

Capitola Mall changes free-speech rules

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CAPITOLA — Capitola Mall management on Tuesday changed its rule preventing "free-speech activities" at the shopping center during the holiday season.

Beginning today, the mall no longer will issue a blanket prohibition of these activities from the day after Thanksgiving through Dec. 31, but it still will forbid them on certain days during the season.

The change in the rule came after controversy over the recent arrests of demonstrators and people handing out leaflets at the mall.

Members of Queer Nation, a group advocating homosexuals rights, as well as citizens passing out leaflets protesting war toys were arrested.

According to Capitola Mall Manager Julia Walker, "free-speech activities" will be allowed weekdays during the holiday season

beginning the Monday after Thanksgiving and ending the Monday after New Year's Day. No such activities will be allowed the day before Christmas.

Walker said, however, that any groups planning "free-speech activities" at the mall must follow the mall's rules governing activities on its property.

These rules include:

- Getting written consent from mall management.
- Requesting space four days in advance of the activity.
- Restricting activity for no more than two consecutive business days a month without first reapplying.
- Staying within a reasonable area to permit a free flow of patrons.
- Paying a \$50 cleaning deposit if leaflets are to be handed out.

● Submitting a certificate of insurance if management determines it is necessary.

● A prohibition on the use of obscenities, "fighting words," and "obscene body movements or demonstrations."

In deciding to grant a permit, mall management can also consider whether the activity is "confrontational to a degree that it is probable it will create a disturbance."

Doug Rand of the Resource Center for Nonviolence was among those arrested Friday for handing out leaflets protesting the sale of war toys. When he heard of the change of policy, Rand called it "a symbolic improvement."

"First Amendment rights are still in question in that they have a number of very strict criteria to acquire a permit," said Rand.

"It also doesn't speak to weekends, so First Amendment rights are not applied dur-

ing the weekends. That is basically unconstitutional," he said.

Rand said that Walker had contacted his group offering to meet. He said his group hopes to get together with mall management Thursday "and make suggestions to help to change the policy to make it more fair and constitutional."

Walker said that in modifying the policy, mall management had to keep the rights of shoppers and merchants in mind, as well as First Amendment rights of all people.

"By opening up every day (to free-speech activities) this could disturb sales and the livelihoods surrounding those sales," Walker said.

"These special groups have to realize this season is an important period for our store owners and that is why we are excluding certain days," she said. "We hope that those participating will honor the rights of shoppers and stores during their busiest season."

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