

# Who Owns the Sidewalk?

## **WHOSE STREETS? OUR STREETS!**

**In the happy yet dysfunctional booming cannabis industry town of Garberville, CA,** Population – *No one ever really knew*- But we generally say around **2,000** (year around residents for Garberville in conjunction with Redway).

**Southern Humboldt**, home to some of the last remaining old growth redwood forests on the planet, some of the last remaining conscious humans who protect them, and undoubtedly the most mom & pop mono-croppers and thriving non-profits per capita, with a world renowned culture like no other. Also home to a decimated logging industry, dairy industry, today some of the highest paid **gorilla water hose holders**, **“Scissor drifters”**, tumbleweed towns, weekly **“Car-BQs”**, heaps of tourists, travelers, workers, no housing, zero services, and as with any industry town or town victim of a drug war- a huge addiction epidemic (opioid and meth on the streets generally, and big pharma and alcohol behind closed doors). Oh yeah, and we mustn't forget Humboldt Counties' bustling 2nd District- there are more cannabis cultivation permit applications submitted per capita that any other region in the state. No doubt industry is unfolding and it's a busy time for this rural area!

The main drag of this tiny **cannabizness** town is approximately 2 miles long and only a few or more wide. If you hit your vape-pen too hard and erupt with coughing, you could very easily miss it. You'll notice right away most downtown businesses cater to a day which has come and gone regardless of their evolving clientele. Some shops have recently enjoyed multi-million dollar renovations catering to the “up and coming,” few to “conscious consumers”-(thanks!) and “the classy *cannabiz* entrepreneurs.” No one would deny there is still a lot of work to be done before So Hum is to weed what Napa is to wine. That is after all the goal of government and business' alike right?

Predictably, it turns out there are more cannabis workers than cannabiz millionaires and this is said to have disgruntled at least one property owner in Garberville, who “incessantly acts to rid working-class people from downtown Garberville,” said one longtime local. “[his] behavior causes immense terror for the people just trying to get by,” chimed another.

**On Sunday 8/13, close to 10pm** a trio of traveling musicians were performing for a few grateful passerby's outside a closed restaurant -known for it's catfish cuisine- Cecil's- Brea Cook-Hampton was gaining quite a crowd on vocals and guitar, with a friend also on guitar and another on the ukulele.

A Garberville man known as Hercules was one passerby enjoying the music before the property owner harassed him and the small group gathered. Hercules describes the scene leading up to the alleged assault, *“It was nearly 10 pm, the business' were closed, it was dark but lights lit up the sidewalk... I've never seen so many people enjoy live music at that location as I did that night.”*

The music went on for nearly half an album when this property owner is reported to have **“aggressively approached musicians and said to get the fuck off his property,”** and a whole lot more. Cook-Hampton said, her sheer presence upset him and explained **“We were just playing music, and he approached us and was instantly a jerk for no reason. I asked him what we were doing wrong, so we could fix it?”**

The less than sweet property owner said,

**“Your just here, no one wants you here, no one likes travelers, you're never going to be welcome here.”**

Beyond the fact that property owners do not own the sidewalk, and that it is not unlawful to congregate on the sidewalk, there are few locations for people to congregate without harassment in Garberville. This particular individual owns a significant portion of Garberville's very small downtown area, which makes **“Getting the fuck off”** his property sort of difficult and unclear; especially for out-of-towner's, who may not be hip to good ol' boy unwritten laws or imaginary ever moving property lines.

Hercules elaborates that tensions grew when everyone was told to leave and the disgruntled owner moved to turn a hose on everyone. Hercules stated, *“We had just moved to the public part of the sidewalk and he asked that we move again.”* Hercules explained that he realized the hosing the sidewalk was a scare tactic, because there was trash right there also, so it didn't make sense as it would have made the sidewalk more filthy, not cleaner to hose it down. “I was worried about the service dogs, people and instruments, so I stepped up to defend everyone...” he then pulled the water tap key to stop the spraying of travelers. “...I threw the key to buy some time, and walked away down the road (Locust St./toward Chataqua) to avoid further controversy and escalation.”

Cook-Hampton witnessed the hoser reclaim the water key in the road, before he ran down Locust street (possibly out of range of his properties surveillance cameras) after Hercules who was walking away, then allegedly assaulted Hercules, who explained;

**“Out of nowhere I hear Brea yell “watch out!” [He] pushed me really hard from behind and repeatedly threatened that he was going to “take care of me”.”**

Hercules reported to Sheriff's Deputy Selby that this threat made him incredibly concerned for his safety, and his partners, and said,

**“I understand this threat as him saying he would make me disappear.”**

Deputy Selby made no response to Hercules about his concerns, but Selby did pull Hercules over less about 2 days later for a “headlight issue” during daylight. Amidst this pull over by Deputy Segal alongside Lieutenant Fridley, Segal is said to have explained to Hercules that “the video footage contradicted his testimony and no charges were filed against Hercules.”

One complaint was filed with Garberville Sheriff's Dept. Tuesday Aug 15<sup>th</sup>, and another a few days later, and still no progress has been made in the Sheriffs Dept. at this point other than what seems a reframing of the assaults based on one single clip of video footage, instead of witness testimony from all angles of the entire incident. I called to speak with Deputy Segal and was misdirected to, the conclusively symbolic **“Homeless Liason”** Swithenbank. The gist of the conversation went as follows.... (Full audio can be obtained by going to – <https://soundcloud.com/user-84824453> **Shakti**- What is the status of the assault case?

**Swithenbank**- What case?... Oh yeah sure I've glanced at it. **I am told it has been resolved because of the video, I think the main suspect was proven to not have done what he was said to have done. I didn't look at the video. “Someone” gave Deputies video footage** likely, the primary person with an invested interest in taping this location)

**Shakti**- ...What about the events that happened off camera and the videos not given to you?

**Swithenbank**- We cant be splitting hairs on what could or could not have happened, there are too many variables on that.

**Shakti**- Of course, and in some ways that is my primary concern also, that you are looking into and following through with what happened off camera....Obviously everything that happens isn't going to happen on camera, and the only person who would tape this location is the accused.

**Swithenbank**- My deputies deemed this was not a criminal action.

**Shakti**- What about all of the witnesses who claim the exact same assault happened? Do you only follow through with complaints that are on video?

**Swithenbank**- We're getting nowhere with this, I'm not talking to you anymore if you keep talking to me like this...that is absurd... I'm not going down the wrong path with me and were not going to do it-

--Dial tone....

As with most experiences with government; I am left feeling I've just been slapped with a stupid stick, while being asked why I am slapping myself.

Hercules was not the only victim of an alleged assault that evening, another police report was filed for the same assailant aggressively poking another Garberville man as well. This victim who wishes to be remain anonymous (**“for his protection”**)- explains why he thinks this property owner “pushes around tourists and workers on the poor and houseless people in Garberville,

**“...He is scared of us, irrationally so. We are so different from him and his lifestyle, he can't comprehend our life, and so he just wants to kill us essentially.”**

**-Shakti**

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On going demonstrations in defense of common spaces, and common decency are planned at the location of this incident for Friday evenings.  
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