



# BICYCLE

## CULTURE RISING

### ISSUE THREE

*A history of bicycle activism  
in Portland, Ore, 1971-2014*

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JOE BIEL

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# ∞BICYCLE CULTURE RISING∞

## NUMBER THREE

*A history of bicycle activism in Portland, Oregon*

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This was produced as a companion to the forthcoming documentary film,  
*Aftermass: Bicycling In A Post-Critical Mass Portland*. More info at:

[www.Microcosm.Pub](http://www.Microcosm.Pub)

Number one is a \$4 primer on bicycle activism.

Number two is a \$4 collection of police documents about bicycling in Portland.

Additional copies of #3 can be had for \$4 each.

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# 1

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*“Some folks say that Portland’s bike community has just moved beyond the need for such a ride and that it ignites more anti-bike sentiments than it’s worth. Others say it simply became a bore and an exercise in futility after the Portland Police instituted a very strict enforcement policy”* —editorial, January 25, 2008, BikePortland.org.

Critical Mass, the monthly leaderless bicycle ride celebrated in cities around the world, ostensibly ceased to exist in Portland in 2007. Shortly before that The League of American Bicyclists awarded Platinum status to the city and *Bicycling* magazine named it the best place to ride a bike in the U.S. Bicycle street markings began to appear all over town in 2005 and difficult connections like bridges were finally redeveloped to accommodate cyclists. Bicycle commuters began to only risk their lives once or twice getting to work. Ridership was skyrocketing and people were talking about their interest in cycling

as a reason they were moving to Portland. Mayoral candidates began campaigning on their bicycling interest. The mainstream advocacy organization, the Bicycle Transportation Alliance had a celebration citing accomplishment of their goals. People began saying that Portland had arrived.

Speculation and conjecture about Portland's Critical Mass have been bouncing around for years. The commonly adopted explanation became that Portland had "moved beyond" the need for Critical Mass.

But in 2007, with the departure of Critical Mass, street-level activism began to disappear. Advocates had become too comfortable, friendly, and at ease with city government. Bicycle development soon began to hit a point of stagnancy. Despite political will behind him, Sam Adams, Portland's "bicycle-friendly" mayor, was not receiving public support when needed and began to backpedal when he came under fire for catering to cyclists as a "special interest group."

As bicycle funding increased, people turned out in droves to testify at city hall about the money being spent on cycling projects. *The Oregonian*, Portland's conservative daily newspaper, fueled the fire and challenged the city's embrace of bicycling. Despite the fact that a bicycle commuter pays for their road usage and necessary build-outs, and even leaves some of their tax money to be spent on car-centric projects, that doesn't prevent the pundits from claiming that people who ride bicycles are getting a free ride and not paying their way.

## 2

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*But what really happened to Critical Mass in Portland goes a little deeper.* Four years ago I began tracking down the people who attended Critical Mass and retracing what happened to Portland's Critical Mass for work on the documentary film, *Aftermass: Bicycling in a Post-Critical Mass Portland*.

I wanted to know what it meant that Portland, one of the best North American cities for cycling, has virtually no Critical Mass. Was it no longer relevant, did its activity not appeal to a cycling "mainstream," or was a police crackdown just that successful? What are the new goals of cyclists? What is the new activism? How are objectives reached?

Transportation bicycling in Portland got its first boost in 1971 when Don Stathos' "Bicycle Bill" wrote into law that 1% of highway funding must be spent on pedestrian and bicycle projects. But it took until 1993 and a lawsuit from the Bicycle

Transportation Alliance to actually make that happen.

In a 2005 interview, Roger Geller, the bicycle coordinator for the City of Portland, mentioned that the number one reason people cite for not cycling is safety, “A lot of that has to do with motorist behavior—people driving too fast; people driving too aggressively; people driving unconsciously, not really looking. The thing to really encourage a lot more cycling would be to make the streets feel a lot safer.”

Group bike rides like Critical Mass create that feeling of safety as well as statistically making the participants truly safer. Public health researcher Peter Jacobsen has proven that as more bicyclists are seen on the streets, motorists become familiar with how to behave around bicyclists and the rate of serious crashes decreases—even the rate of cars crashing into other cars decreases.

Additionally, Transportation Commissioner Charlie Hales said, “Critical Mass was important. It was out in the street making the point that bikes were a valid means of transportation. There were a lot of people who did not agree with that proposition. There’s a time in politics where it’s helpful to have someone else wave the big stick. The Bicycle Transportation Alliance and Critical Mass were hugely influential [in 1993].”

Still, participants have almost universally described a feeling of a nervous edge and tension that is unique to Critical Mass and did not permeate through other bike rides in Portland. Yet there was often no distinction in the way Critical Mass behaved

or how many participants it had. Roger Geller even cited similarities in the way that Portland Bureau of Transportation bicycle rides would move through stop signs as a group. During its decline, Critical Mass was attracting far fewer participants than police officers while many other rides were much larger. Where was this edge coming from?

In December of 1994, after a year and a half of peculiar tickets being issued for nonexistent violations at Critical Mass rides, longtime participant Fred Nemo helped organize 17 people into a class action suit in federal court. A year later they were awarded \$50,000 and some documents that began to explain the tip of the iceberg about the origin of the police's harassment. Instead of referring to the group as "Critical Mass," the police always dubbed them the "Anarchist Bicycle Rally," which at the time was confusing and seemed to indicate bad intelligence on the part of the police.

The depth of discovery in these documents was a bit shocking. The discovery was also nothing new. Beginning in 1993, the Portland Police Department had been spying on Critical Mass through their Criminal Intelligence Division (CID). CID had been around since at least the 1950s and was originally dubbed "The Red Squad." The city didn't admit that it existed for many years, but it spied on communists and undermined the political activities of its citizens. Similar in fashion to the tactics of the FBI's COINTELPRO, The Red Squad set out to discredit radical politics and protect the status quo. Over time it went through several rebrandings but its function remained similar.



Michael Munk, author of *The Portland Red Guide* and a professor of history, summarized that the Red Squad, CID, and its current form, Criminal Intelligence Unit (CIU), never significantly changed its goals or function since its early days, sixty years ago, of interrogating members of the International Workers of the World—whose bodies were later found in the river.

Tom Potter, the police chief in 1993 and mayor in 2005, tried to explain in a 2010 interview that CID is supposed to work on things like bomb threats, KKK assassination plans, or violence brewing within the city. When shown that CID was spying on transportation bicyclists he responded that it was “a waste of time” and denied having had knowledge that it was happening during his role as chief. In the present day, Portland Police’s acting Traffic Captain Eric Schober tried to frame this use of CID as appropriate, saying “CID’s job is to make other officers aware of problems that could happen.”

But in 1993, CID was only three officers in a police force of over 1,000 and had a tiny budget. That they found it reasonable to use scarce resources to spy on Critical Mass seemed suspicious. Critical Mass hadn’t even organized a bike ride and was about a dozen people meeting at a downtown cafe to discuss the climate of transportation bicycling in the city of Portland. What problems were they wary of?

# 3

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*Portland was dubbed “Little Beirut”* by George HW Bush for the protests that accompanied his visits in the early 1990s. The city’s image was changing in the national spotlight.

In July of 1993, two months before CID began spying on Critical Mass, the X Ray Riot unfolded several blocks from where Critical Mass would meet. “Holiday in Beirut,” a gathering at the X Ray Cafe, was taking place on SW 2nd and Burnside. Television news reports indicated it was being organized by a national organization called “The Anarchists” (sic). Police interrupted the punk rock show, and escalation resulted in a march against police brutality, violent conflict with police, people unrelated to these events being arrested, and three participant arrests—one for someone refusing to pick up someone else’s litter. One of the arrested was a young man named Douglas Squirrel. All charges were later dropped after the three were

questioned by the police about the riot and their political beliefs. Homeless youth near the X-Ray Cafe were quoted as saying, “Cops hate it when people like us get together and get along.”

Squirrel tried to post bail for the other two arrestees, and in response Portland Police Captain Roy Kindrick asked that bail be raised from \$5,000 to \$50,000 per person and declared that Squirrel was the “leader of the anarchists” (sic) and had planned the riot. Other than Squirrel posting bail for his fellow arrestees, what reasons were there to believe he was the leader of the anarchist movement? Squirrel had no criminal record. But he was different in that way that probably made him unpopular in high school—he was thin and wiry, his appearance was abnormal, he was willing to challenge authority, and he was smart enough to win.

Squirrel was loosely associated with Boisterous Extremists for Insurrection against Republicans and other Unprincipled Thugs (B.E.I.R.U.T.), the group who had organized the George HW Bush protests. Even with B.E.I.R.U.T., Squirrel did little more than maintain a phone message line announcing visits by republican and conservative figures. The actual protests and activities were organized by other, more established groups. But still, the police had determined Squirrel to be a major political organizer and were punishing him for it.

Was the PPD embarrassed by the city's growing reputation? Were the police moving into the offensive, trying to weed out the supposed "anarchist" organizing element that it thought could be present in an infant Critical Mass? Or was it simply because they knew the same Douglas Squirrel would be present at those first Critical Mass meetings?

Squirrel's attendance at the meetings of both groups seemed to be sufficient evidence for the police department to claim that Critical Mass was organized by B.E.I.R.U.T. and thus that it was an anarchist organization.

When the first ride attracted over 150 participants, the police hung back and watched from a block or two away. In their after action report, the officers on duty sound almost afraid, like they expected something more than joyful bicyclists riding in a group. The filing officer had this to say about the PPD's gathered intelligence before the ride: "The purpose of the Rally is to have approximately 50 to 100 bike riders impede the flow of traffic on West Burnside and SW Broadway during rush hour traffic." While Critical Mass' meeting notes obtained from the very same police file paint an entirely different picture saying, "There is a definite school of thought that is agreed to by the participants that this event is to be structured as non-confrontational as possible and that we actually try and educate people."

# 4

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In September of 1993 the first ride took place. Advertised from the beginning as a self-empowerment ritual with language like “Tired of being run off the road by cars? Of riding alone, afraid, intimidated? Come ride your bike or board for a sustainable, environmental future!” Critical Mass began to draw people from various stripes of cycling. Despite this, police enforcement behavior appears to have been inconsistent and irrational over the next year, starkly contrasting the friendly demeanor that these officers typically displayed. After many tickets were issued and then successfully contested and dropped, the clash culminated in November of 1994 with the police surrounding the riders, ordering them to disperse from a public park, and immediately ticketing the riders and issuing park exclusion orders.

Actually it's a little more complicated. The Critical Mass ridership had become wise to the presence of a police spy within their group and had discreetly changed their meeting spot at the last minute. The police force waited at the usual spot for the group to congregate and begin their ride. When the ride was spotted near Pioneer Square the officers rode the mile to meet with them as the ride was concluding. Frustrated, they delivered the exclusion orders and citations.

But it's a little more complicated yet. No actual law had been broken. The group was not demonstrating in a public park as the exclusion order claimed. With the ride concluded, participants were merely enjoying a public place as individuals. It got uglier for the police when it was revealed that officers were restraining people who were trying to comply with the police's order to disperse. The resulting federal court case demonstrates Douglas Squirrel's effective ability to cross-examine a police officer, yields \$50,000 for the participants, and the public release of documents that confirmed the presence of an illegal spy and the police's insistence to refer to the ride as the "Anarchist Bicycle Rally." None of the participants were familiar with why the police would use this strange name and it became a bit of a joke among the cyclists.

Squirrel used his portion of the money to purchase lights for future Critical Mass participants who showed up without them. The biggest reward, however, was that police harassment and heavy-handed enforcement at Critical Mass rides ground to a halt for a few months.

Still, the documents provide little clue as to why the police became so obsessed with spying on and spending so much overtime pay on enforcement during the rides. Looking at other CID cases and other cases where spying is involved sheds a little more light.

In police work, a sole source of information without corroboration is a dangerous and slippery slope. Additionally, once a spying unit has infiltrated an organization, pressure mounts to prove that the spying is justified. Such justifications happen in the way of turning standard traffic violations into trumped up charges like “disturbing the peace” or “disorderly conduct.” These charges rely upon the assumption of civil disobedience and a political objective implicit in rolling through a stop sign.

Traffic lights and stop signs were treated as yields. The riders explained the purpose of this was for safety and keeping the ride together. But the police explained that this was done to block traffic for longer periods of time and cause disturbances, creating a meme. The media picked up on this meme and it stuck, attracting cyclists who believed that this behavior is what the ride was designed for. As ridership grew, so did incidents. Some people thought that even the front of the ride should go through a red light—even if the tail of the ride was a mile behind. Without leaders or rules, these things could happen and slowly annoy longtime participants until they stopped participating at all. Likewise, parents, children, old-timers, and anyone who couldn’t afford the standard \$290 traffic ticket stopped coming.

Roger Geller reported in an internal email to members of city hall that “motorists, when they see a large group of cyclists at a stop sign, will themselves stop and allow the cyclists to proceed. Something in human nature I suppose that allows this type of polite interaction. However at the Critical Mass ride, cyclists were required to come to a complete stop at stop signs. This obviously delayed their crossing of the street and delayed the motorists who stopped and somewhat defeated their purpose in stopping.”

Some participants believe that the aggressive new attendance was actually organized by moles and agent-provocateurs—undercover police or hired agents who become involved in organizing the movement for the purpose of disrupting it. With spying proved ineffective at stopping the rides, the police were undeniably shifting tactics. Would the police risk breaking the law again?

Reviewing the police documents, the thing that seems peculiar is that within the Critical Mass files were accounts of fur protests, something called the “Fuck Authority Coffeehouse,” Buy Nothing Day rallies, and George Bush protests. But over time it becomes clear that the police believed that all of these events were conducted by the same group of people. They saw political struggles as more interconnected than even the Critical Mass participants seemed to.



# 5

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*As a result of finding the police had been spying on him, Douglas Squirrel prosecuted the police department for opening a file on him—and won.*

After a long period of the city stalling and stonewalling, the trial finally took place December 18-19, 1995. During the trial, Squirrel learned that the police had been spying on him and his friends since 1990, when B.E.I.R.U.T. posted a flyer about an upcoming Bush visit.

Officer Greg Kurath—who also happened to be the officer communicating CID's Critical Mass intelligence reports to the police department—came out to testify in defense of police spying. Kurath cited how spying had been helpful in catching the 130 pound massage therapist for the heinous crime of blocking the sidewalk and insisted that the spying was necessary because he suspected something more was going on and that the group might have been using a public park for

some kind of unspecified “criminal activity.”

Kurath’s defense would have held up if the group was meeting in front of the police station, but meeting in a public park is not a crime. Even if police suspected someone might be up to “criminal activity,” it did not—at that time—give them the right to spy. The 2001 PATRIOT Act changed that, simplifying spying laws across the board to protect against domestic terrorism. But police had always been able to investigate anyone conspiring to commit a crime, even minor crimes like blocking the sidewalk. Despite this, a 2001 federal court concluded, “If the...investigation cannot begin until the group is well on its way toward the commission of terrorist acts, the investigation may come too late to prevent the acts or identify the perpetrators.” But if crimes could always be investigated, why were the new measures necessary? Was local law enforcement actually fighting social change? Perhaps, as J. Edgar Hoover believed, it wasn’t crimes that needed investigating, it was political ideas.

Larry Siewert, a CID officer assigned to spy on political organizations in the 1990s, before the PATRIOT Act, testified that he monitored the far-left, far-right, anti-abortion groups, and Earth First, among others. He also routinely staked out political meetings, noting who comes and goes, compiling physical descriptions, and writing down license plates. If demonstrations or protests seemed to be occurring, CID would investigate further at bookstores and college campuses and then give tactical recommendations to the force.

Siewert admitted that he routinely relied on Confidential Reliable Informants (CRIs) to infiltrate political groups in the Portland area. In the 1990s, the police had literally dozens of informants on payroll to report on the activities of political organizations. Some informants were motivated by their opposition to the groups they were infiltrating. Spying on these groups, he argued, was legal because their members might commit crimes—such as jaywalking.

And the prevention of jaywalking was justifying a lot of spying. Siewert said, “It took our whole unit just to keep on all the activities, all the different causes and demonstrations that are going on.”

Despite these loopholes, a file on Squirrel’s concern about lack of civilian oversight on police contained no allegations of criminal activity and thus had to be destroyed.

As *The Albion Monitor* newspaper reported, “If the files released in Squirrel’s case are at all representative, the intelligence gathered by Portland Police is of extremely poor quality. Names are wrong, affiliations are mistaken, and both hearsay and outright fiction are reported as fact. That’s probably unavoidable when the police must rely on informants especially when those informants are working for money (no juicy tidbits = no cash), or have signed on because they oppose the philosophy of the group in question, in which case digging up or even creating dirt is part of a personal crusade to stop the organization from succeeding.”

## 6

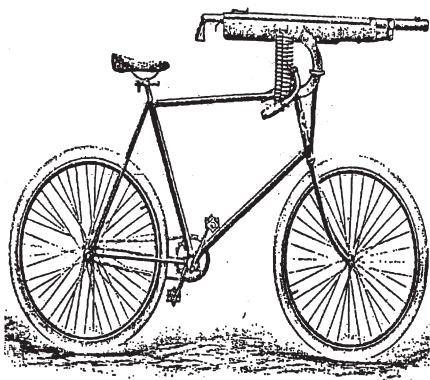
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*In March of 2001*, Charlie Hales, the Portland city commissioner in charge of transportation, publicly rode with Critical Mass and observed first-hand the police misbehavior. In a 2010 interview, Hales admitted that he had attended the ride discreetly for a few months before attending publicly. “What I was concerned about was the fact that the police thought this was a big deal at all,” he said. “Hey! These are just some people riding bikes. If someone gets hurt they’ll call 9-1-1. Why don’t we leave these folks alone?”

In a 2011 interview, Acting Traffic Captain Eric Schober said, “Our stance is completely different now, today, than it was twelve years ago. I remember those days. I remember the victims (sic)—people getting their cars bashed in, dented alongside. The whole group would take up three lanes of traffic and block traffic on purpose.”

But the police's own after action reports don't mention these or other incidents of cyclists causing property damage during the rides. And when verbal conflicts occur, it seemed to result from the belief of police or motorists that bikes didn't belong on the road in the first place. When asked about the lack of mentions of property destruction in the police's own documents, Schober responded, "There may be other documents that you don't know about."

Through the framing of what their intelligence reports were telling them, the police understood these gleeful faces committing traffic offenses to be part of an anarchist conspiracy to intimidate and antagonize citizens and motorists. In their after action reports, police make a distinction between "person" and "bicyclist" and discuss the proximity of bicycles to "women and children." They made statements including, "the bicycle could be used as a weapon."



{Is this how police intelligence  
officers picture bicycles?}

Hales commented, “The police bureau was invested, I think, in the old idea that streets are for cars, and bikes need to be off here; somewhere else.”

In 2011, referring to Occupy Portland protests, Portland Police Union President Daryl Turner declared in the police newsletter that even allowing demonstrations in the first place goes “against the very grain” of what officers are trained to do.

In August of 2002, Bike Summer, an annual traveling bicycle culture festival, descended on Portland and the city-sponsored Critical Mass ride was attended by approximately 1,500 riders. The police response was severe and heavy-handed. One gentleman, suspected of being a leader, had his hands and feet handcuffed together and the police carried him away by the handcuffs as metal cuts into his flesh. One person was arrested for videotaping an arrest. Another was arrested for asking questions of arresting officers. The police response was probably inflated due to large protests that month for a visiting President Bush and both incidents were kept in the same file.

Angry letters stacked up in the mayor’s office about the police’s brutality. The officers’ response to the ride incensed citizens to see bicycling as a political issue.

When the U.S. invaded Iraq in 2003, weekly bicycle protests further confused the police department’s intelligence reports and hurt the relationship that the city had been developing with monthly Critical Mass rides, which had begun to

include sit down meetings between city officials, Critical Mass participants, and the police.

As things began heating up, Roger Geller, the city's bicycle coordinator, made public appearances at Critical Mass and wrote public reports to city officials about what he saw there. "While we've all read both directly and second-hand reports from citizens about these monthly rides, the August [2003] ride almost universally elicited smiles, waves, and cheers from people it passed...A motorist stopped without having a stop sign to allow the group of cyclists, who did have a stop sign, to pass. Again, all cyclists came to a complete stop as they came to the stop line, looked both ways, saw the motorist not moving, and then tentatively proceeded through the intersection. Observing this, an officer in a squad car got on the loudspeaker and advised the cyclists that they 'had to allow the motorist to proceed,' which would have been fine had the motorist any intention of proceeding. She didn't. She was trying to be polite and helpful and allow the cyclists to pass as a group...During the course of the ride I saw several motorists violate traffic laws right in front of police officers, for the same types of offenses for which cyclists are commonly cited: not coming to a complete stop at stop signs and running red lights. No tickets in those cases I observed...When the ride began to head across the Hawthorne Bridge and the bicycle officers dropped off from the ride, many riders wished them well and thanked them for their presence."

But in the police after action report for the same ride, between blacked out pages, the conclusion was, “Critical Mass rides need to be monitored. When criminal acts or traffic violations occur, action needs to be taken. The consequence for the rider’s actions is the most effective tool to date.”

In a 2005 interview, Geller said “I really like Critical Mass. On the Critical Mass rides I’ve been on, the reception from the public has always been very positive. People on the sidewalks will clap, laugh, and cheer for the cyclists going by. Everybody loves a parade. I look at Critical Mass as a very pro-bike statement and I think we’ve got to a point within the city where the rides are running well. I think it can be a very positive thing.”

While Hales and Geller’s personal appearances at the ride had tamed law enforcement for a period, the city’s relationship with the ride didn’t last. In January, 2005 Tom Potter, the newly elected mayor, joined Critical Mass on a friendly ride that elicited smiles all around. But because the police union had an old and fractured relationship with their former chief, the police’s response to the ride the following month was harsh and produced a new set of angry letters to city hall.

By the end of 2006, police attention had returned, meetings with police resumed, and officers were outnumbering participants on an ongoing basis. Attendance dropped to an average of fifteen riders per month. The number one reason cited by former participants was that the ride was no longer any fun. Law enforcement had



targeted the ride and developed strict enforcement policies that exceeded the standards generally imposed on traffic, seemingly because of faulty police intelligence about the intentions of riders. Increased enforcement and officers expecting trouble created a self-fulfilling prophecy over and over.

A former ride participant said that at the BTA's Alice Awards, a former traffic commander stated that the police's goal in the second round of meetings was to shut down Critical Mass.

Critical Mass' notoriety would attract new participants who would quickly learn of the tense situation with police and either never be seen again or join the embittered struggle to change the conversation about Critical Mass. Jonathan Maus, journalist proprietor of BikePortland.org, referred to this phenomenon as the "lightning rod of controversy." The police had more resolve and Critical Mass slowly faded away from Portland.



# 7

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*Tactically*, police spying is a way to get subjects to withdraw from political activity—and scare others from getting involved.

Douglas Squirrel knew about this first hand. “It happens quite frequently that I don’t put myself forward as the spokesperson, or don’t even get involved in certain organizations or actions...because I believe it will draw this sort of surveillance,” he said. The surveillance affected how other activists perceived him as well. “It’s like a scarlet letter branded on your forehead, having people know that if I go somewhere that’s a reason for the police to investigate that meeting.”

Squirrel won his case but the case also revealed some new and dangerous information for those embroiled in the culture wars:

- 1) Someone with a part in organizing an event where even a few people commit illegal activity, may be held responsible for others’ behavior.

- 2) To be labelled an “organizer,” involvement could be as minimal as advertising the event on Facebook or handing out flyers.
- 3) Arranging first aid or legal resources in advance of an event deemed “political” could leave someone held reliable and condoning whatever takes place.
- 4) If, during an informant-attended meeting, anyone advocates as much as a sit-in—let alone violence—everyone in attendance at that meeting would have their CID file noted that they “attended a meeting where violence or criminal activity was advocated.”
- 5) The PPD regularly shares these files with other city, state, and federal organizations and the files are governed by those agencies’ own rules, regardless of where they were collected. Notices to destroy illegally collected information does not affect other agencies that possess it.

Attorney Spencer Neal became concerned about information sharing databases in the late 1980s while representing four people in separate lawsuits against the Portland Police Bureau. Neal’s clients were on the “gang list” maintained by the PPB. If the words “gang affiliate” pop up when a cop runs a routine license plate check, your traffic stop is sure to be complete with unholstered weapons and shouted commands. Neal’s clients—three African-Americans with no gang affiliations and one who was a member of a graffiti crew called the Art Fiendz—were harassed and intimidated by police officers as a result of appearing on the list. Neal discovered that their names had been shared with at least a dozen organizations, including all local law enforcement agencies, the Portland

School Police, the Sheriff's Office, the Department of Corrections, the Oregon State Police, parole and probation offices, and almost any other law enforcement agency you could imagine. Despite winning the case, Neal has not been able to purge his clients from any lists.

In 1981 The Oregon State Legislature tried to put the final nail in the Red Squad's coffin with the bill ORS 181.575, which says that no law enforcement agency "may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct." Former ACLU Executive Director Stevie Remington, who wrote the original bill, admitted problematic interpretation centered around the phrase "may be," which the police construe loosely. "I should have put in 'are conspiring to commit a crime,'" he later admitted.

Another result of politically motivated private intelligence operations can be an increase in agent provocateur activity, as paid informants attempt to justify their paychecks. A 1985 FBI study found "at least 12,000 invalid or inaccurate reports on suspects wanted for arrest are transmitted each day to federal, state and local law enforcement agencies." Since 2001 the volume of spying has gone through the roof.

## 8

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*In a recent case of an exposed small stakes gambling ring in Seattle, Detective Bryan Van Brunt, the police's agent provocateur, spent two years and at least tens of thousands of dollars in an attempt to convict crimes, expecting politically-motivated actions from the poker players. And by the end, the undercover officer was funding and encouraging their involvement in political activities that they weren't all that interested in, but were encouraged to participate in out of loyalty to their friend, who had covered even their rents and travel expenses. The agent had pushed prosecuted individuals into things they never would have done on their own and in the end there still weren't many crimes to prosecute.*

In England, the situation is even stranger. Undercover police infiltrate activist groups and will carry the charade so far that the officers testify under their fake identity in court and get sentenced

along with actual participants. And similar to environmental activist Eric McDavid's case in the U.S., an undercover officer in London, Andrew James Boyling, ended up marrying one of his marks.

Beginning around 1995, Boyling was sent to infiltrate saboteur campaigners. Masquerading as an activist, he joined the group Reclaim The Streets, who took over public roads and staged imaginative parties in protest of the domination of cars. Boyling quickly became a trusted member of the campaign, showing up at weekly meetings and protests.

"He was totally deeply embedded in the whole social network as well. Meetings often happened in the top room of a pub so he would be there and end up living with people," said an activist from the group.

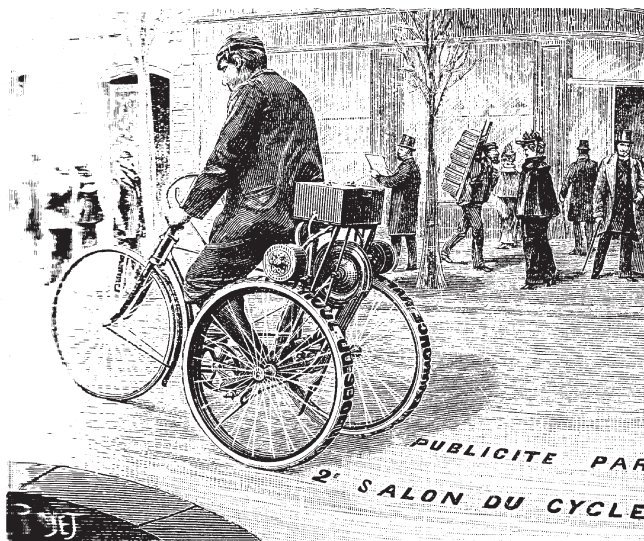
Boyling was among a group of protesters who occupied the office of the chairman of London Transport and were arrested in 1996. Lawyers for the defendants pieced together how far the deception went. According to another participant, "the undercover officer played a major role in initiating conduct which was then prosecuted."

Once arrested, Boyling was taken to Charing Cross police station, there he declared he was "Peter James Sutton," and gave a false date of birth. Being prosecuted in court bolstered Boyling's position in the group and by 1999 he was trusted by their inner core. That same year, he seemed to develop actual feelings of love for a Reclaim The Streets activist and moved in with her.

Suddenly he left in September 2000, saying that he was going to Turkey and South Africa.

His girlfriend spent her savings and more than a year trying to find him only to discover his relatives did not exist. Then she bumped into him in the London bookshop where she worked.

Boyling admitted that he was an undercover police officer. They married and had two children before divorcing in 2009. Boyling encouraged her to change her name, seemingly to hide their relationship from his bosses. She alleges that he only notified his superiors of their relationship in 2005, after they married under her new identity.



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*On the evening of February 29, 2008, Critical Mass rolled through Santa Barbara—a city where only 4% of its citizens bicycle commute despite its near-tropical temperatures and conducive terrain.*

The ride drew about thirty people and snaked its way back and forth across town. Wearing red clown noses and riding in circles can annoy some motorists though most were left hardly inconvenienced.

But there were still complaints. Detective Jaycee Hunter was dispatched to the scene, driving an unmarked police car—due to being assigned to anti-gang surveillance. Hunter, who considered himself an authority on Critical Mass, wrote in his report that it's a wonder Homeland Security was not called out. "I have had extensive training and experience with this anarchist bicycle group. I had received training of their terrorist-type behaviors with law enforcement and am aware that I must be



extremely conscious of officer safety due to their radical, aggressive/violent attitudes toward law enforcement officers.”

When the group circled a roundabout repeatedly, Hunter described: “In the process of the ride, they will intentionally and maliciously commit numerous traffic violations, often endangering their lives and the lives of other citizens.”

It’s fortunate that things did not get more out of control, given this perspective. When Detective Hunter pulled up behind some stragglers at a red light, Michael Howard Miller and some other riders jumped a curb. Hunter pursued Miller and pulled his taser out on the fly. The other riders doubled back to see what was going on and Hunter describes it thusly, “I was in extreme danger. I was surrounded by a rapidly approaching, militant, anarchist group who were behaving in the exact manner that I was trained they would behave.”

Carleigh Michelle O’Donnell emerged from the crowd and began asking Hunter questions. Hunter describes the encounter, saying, “She attempted to engage me in discussion as a distraction technique so the group could creep closer to him and snatch away [Miller].” He waved off the crowd with his taser and called for backup, eventually arresting three riders, including John Patrick Flannery.

This Critical Mass ride happened to be Flannery’s first one in Santa Barbara. Once the ride reached Rainbow Park he heard someone say “Oh my god, they got him.” When Flannery saw the scene, the officer was sitting with his knee on

Miller's neck and pointing a laser-guided taser at people's chests, like a scene out of a Terminator movie.

Flannery, 47, a former communications company operator who had lost a leg several years before after being hit by a drunk driver, was on the sidewalk during Miller's arrest. Flannery was ordered to cross the street but possessing only one leg, he determined it would be too difficult to comply. He cited his handicapped status and the officer arrested him for interfering with a police officer.

Noting that his \$4,000 custom-built carbon fiber bicycle was beginning to fall over, Flannery reached over to steady it. That action got him a further charge of resisting arrest.

But most peculiarly, he was charged with being a member of a global terrorist and anarchist network.

A study by Research AND Development (RAND) Corporation found that local law enforcement agencies define "terrorism" much more broadly than their federal counterparts, often applying the label to environmentalist, animal rights, and union activities that affect large, powerful employers who often work closely with police.

In a meeting at city hall the following month, the cyclists told their story. For a cop to pull a taser for running a red light, they said, seemed extreme. Hunter appeared out of nowhere, swerving the car to a cinematic *Adam-12* stop too close for their comfort, and turning on the lights

simultaneously as he jumped out of the unmarked car. They feared he was planning on crashing into them. Riders jumped the curb as to not be run over. There was next to no warning. The group argued that inconveniencing motorists does not equate to being run over by a car—an ongoing problem for cyclists in Santa Barbara and across the globe.

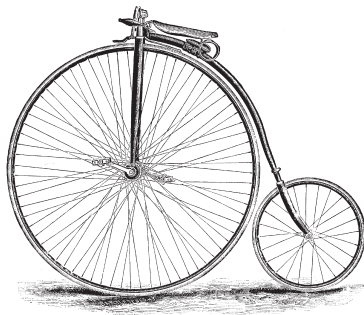
Hunter failed to appear at the meeting.

A year later in court, when Flannery informed the officers that the entire incident was filmed by TV news, all of his charges were dismissed.

Due to prior court appearances, Miller got sentenced to sixty days in jail for jumping the curb as the officer drove up. O'Donnell received ten days for requesting Hunter's badge number and information about Miller's arrest. She too was charged with "interfering with a police officer."

The Judge threw out everyone's charges of global terrorism.

Flannery does not plan a countersuit against the police department because he fears having a "target painted on [his] back. It's a small town."



# 10

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*But you're not convinced. You're thinking. "That's Santa Barbara! Their culture is a little beachy. Portland has arrived and it's a great place to ride a bicycle. There are never problems there anymore!"*

But early on the morning of March 22, 2011, Portland Police Sergeant Joe Santos was riding his bicycle to work when a motorist drove past him at a distance of a few inches. When both arrived simultaneously at a traffic light, Sergeant Santos rode to the right of the car. When the light turned green, the car aggressively swerved into Santos' portion of the lane. Santos recovered, switching to riding on the left side of the car, slapping it as he passed. The car next swerved at him on the left, pushing him into the oncoming traffic lane.

At the next intersection, the car went into reverse and attempted to back into Santos on his bike. Jumping off the bicycle, Santos ran to the sidewalk. The bicycle was struck and the car sped

away. The police officer called in the license plate to 9-1-1 and the driver was arrested on second degree assault. The officer eventually dropped the charges, preferring to sit down with the motorist and resolve the matter outside of court.

In an interview in August 2011, Santos said, “It seemed like this guy had it out for me and wanted to run me off the road. But the nature of me being a cop and the [officers on the scene] knowing me, I had instant credibility. I think a lot of officers are just like the general community: They view cyclists as aggressive and rogue and probably the problem half of the time. I think that’s a mischaracterization. When a cyclist isn’t doing something wrong, most people don’t even notice. But when they see someone run a red light, that sticks. And cops are no different than the general public.”



# 11

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*In Portland and across the globe, one thing that cannot be solved by markings on pavement or enforcement of the rules is a culture shift. Portland's culture shift may be a little faster and further along than Santa Barbara's or many places in the U.S., but coming quickly behind that shift is a reactionism and feeling that the old way of doing things is being threatened. And while the people threatened are increasingly marginal and in the minority, they do occasionally tend to find themselves in positions of power—the police department, reporting for a major news organization, city planning, traffic engineering, or working in the mayor's office. And as shown in these examples, perception forms your opinion and can make all real-world facts irrelevant.*

The month before Officer Santos was targeted on his bicycle, in Porto Alegre, Brazil, a Critical Mass turned bloody. A man accelerated his black Volkswagen Golf through the pack of 100, injuring 30 cyclists, many of them severely. For those of a particularly depraved

mentality, you can watch the video of this happening in realtime on YouTube.

The driver, Ricardo Jose Neis, 47, an official of the Brazilian central bank, checked himself into a private psychiatric clinic immediately after the event but was later transferred to prison, as his act seemed deliberate. “We found him in a hospital last night, and doctors told me he was emotionally unstable and suicidal, so we are keeping him in a psychiatric institution for the time being,” police chief Rodrigo Pohlmann Garcia said.

Each video of the ride shows a far-from-aggressive pack of cyclists, including the elderly, many women, children, and even a dog on a trailer. A young boy can be seen clearly in the videos of the incident just feet from the front of the car as it scatters the group of cyclists like dominoes.

Neis later claimed at various times that the cyclists scratched his car, attacked his car, were sitting on his roof, smashed his mirrors, and smashed his windows but most of this damage had not been inflicted when the car was impounded. The police determined that the damage to the car was consistent with that of driving through a pack of 100 cyclists, rather than being attacked.

Neis’ idea of vigilante justice doesn’t quite fit with the cyclists’ crime of delaying him for two minutes.

While Neis faces seventeen accounts of attempted murder, he is a powerful banker with a powerful lawyer and it is likely that his attempts at insanity pleas will prevent the discussion from getting too close to discussing his powerful stature and how it shields him from justice.

Later, in a pre-trial interview with the press, Neis said, “I was panicking. I was scared. I was afraid...I ask myself often: Did I evaluate the situation correctly at the time? I really think so.”

Eight months later he is still awaiting trial and sentencing. And while his defense arguments have publicly changed several times, he seems to have no remorse for his actions.

# 12

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*The old guard and the law seem strangely stacked away from justice for those dealing death behind the wheel.*

In 2009 when Daniel Ray Habeeb, 43, drove his SUV 80 miles per hour on city streets and struck and killed a 65 year old woman, the prosecution said, “It became very clear to us we were not in a position to disprove evidence that he was psychotic at the time.” He received a one-year suspended jail sentence, mental health treatment, and was ordered to pay restitution—including funeral expenses.

Then on November 13, 2011 he was involved in a similar incident. While allegedly driving “60 or 70 miles per hour” on a city street, he crashed into a car that was stopped at a red light, killing the young couple inside. He was taken to jail after being released from the hospital. But does the court system have a mechanism to deal with people who routinely wield their car as a deadly weapon?

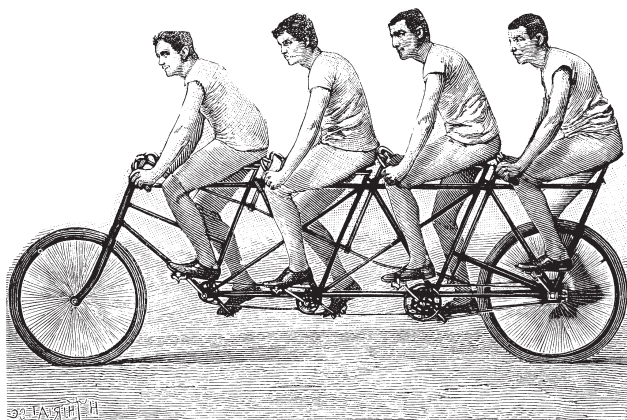


If you are under 35, you are more likely to be killed by a car than to die any other way, no matter what your life choices are. But the societal priorities continue to favor cars on city streets. And the dominant verdicts we hear in each of these examples demonstrate the need for bicyclists to be vocal.

Peter Jacobsen's same "safety in numbers" principle that shows it is statistically safer to ride a bicycle in the streets can be taken to mean something bigger: The more people who challenge these old voices, who can cite how it's cheaper to build bicycle infrastructure, how it's better for the entire economy, how bicyclists pay for more than their share, and how cycling makes everyone healthier, happier, and smiling more, the faster our world will shift away from these old ideas like "the street is for cars."



And forty years since the Bicycle Bill, it is happening. In Portland, The World Naked Bike Ride, a free, grass-roots event originally organized to draw attention to the vulnerability of cyclists, was described by an organizer as attracting “a mere 4,000” people on a cold night in 2011 because the previous year it drew over 10,000 participants. The Bridge Pedal, a for-profit bicycle ride across Portland’s bridges attracted over 19,000 participants this year. Incorporating elements of street-level activism to those numbers creates a public pressure campaign that allows advocates to ask for more from governments. And the more vocal everyone is and makes their voices heard to their city governments, the more this cultural shift can move forward unimpeded, leaving the dinosaurs in the dust. But let’s not forget the people and events that got us to where we’re at today. Together we can challenge these precedents and build a future utopia.







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