

Biker fought the law and often won
By Tom Ragan- Sentinel Staff Writer
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SANTA CRUZ - Richard James Quigley, a biker who became a local folk hero by wearing a baseball cap in defiance of the state's motorcycle helmet law, died over the weekend from non-Hodgkin's lymphoma. He was 63.

A Santa Cruz County resident for more than three decades, Quigley ran unsuccessfully for county sheriff and the 17th Congressional District in the mid-'90s, but it was his reputation as a protector of the First Amendment that often preceded him.

He tried to sue the county Board of Supervisors more than a decade ago for raising and lowering the U.S. flag disrespectfully by stuffing it into a trash bag at the end of each day.

A self-described "freedom fighter" long before freedom ever became a buzzword, Quigley's greatest passion, perhaps, was his relentless and unapologetic pursuit of repealing California's helmet law so that bikers across the state could ride with their hair blowing in the wind again.

Studious in nature and self-taught in law, Quigley, with his long beard and thin frame, became a fixture in local courts, where he'd passionately argue his own cases, pulling out tape recordings of CHP officers who had stopped him on his bike and cited him for not wearing a motorcycle helmet.

"The wind doesn't care what you're wearing, why should the state?" Quigley was often fond of saying. "It's all about personal freedom. It should be our right to choose"

Said Kate Wells, a close friend and local civil rights attorney: "To the very end, he wanted to change the law for everybody. And he just might yet. The thing about Quigley was that he didn't think the government had a place telling him what he could and could not do, and he had a lot of followers and a lot of friends after a while who believed in his cause"

Hordes of them, in fact, even showed up for his "living wake," which he held for himself weeks after his doctor told him he didn't have much longer to live, his reasoning being that he didn't want people to kick themselves after he was gone, saying, "I should have told him this or I should have told him that," he later remarked.

Even a few CHP officers were on hand, having come to know Quigley over the years after issuing him so many citations. Although the officers still enforce the helmet law, many of them were saddened to hear of Quigley's death, said Grant Boles, a spokesman with the CHP.

"I always got along with him," said Boles. "We could always have a civil conversation, but I quit arguing with him a long time ago. He knew the helmet law and the circumstances and the statutes in great detail. He knew about it more than I did. I'll admit that. Our policy is simple: We enforce motorcyclists not wearing their helmets or not wearing an obvious helmet. That's how we're trained"

It was Quigley's long-held contention that the helmet law was unconstitutional because there was ambiguity about what constituted a safe helmet. According to CHP policy manuals, only helmets that have been approved by the Department of Transportation



are legal to wear, but the problem with that scenario is that the DOT isn't in the business of approving helmets and set no specific standards for manufacturers. Such an argument earned Quigley a win in Santa Cruz County Superior Court last year. Judge Michael Barton, declaring the helmet law "vague" and "unconstitutional," dismissed more than a dozen of Quigley's citations.

But the ramifications of the ruling only applied to Quigley, not the entire state, something Quigley had been pressing for - even more desperately after being diagnosed with cancer in November 2005.

With more plaintiffs in tow, Quigley took his case back to the Superior Court, in hopes of winning statewide - in what is called a "declaratory and injunctive relief" The case could be heard soon, noted Wells.

As he lay dying, lawyers with the state Attorney General's Office, on behalf of the California Highway Patrol, took his deposition while he was bed-ridden in his home above Aptos Village, she said.

Lyle Fleming, president of the Ghost Mountain Riders Motorcycle Club in Felton, said the fight to repeal the helmet law is by no means over.

"I'm going to continue his fight for freedom and justice for bikers," Fleming said. "It doesn't make us safer. There are times when we should be able to take helmets off, like when it's too hot or when your hearing or vision is impaired. That's when they can be dangerous"

Richard James Quigley
BORN: Dec. 25, 1943.
DIED: Sept. 15, 2007.

RESIDENCE: Santa Cruz County for more than three decades.

JOBS: Horse wrangler, stage coach driver, corporate marketing executive, private investigator and radio talk show host.

QUOTABLES:

****"If you ain't havin' fun, you just ain't doin' it right!"

****"Life is not a journey to the grave with the intention of arriving safely in a pretty and well-preserved body, but rather to skid in broadside, thoroughly used up, totally worn out, and loudly proclaiming, "Wow, what a ride!"

As for Quigley's future court dates, Wells will carry on her good friend's work. It's the least she can do, she said.

"He led each of us who knew him to a safer landing than we ever could have found for ourselves," Wells wrote in an obituary of Quigley. "How lucky we are that this great spirit turned out not to have been tethered to his wonderful being but flew even closer than before into our hearts, where it may now with some long-earned certainty, expect to find rest and welcome"

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