

Rev.
Hults

Editorial Now & Then



Your beloved editor has great news!! Uncle Mike's Guide to the Real Oregon Coast, with disturbing illustrations by Steve McLeod, is not only selling like pancakes at a Legion Breakfast, but a 'sequel' might be coming to a bookstore near you, soon. Could it be, "Uncle Mike's Guide to the Real West Coast, with even more disturbing illustrations by Steve McLeod", is in our future? Stay tuned.

And again, good stuff, Sally Lackaff's "Wildlife on the Edge" is just about at the printers. A mere few thousand bucks stand in our way. So, if you happen to have the aforementioned several grand, write a check to The Cannon Beach Arts Association, and put Left Coast Group on the Memo line, and the wonderful will continue.

While we are begging for money, we must pause and remember those who have made what we have done so far possible. We don't know if our readers from around the planet understand what a unique village Cannon Beach is. In spite of the yuppiezation, and the rampant building, and high cost of survival, it still is a village on the edge of the ocean, and all that entails. The people here, probably less than a thousand that live here year-round, get to know each other by rote. We all know who has problems with their business, marriage, drugs, their kids, money, etc. There is gossip, there are groups that hang out together, a social strata, but if it's a full gale blowing and the power is out, we all know we are in this together, if it's August, and you can't park, and it takes an hour to buy stuff for dinner, and you see a local you don't really know too well, you smile anyway, or wave, and shake your head, again, we go through these times together, and share the gains and losses, and if we survive, the village shows its support. Since the Edge goes out far beyond this village, we are able to share our experiences far and wide, and, of course, find that they are much like our readers', no matter where they live. And both here and there we have found incredible support. So, in case we didn't make it clear; THANK YOU!!

In this issue we will be welcoming a new regular column by James Patton, writer and teacher, and general all around curmudgeon.

Also, in this issue is a very personal piece about a very local and tragic event. Those of our readers who also check out the main stream press, might have read of the triple murder/suicide committed by our local physician, Dr. Cornwall on himself and his three young daughters. This is not the kind of story we regularly print in the Edge. But, Mary Ann Radmacher-Hershey, like many in the village, was so effected by the deaths of these three innocent girls who had lived among us for most of their short lives, had to express her thoughts. There is talk locally of something in the way of a memorial to remind us that it often takes a village to save our children.

UPPER-LEFT-EDGE

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... per month. Payment is due the 15th of the month prior to the issue in which the ad is to appear. Camera ready art is requested. We are usually on the streets by the first weekend of the month.

....Continued from Page 1

1. *The Premise*—Whatever the constitutional mandate, we believe legislators ought to begin as a matter of policy with the assumption that conduct harmful only to the actor is not a legitimate subject for the criminal law. In the first place, notions of blameworthiness, if not immorality, should underlie any criminal statute. Yet contemporary western man increasingly regards as blameworthy only that which directly or indirectly harms others; the presumption ought therefore to be that conduct harmful only to the actor should be deterred through means other than the criminal law.

Second, to the degree that the society continues to render moral judgments regarding purely personal conduct, we do not agree with Lord Devlin that the criminal law is ever the appropriate vehicle for the imposition on the minority of the dominant personal moral code. In this day of rampant relativism, imposition on the minority of the dominant personal morality is presumptuous and suspicious.

We... share Justice Brandeis' warning that government is most dangerous when it purports to "help" the individual citizen. In fact, we believe that contemporary society is ill advised to insist on homogeneity of conduct, even where the majority continues to attach moral blame. The danger of regimentation and stultifying conformity is one of the paramount disutilities of modern technological society. We feel it incumbent on the legislators as designers of the social order to promote the widest possible latitude for private conduct so as to encourage the diversity that fosters the creative element in any productive society.

A third related reason for this policy premise is that the benevolent societal goal of protecting the actor from his own folly, if it should be effectuated at all, can be achieved by means other than the criminal law. Indeed, use of the criminal law for this purpose is generally less effective than other means because of the difficulty of enforcement, which itself is our final rationale for the initial premise. Laws prohibiting purely personal or consensual conduct have an ancillary effect which causes more harm to the social fabric than the mere offensiveness of deviant personal conduct—the inevitable collision of law enforcement techniques with constitutional limitations. Sacred protection of the individual's right to privacy is, to us, a far more noble end than the protection of the individual from his own folly, as defined by the dominant segment of society.

We do not pretend to have settled or even enriched the continuing philosophic debate regarding "crimes without victims." However, since the only rationale remaining for marihuana prohibition is that it is harmful to the user, legislative adoption of our position on this issue would dictate partial or total repeal of existing law. It should be noted that an increasing number of lawyers, philosophers and social scientists have taken this position. We recommend it to the state and federal legislatures.

2. *Statutory Recommendations*—We offer first a statutory scheme which might be palatable to legislators who still fear that further study will reveal that marihuana use has long-range ill effects. While we do not think this fear justifies perpetuation of existing statutes, it will justify a scheme which permits those who choose to smoke marihuana to do so but which inhibits spread of the conduct; that is, it simply takes the users of marihuana out of the criminal process.

For this minimal solution, we propose:
(a) prohibiting possession of more than 4 ounces of marihuana unless the defendant can show that it was possessed solely for personal use;

(b) prohibiting public use of the drug;

(c) proscribing driving or operating any other dangerous machine while under the influence of the drug;

(d) proscribing transfer to any one party of more than 4 ounces of marihuana;

(e) prohibiting transfer of any amount to persons below the age of 16;

(f) punishing all violators as misdemeanants.

The prohibiting of possession or sale of more than 4 ounces of the drug fulfills the possibly justified legislative goal of limiting mass distribution and proselytizing the use of marihuana. We feel that none of the important values of right to privacy or individual freedom are involved when one individual goes beyond his own private use of the drug to proselytize. However, as we have seen above, the realities of the marketplace are such that the average user might sell to friends to support his own use. Our arbitrary choice of 4 ounces as the cutoff point for the criminal process reflects an assumption, based on current trade practices, that it will keep the small seller out of the criminal process while ensnaring the mass distributor. Of course, this figure should be raised or lowered if prevalent market conditions change....

It should be reiterated that we view the above statutory scheme as a minimal response that protects what might be perceived as legitimate public goals while not infringing the right to privacy. However, some form of legal dissemination of the drug accords philosophically and practically with the logic of the authors' views. To this end we both predict and urge that each state adopt a regulatory scheme—either the licensing or state monopoly models—to control cultivation, distribution and consumption of marihuana in the same way those states now regulate the use of alcohol. The benefits of such a system, especially if a state monopoly controls cultivation and distribution, are manifold: First, the state can regulate the quantity and the potency of the drug produced. Second, the state can restrict the age and other eligibility of the purchaser. Third, and most important, the state can tax the purchaser providing a valuable source of revenue to the states in a time when lack of revenues is becoming a more and more serious problem. As a corollary, to the limited extent that organized crime is involved in the marihuana trade, any such regulatory scheme would both divert the revenue from the coffers of the Mafioso and eliminate possible contact between the marihuana users and its henchmen.¹²⁸

These views, articulate and carefully reasoned, are more than adequate to summarize our discussion of marihuana.

Obituary: William Burroughs, last of the "beatnik" writers, who gained fame and fortune writing about his homosexuality, and heroin addiction, died August 4th 1997 at 83 years of age. Let that be a lesson, kiddies.

WHERE TO GET AN EDGE

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Oceanside: Ocean Side Espresso
Lincoln City: Trillium Natural Foods, Driftwood Library, & Lighthouse Brewpub
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Eugene: Book Mark, Café Navarra, Eugene Public Library, Friendly St. Market, Happy Trails, Keystone Café, Kiva Foods, Lane C.C., Light For Music, New Frontier Market, Nineteenth Street Brew Pub, Oasis Market, Perry's, Red Barn Grocery, Sundance Natural Foods, U of O, & WOW Hall
Corvallis: The Environmental Center, OSU.
Salem: Heliotrope, Salem Library, & The Peace Store
Astoria: KMUN, Columbian Café, The Community Store, The Wet Dog Cafe, Astoria Coffee Company, Café Uniontown, & Shark Rock Cafe
Seaside: Buck's Book Barn, Universal Video, & Cafe Espresso
Portland: Artichoke Music, Laughing Horse Bookstore, Act III, Barnes & Noble, Belmonts Inn, Bibelot Art Gallery, Bijou Café, Borders, Bridgeport Brew Pub, Cap'n Beans (two locations), Center for the Healing Light, Coffee People (three locations), Common Grounds Coffee, East Avenue Tavern, Food Front, Goose Hollow Inn, Hot Lips Pizza, Java Bay Café, Key Largo, La Patisserie, Lewis & Clark College, Locals Only, Marco's Pizza, Marylhurst College, Mt. Hood CC, Music Millennium, Nature's (two locations), NW Natural Gas, OHSU Medical School, Old Wives Tales, Ozone Records, Papa Haydn, PCC (four locations), PSU (two locations), Reed College, Third Eye, TransCentral Library, & YWCA
Cornellus: The Weekend Garden Market
The Dalles: Klindts Bookstore
Hood River: Purple Rocks Art Bar, & Cafe
Ashland: Garo's Java House, The Black Sheep, Blue Mt. Cafe, & Rogue River Brewery
Cave Junction: Coffe Heaven & Kerby Community Market (Out of Oregon)
Longview, WA: The Broadway Gallery, & Carat Patch
Long Beach, WA: Pacific Picnics
Naselle, WA: Rainy Day Artisty
Nahcotta, WA: Moby Dick Hotel
Duval, WA: Duval Books
Bainbridge Island, WA: Eagle Harbor Book Co.
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