

Arrests, protests continue at mall

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CAPITOLA — Eight people were arrested on trespassing charges for passing out flyers — including copies of the Bill of Rights — at the Capitola Mall Saturday.

For five years, leaflets urging shoppers to boycott war toys have been as much a part of the local Christmas season as candy canes, last-minute shopping and visits to Santa.

But after last year's holiday kiss-in by members of an activist homosexual group, Queer Nation, a new policy was enacted at the Capitola Mall, banning all public demonstrations during the Christmas shopping season.

Friday, that policy led to the arrests of seven people — three anti-war-toy protesters and four Queer Nation members.

Some 50 people joined the crush of holiday shoppers at the mall Saturday to protest the policy and the arrests.

"Capitola Mall Management says: shut up and shop," one sign stated. "The New Mall Order: Give a leaflet, go to jail," said another.

Capitola Mall manager Julia Walker defended the mall's policy of banning leafletting from the day after Thanksgiving until the end of the year.

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"We abide by the First Amendment 11 months of the year," Walker said. "Eleven months out of the year is a long time for people to come to petition."

Queer Nation members also joined the protest.

"Sex toys, not war toys," read a sign held by a woman who was later arrested. It was signed, "another pervert for peace."

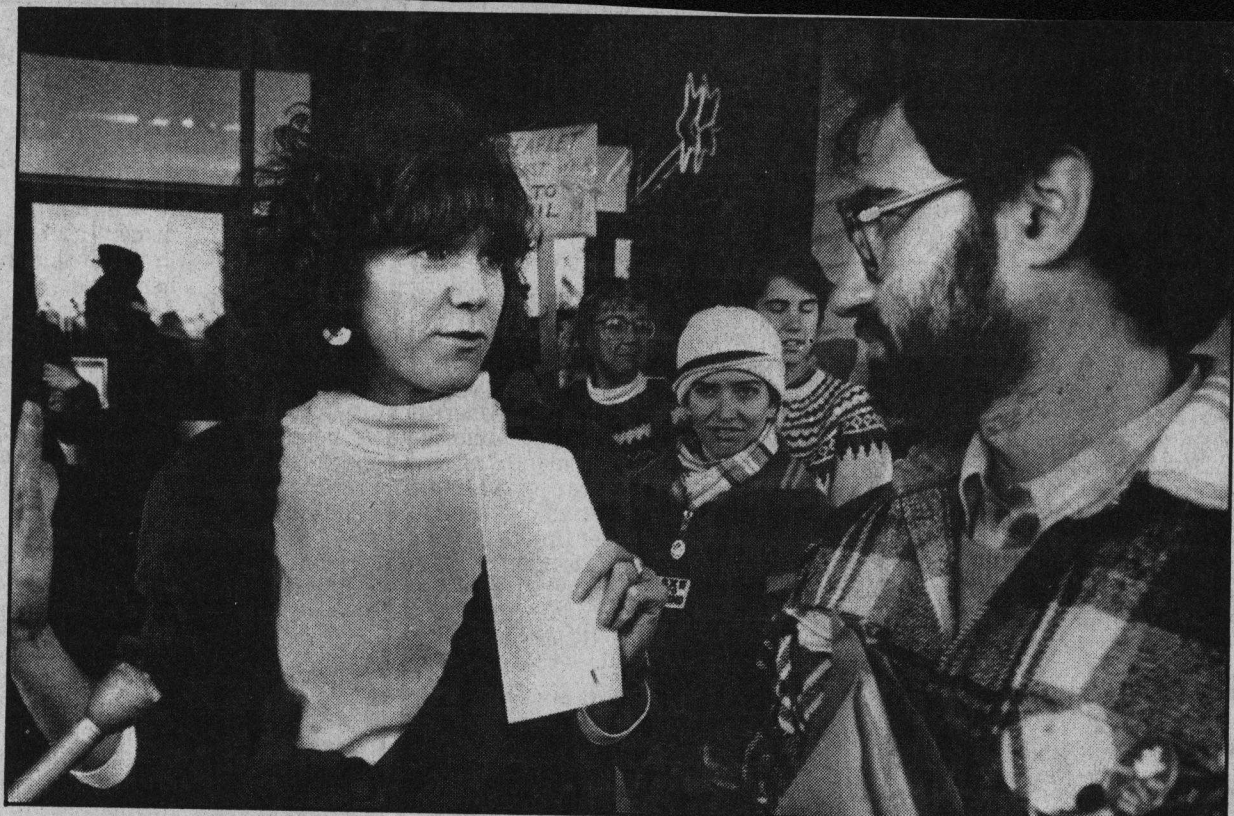
"We're really angry over the infringement of our rights," said Queer Nation member Cory Drummond. "It's really frustrating the Capitola Mall is selectively enforcing this policy."

Drummond said the group is considering legal action against the mall, and may seek an injunction against the policy.

"If we are to survive, children and the whole world must learn that there are alternatives to violence," said Eleanor Foster, a 65-year-old family therapist who was arrested Friday. "I am aghast that we were arrested and jailed for trying to communicate this to parents at Christmastime."

When Capitola Police asked people at the protest to leave or stop leafletting, eight people refused and were arrested and taken to the County Jail.

Arrested and booked into County Jail were Wendy Chapkis, 37, of Aptos; Patricia Langlois, 29, of Santa Cruz; Merrie Schaller; Elizabeth Stark, 21, of Berkeley; and James Gross, 24, Glen Schaller, 35, Eric Smith, 36, and Justin Hollingsworth, 21, all of Santa Cruz.



Shmuel Thaler/Sentinel

Mall manager Julia Walker explains demonstration policy to Resource Center's Doug Rand.

Merrie Schaller and Hollingsworth were both arrested on the same charges Friday.

Walker said there are so many events taking place during the Christmas shopping season that the ban is needed to keep entrances clear. She also said the demonstrators did not have permits to leaflet at the mall.

Doug Rand of the Resource Center for Nonviolence said the group

applied for permits, but mall management refused to issue permits for Nov. 29 and 30, the two days the group joins an international boycott of war toys.

Rand argued that while shopping malls are private property, they have, in effect, become town squares, and cited court decisions upholding the right to petition at malls.

"As long as the state Supreme Court says shopping malls are pub-

lic gathering places, we expect to exercise our right of free speech in this area," said a statement by the Children's Committee of the Resource Center for Nonviolence.

However, Walker said the mall's policy has been reviewed by attorneys and reflects more recent court decisions that support mall management's right to ban leafletting during the Christmas shopping season.