

‘He’s either completely loopy or one of the most courageous individuals you’ll ever meet. He’s my personal hero.’

— Alcon supporter Richard Quigley

Motorcycle helmet law gets first court test

■ HELMETS

from Page 1A

At last count, he had amassed 80 tickets and \$4,500 in fines for riding without a helmet. Lately, Alcon has been getting a ticket a day. Citing him is something of a sport for the Salinas Police Department and the California Highway Patrol.

“They look for him,” said Monterey County Court Commissioner Terrance Duncan, who has pronounced Alcon guilty more than 40 times since March 1992. “I’ve seen tickets where the Highway Patrol rode past him going the other way and they just wrote him a ticket and mailed it to him.”

Through it all, Duncan said, Alcon has been a model defendant — except that he has flatly refused to pay any of Duncan’s fines.

“He’s been a lot more polite and well-behaved than the average person I get in traffic court,” Duncan said. “I’ve been very impressed with his demeanor. I am less impressed with the approach he’s taking to accomplish what he’s trying to do.”

To bikers fighting the helmet law, however, the unassuming ex-Marine has become an almost mythic figure: an average, hard-working Joe with a family to support, willing to risk everything to stand up for his beliefs.

When ‘enough was enough’

“I was working 90 hours a week (when the law took effect), and one of my few pleasures was riding my bike to and from work,” Alcon explains. “I just relaxed and let the wind blow through my hair. It was the way I chilled out. And when they said I couldn’t do that anymore, that’s when I said enough is enough.”

For Alcon, who frequently wore a helmet before the state made it mandatory, there are no shades of gray, no compromises possible. He does not believe the state has the moral authority to force him to wear a helmet. Anything less than the demise of the law, he says, is submission and surrender.

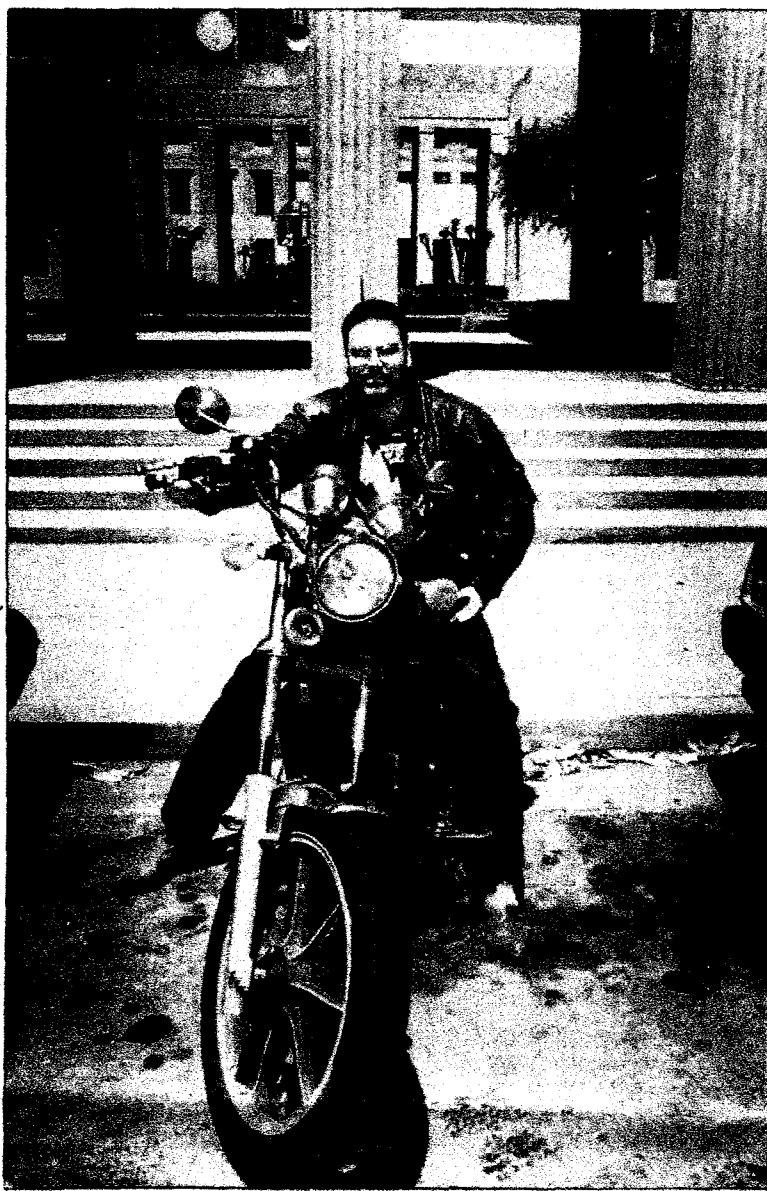
When his volunteer attorney, a man regarded as one of California’s best traffic lawyers, negotiated a settlement that would have disposed of Alcon’s first 22 fines for pennies on the dollar, Alcon thanked him for his work and fired him.

“I haven’t trusted lawyers since then,” Alcon said, who now is representing himself.

When a Salinas judge offered to treat another bundle of citations as \$10 fix-it tickets, Alcon rejected that, too.

Defendant forced the issue

“I’m not going to pay the state \$10 to take away my rights,” he said. Instead, citing a little-used traffic statute, Alcon demanded that his infractions be boosted to criminal misdemeanor charges, so



KAREN T. BURCHERS — MERCURY NEWS

David Alcon sits on his motorcycle outside the Salinas courthouse where his challenge to the state helmet law will be heard Monday.

he could plead his case to a jury. Juries, by law, cannot not hear traffic infractions, because there is no potential for jail time.

Now, instead of a fine, he’s facing six months behind bars.

“He’s either completely loopy or one of the most courageous individuals you’ll ever meet,” said helmet-law critic Richard Quigley, a former Libertarian candidate for Congress who often accompanies Alcon to court. “He’s my personal hero.”

Salinas police Lt. Robin Stuart, a traffic patrol watch commander, said he, too, believes Alcon is sincere. But Stuart thinks Alcon is being manipulated by others who aren’t.

“Our country has a long and honored history of civil disobedience for worthy causes, but — you gotta pardon me, sir — I do not think the helmet law ranks up there with the things advocated by Martin Luther King,” Stuart said.

Fight has been a drain

Alcon’s personal life already has been consumed by the controversy. Full-time work is impossible because of his almost-constant court appearances. Money is tight because the Alcons — with three children under age 5 — must get by on the salary of his wife, Susan, a waitress.

“It’s hard with him being gone a lot,” she said. “But this is something he feels he has to do, and I support him.”

In Alcon’s version of events, his stand against the helmet law will shame an embarrassed Legis-

lature into repealing the offending statute, or force a judge to declare it unconstitutional. If he is jailed, he believes an incensed public will demand his immediate release.

Others, including his wife, aren’t so optimistic.

“David and his friends think this will all be over by this summer,” Susan Alcon said. “I think it could go on for a year, or maybe two — maybe longer. Luckily, I’m pretty independent, and I’m good with money.”

Prosecutor not enthusiastic

But law enforcement officials aren’t eager for that kind of confrontation. Assistant Monterey County District Attorney Craig Seminoff sounded unenthusiastic about his upcoming role as Alcon’s Torquemada.

“I didn’t envision (handling) this kind of case when I was in law school, but I’ve got it,” Seminoff said. “It was the alphabet. If the defendant’s name begins with ‘A’ through ‘Esc,’ it’s my case.”

And Commissioner Duncan, who is not involved in the trial Monday, says he’s not keen to be known as the judge who tossed David Alcon in the slammer.

“Frankly, I have sort of been letting this thing slide, waiting to see what’s going to happen on the status of the law,” Duncan said, referring to the lawsuits now pending against the helmet law. “I don’t want to be the guy who sends someone to jail for a couple of months and then (the courts) throw the law out, not on this one.”