

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMUNITY ARTS ADVOCATES, INC.)
and STEPHEN H. BAIRD,)
Plaintiffs,)
v.)
CITY OF BOSTON,)
Defendant.)

CIVIL ACTION NO. 04-11618-NG

EXHIBIT B

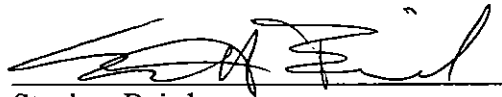
to:

PLAINTIFFS' SURREPLY TO
DEFENDANT CITY OF BOSTON'S REPLY
IN SUPPORT OF ITS MOTION TO DISMISS

intimidated by my interaction with the Boston Police. I packed up my instruments and left Sam Adams Park.

6. It is my understanding that on Sunday, April 3, 2005, Gary Osbourne, who performs as Gazzo the magician, went to perform at Sam Adams Park in Boston, which is also known as Dock Square. Another magician, Daniel Denney, was watching Gazzo perform, with the intention of performing after him, when a police officer named Wayne told Osbourne that he had to have a permit to perform there and that he could obtain a permit at Room 811 of Boston City Hall. As a result of this exchange, Osbourne and Denney ceased trying to perform that afternoon, and instead attempted to get permits to perform at Boston City Hall the next day. They were unable to obtain permits.
7. It is also my understanding that on April 2, 2005, a magician and escape artist named Jason Gardner was discouraged from performing in Dock Square, which is also known as Sam Adams Park, by a Boston Police Officer and an unknown man. Gardner was told by the unknown man that he needed a police detail to perform, that he could not solicit while performing, and that he was not entitled to perform in the same manner that musicians are entitled to perform. It is my additional understanding that on that same day, Gardner went to perform on Boston Common, where he was told by a park ranger that he could not perform with a microphone and amplifier unless he had a permit.
8. I additionally recently received a phone call from a concerned citizen who reported having witnessed a family of jugglers being moved by the Boston Police while attempting to perform on Boston Common.
9. I have also received numerous calls from street performers who have tried to perform in the City of Boston in the past, who were threatened with arrest in the past, and who therefore have not performed in the City of Boston for years.
10. I have learned this information through my own experiences and observations, through communications with Osbourne, Denney and Gardner, and through reviewing the affidavits filed in this matter. It is my belief, based on these incidents, that the City of Boston continues to engage in systematic and unconstitutional enforcement against street performers despite the repeal/rescission of Boston Police Rules 403 and 75 and Boston City Ordinance § 16-12.24.

Signed under the pains and penalties of perjury, this the 25th day of April, 2005.


Stephen Baird