

Arcata Man Resists

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police officers — on orders of Green Party Mayor Bob Onelas and City Manager Dan Hauser — seized the abandoned camper shell in which Tad and Royce Wofford, a Vietnam veteran, had been living. Police claimed it was the protest “headquarters” and arrested Tad when he refused to leave it.

“They had no warrant or legitimate charge,” Tad said. “They simply arrested me and charged me with resisting arrest.” The day after Tad filed an official complaint about police misconduct, police confiscated everyone’s property — including food, protest materials, and survival gear — all without a warrant or an arrest.

Outraged, stripped of their camping equipment, and facing a predicted severe rainstorm, 15 protesters moved their protest to the central Arcata Plaza and spent the night in two small pup tents. They endured repeated tickets and property seizures, even as some locals replaced the gear police took. When Tad went to reclaim his property five days later, he found his and other protesters’ equipment in a dumpster covered with rotten meat, giant concrete slabs, and other refuse.

Police escalated their war by charging Tad under a new misdemeanor as a “public nuisance.” In protest, Tad attended City Council meetings — sometimes with as many as 50 supporters, 90 percent of them unhoused. For a while, the police backed off, but the City Council did nothing.

When the “resisting arrest” case came to trial in May, Tad discovered that his court-appointed attorney or “public defender” had no defense prepared, had subpoenaed no evidence, and hadn’t even reviewed police video tapes.

Under pressure, Tad took a plea bargain and agreed to probation and a deferred sentence — which he later came to regret. The judge subsequently turned down his Marsden motion [asking that a new attorney be appointed for him], but granted his Faretta motion [asking that he be allowed to defend himself].

Two weeks later, the prison labor work crew was back at the Field, where vegetation had grown back, providing some cover to campers. The crew cut a swath directly to the camp of Royce Wofford, who had also been involved in the March protests. “I’ve been to court eighteen times for camping,” Royce groaned.

In anger, Tad and Royce returned to the Arcata City Council meeting and then gathered protesters at the Field. Police warned that if any protest signs went up, Royce and Tad would be jailed. Said Officer Murphy, “Tad may win in court, but I will win today.”

A few days later, police claimed the Field property was part of the Marsh, a wildlife sanctuary, and gave out three tickets for being in the Marsh after dark.

After Tad showed documentation demonstrating that the Field was not in the Marsh, police shifted to another strategy. They posted the area as a “Brown site,” which the Environmental Services agency said required ground water testing. The City used that excuse to explain its clear-cutting of the Field, but no ground water testing was done until a year later, in April 2004.

Other alleged health and safety concerns from officialdom flew in the face of common sense. In response to sanitation concerns, activists rented a portapotty. City bureaucrats then pressured the B&B portable toilet company to remove it. Police claimed the campers’ cooking fire was a fire danger. This was unlikely after the City had clear-cut the area, removing flammable brush. To further emphasize the fire threat, police confiscated a fire extinguisher, shovels, and rakes which the campers had ready.

Tad plans to subpoena this evidence when his latest charges go to trial. Two weeks later, the City Council voted retroactively to include the Field as part of the Marsh.

Determined to crush the protest, police arrived with new misdemeanor citations for Tad and others for trespassing and “illegal lodging” — discredited laws used in different jurisdictions against homeless people individually and against activists doing group protests.

Rather than empanel a jury and try him on these charges, which can result in up to a year in jail or \$1000 fine, the district attorney claimed Tad had violated his probation and his deferred sentence from the spring. Probation can be revoked with a “preponderance of evidence” rather than the “guilt beyond a reasonable doubt” standard, and does not allow for a jury trial.

In the months that followed, with help from housed civil libertarians, Tad, now keeping company with his young dog Griz, opened up the Houseless Coalition office on the Arcata Town Square. He went onto the streets with his video camera to support homeless people harassed by police, and went to court with a homeless man charged under Arcata’s cruel and selectively enforced “no dogs allowed” law.

With his motion to have a new attorney denied, Tad has been forced to represent himself. He is currently preparing a complicated Pitchess Motion, seeking to uncover the names of others falsely charged by the police officers who arrested him, to show a deliberate pattern of harassment and disenfranchisement.

“They don’t do anything but attack homeless people,” Tad said. “When someone speaks out against these homeless-people cops, they go after that person; so it’s a question of their character in that trial.”

He has also filed a massive discovery request, seeking documents he requested nine months earlier before the bogus “public nuisance” charges were dropped.

Commenting on the Arcata scene, Tad sees positive signs: Vets for Peace has started a homeless task force. The City’s Human Rights Commission has prioritized homeless rights. Some local ACLU members have become involved in homeless civil rights work. This summer’s National Rainbow Gathering will be less than three hours away.

Tad and other homeless activists have learned to document police misconduct. A second City Councilmember, Elizabeth Connor, may be joining David Meserve in pressing for campgrounds as vital emergency housing alternatives.

Tad’s attitude throughout has been weary but upbeat. “We’re getting the civil