

AFFIDAVIT OF WILLIAM RICHARD GOODMAN, III

1. My name is William Richard Goodman, III and I am a resident of the City of Cambridge. I reside at 561 Franklin Street, Cambridge, Massachusetts 02139.

2. I am a musician and political commentator and have played my music at Harvard Square for five years. I choose to play at Harvard Square because the audience is receptive to my message.

3. I play acoustic guitar and sing songs that I compose, as well as traditional folk music. My guitar is amplified in order to be heard over the traffic. Even with my amplifier, I often get drowned out by the traffic. Although my instrument is amplified, other, unamplified music, for example, drums, saxophone and the bagpipes are much louder than my amplified guitar.

4. On March 17, 1990 I was playing at Winthrop Park in Cambridge. A police officer, Benjamin Capello, told me that I had to leave or be arrested. I offered to close my guitar case and not seek donations. The officer refused my offer and was very rude, beligerent and intimidating. He threatened again to arrest me. Because of this, I had no choice but to leave.

5. I went home and eventually called the lawyer for the Street Artist's Guild, Dianna Stallone. Dianna called me back after several hours and advised that she had talked to the Captain on duty who had agreed not to enforce the Ordinance.

6. Over the past five years, the police enforcement of the Ordinance has been arbitrary, unreasonable and discriminatory. For example, I have been closed down while other musicians are allowed to play. I have been closed down with or without amplification and even if there is no crowd. I have also been closed down when I am playing in or out of the designated areas, both at the designated times and before or after the designated times.

EXHIBIT 6

7. I have played, with amplified music in spots which are considered undesignated areas. Sometimes the police will make me leave and other times they will pass by without saying a word. For example, I know that I have played in a place known as "The Pit" which is situated right outside of the MBTA Station at Harvard Square within the last week with myself and two other musicians. Our music is amplified and we have not been asked to leave this spot. I know of at least one other musician who has played as a soloist with an amplified guitar in the same spot who has been asked to leave on the same day.

8. I am a member of the Street Artist's Guild and am very active in the affairs of the Guild. I have personal knowledge that my experiences are typical of those experienced by many other street musicians. Some other musicians do not play at Harvard Square at all because of the continual harassment and intimidating tactics adopted by the police, as well as the unpredictability of the enforcement.

9. I consider myself a law abiding citizen and am very concerned about the restrictions in the Ordinance. There have been many times that I have been discouraged from even trying to play because of the terms and enforcement of the Ordinance.

10. I have never caused a disturbance and no one has ever been injured as a result of my playing. I have never heard of anyone being injured by any other street performer. If a crowd should gather, I ask the crowd to step in, so that the passage way is not blocked.

Signed under the pains and penalties of perjury this 22nd day of May, 1990.

William Richard Goodman

William Richard Goodman, III

AFFIDAVIT OF DIANNA R. STALLONE

1. I am an Attorney licensed to practice in this Commonwealth and am the Attorney for the Street Artist's Guild.

2. I have been providing representation to the plaintiffs on a pro bono basis. I have spent well over a hundred hours of my time working on this project, for which I have been paid $500.00. Although it would have been easier to simply sue the City, I believe that an appropriate Ordinance could be obtained without resorting to the Courts. I have drafted such an Ordinance at the expense of Powers & Hall and have cooperated with the City to work out our differences.

3. I have exhausted all means of informally protecting my clients' constitutional rights. Despite repeated agreements, the police continue to threaten my clients with arrest. I have personally had to leave my home and office and rush to Harvard Square on at least two occasions, after the City had agreed not to enforce the Regulation, to avert the arrest of my clients. Even after doing so, one client was again told to leave the Square after I left.

4. All of the statements in the procedural history relating to my contacts with the City are true and correct to the best of my knowledge.

5. I am attaching to this Affidavit true and correct copies of the following:

   a. A copy of the challenged Regulation.

   b. A copy of the transmittal letter for the proposed new Ordinance from the City Manager, in which he agrees that the current regulation is vulnerable to constitutional attack.

   c. A letter from Stephen Baird, President of the Street Artist's Guild, which sets forth some

EXHIBIT 7

additional history which is contained in the factual section of my brief. Stephen Baird is on tour out of the state until June 1st and I was unable to obtain a sworn Affidavit from him because of this.

Signed under the pains and penalties of perjury this 22nd day of May, 1990.

Dianna R. Stallone

Regulation of Street Performances

Sec. 1 Definitions

(a) "Perform" – includes acting, singing, playing musical instruments, juggling, dancing and reading.

(b) "Public Areas" – (1) public ways, traffic islands and sidewalks located in the City of Cambridge and (2) such public parks and playgrounds or parts thereof located in the City of Cambridge as may from time to time be designated by the Commissioner of Public Works.

Sec. 2 Prohibitions

No person or group of persons may perform in a public area or for an audience which is present in a public area without a permit issued as provided in Section 3.

Sec. 3 Permit

(a) A permit shall be issued jointly by the Commissioner of Public Works, Director of Traffic and Parking and the Chief of Police (the issuers) of the City of Cambridge.

(b) A permit shall include the name and residence address of the holder.

(c) A permit shall expire on Dec. 31 of the year in which it was issued.

(d) The fee to obtain a permit shall be $5.00.

(e) The Department of Traffic and Parking (the DTP) shall be the issuers' agent to receive applications for and to issue permits hereunder, but the DPT shall have no power acting alone to deny, suspend, or revoke a permit.

(f) Each application for a permit shall contain the applicant's name, residence address, telephone number and, if applicable, the number of persons to perform in such group, and shall be signed by the applicant.

(g) Upon receipt of a completed, signed application the DTP shall give the applicant a copy of these regulations, and after the applicant has read them, shall issue the permit to the applicant unless the applicant holds a permit which was revoked under Sec. 7 and the period of suspension or revocation has not expired.

Sec. 4 Display of Permit

A permit holder shall carry the permit on his or her person while performing, and shall show it to any police officer of the City of Cambridge upon request.

Sec. 5 Permitted Perfo

A holder of a
holder's group
area, subject to

(a) Performances m

(1) In such public
nated by the iss

(2) On private pro
owner or other

(3) In public area
festival is bein
sponsor of such

(b) Performances
take place be
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Sec. 6 Designations

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Sec. 7 Peace and Q

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Sec. 8 Revocation o

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, but the DPT shall have no power
y, suspend, or revoke a permit.
or a permit shall contain the applicant's
ıdress, telephone number and, if appli-
of persons to perform in such group,
by the applicant.
completed, signed application the DTP
icant a copy of these regulations, and
has read them, shall issue the permit to
the applicant holds a permit which
ec. 7 and the period of suspension or
pired.

all carry the permit on his or her
ning, and shall show it to any police
f Cambridge upon request.

Sec. 5 Permitted Performances

A holder of a permit hereunder and the persons in the holder's group named in permit may perform in a public area, subject to the following conditions:

(a) Performances may take place

(1) In such public areas as may from time to time be designated by the issuers.

(2) On private prcperty, with the written permission of the owner or other person in control of such property.

(3) In public area where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

(b) Performances under Subsections (a) (1) and (a) (2) may take place between 1:00 p.m. and 10:00 p.m. unless otherwise allowed by the Director of Traffic & Parking.

(c) A performer may not use electric or electronic amplification.

(d) A permit holder may request contributions of money or property at a performance, provided that no sign requesting contributions shall exceed 12" x 18" in size. Contributions may be received in any recepticle, such as an open musical instrument case, box or hat.

(e) A permit may not block passage over a public way or sidewalk except as permitted by the sponsor of an event under Subsection (a) (3) or otherwise allowed by the Director of Traffic & Parking.

Sec. 6 Designations of Public Areas

Designations of areas under Sec. 5 (a) (1) shall be in writing and a copy of the most recent designations shall be given to each applicant for a permit. Any change in the areas designated may be made only after written notice to each permit holder, except that performances may be prohibited without notice in a public area during any emergency.

Sec. 7 Peace and Quiet

A performance in accordance with Sec. 5 shall be presumed not to constitute a disturbance of the peace or quiet.

Sec. 8 Revocation of Permit

The issuers may suspend a permit for not more than 60 days or revoke it if:

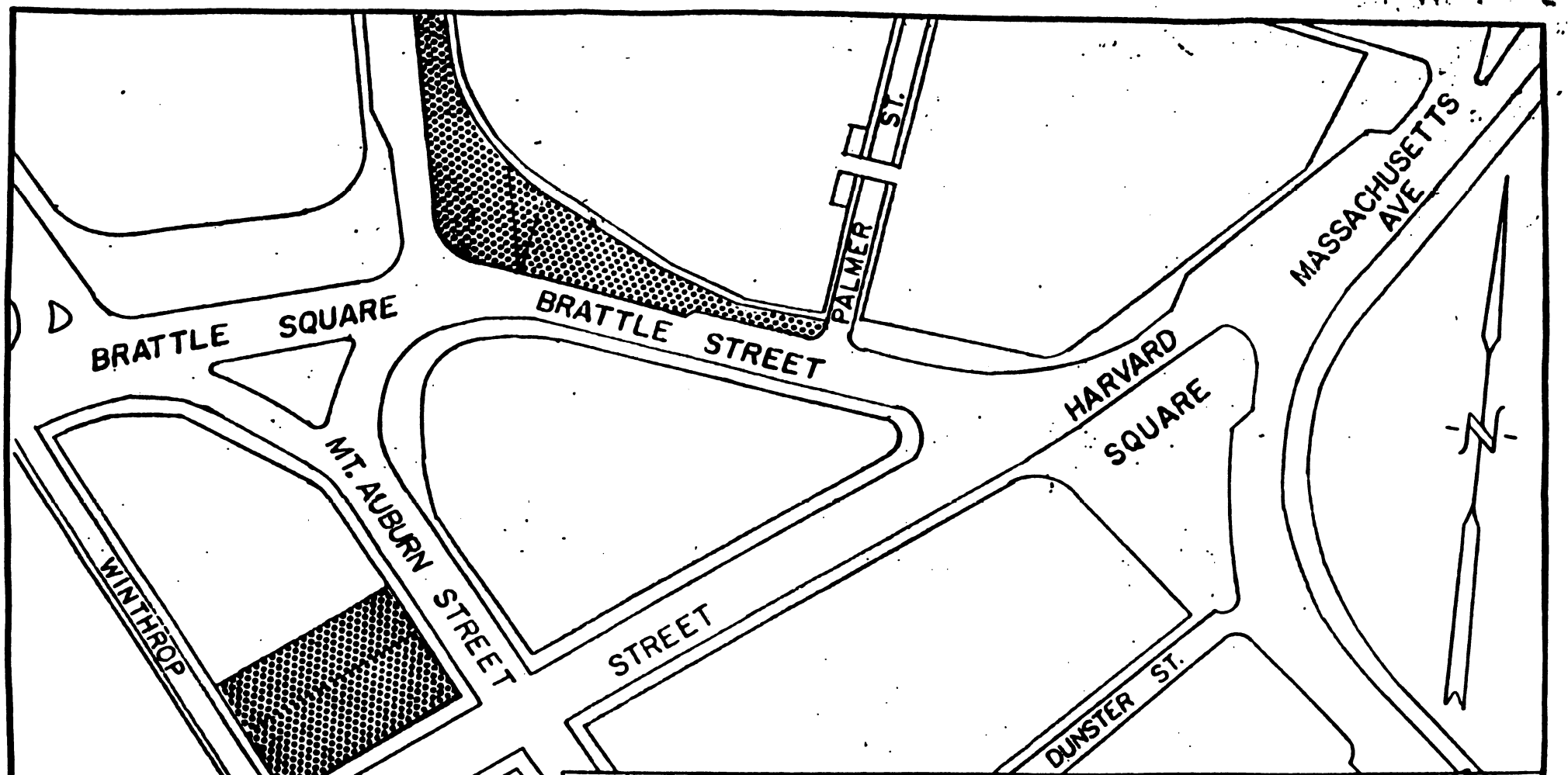
(a) Any information contained in the application is found to be false.

(b) The holder violates any of these regulations.

After revocation of a permit, the former holder may not obtain a new permit until such date as the issuers may determine, which shall not be more than 1 year from the date of revocation. No permit may be suspended or revoked unless the issuers hold a public hearing on the suspension or revocation, written notice of which has to be given to the permit holder not less than 7 days prior thereto. Such notice shall set forth the facts constituting the basis for the proposed suspension or revocation.

Sec. 9 Regulations.

These regulations are issued jointly by the issuers and may be amended by them after a public hearing, notice of which has been given in writing to the persons then holding permits and published in a newspaper of general circulation in Cambridge at least 7 days prior thereto.



NO.	DATE	DESCRIPTION	DRAWN	CHKD	REC'M	APPVD	DATE
	11-27-84	STREET ALIGNMENT CHANGED	V.J.G.	W.E.J.			11-27-84

REVISIONS ABOVE

DESIGNATED AREAS FOR STREET PERFORMANCES

	INITIAL	DATE
DRAWN	MJ	9/14/77
TRACED	VJG	11/27/84
CHECKED	WEJ	11-27-84
REC'M APP.		
APPROVED	[illegible]	1-14-85

DEPARTMENT OF TRAFFIC AND PARKING

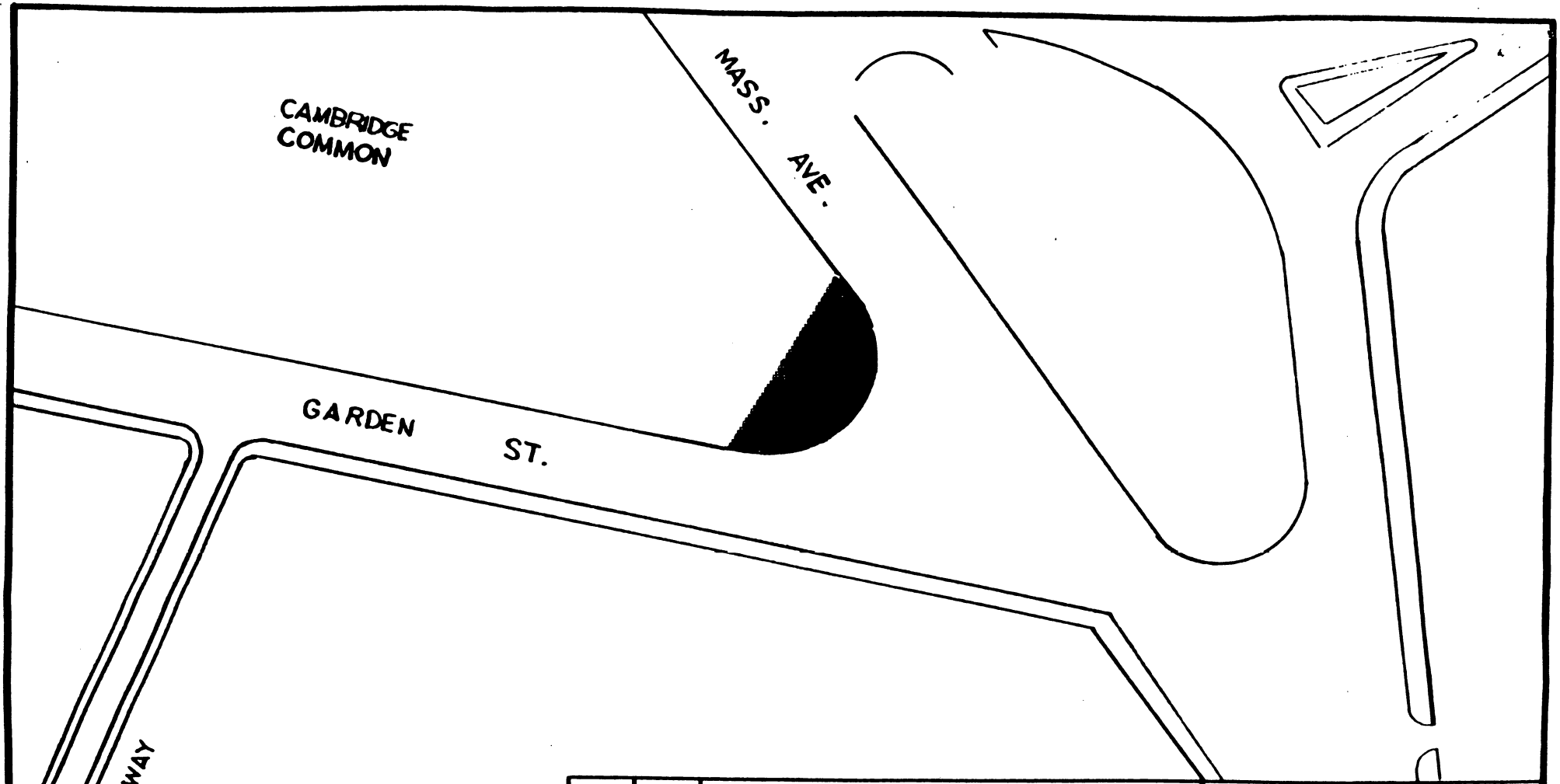
CITY OF CAMBRIDGE

DRAWING NO. SP-A-1308

SCALE 1" = 100'

SHEET NO. 2 OF 3

BRUNING 40-135 15033



NO.	DATE	DESCRIPTION	DRAWN	CHKD	REC'M	APPVD	DATE

REVISIONS ABOVE

DESIGNATED AREAS FOR STREET PERFORMANCES

	INITIAL	DATE
DRAWN	P M	7/14/77
TRACED		
CHECKED		
REC'M APP.		
APPROVED		

DEPARTMENT OF TRAFFIC AND PARKING

CITY OF CAMBRIDGE

DRAWING NO. S--A-

SHEET NO. OF

UNING 40-138 15033

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

COPY

March 23, 1990

To the Honorable the City Council:

I am transmitting the attached proposed Street Performers Ordinance for your review and appropriate action.

As you may know, the City currently has a Regulation of Street Performances included as part of the Traffic regulations (copy attached). Several weeks ago Attorney Diana Stallone who represents the Street Artists Guild contacted the Law Department and my office indicating that her clients are prepared to challenge the validity of the existing regulation in the Federal District Court. The Law Department has concluded that the existing regulation is vulnerable to such a legal challenge.

I met with Attorney Stallone and several of her clients. The Guild very reasonably suggested that rather than engage in expensive litigation it might be more constructive to propose an ordinance that does not impose impermissible restrictions. I asked the Law Department to prepare the attached draft ordinance.

I am advised by the Law Department that the courts have recognized street performances as protected expression under the First Amendment to the United States Constitution. Therefore, any regulation of such activity must strike a careful balance between the performer's right to free expression and important governmental interests that are accomplished by the least restrictive means available. The drafting of the attached proposed ordinance was guided by these principles.

I am submitting the attached proposed ordinance in order to begin the appropriate process and debate by the City Council. I believe that the members of the Guild do not agree with all of the provisions of this draft. I also believe that city officials who may be involved in the administration or enforcement of the ordinance may desire different measures. I think that the public debate process of ordination will identify those areas of dispute.

EX. 7B.

I also believe that any changes contemplated by the City Council should be carefully reviewed by the Law Department given the strict standards of review involved in this area of free expression

Very truly yours

Robert W. Healy

RWH/dad

Stephen H. Baird
P.O. Box 570
Cambridge, MA 02238
617/522-3407
April 18, 1990

City Councilor Frank Duehay
Cambridge City Hall
795 Massachusetts Ave.
Cambridge, MA 02139

Dear Councilor Duehay:

I was very disappointed that the hearing concerning the Street Performers Ordinance ended in a confrontational atmosphere. Members of the Street Artists Guild and I have found that Mr. McDavitt has been manipulative, deceptive and an obstruction for any real progress in developing a fair balance between the street artists First Amendment rights and the city's public safety concerns. I personally feel Mr. McDavitt has a fundamentally flawed view on the legal limits of how much a government agency can control the actions of citizens in a free society.

In 1985, I submitted a proposal to the city council for a new street performance ordinance. I cited specific court cases that made the existing ordinance unconstitutional. The draft was developed after careful legal research with attorneys, the Cambridge Arts Council (which was willing to administrate the licensing procedure), street artists and community members. The ordinance was referred to Mr. McDavitt and it was immediately discarded in favor of his own ordinance. In his proposed ordinance Mr. McDavitt stated all citizens must go through a criminal records check and review of what is appropriate dress before exercising their first amendment rights. I asked Mr. McDavitt if that meant City Councilors and their campaign workers would have to have a criminal records check before passing out campaign literature or speaking at a public function. He answered, "Yes!" I consider such talk as part of an abhorrent "Police State Mentality." Other stipulations in his ordinance were worse. It was and still is an insulting document.

The City Council saw fit not to consider Mr. McDavitt's proposed ordinance, but the result was that the old street performance regulation was still being unconstitutionally enforced. I informed the city I would seek relief through the courts in my letter on July 4, 1986.. Like many of my other letters before, the city made no attempt to resolve this issue. During the past three years other street artists and I searched for a qualified litigation lawyer who would take our case for free. We would have sought relief in court sooner if we had the financial resources. It took us three years to find an attorney with a big heart. We were lucky to find Ms. Dianna Stallone.

However, while a number of street performers, myself included, were providing free performances for the seniors lunch at Harvard University in 1989, then Mayor Vellucci commented he would meet with us to discuss this problem. We were again referred to Mr. McDavitt and for the second time Mr. McDavitt summarily discarded our proposal and tried to resubmit his old ordinance. Mr. McDavitt lied to our attorney by suggesting this old ordinance was a new document for consideration.

Because of this inappropriate and arrogant action by Mr. McDavitt our attorney prepared the relevant federal court documents for a temporary restraining order and permanent injunction of enforcement of the current street performing regulation and informed the city that we would seek this legal relief. Mr. Drisdell, Deputy City Solicitor, suggested we could resolve this matter out of court. The Street Artists Guild would not continue negotiating unless Mr. McDavitt was removed from the process in writing (letter enclosed).

EXC

Therefore, I am extremely angry that Mr. McDavitt presented himself at this hearing stating he favors the ordinance while simultaneously attacking it. If the City Council prefers to listen to Mr. McDavitt's legal opinion over the agreed opinions of Mr. Drisdell and our attorney then I will recommend the Guild meet and vote to proceed with legal action immediately.

Sincerely,

Stephen Baird

cc: Mayor Wolf, City Council, Mr.Drisdell, Ms. Stallone

CHARLES G. THOMAS
ATTORNEY AT LAW
Post Office Box 477
CAMBRIDGE, MASSACHUSETTS 02238-0477

Telephone 617-492-8831

June 5, 1990

Mr. Francis H. Duehay
Cambridge City Councillor
City Hall
Cambridge, Massachusetts 02139

Re: Proposed Noise Ordinance Amendment

Dear Councillor Duehay:

I am writing in reaction to today's article in The Harvard Crimson concerning proposed changes in the City's noise ordinance. Since I strongly object to the changes reported, I would appreciate it if you or the Chair would read this letter to the Ordinance Committee when it meets Thursday evening, bearing in mind that my letter is based only on the information contained in the newspaper article. I regret that I cannot attend.

According to the article, the proposed amendments would "allow street performers to perform anywhere in the city as long as the noise levels inside nearby residences [would not] rise above 60 decibels in the day and 50 decibels at night."

Allowing street musicians to perform in residential areas or adjacent to neighborhoods that are predominantly residential would be as unreasonable as it would be unnecessary. Cambridge residents are already beset by excessive and intrusive noise from many sources, severely degrading the environment. Most of those sources are beyond the reasonable control of the average citizen, as nuisance suits are time-consuming, expensive and emotionally draining. At the same time street musicians have more than adequate space in which to perform.

In this era of increasing awareness of the harm of cigarette smoke and the city ordinance that has responded to it, the Cambridge City Council should realize that

unwanted noise, including music, intruding into the homes of Cambridge citizens is similar to smoke being blown into their faces or lights shining into their eyes. Indeed, on March 6th of this year The New York Times reported on the severe psychological as well as physical harm either excessive or unwanted noise causes to millions of Americans each year.

I ask the Cambridge City Council to remember that in this densely populated city, where many people live in small apartments and in buildings with thin walls and poor window systems, unwanted noise can mean a severe hardship. Street music played at lower than 50 decibels or even at the lowest audible level can be clearly heard in many dwellings, especially where the acoustical characteristics of the exterior walls of nearby buildings amplify sound.

I hope that the Cambridge City Council also realizes that there are many different kinds of music and people often have strong musical preferences. It is entirely unreasonable to require the citizens of Cambridge to listen to someone else's music, especially when it is playing in the open air in or near a residential neighborhood.

The existing ordinance already provides a balance between the unquestioned right of Cambridge citizens to a nuisance-free environment and the somewhat questionable right of street musicians to impose themselves on others. As someone who crosses Harvard Square on the average of six times a day, my observation is that the balance is struck liberally in the street performers' favor.

The existing ordinance has opened the busiest and most exciting public place in Cambridge to the best and the worst of performers. And the existing ordinance allows each one of them to alter the atmosphere for thousands of people who pass.

If there should be any amendment at all, it should expressly prohibit open-air music, from whatever source, day and night, in or near residential neighborhoods.

In the meantime, the existing ordinance should be enforced.

Thank you for taking my points under consideration.

Sincerely yours,

Charles G. Thomas

cc: Cambridge City Council
The Cambridge Chronicle

1. O-36

COMMUNICATIONS & REPORTS FROM
CITY OFFICERS

Comm. from Councillor Duehay, Chairman, Committee on Ordinances, transmitting a communication from Charles G. Thomas, Esq., relative to the proposed Noise Ordinance as it relates to Street Performers.

In City Council,

June 11, 1990

Referred to the petition