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OFFICE OF CITY CLERK
Ian MacKinnon
Boston Coalition for
Freedom of Expression 18
11 Suffolk St.
Cambridge, MA 02139

6-3-96

Robert Healey
Cambridge City Manager
795 Mass. Ave.
Cambridge, MA 02139

Dear Mr. Healey,

When I went to get a street performer's permit, I looked at section 12.16.170 of title 12.16, or the new street performer rules. They are blatantly unconstitutional. Free reciting, reading aloud, dancing, singing, and other street activities are now illegal unless \$40 is paid for the right.

There are several objections to this law, which was voted in by a margin of 9-0. It gives a permitted street performer the right to complain about an unpermitted performer who takes up public space the permitted performer has paid for. Of course, if the unpermitted performer is asking for money, I agree the person should get a permit. But getting a permit under the current law asks the performer to endorse a system wherein performers who do not ask for \$ are prohibited unless they pay first to speak in public space! The fact is that many performers (which by the ordinance's writing includes preachers and political organizers) do NOT ask for money. On Saturday, 6-1, I satirized this law in Harvard Square by attaching the word 'criminal' to my shirt and refusing money as I danced, sang, and recited the offensive ordinance's words. My audience laughed; they know the context of the law is a steady privatization of the public sphere. The law will be used selectively (a police state would be required otherwise). When does plain old "speech", which is not in your definition of performance, bleed into "reading", "reciting", or "acting", which are?

Please change this law immediately because I would like to get a performer's permit which does entail the prohibition of those who make a gift of their performance. I desperately need to earn \$ but cannot subscribe to this system until the law is changed. For now, I will continue to advertise myself as a criminal, refuse to take \$, and criticize the street performers and the councils who would benefit from the silencing of those who would truly give us FREE speech. The Boston Coalition for Freedom of Expression waits for an answer.

Illegally Yours,


Ian MacKinnon

Consent Communication #3

S-325

Communication was received from
Ian MacKinnon, transmitting
objection to §12.16.170 of Title
12.16 of the new street performer's
rules relative to freedom of
expression.

In City Council June 10, 1996

Placed on file.
City manager to refer to
City Solicitor for report back