

Activist jailed over political signs claims port, sheriff's office violated his rights

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An activist jailed July 4 by Kitsap County sheriff's deputies because he refused to remove homemade political signs from a park at the Port of Kingston is suing, alleging the port and the sheriff's office violated his free speech rights.

The signs Robin Dirk Hordon, 72, of Kingston, brought with him to the 2019 Kingston Fourth of July Celebration at Mike Wallace Park promoted peace, feminism and environmental stewardship. The largest of the signs, about 6 feet across, said "Protect Democracy Vote" on one side and "Save Earth" on the other.

Hordon is known for holding signs in North Kitsap on roadsides and events, a type of activism he calls "civil informationing" meant to spread information person-to-person through bypassing traditional news media and provoking discussion.

He is also known for bristling when others try to take his signs or demand he remove them — something that has resulted in calls to police. Hordon said as a New Englander he is more direct in his manner than the typical Northwesterner. However, he said he tries to be conscientious and make sure he doesn't block people with his signs, as that would be counterproductive.

"Why would you piss off the people you are trying to convince to come to your side?" he said.

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Robin Dirk Hordon turns one of the homemade political signs in the front yard of his Kingston home on Thursday. (Photo: MEEGAN M. REID / KITSAP SUN)

Banned 'forever' from park

After his arrest, Hordon was banned “forever” from the park. His attorney is asking for the federal judge on the case to quickly order the Kitsap County Sheriff’s Office to not enforce the ban, as Hordon wants to display his signs at the park next month on the Fourth of July.

“Especially in light of recent events, our public parks must remain open to political speech and demonstration,” attorney Joe Shaeffer wrote in court documents filed Wednesday. He was referencing the protests that have gripped the country after George Floyd, a black man, died in police custody after a white Minneapolis officer knelt on his neck for nearly nine minutes.

A First Amendment expert with the Freedom Forum Institute in Washington, D.C., a free-speech advocacy group, reviewed Hordon’s lawsuit filed May 18 in U.S. District Court and told the Kitsap Sun he thinks there is a case that the port’s sign rule violates the U.S. Constitution.

“It is frankly un-American to arrest someone for peacefully displaying a sign in a traditional public forum,” [David L. Hudson Jr.](https://www.freedomforuminstitute.org/experts/bio/49/) (<https://www.freedomforuminstitute.org/experts/bio/49/>), wrote in an email to the Kitsap Sun.

Prosecutor advised deputies

Deputies wrote in reports that they received legal advice to arrest Hordon for obstruction of a police officer from a deputy prosecutor who was available by phone on the holiday.

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Deputy Scott Wilson, a spokesman for the sheriff’s office, referred comment to the county prosecutor’s office, which represents the sheriff’s office in lawsuits.

Prosecutor Chad Enright declined to comment, saying the case involved pending litigation but said he did not know if the deputy prosecutor who advised the deputies understood Hordon was at a public park.

Multiple messages left via email and phone with port officials, port commissioners and its attorney were not immediately returned.

However, last week commissioners deleted the rule giving employees discretion to decide what and where signs can be posted. Not because it violated the First Amendment, but “... in order to give the port sufficient time to evaluate the lawsuit and the claims thoroughly,” according to court documents.

Though reports from July 4, 2019, say Hordon’s larger sign — about 6 feet long — partly blocked a sidewalk at times, there were no records of complaints from people who attended to hear a live band play. Hordon had displayed his signs at the event before and said anytime the sign passed over the pathway — when he turned it to show the other side — he made sure he didn’t block anybody.

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Robin Hordon looks through the stacks of homemade political signs that he keeps in a shed at his Kingston home on Thursday. Hordon is suing the Port of Kingston over his arrest for displaying political signs at a Fourth of July celebration in 2019. (Photo: MEEGAN M. REID / KITSAP SUN)

Other signs, for businesses, were up

The incident started when Harbormaster Raymond Carpenter said he approached Hordon, wanting him to move the signs. Carpenter, who did not respond to an email seeking comment, said Hordon swore at him and refused.

"My guidelines are dependent upon how my interaction was with him, where his position of his signs were, how he is reacting that day," Carpenter said in an interview transcript included in court documents.

Though other signs were displayed at the park that day, those signs promoted businesses and had the permission of port administrators.

Deputies were called and Hordon continued to refuse to move his signs — deputies wrote that he yelled at them, smelled of alcohol and described him as "belligerent." The port had a beer garden at the event that was selling alcohol. Hordon said in addition to displaying his signs, he attended to hear the band like the rest of the crowd.

"There is no allegation he was otherwise being obnoxious to anyone, but he didn't want to be told he couldn't have signs in a public park," Shaeffer told the Kitsap Sun, saying free speech in public parks has a long, venerable history: "This is from the great tradition of Hyde Park's Speakers' Corner in London all the way to Mike Wallace Park in Kingston."

Jailed for two nights

After being told by deputies that Hordon could have a "normal conversation" about where Carpenter would let him relocate the signs, Hordon again refused and was arrested. A breath test administered by deputies found Hordon blew .075, below the legal limit to drive in Washington state.

"Hordon said he was exercising his First Amendment rights and we were wrong," a deputy wrote.

Hordon's suit says he spent one night in the Kitsap County Jail following his arrest. His bail was set at \$50,000 but a judge released him the next day.

Hordon was arrested again about two weeks later by deputies after he twice went to the park. He said he went to take photos to prepare his defense. However, the port contended this violated his "forever" ban from the park for "public intoxication," "disturbing the peace" and "threatening Port of Kingston employees."

"For the second time in his life, Mr. Hordon spent a night in jail," Shaeffer wrote. "The experience was unpleasant and Mr. Hordon suffered emotional trauma and distress from the experience."

Charges dismissed

Though Hordon was originally arrested for obstruction of a police officer, he was charged in Kitsap District Court with three counts of second-degree criminal trespass — one charge for when he refused to remove his signs and two others when he returned to the park. In February, after Hordon's defense attorneys argued that his rights had been violated, prosecutors dismissed the charges but did so in a way that would allow prosecutors to refile them.

Hordon said he is suing for two reasons: because his right to petition the government for grievances was violated and to ensure the right of free speech is secured.

"If our society cannot uphold political free speech in a public park, then our society, our government, is in trouble," he said.

'These criminal activities'

In addition to alleging his First Amendment rights were violated by arresting and jailing him, Hordon alleges his due process rights were violated because he can't appeal to a judge his "forever" ban from the park. Hordon had written to Kitsap County Sheriff Gary Simpson asking that he not be arrested when going to the park, but Simpson refused.

"I am ordering you to cease and desist these criminal activities or you will be subject to arrest for the criminal act of trespass upon the Port of Kingston properties," Simpson wrote to Hordon in December, according to court documents.

"(Hordon) is and will continue to be prevented from entering that public park, let alone from engaging in the First Amendment protected free speech activities for which he was banned," Shaeffer wrote in court documents.

Prior conflicts over signs

This was not the first time the police have been called about Hordon's signs.

In January 2011, the owner of the Treehouse Cafe on Bainbridge Island called police to have Hordon removed from the bar. Though the owner did not complain about Hordon's behavior that day, he told police the previous day Hordon had been holding his signs near the restaurant. The owner claimed Hordon had bothered his customers and Hordon had been rude to him, so he wanted to kick him out.

At first, Hordon refused, but two officers arrived and ordered him to leave, according to reports obtained by the Kitsap Sun through the state Public Records Act.

In October 2013, Bainbridge Island police were called to the corner of Highway 305 and High School Road after receiving a report of an assault.

Hordon had been displaying his signs on the roadside, and a woman who lived nearby believed they were on her property, didn't want them there and took one.

Police reports say Hordon saw her take the sign and ran to her to stop her. He took hold of the other end of the sign and during a tussle, according to reports, the sign hit the woman in the face.

Hordon said he had a right to be there and had signs stolen before, according to the reports.

The woman said she did not want to pursue charges.

When asked about the way he responds to people who have tried to take his signs or prevent him from displaying him, he pointed to custom graphics on the Colin Kaepernick jersey he was wearing that said "I am here for the First Amendment."

"You can't take my signs, no," he said.

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