

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

PHILIP M. CRONIN
CITY SOLICITOR

EDWARD D. MCCARTHY
ROWENA E. TAYLOR
ASSISTANT CITY SOLICITORS

JOHN A. SERINO
LEGISLATIVE AGENT

May 15, 1970

Mr. Paul E. Healy
Temporary City Clerk
City Hall
Cambridge, Massachusetts

Dear Mr. Healy:

You have asked for my opinion in behalf of the City Council concerning a proposed resolve of the City Council that the Park Commissioner and the City Manager take all appropriate steps to see that park regulations are enforced.

Under General Laws, Chapter 45, Section 5, the Park Commissioner is empowered to make rules for the use of public parks. There are at present regulations that require that any person who intends to conduct a performance or utilize mechanical amplification obtain a permit from the Park Commissioner.

In Commonwealth vs. Abrahams, 156 Mass. 57, decided by the Supreme Judicial Court in 1892, the Park Commissioner enacted a regulation which prohibited any person in the park from making ovations, harangues or loud outcries. The Court held that the regulation was reasonable and sustained a criminal conviction of the defendant who violated the regulation.

Obviously, the regulations cannot impede in any way the exercise of free speech by persons peacefully assembled. But there is nothing in the regulations that would restrict free speech.

Cambridge Common is of limited area. It is in the midst of a densely populated section of the City. The amount of traffic around it is enormous. Under these circumstances, the regulations of the Park Commissioner would seem eminently reasonable and sensible. Only by the use of the permit can he be assured, for example, that the common will not be crowded with a number of performances by groups with mechanical amplification, drowning each other out with noise, to the annoyance of nearby residents.

Mr. Paul E. Healy
Temporary City Clerk

-2-

May 15, 1970

Only by the permit can he make certain that those groups which carry out performances exercise some degree of civic responsibility for the appearance of the common.

It would be fatuous to suggest that anyone has the absolute right to do what he will in the common. Clearly, a person cannot go upon the common and begin cutting down trees. Similarly, great hords cannot trample the common into a dust bowl.

The Park Commissioner can also properly take into account the need for regulation by permit in order to eliminate violations of law. The Park Commissioner and the police have a responsibility to curtail the open use of drugs in the common and particularly on Sundays when a number of children are attempting to use the area.

It is my opinion that the proposed resolution states the obvious.

Very truly yours,

Philip M. Cronin

Philip M. Cronin
City Solicitor

PMC:cas

CC: City Manager

City of Cambridge

Councillor Sullivan

2.

In City Council,
April 27, 1970.

WHEREAS:-

The City of Cambridge on the night of April 15, 1970 experienced the most disgraceful civil disorder in its history, and

WHEREAS:-

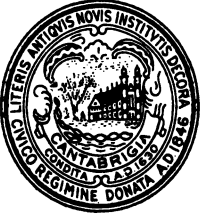
The Sunday concerts on Cambridge Common are attracting great numbers of persons to Cambridge, some of whom openly defy the law, and

WHEREAS:-

The Park Commissioner has enacted regulations requiring permits for performances and mechanical instruments at Cambridge Common, now therefore be it

RESOLVED:-

That the Park Commissioner and the City Manager take all appropriate steps to see that the park regulations are enforced.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

EXECUTIVE DEPARTMENT

James L. Sullivan
City Manager

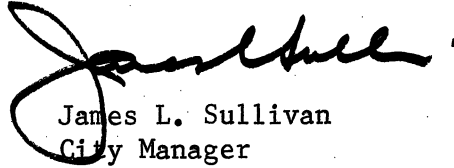
John H. Corcoran
Assistant City Manager

May 18, 1970

To the Honorable, the City Council:

I transmit herewith communication from Philip M. Cronin, City Solicitor, addressed to the Temporary City Clerk, Paul E. Healy pursuant to City Council Order of April 27, 1970 pertaining to park regulations.

Yours truly,



James L. Sullivan
City Manager

JLS:pv

COMMUNICATION
from the City Manager trans-
mitting one from Philip M. Cronin,
City Solicitor addressed to the Temporary
City Clerk, Paul E. Healy, pursuant to
City Council order of April 27, 1970
pertaining to park regulations

May 18, 1970

5/18/70

Placed on File -