



November 8, 2011

The Honorable Thomas M. Menino
Boston City Hall, 5th Floor
One City Hall Square
Boston, MA 02201

Dear Mr. Mayor,

The Board of Directors of the Rose Kennedy Greenway Conservancy finds itself in an increasingly difficult situation with regard to current events affecting public use of the Greenway. We take very seriously our role to welcome all park users as we oversee this wonderful public space in the heart of Boston and we honor the long tradition of free speech in our city and in our country. However, our Park Use Guidelines expressly describe a goal of offering beautiful, well maintained spaces where people can relax and enjoy a variety of activities and celebrations of all sorts. We recognize that the Greenway may be used for a multitude of purposes, including use by individuals to gather together and express opinions about important issues of the day. Indeed, our Guidelines expressly provide that "[p]rotests and free speech...are allowed so long as such protest is not disruptive to the public," and that "[r]ules for public assembly established by the City of Boston will apply." After much thought and discussion, we have come to the conclusion that, as fiduciaries for public use of the Greenway, we must request that you enforce our regulations and remove the occupiers from the Greenway.

We believe that the current use by Occupy Boston is not compatible with our obligation to ensure that everyone may enjoy the Greenway, and with the spirit and letter of the rules governing use of the space. The footprint of the encampment has literally taken over the Dewey Square Park and a portion of the plaza, preventing: a) passive enjoyment by the public; and b) other permitted activities for the public. Although we have not sought until now to have the Boston Police Department enforce our rules with regard to Occupy Boston, we have always taken the position that the current use of Dewey Square Park is in violation of our rules. Our rules prohibit overnight sleeping in the park and have specified general operating hours between 7:00am to 11:00pm. Like city parks, we also require that uses that necessitate set ups, like tents and amplified sound, seek a permit from the City of Boston. The Conservancy depends on the Boston Police Department to enforce those rules.

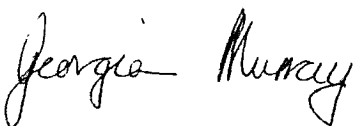
We have experienced the following specific problems:

- The Conservancy abandoned plans to have a food festival on October 15 on Dewey Square Park (a permitted event) from public safety concerns. We anticipated large crowds of attendees and there was inadequate space due to Occupy Boston. Fifteen small businesses lost income they were counting on.
- On our Farmer's Market days, the farmers are experiencing a real reduction in income due to the noise, odors, and interference by the members of Occupy Boston and other protest groups.
- Our neighbors are buffeted by noise and wary of aggressive confrontation when they are passing through the Dewey Square Park.
- There are disturbing incidents of drug dealing.
- Sanitary conditions are deteriorating significantly over time. Although we do not currently have a rat infestation problem, it is only a matter of time given the current conditions.

The Conservancy must also ensure that park rules are implemented equitably. Any use of the park that requires set ups and anticipates crowds requires a permit. Numerous groups have abided by this process, and the Conservancy and the City have been pleased to assist and accommodate them. Occupy Boston has not sought a permit, and its continued presence creates a very dangerous precedent for future groups that the Board - as stewards of the Greenway - cannot support.

In recognition of our responsibilities as members of the Greenway Conservancy Board, we respectfully request that the City of Boston act to enforce our regulations and City permitting regulations. We note that officers of the Boston Police Department have been present, conciliatory and, all in all, done a tremendous job in keeping the peace in this difficult situation. We are confident that the end to this use of Dewey Square Park can be accomplished in a way that ensures respect for the rights of everyone.

Sincerely,



Georgia Murray
Chair – Rose Kennedy Greenway Conservancy

cc: Peter O'Connor, Deputy Secretary of Transportation for Real Estate and Development
William Sinnott, Corporation Counsel
Edward Davis, Commissioner, Boston Police Department