

Home & Heart



Kathleen Jarschke-Schultze

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Not everyone who uses renewable energy lives in the boondocks. Every year, more people opt for grid-intertie systems. This column is not for them. It is for the families that are far from the nearest town, down the dirt road a ways.

Country Living

The least expensive land is usually beyond the grid. Solitude and space are out there. When your closest neighbor is a quarter mile or more away, you usually become good friends. If you can't see another house from your own, the view is always beautiful. The problem comes when the local authorities can't figure out why the heck anyone would go live way out there. Their usual conclusion is that if you aren't retired, you must be doing something illegal.

Over My Head

When I first came to live with Bob-O in the mountains, I had my first taste of *law vs. boondocker* discrimination. Every autumn, the local sheriff's office, in conjunction with the U.S. Forest Service, would fly the CAMP (Campaign Against Marijuana Planting) helicopter over the mountains and drainages looking for illegal plantations. In theory, that's okay. What is not okay is when that authority is overstepped, and the helicopter flies directly over dwellings at less than 500 feet, becoming illegal itself.

When this first happened to me, I really didn't understand why the helicopter seemed so interested in our cabin. I told my friend Sarah about it and she explained who they were and their excuse for being there. She also advised me, "Don't moon them, they'll just come back for a closer look."

Night Flight

Another friend was wakened in the wee hours of the morning by a cabin-shaking "thwock, thwock, thwock." She immediately recognized it as a helicopter. However, having one of the few meadows of flat land in

the mountains, she thought it must be a medical emergency helicopter looking for a safe landing area.

She threw on a minimum of clothes and ran outside to turn on her truck headlights to help the pilot see to land. She figured that if the helicopter was flying at night, it must be a catastrophic emergency. To her immense relief followed by righteous rage, it turned out to be the C.A.M.P. helicopter hovering so close to her cabin that the windows rattled.

That night the helicopter buzzed quite a few local homes. Complaints were lodged. When the matter was investigated by the authorities, they admitted that the helicopter had flown that night. But they could find no record or log of who the crew was or who had authorized the night flight. The investigation of the whole episode was dropped.

Got Law?

Several years later, the helicopter used by C.A.M.P. was painted flat black, with no markings or identifying numbers on it. It came up one drainage and circled a home below the 500 foot legal limit. It then proceeded up the canyon to the next home and circled there, again below the limit. The first neighbor watched it circle the second home after it left his. The second homeowner called the local gendarmes while the helicopter circled.

He was first told that it wasn't their helicopter. He then got angry enough to make a big mistake. He verbally threatened the helicopter to the officer on the phone. After about ten minutes, the helicopter quit circling that home and could be seen continuing up the canyon circling the other homes there.

Six months later, sheriff's deputies arrived at the second home in bulletproof vests to handcuff and arrest the homeowner. The charge was "terrorist threats." The bail was \$5,000. This guy was such a threat that it was half a year after the offense that the officials got around to arresting him. All that time there was a warrant out for his arrest, but he had no knowledge of it. He could have been arrested at any time, anywhere, without warning. They didn't even know what he did for a living. Some investigation. Some threat.

So began a series of appearances in court. First he had to appear to say he would hire his own lawyer. Then he had to appear, to hire that lawyer. In his next appearance, the D.A. had the charge lowered to "annoying phone call" (because "terrorist threats" would be very difficult to prove at this late date). He also had witnesses willing to testify on his behalf that the helicopter was too low. After four appearances in court, the defendant asked for his bail money back. He had lived in the county most of his life, worked there, and owned his own home.

The judge would return his bail money only if he opened his person, his vehicle, and his home to search at any time without probable cause. This was unacceptable to the defendant. The judge disregarded the fact that the whole incident took place because the defendant felt the helicopter crew overstepped their authority and violated his legal rights in the first place.

The upshot was that the defendant was offered a “court diversion.” After a year of not having any run-ins with the law (he had never had any before), the homeowner was granted an “unconditional dismissal” of the charges. After the court diversion was offered to and accepted by the defendant, the \$5,000 was returned to his wife, who had bailed him out.

When asked about the the incident, the officer in the helicopter denied flying over the house, and said he flew off to the side of the house over a “suspected marijuana site.” This turned out to be the water run-off of a buried spring box, out in a meadow with no trees or brush around it. The runoff had caused the plant growth around the drain pipe to be green on an otherwise dry, yellow hillside.

What You Can Do

If this happens to you, grab a camera and walk far enough from your house to be able to get the helicopter and the house in the same picture. Also take pictures of just the helicopter. Zoom in with your camera to identify the helicopter and its occupants.

Record the date, time, and length of the incident. Do not call the authorities. Call your neighbors instead and ask them to take pictures and watch the progress of the helicopter, if possible. Will this get it stopped? No, but it’s best to be prepared if you decide to pursue the matter.

You could also contact the Civil Liberties Monitoring Project. This California organization keeps a record of helicopter abuses under the guise of law enforcement. While they focus on a three-county area in our neighborhood, they are very aware of the issues and may be able to refer you to other organizations.

This could just be a western phenomenon. I don’t know. Most remote home dwellers in the West have a helicopter story. The main thing is to remain calm and clear headed. Get pictorial evidence of the incident, date, times, etc. Seek legal advice if you are going to pursue it. As a friend once told Bob-O, “Don’t ever expect justice from the American justice system; the best you can hope for is an even-handed application of law.” And remember, don’t moon them.

Access

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