

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MICHELLE FREENOR, STEVEN
FREENOR, DAN LEGER, JEAN
SODERLIND, and GHOST TALK,
GHOST WALK LLC,

Plaintiffs,

v.

MAYOR AND ALDERMEN OF
THE CITY OF SAVANNAH,

Defendant.

Civil Action No. 4:14-cv-00247-WTM-GRS

DECLARATION OF BARBARA FERTIG

I, BARBARA FERTIG, declare under penalty of perjury that the following is true.

1. I am a Professor of History at Armstrong State University in Savannah, Georgia, and the author of the *Manual for the Instruction and Licensing of Tour Guides in the City of Savannah* (“*Tour Guide Manual*”). The *Tour Guide Manual* is a booklet published by the City of Savannah (“the City”) as a study guide for individuals who wish to take the tour guide licensing exam.

2. I wrote the *Tour Guide Manual* over a period of three academic semesters in 2005 and 2006. The City paid Armstrong University to release me from some teaching duties so that I could work on the *Tour Guide Manual*.

3. When I was hired, the City had a different study guide for individuals wishing to work as tour guides. The prior version focused largely on the architecture of the City, with some more limited discussion of the City’s history. I incorporated material from that prior version into

the *Tour Guide Manual*, but also cut some material and added significant new material—including more extensive discussion of history and additional information about African American history in particular.

4. My goal, in drafting the *Tour Guide Manual*, was to do justice to the City as the City saw itself and as my fellow historians who work with Savannah history see it. I saw the *Tour Guide Manual* being used as a way for tour guides to learn the City in what I believed to be the most efficient way possible. I wrote the manual so you could walk the City day by day as you were learning the material.

5. I see the *Tour Guide Manual* as containing the basic information that tour guides should use. I also believe that tour guides should go on to do more research after reading the *Tour Guide Manual*. It is a basic tool for the education of tour guides.

6. The City goes to great effort to maintain a beautiful destination for tourists, and it was my belief at the time I wrote the *Tour Guide Manual* that tour guides who use the City owe tourists a degree of solid information.

7. The *Tour Guide Manual* emerged from a collaborative process between myself and an advisory committee. Jay Self, who at that time oversaw both film and tourism in the City, was the City's representative on the committee. The committee also included owners of some of the more important tour companies in Savannah, including the head of Grey Line Tours. Members of the committee proposed topics that they believed should be included within the *Tour Guide Manual*—including gaps in the prior version that, in their experience, they had had to fill in for their tour guides—and I accommodated all of those requests.

8. Jay Self, on behalf of the City, specifically requested that some topics be included in the *Tour Guide Manual*. For instance, Jay asked that I include an enlarged discussion of

history, a section about historic preservation, and materials on African Americans in the historic district. I also accommodated these requests.

9. When I drafted the *Tour Guide Manual*, I drew on my knowledge about history, including my own historical research and my collaboration with other historians. I am aware that different people have different views about historical questions. The *Tour Guide Manual* reflects my views regarding the history of Savannah, developed in consultation with individuals who have done significant research into that history.

10. At the time that I wrote the *Tour Guide Manual*, the City asked that I draft five hundred potential questions for the tour guide licensing exam. I believed that multiple choice questions are not the best format for a tour guide exam, as the complexity of history is not easily transmitted to a multiple-choice format. Every one of my colleagues at Armstrong University felt the same. Jay Self agreed with my belief, but Jay made clear that the City wanted questions drafted in a multiple choice format.

11. I was never satisfied with the questions that were drafted, although I was responsible for them. It was my belief that the way in which a person proves that they are a competent interpreter of the City's history and culture is not through multiple choice questions. Rather, I believed that demonstrating competency should be a matter of showing that you can connect aspects of the City's history with each other.

12. The questions are drawn from the tour guide manual. In drafting questions for the City, I necessarily drew on my own research and the beliefs of those people who were part of the advisory committee, as those are reflected in the tour guide manual.

13. Using the questions I had selected, I gave a test to members of my Heritage Tourism class. Many of the students failed to get a sixty-five percent passing score on this mock

exam. Although I consider my students knowledgeable about history, they did not necessarily know the specific facts tested by these multiple choice questions. I personally could not have done well on that test even after writing the questions myself.

14. A year ago, my Heritage class wrote an unofficial update to the *Tour Guide Manual* discussing aspects of the city that are not featured in the *Tour Guide Manual*. For instance, this update included information about topics such as food and drink, as it was my belief that people who lead food tours should be able to differentiate between traditional local foods and foods that are not traditional. Bridget Liddy visited Armstrong University, and I asked her if I could include this new material in the *Tour Guide Manual*. She said the City was not contemplating adding anything.

15. I am aware of alternatives to multiple choice examinations. I have visited New Orleans and have observed the certification process provided to tour guides by the Friends of the Cabildo museum. In order to become certified by the Cabildo, tour guides must devote several weeks to training by several historians and other experts. The certification process involves giving actual tours, observed by experts who judge them to be ready to give a tour, and not a multiple choice test. While it is not necessary to obtain certification from the Cabildo in order to practice as a tour guide in New Orleans, tour guides voluntarily seek out certification because it is an important marker of quality.

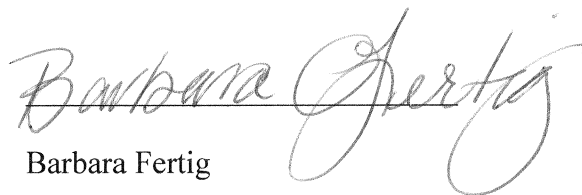
16. If I had been designing a system from scratch to ensure high-quality tour guides, I would have wanted to implement a system like the one provided by the Friends of the Cabildo in New Orleans. But the City of Savannah did not hire me to design a system that I personally believed would ensure high-quality tour guides. Instead, Savannah officials made clear that they

wanted me to design questions for a multiple-choice test, despite the fact that I told them that a multiple-choice test was not a good way to gauge knowledge of history.

17. The substance of this declaration is my own, and the statements in it are based on my own personal knowledge except where otherwise indicated. I have had the assistance of counsel in preparing this declaration.

18. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14 day of April, 2015.


Barbara Fertig