

Walking Posters Debated

Signboards Become Free Speech Issue

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The debate over Rockville Pike's "sign walkers" grew last week as backers of the perambulating advertisements filled a public hearing to denounce a proposed ban as unconstitutional, un-American and unjust.

But some members of Rockville City Council, although undecided on the issue, said restrictions on sign walking still may have merit. The city could rule on the matter as early as next month.

The debate has grown increasingly acrimonious, since the city, seeking to beautify the pike, proposed severe limits last year on the half-dozen or so walkers, who stride up and down sidewalks along Rockville Pike wearing front-and-back signboards or costumes, advertising for local merchants.

It seemed to peak at last Tuesday's hearing in City Mall, when opponents of the ban assailed the city's mayor, Rose G. Krasnow, and the four-member council over the issue, charging that the ban could ruin small businesses and deprive the walkers, some of whom are mentally handicapped, of jobs.

One merchant said he would almost "rather be robbed," than lose his sign-walker advertising.

Several witnesses testified at the hearing that the ban also would violate the Constitution's First Amendment right to free speech.

"If I want to dress up as a fish, as a bull, as a mattress, as a hamburger, as a doughnut, as a fur, I should be allowed to do so," said a former

Retailers Defend Use of Sign Walkers

SGN, From Page 1

Rockville mayor, Stephen Van Grack, an attorney, who argued against the ban. "The First Amendment says that I can do so."

In written testimony, Stephen M. Block, a staff attorney with the American Civil Liberties Union, stated that the ban was unconstitutional because it limited free speech in a public forum—the sidewalk—and because it sought to block commercial speech, which he said enjoys the same protection as political or artistic speech.

The proposed measure would not outlaw sign walking but would limit it to areas away from the pike's sidewalks and, in many cases, to just outside the facades of the businesses doing the advertising.

"In order for us to comply," said Kathy Reitz, vice president of a local property management firm, "our advertisers are going to have to walk on the roof."

Indeed, several merchants said the ban would greatly damage businesses tucked away in small shopping centers, or not readily visible from the pike. "Just finishing the store on Rockville Pike is half the battle," said Ron Pendleton, who runs a computer and communications store there.

Much of the protest, though, came from supporters of mentally disabled people who work as sign walkers, and from the sign walkers themselves.

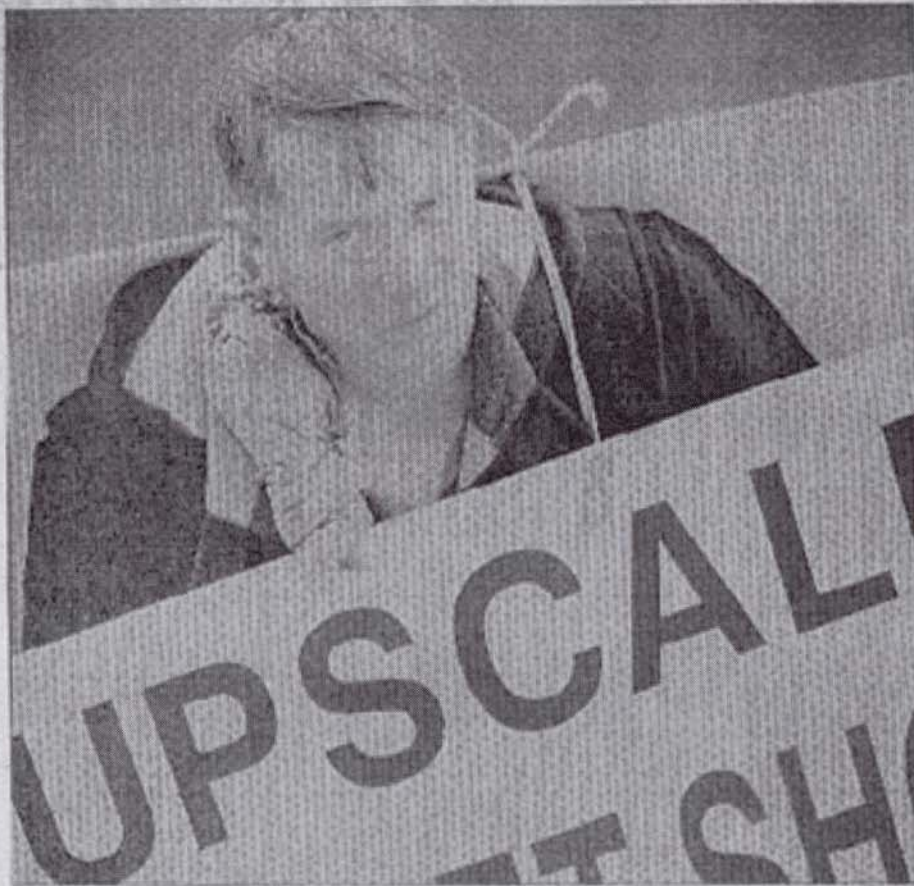
Phil Friedman, who heads a nonprofit jobs agency for mentally disabled citizens and sees them to help operate its Upscale Resale thrift store, predicted that the store would go out of business if the ban went through. It advertises regularly with sign walkers.

The result of the ban would be "the demise of the shop," he told the city officials, "and the uprooting of 35 lives."

"The sign-walker issue so impinges on our socially-benefiting programs that the vanity issue and the so-called beauty of Rockville Pike pales by comparison," Friedman said.

Christine Palm, a store employee, added: "I wanted to let you know what the shop meant to me. The rest of my life is in total chaos, where I'm living, my personal life. But the job has always been there for me."

"If you take away the sign walk-



Michael Earnshaw, 40, of Gaithersburg, works six hours a day as a sign walker for the Upscale Resale thrift store.

ers, you may take away my job eventually, too," she said. "You say it's an eyesore, but you're giving people jobs."

City officials, though, said there were jobs for such employees elsewhere.

"We understand that these jobs are part of some supported employment programs," Lisa Rother, a city planning specialist, said at the hearing. She was the only person to support the restrictions.

"We also understand that ... there are other jobs available in the community ... that would hopefully meet the needs of employees who are currently doing that job," she said.

Later in the week, City Council member Robert J. Wright echoed that sentiment. "If we go forward with this, I will be supportive of helping the people who have sign-

walking jobs find (other) jobs," he said.

Wright, who said he had not made up his mind on the issue, said the sign walkers can be a nuisance.

"My concern to begin with was their intimidation of other people who wanted to use the sidewalk," he said. "I have no problem if someone wants to dress up as Santa Claus or the Easter Bunny ... but we don't have wide sidewalks and I think they do tend to intimidate people in terms of passing."

"I have seen pedestrians have to leave the sidewalk to walk around them," he added. "I have personally seen that."

Another council member, Glennon J. Harrison, said he had not made a decision either, but he was concerned about the free speech issue.

"I was struck by those argu-

ments," he said, "and I certainly want to make sure that we don't prohibit free speech. I was also moved by the testimony of the sign walkers themselves. But I haven't made up my mind yet."

Council member Robert E. Dosey, though, said he found the hearing testimony "compelling" and is now leaning away from the ban.

"I'm leaning toward not prohibiting them," he said late last week. "I'm looking toward finding some compromise ... letting the walkers walk. I'm hoping whatever legislation we put together has language that says, 'work it out,' as opposed to banning them."

Officials said the public record for comment on the matter remains open until Feb. 5. The city then must decide when to place the matter on its agenda. That could come as soon as Feb. 8.