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Humboldt Jury Finds Candlelight Vigilers "Not Guilty" in Courthouse Curfew Trial

Victory for First Amendment Rights & Free Speech Vigilers: "The Constitution is the law of the land."

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EUREKA, CA – On March 30th, three participants in a "Candlelight Vigil for the First Amendment" were arrested on the Humboldt County courthouse steps, peacefully asserting Constitutional rights in the face of a repressive 'urgency ordinance', passed three days earlier, that seeks to criminalize everyday activity in front of the courthouse such as sharing food, setting down a bag, or holding a protest between 9:30pm and 6:00am. The courthouse has been Humboldt County's historic forum for free speech activity for over 50 years. "They violated the ordinance but the Constitution gave them a right to be there. The Constitution is the law of the land," said Juror #7.

The trial of the three candlelight vigilers, Peter Camacho, Kimberly Starr, and Amanda Tierney, was the first test of the courthouse curfew. It may also have been the last if the Board acts on their June 18 vote to remove the curfew portion of the ordinance. Supervisors Virginia Bass, Mark Lovelace, and Ryan Sundberg voted for the curfew to be rescinded in the interest of preserving the public's right to hold night-time vigils and gatherings. **The Board plans, however, to expand repressive prohibitions to public space surrounding over 120 county facilities.**

The jury in the vigil case was in deliberations for six days. Arguments during trial largely centered around the question—does the county legislature have the authority to trump First Amendment Constitutional rights?

"We hold strongly to the firmly planted belief that no government body can trump the Constitution. The Board of Supervisors tread where no government in the U.S. should go," said pro per defendant Kimberly Starr in closing arguments. "This courthouse is a visible, central, and most reasonable and traditional place for protest activity in Humboldt."

"It is 'as American as apple pie' to believe that it is every citizen's right to utilize this traditional public forum for such a simple, peaceful exercise of the First Amendment," added attorney, Casey Russo. Mr. Russo of the Public Defender's Office represented Mr. Camacho, who was arbitrarily held for six days in jail for the candlelight vigil arrest.

Mr. Russo described the three vigilers as "concerned Americans who are brave enough to put themselves out there and exercise their First Amendment rights."

The jury viewed a video of the vigil from the night of the arrest; it showed a calm, peaceful, and principled gathering. The trial however had a pronounced intensity as community members rooted for justice, a decision in favor of the defendants and in favor of basic civil rights.

Humboldt Deputy District Attorney, Jackie Pizzo, attempted to discredit the vigilers' defense and assertion of their Constitutional rights by pointing out that they are not attorneys nor do they hold doctorates in Constitutional law.

Countering the prosecution's attempts to discredit them and criminalize the simple act of sitting on the courthouse steps, the vigilers made strong statements during their testimonies and closings:

"The U.S. Constitution and the California Constitution were not created for study by academics or for mysterious reference by attorneys or to be a complex subject matter for historians. The rights of the people and safeguards from overbearing government are laid out in the Bill of Rights. These things are for common people to use, to assert, to protect themselves with."

The unanimous verdict from the jury reinforces the popular sentiment that the curfew is an unlawful abridgment of the people's right to assemble and speak. "We believed they had the right to be there and we believed *they* thought they could be there," a juror told the victorious demonstrators and their supporters after the verdict.

In closing, the day before 'Independence Day', Amanda Tierney, representing herself, urged the jury to "say 'yes' to the elixir that should always fuel our democracy...the freedom to express our opinions and engage each other in a social dialogue. "

Community members have been enacting nightly "Candlelight Vigils for the First Amendment" in front of the Humboldt County courthouse for over three months, in opposition to the passage of the controversial ordinance.

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