

End of an Era ~ The Legacy Continues

After 40 years as champions of Southern Humboldt activism for justice The **Civil Liberties Monitoring Project (CLMP)** is dissolving its non-profit corporate charter in July. For decades **CLMP** has been documenting citizen complaints, alerting the public about law enforcement actions, holding informational forums, fundraising celebrations, and holding authorities accountable for constitutional violations with lawsuits.

June 2nd an open-house gathering in the **CLMP** office included a discussion about the organization and plans for the **Humboldt Area Peoples Archive (HAPA)** to maintain the documents, records and relics of the past, by continuing to rent the office as an historical archive preserved by **HAPA**.

HAPA Executive Director Nicole Riggs explained that **HAPA** is grateful for an agreement with landlord, Josh Sweet, who supported the concept with an offer to donate the office space for a 6 month period while **HAPA** secures planned funding to build the office into a permanent historic location with museum-like features to share the story of local organizing efforts to reign in abuse of protected civil liberties by government authorities. And the culture that created that movement.

Possible funding by larger organizations such as the **American Civil Liberties Union** or the **The National Organization for the Reform of Marijuana Laws (NORML)** was suggested, with the idea of including the site on the historic cannabis trail to attract tourism.

The room was filled with community elders who have known each other for decades. Among the youngest present, Jill McClure, current member of the board, with a long family history in the area, described her memories as a high school student participating in the anti-nuke movement of the early 80's. It was agreed by all that the organizing skills, non-violence training, affinity groups, direct action experiences and empowerment gained with the **Acorn Alliance**- anti-nuclear, anti-war movement, anti-herbicide spray campaigns, and forest protection activism were pivotal influences in the formation of **CLMP**.

Following a season of law enforcement harassment by the fledgling **Campaign Against Marijuana Planting (CAMP)** in the Fall of 1983, community meetings at the **Beginnings** octagon, a School and Community Center established in Briceland by the same community developing the other cultural assets that their illicit crop enabled, led to the formation of **CLMP**. Their tactical partner, the **Citizens Observation Group (COG)**, was organized to monitor and document the behavior of police in the field as **CAMP** expanded operations across the state.

Meanwhile, in November 1983, The Garberville Fireman's Hall burned down. By then owned by the newly minted nonprofit **Southern Humboldt Working Together (SHWT)** and becoming a center of local culture that would eventually become the **Mateel Community Center**, with the iconic Reggae on the River festival as its key fundraiser.

In 1984 Attorney Ron Sinoway, with **CLMP**, **NORML** and local plaintiffs, sued the state and federal government and won an injunction ordering helicopters to stay at least 500 feet above a residence. The case prevailed with reliance on fifty sworn declarations, gathered by **CLMP**, which claimed injury from **CAMP** activities. From warrantless searches and seizures, arbitrary detentions and destruction of property, and sustained low-altitude helicopter activity resulting in repeated invasions of privacy, emotional distress, property damage, disrupted schooling and work, and general danger to the public. They asserted that **CAMP** was out of control and had turned its areas of operations into war zones.

Plant eradication was the ostensible goal of that arm of the war on drugs, but the tactics used disturbed and threatened the very lifestyle of a large local community that were becoming the **"New Settlers"**, a decade after the the Back-to-the-Land rush of the 70's. Ironically, these "outlaws" would turn to the law and courts as the only way to restrain abuse by government actions.

The lawlessness of law enforcement continued, culminating in a literal invasion in July, 1990, when a joint task force converged at a base camp in Humboldt County for what was known as **Operation Green Sweep**. Led by the Federal Bureau of Land Management, it consisted of approximately 60 drug law enforcement agents, 110 California National Guardsmen and 60 regular U.S. Army soldiers from the 7th Infantry Division, the same unit that was used in the invasion of Panama during the previous December. Military helicopters flew overhead surveying residents, homes, and fields, and conducted road blocks, interrogations, and detentions. And backlash demonstrations, some violent, by Humboldt County locals against Green Sweep broke out.

This marked the first time that the government had used military force against its own citizens in a drug operation. It also established that law enforcement officials—now cooperating with U.S. military forces—have the ability to search, seize and detain, without warrant or probable cause, in the war on drugs. Property may be seized regardless of evidence and forfeited to the state or federal government without regards to the Fourth Amendment:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized"

In August 1990 **CLMP**, in conjunction with the Washington based **Drug Policy Foundation**, filed a \$100 million suit against 41 federal defendants, including then Secretary of Defense Dick Cheney.

Many of these stories were well told in real time over the years to any one with any connection to the community and has been paying attention, becoming part of our local lore, but it is apparent that archiving the experience, trials and lessons of the fading generation of new settlers is the only way the transmission of that story will endure. Maintaining a legacy is not as easy as creating history, and if the story is to continue, and inspire a new generation of rights protectors, documentation of the past experience is necessary, the true value of an archive.

Earth First! activist Darryl Cherny related that ever since arriving in the area he had sensed a tension, there is always some sort of struggle, and he wondered why that is, and why he chose to live somewhere like this? His answer comes easily: Where would be better? He then announced that a successful fund drive had enabled a secure storage facility for his extensive archive of **Earth First!** materials, which **HAPA** expressed immediate interest in, as another nugget of local history.

Veteran **CLMP**ers reminisced about notable outrages and their recollection of events and personal stories. Including Long-time stalwart Bonnie Blackberry who has extended the **CLMP** legacy with a long running talk show **'The Civil Liberties Hour'** on **KMUD** radio for many years, interviewing law enforcement, political leaders and community members, and Suzelle who has diligently transcribed those shows for publication.

Marie Mills a past **CLMP** President and owner of the **Hemp Connection**, established in 1980 and closed in 2022, was surprised by Josh Sweet's offer of generosity. Her business was closed in part by aggressive real estate maneuvers, and rent increases inspired by gentrification in Garberville that Sweet and his investment partners had instigated several years earlier with the major redevelopment of key buildings including Jacob Garber Square, named after the early settler and eventual postmaster, who named the town in 1879, where the **CLMP** Office is housed in an upstairs office.

Sweet acquired **Jacob Garber Square** after the large high-ceilinged variety store **Thoresen's** was converted into multi store mini-mall in downtown Garberville, later extensively remodeled with a second story added by Dennis Bourassa. Once a thriving town hub with the popular cafe, **'Flavors'** which originated as a small coffee shop called the **Java Joint** in the old service bay of the Shell Station across town- and then moved in to the corner of the new space in the center of town, eventually moving next door into the larger cafe space and went through several ownerships and name changes.

The **Mateel Arts Cooperative Gallery** moved into the corner location as its 3rd location in town, with **Folk Arts**, later, **Sweet Grass** across the hall, in back was the **Astral Travel Agency**, **Patsy Thoresen's notion shop**, which became **Papa Murphy's** Pizza, and up stairs the short-lived **Emerald** restaurant, then became **Cecil's New Orleans Bistro** and bar, a vintage guitar store, and various offices were also located there. All are now gone; only one boutique shop - **Raindrop Harmonics** - survives in the building along with the **CLMP** office.

Work has stalled on other buildings - like the historic Garberville movie theatre that has been gutted for a planned remodel, and the old Bank building that dominates the center of town which underwent extensive remodeling and has been left with an unfinished interior for a number of years - all slated as part of the the so-called **'Gateway Project'** designed to revitalize a tourist trade based on the historic legacy of cannabis production, even as more businesses close and many storefronts stand empty in the rapidly changing local economy.

The **Hemp Connection** sign, with its large green marijuana leaf on a tall stanchion in the center of town, still stands. That sign was once a serious point of contention. Installed in 1998, it was immediately threatened by the toothless regulations of the archaic and mysterious **Design Review Committee** of the unincorporated town of Garberville. This quasi-governmental "authority" was empowered to dictate the design of local signage, color schemes, and facade construction. The sign was ultimately allowed after significant public outcry. The building now stands empty. Recently announced are plans that the **Southern Humboldt Community Healthcare District** will offer optometry services there beginning next year.

The **Hemp Connection** closed just as it was recognized as a pioneer, the first of its kind to retail hemp fabrics and papers and was presented with an historic marker on the **"Cannabis Trail"** in 2021. The marker is now on display at the Southern Humboldt Chamber of Commerce office.

- Joshua Golden



CLEAR AS MUD

Undoing protections that have safeguarded the nation's waters for over 50 years **The U.S. Supreme Court** released its ruling on **Sackett v. EPA** May 25th.

The decision has dramatically narrowed the scope of the Clean Water Act, erasing critical protections for tens of millions of acres. The court's ruling also threatens the clean drinking water sources for millions, putting 1 in 3 Americans at risk.

The case involves an admittedly quite difficult question of how to read a vague provision of the law. The Clean Water Act prohibits "discharge of pollutants" into "navigable waters." But it also defines the term "navigable waters" counterintuitively, to include all "waters of the United States, including the territorial seas." Wetlands, often not navigable, act as filtration systems that slow the seepage of pollutants into major waterways, and as sponges that help control floods.

Both the courts and the federal agencies that enforce this law have struggled over the past fifty years to determine which "waters" can be regulated under this uncertain statutory language — a problem exacerbated by the fact that pollutants discharged far from a major waterway can nonetheless migrate into that waterway. A toxic chemical dumped miles from the Mississippi River might find its way to that river through the network of streams, creeks, wetlands, and similar geographic features that feed into it.

The opinion in **Sackett** adopts the approach Justice Antonin Scalia suggested in a 2006 opinion. Under Alito's **Sackett** opinion, the act only applies to "traditional interstate navigable waters," to a "relatively permanent body of water" connected to such a waterway, and to wetlands so interconnected to such a body of water that they are "as a practical matter indistinguishable" from it, removing protection for a huge number of streams, drainage ditches, and other small tributaries that may flow into major bodies of water, but that are not themselves large enough to be navigated by ships and other watercraft.

As an amicus brief filed by professional associations representing water regulators and managers warned, this new definition will "exclude 51% (if not more) of the Nation's wetlands" from the Act's protections. In short, this opinion will significantly curtail the federal government's ability to protect American waters.

The **Clean Water Act** became law in October of 1972 and is the primary federal law in the United States governing water pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity of the nation's waters; recognizing the responsibilities of the states in addressing pollution and providing assistance to states to do so, including funding for publicly owned treatment works for the improvement of wastewater treatment; and maintaining the integrity of wetlands. The Clean Water Act was one of the United States' first and most influential modern environmental laws.

The case was backed by polluters who want to weaken the Environmental Protection Agency's ability to safeguard the streams and wetlands that are critical to our drinking water supplies, wildlife habitat and flood protection.

The Clean Water Act, enacted with bipartisan support, passed overwhelmingly in both houses of Congress, overriding president Richard Nixon's veto. The act has served as our most fundamental tool for protecting waters across the country. Before the Clean Water Act, rivers were treated as sewers, with pollution of all kinds being dumped into them — some so polluted they famously caught fire.

"The court's ruling is a serious blow to wetlands, which are essential to clean, affordable drinking water, public health, and flood protection. Today's ruling puts rivers and people at greater risk from pollution and harm. We urge state officials, the Biden Administration, and Congress to act quickly to safeguard rivers, wetlands, and streams that are so vital to our health and safety, environment, and economy. Rivers should unite us, not divide us."

- Tom Kiernan

President and CEO of American Rivers
americanrivers.org



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