

WHOSE STREETS? THE CONTESTATION OF PUBLIC SPACE:

MAIN STREET, SALT LAKE CITY

by

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ABSTRACT

Despite a large body of literature describing the way rural public lands are used in Utah and their contestation and significance, there is a gap in research conducted on the contestation of urban public spaces. In 1999, a block of Main Street was sold from Salt Lake City to the Church of Jesus Christ of Latter-day Saints. This study addresses the process through which the sale took place and the implications on the space's accessibility and publicness. Specifically, it focuses on Main Street Plaza's contestation, using historical analysis to determine the major power-brokers in the sale, to what degree the public was involved in the sale, and how those against the plaza opposed it. A variety of themes emerged, including the way strategic framing was utilized to gain public approval and overlook public dissent. Additionally, participant observation is employed to gauge the way the space was utilized, specifically noting if people appeared to feel comfortable in the space behaving as they would in a public park, and what types of people chose to enter the space. An analysis of historical documents and participant behavior shows that the plaza was contested from the start of the original negotiations at the end of the twentieth century to the way it is utilized today. The space also, through formal rules and "social facts" that have emerged over time, is particularly inviting to certain groups and behaviors, while more isolating to others. The publicness of the space and the contestation continues to shape urban life and democratic processes.

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CHAPTER 1

INTRODUCTION

Urban theorist Jane Jacobs (1961) argues that streets are lively ecosystems of dance, ones with multifaceted uses and complex systems of social, economic, and environmental interactions. The functionality of streets and public spaces extend far beyond their use for transportation or leisure, respectively (Jacobs 1961; Jacobs 1996; Whyte 2000). For thousands of years, these shared spaces have facilitated open democracy, oratory, art, education, and debate. In public spaces, relationships are built: children play, neighbors begin conversations, and, over time, communities emerge. While public plazas and parks have provided open gathering hubs for diverse communities, they are also spaces increasingly threatened by privatization, regulated through strict policies, and reorganized to serve specific desires of powerful people. Thus, it is important to examine the contestation and the process through which public space is transformed, whether it is by a private entity or by governmental restrictions. Additionally, it is necessary to consider the implications and consequences of such a process.

There is a rich literature that has addressed the diverse historical conditions, political processes, and contested social relationships related to public space. With my research, I am specifically examining the contestation and process through which public

space in Salt Lake City, Utah, has been subject to privatization and governmental regulation over the course of the past few decades. I explicitly analyze urban spaces, though rural or “natural” public areas certainly warrant their own investigation, especially given that two-thirds of Utah’s acreage is public lands.

Given the rhetoric of the 2016 election (one which routinely questioned the legitimacy of climate change, as well as one that marginalized people of color, LGBTQ+ people, immigrants, Muslims, and women), the ability to demonstrate and mobilize against specific political platforms in public spaces is imperative for local Salt Lake City residents. Utah legislators and decision-makers actively participated in this dangerous rhetoric and supported candidates who advocated the degradation of human rights across the nation. With an increase in the use of public space for demonstrations in the past few months (specifically the Utah Women’s March on the Capitol, and Utah Anti-Trump Inauguration protests) and the looming inevitability of an increasingly unstable climate, the need for an analysis of the processes and impact of contestations over local spaces has never been more important. Thus, it is critical to explore how privatization and reorganization of public space is occurring in Salt Lake City. I investigate these relationships through a specific case study, focused on Main Street.

Public Space in the Greek Agora

The urban public spatial realm, as understood in the West, can be traced all the way back to Ancient Greece with the development of the Agora in the heart of Athens. The Agora – which translates literally to “meeting place” or “assembly” – was 30 acres wide and served a variety of functions in the city. Most often mentioned for its lively

marketplace, the public gathering area offered far more than a space for artisans and laborers to sell and exchange goods (Millet 1998). As Michael Peters (2014: 457) writes, “Agora became the heart of Greek intellectual life and discourse – not two distinct worlds in the lives of the citizenry. All citizens were intimately and directly involved in politics, justice, military service, religious ceremonies, intellectual discussion, athletics and artistic pursuits. Greek citizens did not have rights, but duties.” It was, in many ways, the centerpiece of the earliest forms of Greek democracy.

The Greek Agora, much like the Roman Forum (though slightly less centered around commerce), provided a place for Athenians to have open dialogue about a variety of topics. Citizens gathered here to discuss cultural events, politics, corruption, religion, and commercial matters. Indeed, there may be a link between prominent Greek thought to conversations that permeated throughout the Agora. In this way, it served as a site of both education and philosophy, with lively oratory open to participation or observing audiences. The arts and religion also flourished at the Agora – it was simultaneously a holy space and a “wretched” one, as visitors included worshippers, holy men, and the “profane” or homeless. This last element is key in understanding how public space originated, and how it transformed over time. The Agora was, for all intents and purposes, available to everyone. Antithetical to spaces that were strictly beholden to private interests, the Agora belonged to the public (Millet 1998). As a result, on a regular basis, the people of Athens interacted with others who were not like them. The Agora served as a model that public space advocates throughout the years could strive for: one of openness and inclusivity. For centuries, however, the public realm has been contested in cities and nations around the world, namely through the processes of privatization and

government regulation.

While it is agreed that the Greek Agora serves as one of the earliest inspirations for modern concepts of urban public spaces, understandings of space, especially public space, vary widely across time, setting, and culture (Bodnar 2015).

Modern Concepts of Public Space

Public space has maintained two broad yet distinct definitions. Philosophically, public spaces operate as places where people interact with strangers – both those they do not know and those who are different than themselves. Tangibly (and in common discourse), public spaces have been defined as the opposite of private spaces; that is, public spaces are ones that are accessible and available to any and everyone. Both understandings define public space as physical places in a city – sidewalks, streets, plazas, and parks.

In defining public spaces, theorists have rejected the minimalist approach, which exclusively emphasizes the physical dimension of cities. French philosopher Henri Lefebvre (1991: 77) warns that public space is *not* simply “preexisting, empty or neutral space, or a space determined solely by geography, climate, [or] anthropology,” but rather, “it subsumes things produced and encompasses their interrelationships in their coexistence and simultaneity.” He outlines how space is produced and how that production privileges specific political-economic relations and actions. More broadly, Lefebvre maintains that space is produced as a collective result of other social practices and relationships, which mediate the outcomes.

Lefebvre argues that space is shaped by history, culture, and social practice,

including the uneven relationships of power that are ever present. Not all members of society participate equally in social production; rather, certain groups exhibit more power than others both in the creation of space and in the domination of it once it is established. Here, there is contestation – spaces are not neutrally given or passively taken away. Lefebvre presents how space is transformed in three different ways: absolute (or natural) space, to historical (differential) space, to modern abstract space. “Social space is a social product.... The space thus produced also serves as a tool of thought and of action.... In addition to being a means of production it is also a means of control, and hence of domination, of power” (Lefebvre 1991: 25). Here, Lefebvre suggests that the dominant class, via wealth generated from the ownership of the means of production, is also able to influence the organization of space, so it will serve their interests. Individuals with political and economic power are often able to influence urban development plans before they are presented to the public.

Groups that occupy different positions and places of power and privilege in society use space as a means of maintaining or reorganizing the status quo. In private groups, this can mean that space is directly used to produce or market goods. Spaces can also indirectly accommodate these needs by enforcing behaviors and dress codes – often not-so-subtly ensuring that those individuals accessing or utilizing a space have the capacity to spend money in nearby businesses. Today, most often those who are politically marginalized are also prevented from equally accessing or utilizing various spaces, such as those who are of a lower socioeconomic class, including the homeless, the physically disabled, and some people of color. Thus, the ability of people to access space and participate in the political process is related. While those with power influence the

production of space, other citizens play a vital role, often challenging specific plans that privilege special interests.

Georg Simmel (1997), a prominent German sociologist, argues that social and cultural domination is inextricably linked to power over space. Domination requires territorial control. Simmel proposes that as cities grow and production expands, an extensive division of labor is created, deepening forms of alienation. Within the acceleration of culture, associated with the modern world, he proposes that a cultural crisis emerges. Simmel (1997) explains that cities are increasingly organized to serve the interests of powerful classes and/or groups. He contends that public space can serve as an important realm to maintain social solidarity and important bonds, against the blasé conditions of modern culture. Nevertheless, this space is generally contested as the dominant class attempts to reorganize social life and space to serve its own interests.

Gan Golan (2012) writes that public spaces are – both metaphorically and literally – office spaces for the people. All other principal institutional stakeholders own or hold space, most often in the form of offices – buildings in which they not only congregate and socialize but also organize, work, and, often, assert political or economic power. In this way, offices fuse the physical and social aspects of space. In order for the public to participate, be it exerting power in the political, economic, sociocultural, or any other sphere of modern life, there must first be a clear spatial realm that is carved out for its unprohibited use. If public spaces truly functioned as metaphorical “offices” for citizens, they would facilitate healthy social interactions, political organizing, and the assertion of a nonprivate, citizen voice into various political spaces as previously addressed. This is how the public can assert power and make change, utilizing space in a way that both

Simmel and Lefebvre envisioned.

The Occupy Wall Street movement, which began in Zuccotti Park in September 2011, perfectly illustrated the fusion of physical and social uses of a public space. Referring specifically to Occupy, and agreeing with Lefebvre, Gregory Smithson (2012: 34) argues that public space is nonexistent without social elements: “Public space is the parks, sidewalks, malls, buses, subways, and plazas where we meet and interact with people we don’t know. But it is neither the places themselves nor the activities that go on within them. It’s both: Public space is the space where social conflicts are negotiated.” For Smithson, these spaces are both social and physical, but they provide a specific platform for the negotiation and resolution of social and cultural conflicts. The Occupy movement, using public space, raised critical questions about economic inequality. This issue became front page news, dominated the U.S. political sphere, and mobilized millions of citizens who demanded economic reform. Just like the Greek Agora, Smithson (2012) proposes that the sociocultural exchanges in these places – like Zuccotti Park – can be massively influential on broader culture and political activities. Thus, in his view, public spaces are vital.

Many urbanists believe that there has been a revitalization of interest in public spaces since the start of the twenty-first century (Bodnar, 2015). The occupation of Zuccotti Park in Lower Manhattan sparked global Occupy movements. People in hundreds of cities around the nation and world occupied public plazas and parks as a symbol of resistance to social and economic inequality and massive sums of wealth concentrated by global financial institutions and corporate powers. Similarly, the Arab Spring was aided not only by extensive social media use but by public spaces such as

Tahrir Square in Cairo, Egypt. In Ukraine, Independence Square in Kiev has marked a number of clashes between protestors and police forces in the past half-decade. While public spaces have been used consistently for demonstrations throughout recorded history, a renewed academic and public interest has certainly emerged in recent decades, as all eyes fall on some of the most powerful social movements seen yet in the new century (Bodnar 2015). As recently as January 21, 2017, over 1 million women marched through public streets in the United States alone, supported by an estimated 3 million solidarity marchers globally. At various recent Occupy, Black Lives Matter, and Women's March protests, "*Whose streets? Our streets!*" has reemerged as a rallying cry, echoing the sentiments roared by various movements for hundreds of years: when political representation and democratic institutions fail the average citizen, the public way gives a voice to the unheard.

Primary Agents in Contestation of Public Space

Urban/social geographers stress that public space provides agency to citizens. Essential features of democracy, such as civic engagement, political discourse, and protest, manifest on public streets where marchers demand improved working conditions and within city squares where neighbors criticize political candidates. Its contestation, then, most often occurs through attempts to reduce the agency of citizens, whether explicitly or covertly.

David Harvey (2010: 18) points out that urban areas emerged "through the geographical and social concentrations of a surplus product." Thus, urban space is intertwined with class divisions, unequal power, and conflict. This historic insight

suggests that public space has been contested for centuries. Over the last century in particular, there has been a rapid increase in private built environments, such as restaurants, shopping malls, and various other goods/service providers within cities, which has displaced and/or reorganized public spaces. Harvey (2008) indicates that the vast majority of “developments” are built, created, or funded for the purpose of private interests, such as creating additional space for production and/or sales, raising stockholder value, and increasing profits. Urban designers are employed to create spaces that serve the needs of particular clienteles – offering certain services and accommodations – often intensifying the privatization process (Smithsimon 2012). In many cases, these spaces are designed in a way that welcomes specific types of people who engage in accepted behaviors, while discouraging others from being present. This takes a variety of forms, including heightened security and removal of the homeless or “obscene” from squares, because as Day (1999: 157) notes, “retailers require sterility and cleanliness to attract customers to their chain stores, drawing in customers by evoking a sense of familiarity.” Thus, while the private sector has always been relevant in understanding the distinct differences between public and nonpublic spaces, it is perhaps more threatening to public space than ever. Similarly, the political movement to encourage developers to create spaces that were more open and usable – beginning in the mid-1970s – was strategically co-opted by private enterprise. In “A Stiff Clarifying Test Is in Order – Occupying and Negotiating Rights in a Public Space,” Smithsimon (2012: 38) describes the nature of these semipublic spaces: “The space was like a shopping mall, a design that conveniently seemed public enough to welcome well-heeled shoppers, but suggested to others that the space was private and they were not allowed.” In other

words, even formally or semipublic spaces can succumb to the pressures of the private sector. In this way, urban design and architectural theory can play a vital role in crafting spaces that are clearly public rather than meeting the needs of a business, despite private pressure (Nemeth 2009).

The process of slowly degrading the publicness of public spaces through privatization occurs in numerous ways. Salt Lake City's formal sale of the Main Street block is quite an anomaly; most often, the state does not formally sell or give away land to a private entity, but rather the private sector slowly creeps into public spaces (Kohn 2004). Because this happens over time in a piece-by-piece/gradual manner, it can stir up less chaos and public discontent. In her book, Kohn (2004) writes that the latter involves a gradual process of commodifying a space or planting more profit-based institutions in/around the space. When privatization occurs in this way, you frequently end up with something like a shopping mall.

Government regulation, though not always totally independent from privatization, also restricts the way public space is used. Rules – often imposed in a reactionary way – limit *when, how, and/or for what purpose* citizens can gather in their local park, plaza, or street. Government regulation has in some instances emerged in response to public perceptions of safety and terror. The 1996 ground-shaking explosions in Atlanta's Olympic Park, and similar incidents that have taken place at parks and plazas across the country, have shaped public opinion to view these spaces as places of anarchy (Mitchell 2003). Attacks on private buildings such as the Twin Towers in Lower Manhattan on September 11, 2001, influence public attitudes regarding the need for rules, regulations, and intense security in order to achieve domestic safety from foreign agents. Anthony

Vidler (2001) predicted this wave of skepticism of dense, publicly oriented urban centers following the 9/11 attacks. In a *New York Times* op-ed just 12 days after the Twin Towers collapsed, Vidler insists that Americans should avoid the trap of urbanphobia, noting that safety is driven principally by publicness in itself. Regardless, these notions of safety often lend support to “semi” or “quasi” public spaces, such as ones with explicit rules, security cameras, and other monitoring apparatuses.

The process of governmental regulation or privatization often occurs either without full consent from citizens or, at times, is strategically enacted quickly after a dramatic event, often as a means of capitalizing on fearful sentiments as outlined in the previous paragraph. Powerful individuals and groups influence the planning of space through their connections to decision-makers. Thus, the decisions made about how, when, in what capacity, and by whom a space can be used are rarely made with input from the public. Typically – though not always – ordinances and jurisdiction rights are enacted and enforced at the local level, by a body of either elected or unelected public officials (depending on the city/state in question). The decision-making process rarely engages the public until the ordinances are official, and are almost never left open to a formal voting process among citizens. The most democratic aspect of this process is, naturally, the fact that some of the officials making them were democratically elected.

The groups most vulnerable to erasure/removal from a space are rarely represented in local or state legislatures. As Doherty and colleagues (2006) note, homeless populations are at the highest risk of being prohibited from occupying or utilizing public spaces. The increased regulation of public space by governments “is disproportionately felt by homeless people, because of their reliance on public space for

conducting their day-to-day activities” (Doherty et al. 2006: 2). Electing a homeless person to political office is not just unlikely, but impossible. Required registration and identification to run for government is inaccessible to those without a permanent address. Other populations that are nationally underrepresented in every legislative capacity include those of low socio-economic status, LGBTQ+ populations, women, and people of color (Lawless and Fox 2012; Reflective Democracy Campaign 2014).

While the process of implementing regulatory legislation on a public space often takes place behind closed doors, it is also decided by political officials who are beholden to interests of powerful members of society: increasing funding at the municipal level, or contracting necessary surveillance to for-profit third-party vendors. In this way, regulatory bodies often pair with private entities to reinforce private interests. Jeffrey Hou (2012: 97) links this directly to the influence of money in politics in the United States, noting, “The root cause of diminishing public resources and the privatization of public space in our cities today is precisely the privatization of our political system, a deeper crisis that cannot be addressed by creating more public space alone or by making public space simply more inclusive and accessible.” Just as the democratic institutions that elect our public leaders have been co-opted by the private sector, so has public space itself, and this is done in large part through private financial interest seeping into public funds.

Often after planning decisions regarding the privatization of public space have been made, the agreed-upon proposal is made public to garner support and/or approval. When such plans are presented to citizens, private interests strategically frame projects, as if the larger public is going to benefit from privatization of space. In these instances, public

engagement is used to legitimize the decision, though often it involves either only a portion of the population or chooses to emphasize select aspects of the idea/proposal. This strategy generally involves de-emphasizing the less favorable parts of proposals. Chong and Druckman (2007: 104) suggest that “framing refers to the process by which people develop a particular conceptualization of an issue or reorient their thinking about an issue.” They discuss how this process can occur personally, but is also enacted at the political level. William Riker (1986) considers this type of framing to be one piece of broader political manipulation, known as “heresthetics.”

The initial framing of issues can dramatically influence public opinion. For example, if a public opinion poll about citizen acceptance of hate-group rallies is prefaced with a statement that emphasizes the protection of free speech, people tend to be less critical of groups such as the Ku Klux Klan. However, if the poll is prefaced with a statement focused on protecting citizens from violence, the public is more critical of such hate groups (Druckman 2001). Framing helps shape the way people understand an issue, altering the lens through which they see it. If regulators or decision-makers have a vested interest in achieving a specific political outcome, but hope to use democratic processes to legitimize it, appropriate framing of proposals is extremely important.

As Lefebvre, Simmel, and many others have noted, the process of privatization of public space changes who is represented in urban centers, involves power, and influences community dynamics. Next, I briefly introduce the context of my case study, which applies the works of these various urban/social geographers and theorists to a concrete example in Salt Lake City, Utah.

The Privatization of Public Space: Main Street Plaza

Salt Lake City's Main Street, like many others around the country and world, holds a certain prominence and centrality in the heart of downtown. At the northernmost intersection before Temple Square lies Main Street Plaza. In the spring of 1999, this part of Main Street was sold to the Church of Jesus Christ of Latter-Day Saints. This sale was commissioned by the Salt Lake City Council, and passed swimmingly in a vote of 5-2. Regarding pedestrian access and passage, the easement plainly grants one organization the right to determine how the space is used, in opposition to the possible interests of others. In other words, one group can determine how to utilize the space, while distributing materials, addressing large crowds, and erecting signs that promote their own ideological positions. The document continues, discussing in detail the explicit nature of this property as private: "The Property is and shall at all times remain the private property.... The use of the Property by the Public is and shall remain permissive" (ACLU 1999). The sale marked a rare transition between a publicly owned right-of-way and a privately owned plaza, one of very few in the entire country.

Today, the street is entirely converted from one that is publicly accessible and car-based to a private, gated, pedestrian area. The then-mayor and members of City Council claim this process occurred with heavy public involvement. In this study, I examine the process and the framing that was used in the public discussion of the project. Over the course of the nearly two decades since the property was sold, the privatization of this public space has had a number of consequences, related to who utilizes Main Street Plaza and how people behave in this area. The area, now known as Temple Square, functions as

a religious and tourist attraction in the heart of downtown Salt Lake City. The two following chapters will examine the process, framing, and contestation surrounding the sale of this property, as well as the implementation and consequences associated with its current state as private property.

Methodology and Data

In seeking to understand processes and effects related to the privatization of Main Street, I examined issues associated with who, what, when, where, how, and why. I employed a mixed-method approach, using a combination of historical analysis and participant observation. Historical analysis allowed me to examine the sale of a public street from Salt Lake City to a private entity, and to analyze how certain behaviors are deemed acceptable, while others are not, in this space. I focus on the process, framing of the plan, actors involved, and intentions between various parties, which are each at the heart of the contestation of Main Street. Participant observation provided a means to document how privatization affects who is uses the space and the behavior of people in Main Street Plaza.

Participant observation is defined as “the systematic description of events, behaviors, and artifacts in the social setting chosen for study” (Marshall and Rossman 1989: 79). This method allows researchers to learn about the people who they wish to study in a setting that is less forced, constricted, or unnatural than interviews and/or surveys (Marshall and Rossman 1989). By conducting this fieldwork, observers are able to use multiple senses as clues, noting what they hear *and* see. It is most commonly used in sociological and anthropological studies. Participant observation also allows

researchers to make note of nonverbal cues, such as facial expression, body language, dress, and general nonverbal behaviors. These details help a researcher understand a culture, event, or space. Schensul, Schensul, and LeCompte (1999: 91) propose that participant observation helps “the researcher get the feel for how things are organized and prioritized, how people interrelate, and what are the cultural parameters.” In their view, participant observation is most useful when preparing for ethnography. However, they note that there are additional scenarios in which participant observation can alone be a useful research method, such as in this case, where it can be used to observe specific consequences, such as who is present in a space, the actions of people, and the way other people responds to violations of acceptable behaviors.

Participant observation, as all qualitative methods do, leaves a gap between the way the observer sees and interprets behaviors, and the way those being observed carry themselves with their own set of intentions. Qualitative methods in general tend to leave more interpretation and judgment up to the observer. Babbie (1986) insists that qualitative methods are foundational to any and all research – according to *Observing Ourselves*, research becomes quantitative simply by being quantified, a process that occurs after the initial often qualitative accumulation of data. Without interviews or surveys, clarifying questions could not be asked to confirm my interpretation of the events and behaviors that took place. However, given the time observing people and their behaviors (nearly 200 hours total), I determined there are distinct groups of people who use the space and specific behaviors that are allowed/encouraged.

In the case of Main Street/Temple Square, participant observation is an appropriate method of collecting data to answer: What effect does the privatization of this

space have on behavior? Who visits and used the space? Also, how have the new regulations of public/private space been implemented? While interviews and surveys could have answered this question in their own ways, participant observation allowed me to remain anonymous, and passersby to act “naturally” – or as they would without obvious/noticeable observation and scrutiny. Thus, I observed people within Temple Square during the months of May-August (2016) and December-January (2016-2017), typically in intervals of two to four hours. I intentionally observed passersby in various points throughout the Square, situating myself at times in the southern corner on benches, around the fountains in the center, and at seating near the eastern entrance to the Square as well. About half of these hours were spent observing the people in the Square during “primetime” visitor hours – between the hours of 11AM and 5:30PM. Roughly one quarter of my time was spent observing between 8:30AM and 11AM, and the remaining one quarter was conducted after 5:30PM. I was also intentionally variable with the days on which I chose to observe; about 60 percent of the hours were spent observing during weekdays, while the remaining 40 percent of observation hours were conducted on weekends.

At first, as anticipated, the notes lacked direction. But after a few days, I quickly started to document trends. My primary goal was to determine who visited Main Street Plaza and to observe how people behaved in the space, noting their perceived comfort, if they altered their behaviors to accommodate the customs and/or regulations, and how people interacted with one another within the plaza. After a few weeks’ worth of observation sessions, a handful of themes emerged, and participants could be narrowed into a couple of categories: casual behaviors, restrictive behaviors, and conforming

behaviors. Essentially, the people who entered the space either seemed like comfortable regular visitors, changed their behaviors to accommodate rules and social norms, or left altogether.

The historical analysis component of the Main Street sale included accounts of the process itself from various observers, opposition, and stakeholders: city council minutes, notes from previous Mayors Deedee Corradini (1992-2000) and Rocky Anderson (2000-2008), First Unitarian Church documents regarding the ACLU-sponsored lawsuit they filed against the city, and a number of op-eds and journalistic accounts from the *Salt Lake Tribune* and *Deseret News*. Also examined are accounts of incidents that have occurred within Main Street Plaza that resulted in removal from grounds, warning, or similar punishments. This process reveals the continual contestation, which began to occur after a series of lawsuits unfolded and the space was formally declared as private.

CHAPTER 2

PRIVATIZATION OF MAIN STREET: PROCESS, FRAMING, AND IMPLEMENTATION

In downtown Salt Lake City, the northern section of Main Street links a massive transit hub, one of the city's premiere shopping destinations, and a prominent local religious site. Like other Main Streets situated centrally in cities across the country, it serves a variety of purposes and holds a certain prominence in Salt Lake's city center. Unlike other Main Streets, however, the one that leads up to Utah's Capitol Hill is set up in a unique way, and boasts a contentious history. Main Street, between the east-west running streets of North Temple and South Temple, was formally sold to the Church of Jesus Christ of Latter-day Saints (LDS Church) for \$8.1 million in the spring of 1999. The street previously offered the public multimode transit access and a means of moving from one part of the city to another. It was one of the major thoroughfares that allowed cars to travel up to Capitol Hill, the nation's state legislative area. As a result, the street represented a significant passageway for residents – aside from State Street – for Utahns to participate in marches and legislative sessions.

This section of the street, once sold to the LDS Church, was turned into a plaza, which linked the LDS Church's administrative operations block and Temple Square

(including the Tabernacle Choir building). Despite attracting a lot of attention at the time of the sale, the plan for the LDS Church to purchase a large section of land in the downtown area had been around for nearly a half of a century, according to the 1962 *Second Century Plan*. At that time, the LDS Church strongly advocated for an entire “Church Administration Block,” but this plan did not come to fruition until the Main Street Plaza talks in 1999.

The initially quiet discussions among the City Council were internally favorable, and the sale was commissioned, passing swimmingly in a vote of 5-2. Council members Joane Milner, Bryce Jolley, Roger Thompson, Carlton Christensen, and Keith Christensen voted in favor of the ordinance. Only Tom Rogan and Deeda Seed voted against the sale, though their testimonies in opposition were quite compelling, and will be addressed further later in the paper.

As aforementioned, the street held prominence in the downtown area, offering a public thoroughfare and holding a certain importance as a significant historical site. Thus, as the sale gained more publicity, noteworthy public outcry emerged at the potential loss of First Amendment rights if a primary street in the downtown area was privatized.

At the start of the discussion, the City Council adamantly emphasized the preservation of First Amendment rights and general comfort of all members of the public who enter the space, and maintained that it should essentially be treated the same way as other public parks in the city. In this way, the deal was touted as a win for both the city as well as the LDS Church. However, among the final agreement documents was an easement that outlined additional stipulations, failing to protect public civil liberties to the degree that many residents and free speech proponents had hoped. In the sub-section

titled “Pedestrian Access and Passage,” the easement stated:

Nothing in this easement is intended to permit any of the following enumerated or similar activities on the Property: loitering, assembling, partying, demonstrating, picketing, distributing literature, soliciting, begging, littering, consuming alcoholic beverages or using tobacco products, sunbathing, carrying firearms (except for police personnel), erecting signs or displays, using loudspeakers or other devices to project music, sound or spoken messages, engaging in any illegal, offensive, indecent, obscene, vulgar, lewd or disorderly speech, dress or conduct, or otherwise disturbing the peace. Grantee shall have the right to deny access to the Property.... The provisions of this section are intended to apply only to Grantor...and are not intended to limit or restrict Grantee’s use of the Property as owner thereof, including, without limitation, the distribution of literature, the erection of signs and displays by Grantee, and the projection of music and spoken messages by Grantee. (ACLU 1999)

The easement granted one organization the right to determine how the space is used, in opposition to the possible interests of others. In other words, the LDS Church could determine how to utilize the space, while distributing materials, addressing large crowds, and erecting signs that promote its own ideological positions. In detail, the remainder of the document discusses the explicitly private nature of the recently acquired property: “The Property is and shall at all times remain the private property.... The use of the Property by the Public is and shall remain permissive” (ACLU 1999). While certain behaviors are clearly prohibited based on this document, the LDS Church placed no such restrictions on its own behavior in the plaza.

Citizens who opposed the sale locally reiterated the overlap between church and state in Salt Lake City – security of the allegedly “still publicly accessible” property is now managed by its private ownership, the LDS Church, rather than by the Salt Lake City Police Department. As such, the sale of Main Street represented a growing divide between the majority religious community in Utah, and, simply, “everyone else.” Non-Mormon Christians, members of Eastern religions, and atheists alike expressed concern

over the already-powerful LDC Church acquiring such a large portion of space in the heart of downtown. Noting the dominant LDS presence in Utah politics, education, and culture, non-Mormon identifying Utahns were skeptical and concerned. Main Street Plaza represents a physical and philosophical manifestation of the ongoing relationship and cooperation between (one specific) church and state in Utah, and the public discomfort of many with such collusion.

Following the decision, the Utah chapter of the American Civil Liberties Union (ACLU) filed a number of lawsuits against Salt Lake City, arguing that the sale and its resulting restrictions violate First Amendment rights. November 1999 marked the first of several legal battles, this one representing the First Unitarian Church, Utahns for Fairness, and the Utah National Organization for Women. A U.S. District Judge dismissed all of the claims in January 2001, stating that the religious plaza did not violate rights of free speech, the establishment clause, or the Fourteenth Amendment. After an appeal and a few additional legal proceedings, on October 9, 2002, the Tenth Circuit Court reversed the previous District Court decision and declared the Main Street Plaza area a public forum. Following the 2002 ruling, First Amendment rights returned – albeit briefly – to the plaza. Protests and other demonstrations ensued, sparking what then-Mayor Rocky Anderson (who had inherited the Main Street privatization and continuing controversies) observed as a “sustained division” between religious and nonreligious communities, one that had even “reached to the point of hatred” (Winters 2009). Ultimately, Anderson and the City Council agreed to swap the public easement for a cash out and additional land owned by the LDS Church to build a community center on the west side of town. After a continually drawn-out legislative battle between the ACLU and

Salt Lake City Corporation, legal proceedings were ended for the foreseeable future in 2005, when the Tenth Circuit ruled that Main Street Plaza is no longer a public space, which dismissed any and all claims from the plaintiffs (ACLU 2005).

The Main Street Plaza controversy manifested locally in newspapers and popular culture, not just behind the doors of powerful courts. Between 2000 – 2002 the issue was highly topical and controversial within the state, resulting in another City Council vote on May 16, 2000. Politicians were outspoken in their support or opposition. In 2002, following the reversal of the District Court decision, then-Mayor of Salt Lake City, Rocky Anderson, had strong opinions on that matter: “What we’re seeing now is a manifestation of what should have been obvious from the very beginning.” “This block of Main Street never should have been conveyed to the LDS Church. It was a recipe for ongoing resentments between the LDS Church and those who are not members” (Winters 2009). Various op-eds were written in both the LDS-operated *Deseret News* and Salt Lake City’s largest newspaper, the *Salt Lake Tribune*. The difference between opinions and readership between the two papers was stark: *Deseret News* published an op-ed titled “My View: Openness, Not Secrecy, Characterized Sale of S.L. Block,” while the *Tribune*’s coverage of the closure of the street remained relatively open, and gave voice to Utah’s non-Mormon population. The issue gained so much notoriety that even the *New York Times* published an article on the topic: “Salt Lake City Journal; Plaza Division Goes Past Main Street.”

Amidst the ongoing dispute and publicity, in 2003, Salt Lake City’s City Council voted to vacate the original easement, this time in a 6 to 0 margin, with one abstention. Yet confusion about the legality of the plaza persisted, rightfully, given the confusing

back-and-forth legal battle that had consumed the site for half a decade. Following multiple controversial encounters on Main Street Plaza including a “kiss-in” demonstration to protest the citation of a gay couple for kissing on the premises, signs were quickly (less than two months after the incident) installed to verify the private nature of the site. Today, signs at the entrance of the now LDS Church-owned plaza read plainly: “Private Property. The Church reserves the right to refuse access to any person for any reason.”

The process of privatization was contentious, far from unanimous, and allowed participation from the public in a very specific way. In this, the contestation between those who advocated for public space and free speech and those in favor of an expanded church plaza site is in itself notable. This process – specifically, how the sale was conceived and conducted – highlights a way that a particular space was created, according to Henri Lefebvre. In other words, the shift between differentiated and abstract space, or, more simply, the struggle *itself* produces social space (Lefebvre 1991).

Upon analysis of historical documents – notes from City Council hearings and meetings, vote tallies from community boards in nearby neighborhoods, public comment hours – that tracked the sale, a few clear themes emerged in the way that privatization occurred. Namely, though the public was informed of many benefits of the potential street closure, very little emphasis was put on the ultimate goals of the LDS Church: a permanent place for the famous statue of Brigham Young, a linking of several important church buildings, and additional potential capital gain in the form of the expansion of a now-fully enclosed tourist attraction. This framing resulted in a number of important outcomes. Additionally, though some public hearings were held, opinions against the

ordinance of the sale seemed to have very little impact on the ordinance itself and the way the council voted on it. In this chapter, I outline and analyze the process of this sale, focusing on the way it was framed and how the public was allowed to participate in the discussion. I also assess the distinct goals related to the plaza (those that were presented, and those that manifested themselves in other ways) and the influence of the stakeholders who worked to privatize this space. For much of this analysis, I pay particular attention to the early stages of the decision, between 1999-2000. However, I will also consider several 2009 incidents that renewed the conversation of free speech and religious freedom within the plaza. Finally, in the next chapter, I present who spends time in the plaza and what specific behaviors are witnessed, providing insight into the way that certain behaviors are expected and even enforced within the Temple Square/Main Street Plaza area.

Framing and Goals of Plaza: Whose Interests Are Privileged?

As noted, the process through which space is created itself involves contestation, and often, representation is reserved for very specific groups with particular interests. Who is represented when discussing the creation of (or alteration to an existing) space can play a fundamental role in the way that space is ultimately shaped: whom it accommodates, what rules are implemented, and for what purposes it serves. These dynamics are vital to understanding the creation of space. In what follows, I highlight the framing, representation, and handling of public commentary. In the case of Main Street Plaza, there are clearly two distinct interests and groups.

Between late winter 1999 and spring 2000, the Planning Commission held two

public hearings regarding the sale of Main Street, as well as three meetings with the Greater Avenues Community Council and three with the Capitol Hill Community Council. These meetings will be referenced continually throughout the remainder of this chapter.

The LDS Church offered varying perspectives regarding their inspiration for the establishment of the block that would link administrative buildings and formalize a major ecclesiastical campus. Formally and publicly, it served as a revitalizing addition to Salt Lake City's relatively inactive downtown (First Unitarian 2002). Internally and many years following, the justification was simple: this plaza ultimately serves the main goal of the church, which was to spread the word of God (a justification explicitly similar to that given for the City Creek mega-mall built a decade later, mere yards away from Main Street Plaza) (First Unitarian 2002). The LDS Church invested significant resources in creating digital images and specific landscape architecture plans for the plaza. At meetings, these spaces were referred to explicitly as public ones, open to all residents of Salt Lake City. The reality, as outlined in the agreement itself, was not so simple.

In various documents, including easement details and early proposal notes, which highlight the logistics and benefits of the plaza, little indicates that the space will be used as a public feature. As previously noted, the easement contains significant restrictions on behavior of those entering the plaza, including elaborate codes forbidding certain types of dress, jewelry, tattoos, and general "indecentcy." Citizens could not mobilize, organize, distribute materials, or even ride their bikes. However, the benefits made to the church itself and the broader religious community by this expansion of LDS land ownership were quietly emphasized, both on paper and in disclosed meetings. While the public

primarily heard about the beauty and progressive urban design of the proposed plaza, very few citizens were made aware of the primary goals of the plaza itself. Nevertheless, a Salt Lake City City Council Staff Report from April 2, 1999, regarding the “Petition to Close Section of Main Street,” outlined these goals verbatim based on a report that a committee from the LDS Church prepared:

The new Main Street Plaza would provide an expanded gathering place for the traditional viewing of the Christmas Lighting on Temple Square, First Night festivities and other special events. Currently, the popular community Christmas Lighting event cannot accommodate all who wish to participate. The proposed plaza will create an anchor at the north end of the central business district, as well as provide a permanent home for the statue of Brigham Young. (ACLU 1999)

Following this excerpt, Russell Weeks, a public policy analyst for the City Council, left a note: “A question is: *Does the potential for creating a public plaza or park outweigh reasons for keeping a street open?*” (First Unitarian 2002). This question is particularly relevant given that even an internal member of city government refers to the LDS Church’s plans as a *public plaza or park*, in the same sentence in which he questions the need for openness. The goals outlined in the previous paragraph are not ones that accommodate all people in Salt Lake City – they serve a highly specific religious community of people who view the Christmas Lighting on Temple Square, who work in the church administrative buildings, and who frequent the Brigham Young statue. Despite closely examining the documents and noting all of the specific privatization measures the LDS Church would take, Weeks himself refers to the park/plaza as a public one. The church’s attempt to obscure the emphasis on privatization with an inaccurately deemed “public” park, one subject to dozens of rules that actual public parks are not, had worked. Even City Council members were referring to Main Street Plaza as a public place. This pattern manifested itself in other ways, too; during various internal meetings,

the plaza was regularly referred to as a public one. “This public plaza would add beauty and pedestrian space to the city,” a transcript of a City Council internal staff meeting noted (First Unitarian, 2002). If the City Council used this language to describe the plaza even outside of the public eye, it makes sense that this framing would continue as public meetings and forums began.

A Seat at the Table

The entire process of Main Street’s privatization occurred under the guise of public awareness and engagement, though the reality was not so simple. Mayor Deedee Corradini (2002), who held office during the time of the sale, characterized the passing of the ordinance as very open, noting in an op-ed for the *Deseret News* that “... accusations have been flying that it was done behind closed doors, that it was a secret deal... [N]one of this is true. It is time to set the record straight.” Despite the way elected officials and church leaders framed this, the process only included a handful of opportunities for public comment. In addition, the few public meetings presented the transfer of land as a public park, which influenced the discussions and questions. People who expressed dissenting opinions, or members of local community councils who asked pointed questions about the private nature of the site, were met with the legislative equivalent of apathetic head nods and shoulder shrugs. Ultimately, there were very few opportunities for public engagement with the issue, and the citizens who spoke to oppose the city ordinance were half-heartedly engaged.

Regarding the way urban spaces remain open to all, Jane Jacobs (1961: 238) writes, “Cities have the capability of providing something for everybody, only because,

and only when, they are created by everybody.” Jacobs’s vision not only emphasized diverse uses of public space, but specifically noted that the way to achieve this diversity and openness is through democratic processes in which those living in the city are not separated from those making decisions about it. In her op-ed, in 2002, the former Mayor Corradini reflected back on the process several years earlier, touting that “two community councils and several business organizations” were heavily included in the decision-making process (Corradini 2002). Corradini was honest in her testament, the City Council did in fact work with two neighborhood councils – two out of the total twenty-six neighborhood councils in Salt Lake City. The community councils included were those representing the Greater Avenues and Capitol Hill neighborhoods, which is to be expected, given their proximity to the site in question. Absent from conversations were nearby community councils including Poplar Grove, East Central, and others; however, closeness to the site of contestation should not necessarily have been the factor determining participation in the few public Main Street talks. The remaining twenty-four neighborhood councils were not approached for comment or opinion on the Main Street Plaza proposal, and this absence will be elaborated on in the following sections.

Salt Lake City’s population hovered around 170,000 in 1999, and has since inched slightly closer to 200,000. While many assume proximity plays the largest role in the use of public, semipublic, and private parks/outdoor plazas, these spaces – regardless of their designation – are used by locals, semilocals, and tourists alike. Given the centrality of the proposed Main Street Plaza, far more than the nearest neighborhoods would be affected. On its SLC.gov website, Liberty Park, another popular outdoor/public destination within city limits, boasts its reputation as “a favorite spot for thousands

throughout its existence,” and numerous times mentions that it remains a beloved open area for all Salt Lake City residents. If Main Street Plaza was to be a public pedestrian space and park, as it had been (perhaps falsely) framed as, it would certainly be a place where people living throughout Salt Lake City would visit – not simply nearby neighborhoods. If democratic place-making creates open, public, and diverse urban spaces, as Jane Jacobs suggests, perhaps accusers of Main Street talks remaining behind closed doors had a point.

Characteristically of such processes, those most likely to be excluded from the new park and pedestrian area were entirely left out of conversations and public input. Private and semiprivate spaces in Salt Lake City have a long history of excluding the local homeless population (which happens to be quite large, relative to the city’s overall population). Utah’s capitol is not alone in what scholars are increasingly referring to as the “criminalization of poverty,” which can be seen most clearly among the homeless: constantly forbidden or forcibly removed from various spaces, fined for loitering or begging (Amster 2008). As Don Mitchell (2003: 129) so aptly noted in *The Right to the City*, “*Only* in public space, for example, can the homeless represent themselves as a legitimate part of the public. Insofar as homeless people or other marginalized groups remain invisible to society, they fail to be counted as legitimate members of the polity.” Thus, it is crucial that the homeless population be an active one in conversations and plans that directly affect their living and gathering spaces, perhaps the only spaces that keep them in the minds of other members of society. Yet homeless populations are consistently forbidden from entering a variety of spaces, and they were certainly not welcomed – nor were their voices sought out or valued – in conversations regarding the

sale of a public street, one on which they could potentially lawfully sleep/congregate. Currently, as mentioned in the formal easement document and discussed in more detail in Chapter 3, homeless persons are formally excluded from the property.

Perhaps most importantly, when key pieces of the easement were removed (as discussed at greater length later), the decisions were made between attorneys of Salt Lake City and officials of the LDS Church. The specific decision to eliminate sections of the agreement that guaranteed First Amendment rights to all citizens who enter the park was, quite literally, made behind doors.

Definitions Matter: The Fight over Semantics of Regulations, Restrictions, and the Verbiage of Public Easements/Petitions

Amid much initial concern over church influence and privatization, the City Council and various public employees scrambled to offer a comparison between the proposed site and various other parks, reassuring citizens that in fact, the new area would function much like the other parks in the city that neighborhoods deeply appreciate. Specifically, public officials attempted to draw direct connections between local park rules and the ones regulating the Main Street Plaza site. This, combined with the council buying into the framing of the plaza as public, made the intentions of a supposedly unbiased political body clear. An important document, titled Figure 1.1 (found at the end of this chapter), circled around the City Council and planning commission comparing proposed rules to existing ones for parks.

Looking closely at this document, it is clear that in essence, the regulations between Main Street Plaza were quite comparable to rules at, say, Liberty Park or

Sugarhouse Park in other parts of the city. However, there are a handful of exceptions on this list that do not have a comparable public park regulation; namely, loitering, partying, playing loud music, or “illegal, offensive, indecent, obscene, vulgar, or disorderly speech or conduct.” For those instances, the author – an unidentified “internal staff document writer” from the City Council – went to great lengths to attempt to find a connection between proposed and existing rules. Some were quite a stretch. To compare “Loudspeakers or other devices to project music or spoken messages,” to “Disturbing the peace,” is reaching – and if one entered any public park in Salt Lake City, it is highly likely they would witness someone loudly projecting music over speakers, or at the least engaging in what could possibly be deemed as “offensive, indecent, obscene, vulgar” behaviors. Regardless, it is clear that public officials recognized concern over the privatization and implementation of church-based rules on formerly public property. In various ways, they attempted to subdue this concern, including pushing back against the church on some of its more harsh or subjective rules.

On April 2, 1999, just days before the final public meeting regarding the sale, Russell Weeks – then public policy analyst for the Salt Lake City City Council – sent an e-mail to Bill Wright and Lynn Pace regarding the “Reservation of Public Easement for Main Street.” In the e-mail, Weeks expressed concern over much of the language the original easement used to define how, when, and by whom the new Main Street Plaza could be accessed and used. There was also an air of concern over some changes that were not clarified in the original agreement. After noting the “Pedestrian Access and Passage” section, Weeks writes:

The entire thing has been sold to the public as a plaza in which to linger. The way this reads the City is granting the easement as a way through the block. Also, the last clause of the first sentence allows bicycles only if they are walked across the property. As I read all the material involving the plaza – it again was sold – in part – as a passage for bicycles. The first time a cyclist is stopped and told to dismount and walk, I think will create a problem. It is the church's call not to build an unobtrusive bicycle path, but I never saw anything in the transmitted matter that said they wanted cyclists to walk on the easement. (First Unitarian 2002)

Weeks acknowledging inconsistencies between the recent agreement and original talks sheds light on the fact that public officials and decision-makers within the city *did* note concerns over free speech violations and privatization. Public contestation caused concerns about the framing of the project, and the City Council responded by attempting to navigate the specific language, ideally, deescalating the conflict. Later, Weeks offered similar concern for other language used in the document, specifically that which restricts loitering, sunbathing, and particular forms of dress:

I suggest dropping the words “loitering,” “sunbathing,” “lewd or disorderly dress,” and “proselytizing activities by Grantee’s missionaries.” “Loitering” is hardly enforced in the City. It also goes to the issue of the public easement and plaza being a place to linger or a place to move through. Using the word suggests that Temple Square security will determine who is loitering and who merely is lingering. “Sunbathing” connotes someone spread out on a blanket in a state of semi-undress. However, who determines that someone catching rays by the new pool is sunbathing or lingering in a pleasant spot? Again, the plaza was sold as a place for everyone to enjoy. I think that includes people who want a few moments in the sun. “Lewd or disorderly dress.” Given current dress standards, how is one to decide what is lewd or disorderly, and again, who determines what is lewd and disorderly, and, again, who determines what is lewd and disorderly. My guess is a guy in a thong swimming suit or a topless woman would meet nearly everyone’s criteria. But what about a City resident or tourist – male or female – wearing only cutoffs and a t’ shirt. Would they get thrown off the plaza they are passing through or lingering in? What about any teenage male wearing today’s style of clothing? Would church security make the aesthetic decision? (First Unitarian 2002)

This interaction not only shows that Weeks anticipated contestation and resistance over these rules, but also that wording and verbiage make a large difference when determining public policy. Weeks is also, in some sense, acknowledging what theorists of

urban space have been highlighting for decades: the subjectivity of rules that outline spaces, and the preference of private owners to prioritize commercial or financial concerns rather than social ones. Margaret Kohn (2004), in *Brave New Neighborhoods: The Privatization of Public Space*, notes that this is at least partially the origin of the exceptional threats posed to diversity, inclusiveness, and democracy by private spaces. A specific, private group maintains interest in achieving their own goals, and is unlikely to concern itself with social endeavors such as keeping a space welcome to people of various religious backgrounds or the homeless.

Though Weeks is making clear suggestions over adjustments he believes should be made to the document, in part simply to quell public concerns, the final easement is entirely at the discretion of the private party, meaning the LDS Church would not just decide what sort of behavior is limited or permitted, but also how to define various types of highly subjective behavior. In fact, most of what is outlined in this easement is equally explicit and uncertain, both clearly forbidding certain types of performance and leaving other types entirely up to the interpretation of the private property owners and security forces. In this way, true power over space lies in the hands of those who define certain words, such as indecency or loitering, as much as those who enforce the rules that have been implemented. Ultimately, Weeks's suggestions had little to no impact on the final documents, which maintained the vast majority of the original text it proposed. Public outcry did cause some City Council members to reconsider the wording in the public document, but it did not open up the process for further consideration or block the sell of the land. The final petition document ultimately removed key text that required the plaza to accommodate all passersby in the same way that a public park would. Weeks's

suggestions were not only ignored; the petition actually became even clearer in its private nature.

On April 5, 1999, between the first and second major public hearing held that year, a Salt Lake City attorney met with the LDS Church, who refused to budge on their need to control activities within the grounds, despite Weeks's recommendations. At this point, the city drafted language to accommodate the LDS Church's needs. However, when the same attorney gave a memo to the City Council with the draft of the public easement, they noted that it was "consistent with the concept approved by the Planning Commission." The concept that the Planning Commission had envisioned was, of course, that the plaza be treated like a public park (ACLU 2017).

Citizens continued to speak up, many skeptical of the church's ability to regulate a space without infringing on free speech or using religious biases. On April 13, 1999, one of two major public hearings (open to all residents of Salt Lake City, separate and different than neighborhood hearings) regarding the sale of the Main Street block, many citizens in succession rose to speak. All echoed sentiments regarding the importance of separation of church and state. A man kicked off the evening with a harsh criticism of traffic patterns and the way free speech would be handled within the space. He ended quite bluntly:

And my other concern is taking a public street and turning it into what amounts to be a religious theme park, okay. And I know for a fact that the Mormon Church, you know, they select who goes in and who doesn't there, and that – and often that doesn't include the entire public. And that's one of my concerns, that you have one special interest group that has control over what was formerly a tax paid, fully accessible, public property. (First Unitarian 2002)

Other citizens expressed equal concern regarding free speech and separation of church and state.

One of the questions I asked during the Planning Commission was would a person who had Dennis Rodman hair be invited and welcomed into this park and they said yes, would a person who had a t-shirt on that said Life Sucks, would they be invited into this park and feel welcome, they said yes.... Yet, when we look at the actual language of the easements, each of these is restricted. The actual language says there can be no assemblage, there can be no partying, yet there already is a provision in here that says they cannot disturb the peace. There can be no use of tobacco, be no sunbathing, there can be no offensive, indecent, obscene, vulgar or lewd speech, dress or conduct. This doesn't sound like a public space to me, it sounds like an annex to Temple Square. Thank you. (First Unitarian 2002)

These couple of comments are similar to many others, in which residents throughout Salt Lake City expressed fear that “privately owned public space” would quickly come to simply mean “private.” At this same meeting, not a single member representing the City – no one from the City Council, Planning Commission, nor the mayor herself – mentioned the fact that Condition 15 was removed from the easement: “that there be no restrictions on the use of this space that are more restrictive than is currently permitted at a public park” (ACLU 2017). This had been dropped to accommodate the LDS Church’s request. However, in the middle of the public comment period, a Planning Commission citizen-member vaguely indicated to the audience that the petition they were discussing today was not the same text as the original petition. Finally, when the council members were asked to state their opinions a mere 90 minutes later, Tom Rogan, one of the two council members who voted in opposition, noted that “concerning the findings of fact, they were not full truths, and those who were proposing findings of fact were giving the appearance of collaboration” (Salt Lake City Recorder’s Office 1999).

Despite many concerns expressed by citizens about the sale, and the explicit statement of misinformation and inaccuracies by a member of the council, the presentation of the petition to close Main Street and develop a plaza was selectively

framed in a way that was misleading the public. It failed to properly inform them of both substantial changes to the document and the clear power that the LDS Church was wielding in these conversations.

Indirect Support, Selective Opposition

From the beginning of the process until the vote was conducted, in nearly all public meetings, op-eds in favor, and statements made by the LDS Church regarding the issue, local neighborhood vote counts (resulting in favor) were touted by proponents of the street to show solidarity and support among the community. These votes were referred to frequently to emphasize the democratic nature of the process (disregarding the fact that Salt Lake City as a whole would be affected and citizens throughout the community have stake in the issue, not just those who live in nearby neighborhoods). The two districts that neighbor Main Street most closely, Capitol Hill and the Greater Avenues, held numerous meetings and a final vote to determine how constituents felt about the privatization of the public roadway and development of the religious plaza. Reflecting on these meetings, attendees of both The Greater Avenues Community Council and Capitol Hill Community Council described the issue as “relatively unresolved” and “very controversial” (First Unitarian 2002). The final vote tallies from The Greater Avenues and Capitol Hill communities, though touted simply as “resulting in favor of the plaza,” were 105-104 and 27-25, respectively (First Unitarian 2002). Both ultimately voted in favor of the sale, yet with a very close margin. Needless to say, among the only 2 of 26 registered neighborhood councils that held formal votes and discussions, the issue was highly contentious.

In the vast majority of the public hearings, those who spoke in favor of the sale indicated support not for privatization itself, but rather for the development of a public plaza, the reduction in car-dominated road space, and the aesthetic of beautiful, pedestrian-oriented urban design. Continually, citizens used the same language to describe their reasons for supporting the project, selecting words such as “beautiful” and “quiet.” On February 4, 1999, at the first of two major public hearings, one woman noted that she “loves to take children to places that are like pedestrian plazas in other cities,” because they are just so “gorgeous” and “safe” (First Unitarian 2002). Another local citizen even described his recent trip to Europe when reflecting on why he believed the proposed plaza would be an asset to the Salt Lake City community:

When I first heard of the proposal I thought that it made sense. A recent trip abroad has convinced me even more that we need this kind of thing.... And my basic reasoning behind this is we have an enormous connection and love affair or dependence upon roads and cars. And as I visited London recently and saw what a larger city has done over time as it has gotten larger and saw the streets that have been closed off and the public areas that have been made, the plazas, the pedestrian friendly and family friendly areas, I became convinced that we’re going to have to face this issue more and more over time. (First Unitarian 2002)

Overwhelmingly, as emphasized in this citizen’s comment, supporters sought intelligent, beautiful, and pedestrian-friendly urban design. Commenters continually described the plaza in the way they would describe the addition of any public park. Others who spoke in favor at the same meeting noted that they were confident the plaza would not affect traffic patterns. One citizen noted that Main Street is “not a convenient way to move around downtown anyway,” and ended his comment with expressing support, since traffic would likely be unaffected in the downtown blocks.

Yet another, smaller group of citizens agreed on the need for a pedestrian-based plaza downtown, but wondered if the space could be public, or created in a joint

resolution that combined public and private interests rather than giving private interests the upper hand. This proposition emerged independently at various public hearings and meetings. One commenter inquired about this, but a City Council member quickly assured him that such a plan was not feasible. A record of a February 4, 1999 Planning Commission Meeting noted a summary of such comments.

Ms. Barrows stated that she feels very strongly about public places. Across the country and across the world there are great communities that are created and sustained by public areas. Some have religious organizations that work in partnerships, some are actually part of a religious organization, some are part of civic organizations. Most of them tend to be supported by the municipal government or the state. Ms. Barrows then stated that she would like to have this proposal be a public/private partnership because there is so much in this community that does not portray that “this is for everyone.”
(First Unitarian 2002)

In this case, a blunt response of what the space is intended for met the commenter’s statement. Mr. Snelgrove, a representative for the project development team, noted that one of the central questions of the entire conversation about the closure of Main Street is simply: who benefits? The notes taken by City Council members show Mr. Snelgrove had a clear opinion on this matter: “He feels that one clear purpose is an ecclesiastical one for the benefit of The Church of Jesus Christ of Latter-day Saints.” Shortly following Mr. Snelgrove’s clarification of who would gain from the implementation of the plaza, another concerned citizen stood at the same public hearing. He adamantly stated opposition to the project, saying that he “feels that this proposal has the appearance that The Church of Jesus Christ of Latter-day Saints wants to further dominate downtown Salt Lake City.” As anticipated, the opposition to a religious-dominated site was based, in large part, on religious domination.

Yet the emphasis on public space continued, at various times and in many

different meetings. At the Greater Avenues Community Council, as aforementioned, one of the seven major points they gave to the Salt Lake City Planning Commission read: “6. If a public plaza is built, it MUST include a perpetual public use in the easement” (Salt Lake City Recorder’s Office 1999). On numerous other occasions, citizens not only expressed their concern, but specifically requested a study to explore the cost and logistics of entering a partnership with the LDS Church in creating the plaza, rather than selling the street altogether. Craig, another concerned citizen, raised to stand later at the meeting on February 4. “At the last meeting at least I asked that maybe we explore the option of the City developing the property. The planning staff indicated they would come back with a study of that option and a recommendation. Has the planning staff done that?” (First Unitarian 2002).

The planning staff had not conducted the study. Despite various inquiries about the cost of such a project, the City Council did not investigate the potential for a semiprivate or public-partnered pedestrian plaza development on the site. The citizen’s response reflected growing agitation with the lack of consideration by the council of the potential for a public park:

Unless the city really studies what the cost would be how can the city say that, you know, that they don’t have the funds for it. I mean, until you’ve looked at the private/public partnership the city may well be able to develop that parcel of property and entered into a public/private partnership with the LDS church to maintain it, uh, really because the city owns the property doesn’t mean that the church isn’t taking benefit by having its visitors use that space and wouldn’t be willing to participate without city on the maintenance of the property.... Well, I think the LDS church has stated what they are proposing here and it’s not for there to be a public park on the property that they would maintain. (First Unitarian 2002)

Other comments echoed the concern about the City Council’s failure to explore the option of a public or semipublic plaza option on the site. One that was perhaps most

telling is a comment made by a citizen at the last public hearing regarding the sale of the Main Street block, held on April 13, 1999. Like many others, this man noticed no willingness to budge on the details of how the plaza was to be created. In one short and simple comment, the unidentified man explained his problem with the illusion of public input, despite no visible changes being made to the agreement: “Hi, I live at D Street. And my problem with this proposal is that there really was no compromise, and that is — I have sat through probably the better part of nineteen presentations, and I’ve always heard the same thing, and very seldom have I heard any compromise or even flexibility as far as this design goes” (First Unitarian 2002). Others reiterated his sentiment:

My name is Cindy Kromer.... I am disappointed in the response regarding the planning commission’s request from the last hearing about the City doing this project, being basically the message you have gotten back is we do not know what it would cost, but we can’t afford it. Um, I don’t think you are going to get an answer unless you vote “no” or you say we are not going to decide until we get an answer, that’s what I think. Um, the Church has the way it wants to do this project all mapped out and it has no interest in compromising and uh, you are the body that at the moment has the leverage to create some compromise. (First Unitarian 2002)

When she finished, a man immediately rose to comment, and echoed Cindy’s statement, ending on a harsh and dissatisfied note: “And in all deference and respect to the LDS Church spokesman, I honestly believe that our community was really the butt end of this decision that’s already as far as I’m concerned been made to sell” (First Unitarian 2002).

Yet despite numerous requests for an exploration of a private-public partnership on the plaza, other studies regarding the closure of Main Street were commissioned by the City Council, including several extensive explorations of the consequences on local

traffic. Both the representatives of the LDS Church and the City Council itself emphasized those opposing the sale as a group of citizens concerned almost entirely about the shift in traffic patterns. Specifically, they looked at the Capitol Hill and Greater Avenues neighborhoods' continued concern for an increased concentration of cars on what are usually mildly calm, quiet, and family-oriented neighborhoods. In response to the continued pressure put on the council to better plan for the traffic impact, members of UDOT, members of the LDS Church planning committee, and neighborhood representatives created a task force to predict and minimize the consequences of the closing of a street on local traffic (First Unitarian 2002). By continually placing emphasis on traffic patterns and the money the buyer had spent commissioning various traffic impact studies to be conducted, both the church and public officials shifted emphasis away from issues of privatization and free speech and onto car routes and noise complaints. The latter was, naturally, far more manageable. This emphasis not only showed diligence on the part of the buyer by conducting studies and promising to appropriately handle the issues presented by members of the public, but also shifted the conversation away from First Amendment right concerns and requests for a truly public plaza instead. These efforts also indicated how favorable the City Councils – those supposed to be hearing both parties fairly and equally – were to the efforts of the church. Indeed, they firmly supported this sale and stood strongly next to LDS Church efforts to ignore those fearful of loss of public space.

A total of 17 citizens stood up to speak in favor of the sale at the final meeting on April 13, 1999. Twenty-one spoke in opposition to it. Similar to the way the Avenues Community Council and Capitol Hill Council meetings, the issue was divisive and

unresolved. Including the citizens who expressed support or opposition for the street closure but did not formally stand up to make a comment, the final count of favor/opposed came to 24-24. Yet the final Salt Lake City Council vote of 5-2 did not indicate that such a contentious and lively debate had occurred among citizens.

The Power of the Purchase

David Harvey extensively discusses the relation of financial power and space in his book, *The Urban Experience*. In a chapter titled “Money, Time, Space, and the City,” he writes, “Where the land market is dominated by money power, the democracy of money takes charge” (Harvey 1989: 177). This sentiment describes the circumstances under which the LDS Church acquired the Main Street block remarkably well: by asserting political and economic power.

Not all of this power was exerted at once. But this conflict over Main Street reflects an ongoing relationship between Salt Lake City and the LDS Church. In defense of the project, elected officials and pundits frequently cited the amount of money that the LDS Church had generously invested both in the plaza itself and on various city-supporting endeavors (Corradini 2002; First Unitarian 2002). A *Deseret News* article flexed the church’s philanthropic muscles, noting a number of projects the LDS Church had assisted the city with over the years preceding and just following the sale: partially financing a redevelopment project just north of City Hall that led to increased value of property and new office development in downtown, over a half-a-million dollar donation to assist in funding a study on potential light-rail expansion, leasing out nearly 10 acres of land for the small price of \$1 a year beneath the Salt Palace and Symphony Hall,

envisioning and developing various parks (including City Creek and Brigham Young), sponsoring housing projects that led to the construction of other apartment complexes on what were once ugly and undeveloped parking lots, and last, but not least, the beautiful water fountain near the Conference Center (Corradini 2002). A variety of scholars discuss the political and economic influence that the LDS Church wields within Salt Lake City and the entire state of Utah (Ashton 1990; Croft 1985; Gilchrist 1965). Regardless of the social, cultural, and historical factors that have contributed to this interesting power dynamic, the LDS Church's capital gave the institution considerable credibility, as it allowed the church to not only pay a large sum of money for the property, but to continually offer financial support to the city on a variety of projects. And, as Harvey (1989) noted, this financial power ultimately wields power over space and land rights.

These generous funds do not include the estimated \$20 million in construction fees of the plaza, plus an average of \$200,000 annually on operational fees such as maintenance and security (First Unitarian 2002). The figures could impress even the most extravagant of urban designers. The LDS Church's pricey endeavor and clear willingness to continually invest money in it felt safe and elaborate; in other words, the community could remain comforted by the wealthy institution's ability to manage the property in a way that was satisfactory, perhaps a way that could not have been achieved using partial or exclusively public funds. When the final vote was conducted on April 13, 1999, council member Keith Christensen even assured those who opposed the ordinance in the audience that the LDS Church was "a proven care taker of real-estate," (Salt Lake City Recorder's Office 1999). Alternatively, those who favored a public version of the plaza, or opposed the development altogether, lacked comparable capital. This meant that

despite being able to muster legal opposition through the ACLU, anti-Main Street sale activists could not fund an alternative campaign, hire urban designers to create beautiful images of alternative designs, or conduct outreach to potentially adversely affected communities. They also could not gather the cash to fund a study exploring the option of developing a public plaza (how it would be financed, how the church would be involved, what form the urban design could take), as many of the citizens expressed an interest in during the public hearings. The consequences of capital as a determining factor of land ownership are many, but Harvey (1989: 178) notes how this system is pervasive, leaving a lasting impact on the social dynamic of the space itself:

The land market sorts spaces to functions on the basis of land price and does so only on etch clear class and social distinctions into the social spaces of the city. The response is for each and every stratum in society to use whatever powers of domination it can command (money, political influence, even violence) to try to seal itself off (or seal off others judged undesirable) in fragments of space within which processes of reproduction of social distinctions can be jealously protected.

According to Harvey, the discrimination occurring on the property, as elaborately outlined within the easement itself – against the homeless, those of varying sexual identities, and anyone the church has deemed “obscene” or “vulgar” – is logical, given that the land was acquired by a group legitimized by the amount of money they spent on the project itself, but also supporting the city in various other capacities. Urban space is simply another way for private interests to manifest: the powerful purchase more and exert their rules on the less powerful as such. In a way, this sale speaks more broadly to the manner in which money and power have seeped into the entire democratic process. As Hou (2012: 97) writes, “The privatization of public space in North American cities today is only a small part of a much more entrenched political and institutional crisis – the privatization of our democracy through unequal taxation, institutional loopholes, and

overpowering financial influence.” While the first example is not necessarily within the scope of this project, the latter two – particularly the last example – ring true to the nature of the sale of Main Street to the LDS Church. Through substantial capital, a private group acquired a long public space, and the opposition (underfunded, less organized, and made up predominantly of citizens without private interest or gain) could not prevent the sale.

Church Document	City Park Regulations (mentioned)
Loitering	Not mentioned (people go to the park to loiter)
Assembling	15.08.190 Unauthorized assembly (except provisions of Chapter 3.50) Not allowed
Partying	***Disturbing the peace????
Demonstrating	15.08.190 Unauthorized assembly (except provisions of Chapter 3.50) Not allowed
Picketing	15.08.190 Unauthorized assembly (except provisions of Chapter 3.50) Not allowed
Distributing literature	15.08.040 Advertising material distribution (no handbills, circulars, etc...) Not allowed
Soliciting	15.08.060 Business activities – must have permission from mayor Not allowed 15.08.170 Selling merchandise Not allowed
Begging	***Panhandling????
Littering	15.08.130 Littering Not allowed
No signs or displays	15.08.040 Advertising material distribution (no handbills, circulars, etc...) Not allowed
Loudspeakers or other devices to project music or spoken messages	Nuisance ord. or Disturbing the peace??????
Not engage in: illegal, offensive, indecent, obscene, vulgar, or disorderly speech or conduct	***Disturbing the peace????
Deny access to disorderly or intoxicated persons	15.08.180 Swimming and wading Not allowed 15.08.150 Injuring or destroying property Not allowed
No alcohol	15.08.050 Beer and alcoholic beverages Not allowed

Figure 1.1, City Council Comparative List of Regulations (First Unitarian, 2002).

CHAPTER 3

SOCIAL BEHAVIOR REGULATION AND ONGOING DISPUTES

Following the vote to fully privatize in 2003, the contestation of the space continued for many years, but took new forms. Given a failed attempt to use the court system to challenge the legal status of the Main Street Plaza, most activists – including First Unitarian, the church that had partnered with the ACLU to take the City Council to court – shifted their priorities. As this property was sold and transferred, a particular group’s interests were privileged in the process. It is logical – if not expected – then, that in the following decades, the space would not be open and inviting. Rather, the plaza would welcome specific types of people and behaviors. In the following years, contestation occurred most notably through a “kiss-in,” the result of the mistreatment of a gay couple on the plaza grounds. Today, there are real ramifications regarding who is present, who feels comfortable, and how the space is used.

In addition to an analysis of the 2009 incident and following “kiss-in” protests, this chapter includes an in-depth assessment of the participant observation that I conducted on the plaza site over the course of many months in 2016. While the original contestation over privatization represented issues of representation and framing, the ongoing disputes of the years that followed indicated that the space was specifically

constructed to invite certain types of people, far from what a public park – like the one the church represented in its original presentations – would accomplish. Jane Jacobs (1961) and Don Mitchell (2003) both extensively wrote about the risks posed by increasing spaces that are semiprivate or fully private, those that accommodate certain types of people and not others. Indeed, both believed that the very social fabric of cities depended on maintaining diversity and representing a wide array of interests (Jacobs 1961; Mitchell 2003). In the case of Main Street Plaza, while the “kiss-in” incidents provide evidence of formal regulatory processes within the space, the remaining data of participant observation indicates evidence of informal, socially based behavioral regulation. In other words, Main Street Plaza maintains various levels of monitor and control, some direct and operated by the LDS Church itself, others indirect and developed through social cues, norms, and constructs.

While most of the behavior noted in my participant observation was socially/informally regulated, it is likely these social norms emerged from real, tangible rules about how people could or could not use the space. The easement explained, in detail, what was allowed and what was not:

loitering, assembling, partying, demonstrating, picketing, distributing literature, soliciting, begging, littering, consuming alcoholic beverages or using tobacco products, sunbathing, carrying firearms (except for police personnel), erecting signs or displays, using loudspeakers or other devices to project music, sound or spoken messages, engaging in any illegal, offensive, indecent, obscene, vulgar, lewd or disorderly speech, dress or conduct, or otherwise disturbing the peace. (First Unitarian, 2002)

Some of the forbidden behaviors were explicit, such as playing music or engaging in protest, while others were quite open to interpretation (offensive, indecent, obscene, vulgar, lewd, or disorderly). These rules have significantly shaped behavior in the plaza,

regulating it formally, as seen in the case of the “kiss-in,” as well as informally, through the establishment of social norms.

Regulating Main Street Plaza: First Amendment

Rights and “Kiss-Ins”

In the summer of 2009, many years following the legal battles and official sale/privatization of Main Street Plaza, questions of religious freedom and free speech were once again raised. Matt Aune and his partner, Derek Jones, were strolling through the plaza on July 9 when they were given a citation for trespassing. The couple was approached after they held hands and shared a kiss, and an altercation with on-site security guards ensued. According to the LDS Church, the two young men were engaging in “inappropriate, profane, and argumentative behavior.” Aune and Jones believe otherwise: from their perspective, this was a direct result of discrimination based on sexual orientation. In an interview with the *Salt Lake Tribune* shortly following the incident, Aune added, “We weren’t doing anything inappropriate or illegal, or anything most people would consider inappropriate for any other couple” (Whitehurst 2009). The two men were handcuffed, issued citations, and ultimately escorted from the premises.

Following an open-records request with Salt Lake City, a handful of local news sources obtained footage of the incident from security cameras installed within the plaza. The footage portrayed truth from both sides of the incident – the guards violently shove the two men to the ground, preceded only by finger pointing and clearly angry body language from the couple themselves. The footage, however, failed to show the main point of controversy: the kiss itself. The only documentation released by the church from

security cameras was of everything following the allegedly inappropriate behavior, and began after the couple was already confronted by guards.

Attempting to avoid additional negative publicity, the church both avoided public comment on the incident and refused to ever release all footage from their records. In response to the incident, a “kiss-in” was staged on July 19 by local LGBTQ+ and religious freedom activists. The *Salt Lake Tribune* wrote in its coverage of the incident that “no legal action could be taken” by public officials or former mayor Rocky Anderson, who inherited the Main Street dilemma when elected in 2000, since Main Street was then owned in every capacity by the LDS Church. In other words, First Amendment contention is “history.” Yet when over 100 local protesters and activists showed up and participated in the “kiss-in” event, an alternative narrative was exposed: regardless of ownership, the area’s long history as a public space meant it was still contentious. According to Lefebvre (1991), this “lived” experience of space, on the grassroots level through protest and demonstration, proved that all space is inherently socially constructed.

Amidst other smaller scandals on the site, the 2009 “kiss-in” was the pinnacle of ongoing contestation over Main Street Plaza. The hundreds who came to stand in solidarity with the ticketed couple did so by strategically using the contested site as a platform for their message and concerns. Protest can be particularly effective when the movement is brought to the doorstep of the issue at hand. Though comparable in neither scale nor scope, Occupy Wall Street was originally intended to set up camp at One Chase Manhattan Plaza, now known as 28 Liberty Street. This choice was strategic – One Chase Manhattan Plaza was the site of banking giant JPMorgan Chase’s headquarters, just north

of Wall Street. Despite ultimately setting up camp at Zuccotti due to the regulatory burden of One Chase Manhattan (the police fenced the entire park off on the day of the anticipated protest), the proximity to JPMorgan Chase was calculated. The bank had been at the heart of the 2008 financial crisis and ensuing scandals, and Occupy hoped to bring their demands of economic and social justice front and center, to the doorsteps of those who they considered to be primarily responsible. Like Occupy, the “kiss-in” used space boldly and strategically, enabling citizens as active participants in spatial contestation over the site.

In addition, the citations given to the couple raise additional questions about security and the legitimization of surveillance and intense-monitoring security setups in privately owned public spaces. While a majority of Americans do strongly prioritize real and perceived safety concerns when outside the home (Talen 2008), new urbanist theory indicates that hundreds of cameras and guards on stand-by is not necessarily the most effective way to create a crime-free environment. In *The Death and Life of Great American Cities*, Jane Jacobs (1961) highlights that true safety often comes from the “eyes on the street” method. In her view, the more citizens who pass through a space regularly and feel a sense of attachment to it, the more likely bystanders are to fulfill a security role that emphasizes community rather than domination (a feeling sometimes created by patrollers or private security). Jacobs again refers to her neighborhood of Greenwich Village to show a case study for successful and informal neighborhood security. While the “kiss-in” incident publicly represented itself as a pro-free speech, pro-equality, and pro-religious freedom protest, it ultimately raised questions of the way similar outdoor spaces were monitored and “kept safe.” In one of the last interviews

conducted with the couple at the heart of the controversy, they complicated the safety narrative, by asking for whom was Main Street Plaza safe: heterosexual couples? (Whitehurst 2009).

Behavior Patterns: What Do the Rules Change?

Rules, language, ownership, and power dynamics regarding outdoor semipublic spaces can play a substantial role in the way the space is used and by whom it is accessed. The way documents are written, signs are constructed, and means through which a specific entity maintains its power over the space can directly impact the behaviors that are allowed and those that are forbidden. Timothy Weaver (2014) describes this phenomenon of regulated behavior as just one part of what he has coined the “new enclosures,” which he gives four varying dimensions. Though sometimes overlapping, the four dimensions include: enclosures for profit, enclosures of behavior, enclosures of communities, and enclosure of the public realm. For centuries, enclosures have enforced the division or curtailing of public space into various privately owned properties, most often at the expense of the working class and in favor of the elite. However, enclosures tend to be thought of exclusively as physically defined, or literally fenced-in, spaces. While this understanding of the enclosure movement does apply to the new Main Street Plaza, which boasts towering walls with gated entryways, what Weaver describes is less tangible, but equally important. Rather than full protection under the law, which already-oppressed populations experience in public (and some other private) spaces, these essential freedoms are *conditional at best* in privatized settings, even privately owned public spaces (Weaver 2014). The example of Main Street Plaza could

fit into several of Weaver's categories: those for profit, those of behavior, and those of the public realm.

Increasingly, spaces in modern society are heavily regulated, typically with the goal of upholding a certain status quo. Whether this is a result of shrinking public funds to support public parks and spaces, the general neoliberal shift towards privatization of all previously understood "public goods," or the privatization of our political sphere, various scholars note the trend of privatization and its effect of ramping up regulations on public spaces (Langstraat and van Melik 2013; Law 2002; Minton 2009; Németh and Schmidt 2011). As Gan Golan (2012: 72) notes in his provocative essay "The Office of the People," "More and more, these stories are neither created by us nor open to our revision. Their goal is to narrowly channel our behaviors into a fixed set of allowable activities." Dozens of theorists of urban space have discussed the burden of social or behavioral regulations, and the damage such rules can do to spaces – most notably, those that are privately owned, but marketed as public (Kohn 2004; Nemeth 2011; Staeheli and Mitchell 2008). In essence, these "new enclosures," as Weaver (2014) described them, can considerably alter the social fabric of urban areas that are most successful when open, diverse, and multi-use (Jacobs 1961). The question, then, arises: how did the privatization of Main Street Plaza affect the behaviors of local citizens and visiting tourists entering the newly private space?

As alluded to in the first chapter, much of the research conducted for this project was done through participant observation at the Main Street Plaza site itself. Over several months and hundreds of hours spent observing people within the space, most of the behaviors exhibited within Main Street Plaza could be divided into three basic categories:

casual, restrictive, or conforming. These can be defined simply as people who appear to be behaving in a “natural” way that is common or comfortable to them, those who visibly change their behaviors upon entering the space, and those who change their behaviors due to social cues from other people within Main Street Plaza. Of course, not all people fit into each of those categories perfectly, nor was there complete unity among behaviors within the categories. However, these distinctions emerged as a result of the observation – within the first few weeks of spending time on the plaza, it became clear that the behaviors could be identified based on a handful of criteria, described in more detail in each subsection.

While measuring behavior is a complex and highly subjective process, there is a precedent for using participant observation to understand if members of the public feel comfortable or appropriate in a given space; indeed, participant observation was among the most popular methodologies exercised by new urbanists and urban ecologists, from Jane Jacobs, to Kevin Lynch, to William Whyte. In addition, many scholars have conducted analyses of behavior in public or privately owned public spaces that use other methods to measure publicness; perhaps most notably in recent years, Jeremy Nemeth (2011) created a framework for analyzing a combination of use/users, management practices, and ownership to determine levels of openness and truly public behavior in privately owned public spaces versus purely public ones. His conclusion affirmed the hypothesis that in private spaces, those wielding power are those who own it, and to uphold a status quo, a greater number of regulations are imposed (Nemeth 2011). This is particularly relevant to the behaviors that I will discuss in the remainder of the chapter. Main Street Plaza, overseen and owned by the LDS Church, has naturally become a space

in which certain people and behaviors are more welcome than others.

Casual Behaviors

Most of the people who were observed within Main Street Plaza – roughly 90 percent of those observed – appeared to be behaving in the same ways that they would behave in any other space. In other words, they were both following the rules of the plaza and seemingly behaving in a way that is natural to them, which could suggest the rules established in this plaza are similar to the rules they follow culturally/socially in other spaces they enter in their day-to-day lives, as discussed in more depth later in the chapter. Not only did most people observed in the plaza exhibit casual behaviors, most exhibited the *exact same behaviors*. People spoke relatively quietly, few sat down to picnic or eat food in any capacity, and most dressed conservatively. Despite a large number of children who entered the space – many people, more broadly, came as families – none appeared to be playing games, tagging each other, skipping, playing with toys, none of it. The children were very well-behaved; their mannerisms and discipline reminded me of how I myself was required to act on Sunday mornings at church as a young girl. Thus, in the case of children, casual behavior in Main Street Plaza did not involve playing, as so many parks, plazas, and open spaces do for young people. On the contrary, kids were behaving casually if they were quiet, calm, and very close to their parents.

Overall, the behaviors were so uniform, in fact, that I quickly began to notice an absence of diversity: perhaps some nonheterosexual couples, but none exhibiting any behavior that would indicate they were together. There was no music, no skateboards, no children running around. The plaza was missing many commonplace behaviors of a park,

as anticipated. In addition to the odd level of uniformity among behaviors, most of the people in the space *looked* remarkably similar, too: white, conservatively dressed, and generally following the standards that one would follow at a local religious gathering. These data can be interpreted in a variety of ways, and could be the result of a number of features of the space. There is nothing inherently wrong with these specific, frequent, and repetitive behaviors. One can imagine, however, the way Jane Jacobs might respond to the notion of a public space that solely welcomes certain types of people: with contempt.

Given the ecclesiastical nature of the park, it is likely that a large percentage of citizens who pass through the plaza identify as members of the LDS Church. This perhaps seems like an obvious or unnecessary point, but is quite relevant to the very fabric of the conversation regarding public and private space. Private or privately owned public spaces, as outlined in Chapter 1, function largely to meet the needs of a specific group. In the case of Main Street Plaza, the dialogue among government officials, church leaders, and constituents emphasized the openness of the place despite privatized ownership. Yet Main Street Plaza is organized in a way that invites people who participate in the religion and activities of the LDS Church, such as witnessing the Christmas Tree Lighting Ceremony, viewing of the Brigham Young statue, or attending a wedding/similar ceremony within the plaza. This is unsurprising, given the ownership and management of the space.

Additionally, many of the people who entered the plaza and spent time within it are tourists. This is based both on observed details – shopping bags, use of maps, various other languages spoken – and previously conducted estimates that note the space as a frequently trafficked tourist site. Main Street Plaza/Temple Square consistently rank as

the most-visited tourist attraction in Utah, even above famously beautiful national parks such as Zion, Bryce Canyon, and Arches. Given the obviously religious nature of the site, tourists likely anticipate certain expected behaviors and thus prepare accordingly for them. Therefore, they too fall into the *casual behavior* category.

A necessary question emerges, then: what are the implications of a plaza that primarily serves members of a specific religious community, tourists, and those who are culturally accustomed to behaviors expected in said plaza? Even if the rules are not strictly enforced – though we have reason to believe they are enforced, based on the experience of the couple that was forcibly removed for engaging in typical relationship behavior – the space is more inviting to, and thus, representative of, certain groups than others.

Conforming Behaviors

Some visitors – more commonly occurring than restrictive behaviors, but less frequent than casual behaviors – were observed to be consciously shifting their behaviors as they entered the plaza. This type of behavior was observed under 10 percent of the time. In other words, some people who entered the plaza were behaving in a way that they quickly identified as unacceptable or inappropriate, and rather than leaving, they accommodated the standard of the plaza and changed. This was most often in the form of altering their clothing (typically applying an additional layer to cover themselves), removing themselves from their bike/scooter/skateboard/roller blades, and/or lowering their voice.

Particularly in July and August, the balmiest part of Utah's already desert-dry

summer, most conforming behaviors consisted of changing one's code of dress as a person entered the space. These changes were largely made by women, though some men opted to cover themselves up as well. This trend could indicate a significantly gendered discrepancy among the standards held between men and women. Given that there is already a social standard of dress in Utah and the United States, the women observed entering the park were not anywhere near nudity, fully covering all of the parts of their bodies that are expressly prohibited from exposure in public places in the state. Rather, they were wearing tank tops, smaller skirts/shorts, or "tube tops" (shirts without straps, lacking any shoulder or arm coverage). In most instances, the women went through their bags or backpacks to find an additional layer of clothing in order to cover themselves up. Though speculative, behavior was rarely the result of temperature changes during the summer months. During the hours of research observation, the temperature was often over 90 degrees, in direct or indirect sunlight, and very dry. Thus, it is difficult to imagine the women suddenly entered the space and felt colder, needing to layer up to find additional warmth in the middle of summertime. It is more likely, however, that the women in the space responded to social norms and religious pressures. The looks that suggested conformity from others in the space were shockingly obvious; adults did not hesitate to direct their attention to those wearing smaller/more revealing clothes. Sometimes, their gaze lingered, and other times they simply turned their head dismissively. The social cues were clear – conforming behaviors typically immediately followed.

In one specific instance, a young, tattooed woman, man, and presumably their child meandered through the various buildings and attraction sites on the plaza. It was a

92 degree Friday afternoon, and about 10 minutes after they entered the park, the woman retrieved a sweater from her backpack to put on. The family, like virtually every other person in the plaza, was visibly sweating from being blasted by the summer sun and relentless heat. This was one of the first of many instances where I began to pick up on women covering adding additional warm layers of clothing nonsensically, despite the intense temperature. I looked around the rest of the plaza, confused at her behavior.

A wedding party was gathering near one of the large fountain areas, preparing for photographs. I had noticed them earlier, and smiled at the celebratory nature of the group – a lively clump of family and friends trailed behind the smitten bride and groom. Yet upon more close inspection, I noticed that most of the heads in the party were facing the unassuming couple and the child with them. They were not staring kindly, but rather speaking to each other and – if it is a possible thing – pointing without using their hands to do so. Whether or not the woman was attempting to cover her bare shoulders or cover her many tattoos that traced from her upper back to her forearm by adding the sweater is unclear. At this point, however, I began to more closely examine the people who altered their dress code within the plaza – particularly in the hottest months, where many would like to be as free as possible of sticky cotton or itchy long sleeves.

Another commonplace behavior was the shift of commuters passing through the space – those on bicycle, roller skates or blades, skateboards, and even scooters – to remove themselves from their manual vehicles and walk slowly through the park. This happened throughout every time of day, month, and season of the year. Given that the original easement allowed for bicycles to pass through, it seems many still believe the plaza is accessible by bike, and signs did not adequately indicate otherwise.

A handful of visitors entered the park believing it to be – like most parks – a place where they could play music, either on a speaker device or with their own small, relatively undistruptive instruments (typically ukulele, guitar). In this study’s observation hours, none of the musicians or music-players were scolded by guards or removed from the property, but rather quickly noticed that their behavior was unwelcome in the space. Many received uncomfortable glances from bystanders, long eye contact from women who ran the local tours, or similar informal social regulatory pressures from other people. In other words, a theme among the observed conforming behaviors was that though none were seen to be literally enforced by security, visitors of the plaza quickly noticed their actions or mannerisms to be unwanted or inappropriate by the other visitors. Notable sociologist Emile Durkheim (1982) identified these norms as “social facts,” which develop in pockets of society, ultimately spreading throughout the whole of that particular society and eventually even becoming internalized by its members. In this way, individual actors become agents of broader social trends. On the plaza, this meant that bystanders began to enforce certain trends of the space, typically by directing a firm gaze at a dissenter or intentionally moving as far away from the dissenter as possible. Durkheim’s (1982) work is relevant when examining how deviance and social norms are developed. Though “social facts” exist outside of individual’s own personal experiences, they are ultimately internalized.

Restrictive Behaviors

Finally, another form of behavior observed within Main Street Plaza was restrictive. In these instances, participants were observed consciously eliminating a

specific behavior (rather than shifting it to another, similar one) or leaving the premises altogether to accommodate expectations within the plaza. Typically, participants did so visibly, after noticing the expectations and/or social norms within the plaza once they have entered. This differed only slightly from conforming behaviors. A frequent example was those leaving the park once they realized they could not ride their bike, skateboard, or listen to music loudly there, rather than slightly altering their plans and either getting off their bike to walk, holding their skateboard, or turning their music down. Another frequent characteristic of those leaving the space was that they dressed noticeably differently than the rest of the visitors of the plaza. These behaviors were very rare, but extremely noticeable. They occurred less than 1 percent of the time.

The first time I witnessed people enter the plaza and very quickly leave was again, in summertime, and again, the folks were heavily tattooed. The woman sported a green Mohawk while the man who accompanied her had his hair neatly dreadlocked behind him. Both wore all black. Various chains hung from their belt loops.

They walked over towards the nearest bed of flowers, talking, laughing, and acting quite similar to the average couple I had witnessed entering the plaza. Once at the stone flower bed wall, they took a seat, turning their heads around to take in the view of the square.

Slowly, other people gathering near the flowers – taking photos, sitting, taking a drink of water – left the area. Within 5 minutes, almost every gathering group near the area had walked away. Before they arrived, families were comfortably spending 10, 20, even 30 minutes lingering in what happened to be one of the central spaces of the plaza. Some families made their reason for exiting quite obvious, holding a gaze at the couple

for many seconds after they stood up, or place their hand on the small of a child's back, as if to protect the young person from the people who wore all black and displayed tattoos unabashedly.

There were, naturally, the people who entered the plaza and quickly turned around, either uninterested or expecting something quite different from what they saw. In my note-taking, I attempted to distinguish a difference between those times – voluntary departure from the space – and the ones that felt more malicious, pressured, and deliberate. This instance was a clear example of the latter. In the case of the tattooed couple, they exited the space after visibly taking note of the reactions other people had toward them.

Of the many hours spent in the plaza, only a handful of visitors were observed leaving the plaza or fully restricting their behaviors. In nearly every instance, the person visibly “did not belong” – their appearance or mannerisms were radically different than everyone else in the space. This often dealt with dress code, though not always in a strictly sexually inappropriate sense. Rather than simply wearing too few layers or exposing too much skin, a number of the citizens who exhibited restrictive behaviors were just dressed *differently*; for example, several of these types wore all black with chains, maintained a unique haircut (a Mohawk, partially shaved, or dyed in non-traditional colors), visible non-ear piercings, or a number of tattoos. Those who were dressed inappropriately in a way that was fixable – i.e., by adding layers or covering up some of their exposed skin – addressed the problem and tended to stay in the space, whereas other “inappropriate” dressers (or rather, those who felt inappropriate based on particular social norms) left altogether. Additionally, a handful of people observed

exhibiting restrictive behaviors were smoking cigarettes.

Implications of Participant Observation

These three patterns are indicative of three broad implications of the Main Street Plaza site. As observed and predicted, most visitors who enter the space exhibit casual behaviors. This does not necessarily mean that the park is conducive to all types of behaviors and mannerisms, however. A more likely explanation is that the plaza is more inviting to certain types of people than others. The implications of a space that appears and puts on a façade of publicness are many; and if as Lance Jay Brown (2012: 237) notes, “Philosophy, commerce, industry, politics, beliefs, mythology, religion, science, ritual: the entire universe of human interaction occurs in the consciously or casually created public spaces of human civilization,” then the development and practice of human culture itself is threatened by the exclusion of various groups from a space.

As Jacobs (1961) and dozens of other scholars have noted, public or semipublic spaces most successfully shape culture and cultivate democracy when they are diverse ones, used by people of different socioeconomic status, gender, race, religion, and interest (Benhabib 1996; Habermas 1984; Miller 2007). In Jacobs’s famous description of her local neighborhood of Greenwich Village in New York, she highlights the multi-use nature of the neighborhood’s streets, blocks, and parks. Of course, comparisons of Salt Lake City are not entirely fair, given that the local Utah population is far less diverse as far as race and religion. A significant portion of Salt Lake City’s population identifies as Mormon, and an even greater percentage is white. However, Jacobs’s point rings true, and resonates deeply: the image of the park with a few mothers reading, some children

riding bikes, a small group playing music, others barbequing, and various groups passing through throughout the day speaks to the outdoor space that many of us envision when we presume it to be a public one. Beyond the cultural and social implications of a successfully diverse space, true democratic engagement requires a certain degree of unpredictability in and of itself, as Don Mitchell (2003: 130) argues. This small amount of disorder and chaos can only emerge in a relatively unregulated space, one that is open to all sorts of different people. In a slightly abstract way, unregulated public spaces represent a central location that connects members of various communities (especially when neighborhoods are often divided by class or race/ethnicity). In the same way that the Agora allowed for a healthy and unfettered exchange of ideas between people of all classes, Don Mitchell (2003) is noting that in modern day, unregulated spaces of chaos are still as critical for democracy.

When conforming or restrictive behaviors were witnessed, they were typically behaviors that *are* allowed in public parks – listening to music, riding bikes or scooters, wearing tank tops with more skin exposure. This is where observation separates from speculation; though speculation and assumption-making are inevitably a small piece of participant observation in any case study, the behaviors that they appeared to be stopping or altering were ones heavily documented as commonplace in public parks (Jacobs 1961; Whyte 1980). Thus, many people entered the plaza space imagining it to be treated as one that is public, but immediately felt uncomfortable with how their behaviors would be accepted by other visitors of the plaza and changed them accordingly.

Depending on the interpretation of the researcher, some people may have noted the casual behaviors as a *positive* thing, implying that many (if not the vast majority of)

folks felt highly comfortable in the space. Indeed, the goal of many urban designers and planners is to create spaces that are inclusive and comforting, where citizens can be themselves. However, when examining these data, one must resist the urge to classify casual behaviors as indicative of an open and accepting space, but rather note that the vast majority of passersby who behaved casually were acting the *same*. The behaviors were both casual and uniform, indicating a spatial or regulatory preference for specific people, rather than the broad public. In this lies the concern over whether or not spaces like Main Street Plaza are open and inclusive. This is a common conclusion drawn when assessing the publicness of a privately owned public space, or a privately owned space that appears to be public. In his study of publicness of various parks, Jeremy Nemeth (2011: 16) concluded that there was a:

“significant difference between the scores, with privately owned spaces scoring lower than publicly owned spaces. According to the index scale, a lower score indicates a greater degree of control (i.e. the space contains more features that control rather than encourage use).... Thus we conclude that, on balance, the privately owned public spaces we examined are more controlled or behaviorally restrictive than publicly owned spaces.”

While this study took place in New York, the features of control noted in the study are remarkably similar to those of Main Street: specific regulations on social behaviors, inclusive of some social groups but not others, and more intensely monitored in the form of many street cameras and patrolling guards.

Under circumstances with more time available, conducting interviews could have provided helpful insight to confirm assumptions made about behavior patterns within Main Street Plaza. In visitors’ own words, interviews could have allowed those whose behavior was being observed to clarify their actions, describe the way that they interacted with the space and how they felt in it. Additionally, comparing the behaviors of those at

Main Street Plaza to those at a nearby public park in Salt Lake City – such as Liberty Park, Sugarhouse Park, or even smaller ones such as the 11th Avenue Park that borders the foothills – would have provided additional insight on what makes *these* behaviors unique. However, given the time and resource constraints of the study, and the length and depth of participant observation hours conducted, these generalizations are telling of broad behavior patterns and the implications of a public space being privatized into a “public façade,” or, private space that regulates social behaviors and enforces specific rules beyond that of a typical public park. Additionally, the view of a successful park being one that contains many different types of people, using the space for a variety of purposes, at various times throughout the day and week, is widely accepted among scholars of urban design and ecology. Jacobs (1961) attributed this concept of multi-use space and diversity as one of the most influential factors in driving a park’s success. Main Street Plaza, in contrast to the utopic view offered by Jacobs of a park that serves a diverse range of people and interests, specifically meets the needs of the LDS Church. Within the plaza grounds, certain behaviors – such as intimacy between same-sex couples – are either formally regulated with signs and restrictions, or are socially enforced through a culture that favors members of the LDS Church or visitors who dress in accordance with church code.

CHAPTER 4

CONCLUSION

On a balmy day in late August 2016, a family of four, surely tourists, wandered around the grounds of Temple Square. The parents, an unassuming olive-skinned mother and father dressed modestly despite the 102 degree mid-afternoon sun, combed their fingers through the hair of their children, nudging them towards various attractions and stopping to read the signs beneath each aloud. Their accents were not obvious; they were likely American, just very clearly not from around here.

The family wove around fountains and flowerbeds, the children running their hands through bushes and wiping sweat off of glistening foreheads. My position was stable, something I had committed to when I began my participant observation a few months earlier. I had spent several hours at a time in one place on the grounds, specifically within the section of the ecclesiastical park that was once Main Street. Yet the conversation I happened to overhear from the family made me inclined to move so that I could continue to hear how they explained a messy topic to their children.

“Why didn’t aunt Susan and aunt Kathy want to come with us to the church, mommy?” At first, the topic seemed inconspicuous, not unlike many others I had heard

within the boundaries of Main Street Plaza – about family. The parents made eye contact, using facial expressions alone to silently fight over who would take this one.

Finally, the mother spoke. “Well, aunt Susan and Kathy were hungry and wanted to get an early start on lunch.” Her partner glared with wide eyes, and she shrugged under pressure. “But we just ate breakfast,” the young boy retorted, clearly unsatisfied after noting gaps in his mother’s explanation. The parents continued to silently scramble to navigate a clearly complex and uneasy conversation. The brother looked over to his sister, who quickly chimed in with her own opinion on the matter.

“I heard aunt Kathy tell daddy that she doesn’t want to come to places where she can’t hold hands with aunt Susan,” the young girl skipped matter-of-factly, unaware of the implications of the statement. The boy, even younger, looked up, proud that he could contribute something of substance to the conversation. “Yeah, aunt Susan loves aunt Kathy and she’s a girl and she’s a girl and they’re married together.”

To these children, like many others, two women holding hands or maintaining a relationship did not seem odd at all or worthy of questioning, but both had noted that their aunt’s behaviors impacted their ability to enter the space. At this point, the family drifted out of earshot from my bench, continuing to explore the tourist attractions and navigate a difficult conversation among young, naïve, and happy-go-lucky kids. I was unable to hear how the chat ended, but it did not really matter. The pieces were clear: aunt Susan and aunt Kathy were partners, and they were actively avoiding this portion of what was likely a family vacation because they felt uncomfortable in a space that did not accept their sexual preferences. Whether or not this was because of knowledge of the infamous “kiss-in” several years earlier or similar spatial regulations, or rather broader

assumptions about the LDS Church, the lesbian couple was impacted. They likely explicitly avoided entering Main Street Plaza because of this stigma.

In this specific instance, I was able to overhear enough of a conversation to piece together the narrative and context behind it (though, admittedly, the only way to confirm all details would have been through an interview). The example beautifully articulates the concerning results of hours, days, and months of participant observations: that those people who are not present remain invisible, and the space is misrepresented as open and inclusive.

Though I am specifically emphasizing the relationship of the regulated Main Street Plaza and nonheterosexual communities in the previous chapter and in this example, this group represents only one of many that feels inhibited and oppressed in their ability to access this privately owned public space. And while many conversations I overheard on the grounds reflected similar sentiments, it was not only the participant observations that showed how the space is contested. Both during the process of privatization and for many years following (surely still continuing to this day), the public has played a major role in contesting the space.

Contested from the Start

In a myriad of ways, the Main Street Plaza implementation and resulting behavioral regulations beautifully represent an ongoing trend of privatization of public space, both in the citizen-based spatial contestation, as Lefebvre (1991) noted, and in the wide range of social implications that emerge when a space is reserved for certain groups and not others, which Jane Jacobs discussed extensively (1961). The decision-making

process associated with the sale of Main Street Plaza was not at all public. The desire by the LDS Church to control this street long predated the actual purchase. As early as the beginning of the twentieth century, leaders of the LDS Church introduced the foundational stages of plans to convert a street-portion of the downtown area to accommodate visitors to Temple Square, link church administration buildings, and beautify the church campus. Though it was not introduced into a formal proposal until the end of the 1900s, the church dominated the conversation, despite the Salt Lake City City Council and members of Salt Lake City's Planning Commission maintaining that the decision would be made with appropriate consideration given to the opinions of all relevant interest groups, perspectives, and members of the local community.

The favorable status granted to the LDS Church in the Main Street Plaza talks manifested itself in a variety of ways. From its inception, the proposal was framed as a public entity, beneficial to all members of the community. However, in documents circulated among City Council and between church representatives, the intentions related to this plaza were clear: the Brigham Young statue needs a permanent space, the Christmas Lighting must be able to accommodate a growing number of predominately Mormon-viewers, and the church's administration buildings need connecting in the form of a safe, vehicle-free zone. In other words, this space was to be organized and dominated by LDS Church interests. Nevertheless, public meetings were held emphasizing the aesthetic beauty that the plaza would bring to the city, ways in which it would revitalize a broken and collapsing downtown area, and how it could ultimately reduce car use by providing a safe-haven for pedestrians. There was a clear, concerted effort to frame the transfer as being in the best interest of the larger public.

Though no one necessarily disagreed with the need to limit cars or beautify Salt Lake City's downtown, the benefits were misguided and selective depending on the audience. In addition to incorrectly framing the project, public officials went to great lengths to ease the concerns of citizens about the differences between rules regulating Main Street Plaza and other major parks throughout the city. Soon, public officials and decision-makers became clear advocates for the project, strategically advising church officials to change formal verbiage of the agreements. Noting that the church's security could still maintain and enforce these rules, Russell Weeks, public policy analyst for the City Council, noted that there was no point to "arouse" people even further over the issue by using such language. Ultimately, the LDS Church demanded that certain criteria, such as the same degree of openness as a public park, be removed from the petition. When the public meeting occurred to discuss the issue following this significant change, no City Council members mentioned the major difference.

The upper hand given to the LDS Church became increasingly apparent as the process went on: despite a continual emphasis on the need for public space in the city, the City Council refused to pursue a study that would examine the cost of a plaza that was owned at least partially by the city, retaining some semblance of a public space. They did, however, conduct various studies in conjunction with Utah Department of Transportation, in order to determine how traffic flows in local neighborhoods would be affected. Thus, fears related to increasing traffic became the center point of what public officials and church leaders determined as the "opposition;" they gave it adequate attention and assured concerned citizens that adjustments could be made to ensure that side streets were kept safe, quiet, and family-friendly.

Amidst the emphasis on transportation patterns, a number of citizens repeatedly expressed concern over the private nature of the park: the rules that would govern it differently, the lack of voice the public had been given in the discussion, and the power that the already-prominent LDS Church would be exerting over the rest of the city. Those who spoke in favor of the plaza emphasized the urban design element of decreasing the number of cars within city limits, but few advocated for a private version of the park.

Public concern regarding free speech violations and the openness of the plaza led to a series of back-and-forth legal battles. Eventually, the space (despite the initial easement guaranteeing park-like usage) was defined as a private one. The contestation, here, began to shift.

Perhaps most importantly, those most at risk of expulsion from the proposed plaza were largely absent from the conversations, and when local citizens became concerned with the church's power on the issue, their financial support and philanthropy were touted as evidence that Main Street Plaza was in fact a good idea for the city. The LDS Church's long history of supporting public initiatives with a heavy financial backing became a highlight of proponents', including public officials', advocacy in favor of the project. The opponents, who lacked even a fraction of the funds that the church had accumulated over nearly two centuries, failed to demonstrate any similar economic advantage. As a result, the plaza now primarily accommodates a specific type of person, as well as a certain type of behavior: those deemed appropriate and welcome by Mormon standards (quiet, conservative, modestly dressed, nondisruptive, well kept). Those who happened to enter the space who did not fit the above criteria tended to not linger for long. The space is, thus, regulated at various levels: first, through formal rules and guards/surveillance that

forcibly removed a gay couple from the grounds, and second, more insidiously, via social norms that produce specific behavioral outcomes and use cues to indicate that certain types are not welcome.

One Piece of a Long History

Despite a strong culture surrounding the use of public parks, streets, sidewalks, and public institutions such as libraries, public space has been consistently contested between private interests, governmental regulations, and citizens for centuries. Don Mitchell (2014) aptly notes the interesting contradiction between the way The Supreme Court views public space (used since “time immemorial” for “communicating between citizens” and “discussing public questions” [*Hague v. CIO* 1939]) and the way public spaces are practically and tangibly utilized in U.S. society. In *The Right to the City*, Mitchell (2014: 130) writes, “But, as we have also seen, just *how* and *where* people are to meet, under what conditions they are to do so, and what they are able to discuss are all themselves points of struggle.” Despite a strong legal basis for protection in the United States’ highest court, public space is continually contested at a local level, as regulations and privatization limit the actual publicness of it.

Salt Lake City’s Main Street Plaza is, in many ways, simply a local manifestation of a much broader, national problem: a once-public space was privatized, yet citizens engaged in the democratic processes in attempt to reject rules that were influenced by a private entity (here, a religious institution). In other words, citizens contested the Main Street Plaza both before and after its establishment, in the same way that citizens act as primary agents of contestation across the country. The democratic process varied for

different types of dissenters; for some, it involved an act of civil disobedience by defying heteronormative standards of plaza grounds, and for others, it meant regularly attending public meetings to ask unapologetic questions about what the sale of a public piece of land meant for the freedom of local residents to an already powerful church. Some groups even took the issue all the way to court, such as the First Unitarian Church, in conjunction with the American Civil Liberties Union of Utah. The legal battles continued for years, all the way until 2005. Despite an ultimate loss for First Unitarian and the ACLU, the court dilemma forced the City Council and LDS Church to publicly identify the plaza as private.

The Future of Public Space in Salt Lake City

As noted throughout the chapter, Main Street Plaza represents but a single incident of many similar fights for public space across the nation and globe. Locally, the sale of Main Street represented a major moment in a continual privatization of space in Utah by the LDS Church. Rather quickly, space owned by the LDS Church has seeped outside the bounds of just Main Street Plaza and Temple Square to surrounding streets and public spaces. The City Creek Center, a massive semioutdoor mall also owned by the LDS Church, now dominates the 100 S and 200 S block of Main Street. Rules for the mall indicate that it is intended to serve “first-class” families, and it is easy to imagine similarly restrictive rules and behavior patterns existing in City Creek as in Main Street Plaza (which also has a visible sign indicating that it is private property). Most recently, the town of Manti sold a portion of 100 East Street to the LDS Church. Little evidence indicates that the acquisition of streets and space in Utah (and specifically Salt Lake City)

by the LDS Church will slow or reverse in the coming years.

It is vital to recognize that this process is not inevitable. While many urban spaces succumb to privatization and threaten openness and democracy itself in the process, groups like the American Civil Liberties Union and local organizations are still fighting to protect publicness and oppose privatization. Still, modern places like Palmer's Square in Chicago, and ancient hubs such as the Agora should serve as strong examples of the way public spaces should be maintained, and the emphasis cities should put on urban spaces open and available to everyone.

From the proposal's public announcement in 1999 all the way to the summer of 2016 where I watched a family grapple with an aunt's refusal to enter the park, Main Street Plaza has been a critical piece of Salt Lake City's fight for public space. It is one of many streets that have been sold to the LDS Church since 1950, but uniquely represents a city center, a major thoroughfare, and perhaps the pinnacle of an ongoing battle to maintain religious freedom and autonomy from the local church. The space is now used to enact the private interests of the church, beckoning millions of tourists each year and supporting a variety of church festivities and endeavors. Yet despite being formally private for many years, the space remains contested, and is a symbolic site of the battle against privatization of public spaces in Salt Lake City, Utah, in a struggle to determine the rights to the city.

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