

Mayor Faces Charge In Flag Incident

By MEL BAUGHMAN
Sentinel Staff Writer

Misdemeanor charges of malicious mischief will be filed today against Santa Cruz Mayor Richard J. Werner, who Tuesday afternoon ripped a Viet Cong flag from its standard at the residence of Larry E. Bell, 1520 Escalona Drive.

District Attorney Peter Chang said he plans to sign the formal complaint this afternoon.

The flag was ripped from the standard and torn into pieces by the mayor after occupants of the house refused to remove it.

The mayor, a retired U.S. Army colonel and veteran of World Wars I and II, exclaimed, "This is what we think of you and the flag you're flying!"

This is the flag of an enemy that is killing American boys."

In a statement today, Chang reviewed the facts of the incident and declared:

"I am certain my decision (to file charges) will be unpopular, judging from the many phone calls to this office in support of the mayor.

"However, the violation is clear and there is nothing the

law that allows one man, regardless of good intentions or the popularity of his cause, to enter upon another person's land, seize that person's personal property (albeit of little value), and then proceed to destroy it.

"A decision not to prosecute would be a political decision based on personalities, emotion, and public sentiment, none of which constitute a legally cognizable defense."

If convicted, the mayor faces a fine of \$500 and six months in the county jail.

Mayor Werner, who was interviewed by The Sentinel before Chang announced his decision, stated that he has received numerous telephone calls of support.

He added that Ray Goodrich, local attorney and Werner's predecessor as mayor, has volunteered to act as Werner's legal counsel.

Bell, a 1969 graduate of Cowell College at UCSC, is a substitute teacher, who, according to Superintendent Carl E. Wilsey of the city schools, substituted one day last month at Soquel High School.

Today Bell accused Mayor Werner of threatening his life if the Viet Cong flag appeared again.

"I'm flying the flag again today," Bell said, "and I'm waiting for the mayor to make his move. I'm defending my life, but I'll make it easy for him. I'll meet him at sunset on Pacific Avenue and he can choose weapons."

Bell reported the incident to police Tuesday afternoon.

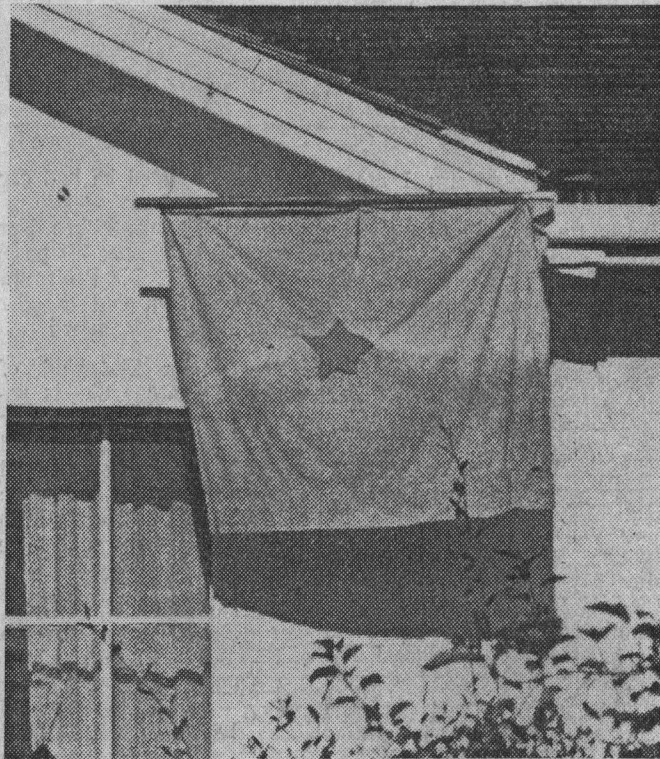
Said Werner of the possible legal action, "I hope he goes through with it, because if this is the kind of teachers we have, the whole city should know about it."

Asked if he would do the same thing again, the mayor said, "I certainly wouldn't do anything less."

And he commented, "When I was in the 9th Army during World War II and we saw the Nazi swastika flag on a building, we blasted hell out of the building, killed everybody in it, and then took the flag. I have the same reaction today when I see the Viet Cong flag."

Bell, who said he is a veteran

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Another flag, said to be patterned after the banner of the Viet Cong, was displayed this morning at the 1520 Escalona Drive residence of Lar-

ry E. Bell, a 1969 graduate of UCSC. A similar flag was torn from its standard Tuesday afternoon by Mayor Richard J. Werner.