



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

David E. Sullivan
City Councillor

September 25, 1989

Mr. Robert Gorham Davis
1600 Massachusetts Avenue, #704
Cambridge, Massachusetts 02138

Dear Mr. Davis:

Thank you very much for your September 18 letter, concerning the December 15, 1986 City Council policy concerning use of the Cambridge Common for displays relating to beliefs and traditions.

While I have no power to interpret the policy officially, it is my understanding as its sponsor that any such display may be erected on the allocated portion of the Common (presumably the City Manager decides the appropriate portion) by anyone without permission or regulation. It seems to me that this is the essence of a public forum; requiring permission or regulation would be at least inappropriate and probably unconstitutional.

I am sorry that the potential of unregulated displays may offend the esthetic sensibilities of some. Of course, the mere existence of the "creche" offended some others for different reasons. Again, this seems inherent in the notion of a public forum.

Personally, I would not object to closing the Common to all displays (including the creche, of course). But this seems unacceptable to a majority of the City Council, which opposed any result not allowing a creche to stand. I proposed the present policy as a compromise.

If you have any other thoughts about this, I would be very happy to hear them. Feel free to call me (evenings until 9:30 and weekends) at 492-0159. Thank you again for writing.

Sincerely,

A handwritten signature in cursive script that reads "David E. Sullivan".

David E. Sullivan

cc: City Clerk
City Manager

#704, 1600 Massachusetts Ave.
Cambridge MA 02138
September 18, 1989

Councillor David Sullivan
City Hall
Cambridge, Mass.

Dear Mr. Sullivan;

I live just beyond the Cambridge Common and pass it daily. I have been interested to observe in the past three years the two Christmas creches successively placed there.

I know that there are general questions about the propriety of Christmas creches on public property, but what struck me was the inferior quality of the figures in these creches and of the rough board structure in which they were placed. They did not seem to meet the standards to be expected in a city like Cambridge. I wondered if anyone representing the City, say the Art Commission, had passed on them before they were erected.

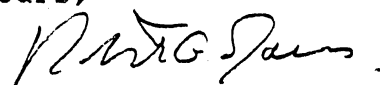
No one I spoke to at City Hall seemed to know what controls there were over the erection of such a creche, but the City Clerk sent me a copy of the Order of Dec. 15, 1986, which you had introduced. This must have been at about the time the first creche was put in place.

I was surprised to find that the order did not mention any controls at all. Were further regulations supplementing it ordered later? Is it the case now that anyone -- without prior supervision and explicit permission -- can have a display of any sort placed on the allocated portion of the Common (it does not say how large this portion is) so long as it relates to beliefs and traditions? Would this include, say, a Buddhist or Native American or Classical Greek display? And could the display include writing, a text of some sort? Or even preaching, since the Order says "religious observances of any kind"?

If permission is required, who would grant it?

I do not mean that I am going to propose such a display myself, but I have read a good deal about controversies over religious displays on public property, and do not recall any municipal ordinances as broadly permissive as this.

Sincerely yours,


Robert Gorham Davis

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