

**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

DECLARATION OF JOHN GRIFFITHS

I, John Griffiths, declare and state as follows upon personal knowledge:

1. I am a street performer specializing in comedy Vaudeville. I perform with a group called the Family Circus Sardine.
2. I have performed publicly as a street performer for 30 years.
3. I currently reside in Massachusetts, but I am a citizen of the U.K.
4. I have performed as a street performer in every major European city, all over the United States, and all over the world.
5. I have often performed publicly in the streets and parks of the City of Boston (the "City"). In the past I have been told by the Boston Park Rangers that I could not perform on Boston Common, and by the security personnel at Faneuil Hall that I could not perform at Faneuil Hall.
6. Last summer, the head of the City Parks Department Special Events Committee and a Park Ranger named Reggie suggested to the Family Circus Sardine while we were performing on Boston Common that we could get permission to perform on the Common if we applied to the City Parks Department. We did so apply. We ultimately received written permission from the City Parks Department to perform on the Common for one weekend. It is my understanding that this permission was in the form provided to any applicant who wishes to use the Common for any reason and was not particular to public performers.
7. We then asked the City Parks Department for additional permission to perform on the Common on specific additional weekends and were told "no" because other events were already scheduled. It is my understanding that at least some of the other scheduled events were minor events that would not fill the Common. It is my understanding that if there is

any other activity scheduled on the Common, no other public performances of any kind are permitted on the Common.

8. We then left Boston to perform in other cities. We returned to Boston at the end of March, 2005. Since that time, we have attempted to perform every weekend in and around Sam Adams Park.
9. Although the Boston Police have not bothered us in Sam Adams Park, I am concerned that we will not be permitted to perform this summer in Faneuil Hall.
10. In April, 2005, I attended the annual auditions for public performers held by Faneuil Hall. I attended solely as an audience member. While I was in conversation with a senior member of the Faneuil Hall staff, I was told that the Family Circus Sardine would not be able to perform in Faneuil Hall Park during July and August of this summer. The staff member said Faneuil Hall Park would only be available to auditioned Faneuil Hall performers. She said something to the effect of "we're taking it over" and she said the space would be under Faneuil Hall's control.
11. I am concerned that I will be unable to perform in and around Faneuil Hall this summer, and am particularly concerned that I will not be able to perform in a City that is such a cultural center like Boston.

Signed under the pains and penalties of perjury, this the 1st day of June, 2005.


John Griffiths