

# SO CALLED LOCAL OPTION UNMASKED

One of the most important questions involved in the coming election—indeed, the most important—and one to which little thought has as yet been given, is that of local option, so-called. At first glance it would appear that there was nothing unreasonable in what the advocates of the proposed law desire, nor is it plain to the reader, upon superficial perusal of its provisions, that there is in it anything that would be inimical to the interests of either the entire community or of any particular class in the community. There is nothing unreasonable in vesting in the people of any county, town or precinct, or other subdivision of a state the power to say whether or not liquor shall be sold therein, and this right is already enjoyed; but when an inconsiderable portion of the people endeavor by means of one subterfuge or another to dictate the policy of the majority it is an usurpation of the rights of the people that should and shall not be tolerated.

The framers of the proposed local option law have done their work cleverly, so far as hiding from the average layman the true meaning and intention of the law, and it is but fit and proper that it should be explained in order that the people may fully appreciate the question upon which they are asked to vote. Local option is nothing less than prohibition law under another name, and whether the voters want prohibition—not whether they want local option—is the question at issue. By carefully reading some of the provisions of the proposed law the people will see for themselves what the framers of the measures have in view. Some of the more important of the sections are therefore reproduced.

Section 1 provides that "whenever a petition signed by ten per cent of the registered voters of any county or precinct in Oregon is filed with the county clerk, the county court must order an election to be held in the district mentioned to determine whether the sale of intoxicating liquors shall be prohibited there."

This would vest in the few the power

to rule the many, to say nothing of the fact that a handful of people in any precinct could saddle upon the county once in each year the expense of a special election. No sensible man, especially if he has property interests at stake, and is therefore a taxpayer, would for a moment think of placing such power in the hands of ten per cent of the voters.

Section 2 allows druggists to sell alcohol for medical purposes, but provides that it "shall only be sold upon the written prescription of a physician, dated and signed by him after a personal examination of the applicant. No druggist shall be permitted to sell more than once on each prescription, which must be endorsed, canceled and filed away."

In this section the framers of the bill have been actuated by a desire to increase the business of the drug stores and the physicians. But there is still another side to the question: Drug stores would quickly be converted into dram shops, which would spring up like mushrooms at every corner. Such was the result of prohibition in other states, and such doubtless would be the result here.

Section 3 provides that the first elections to determine whether the sale of liquor shall be prohibited in any district, may be held on the first Tuesday after the first Monday in November, 1904, and thereafter only on the first Monday in June of any year. In every county or precinct that shall return a majority vote for prohibition in 1904, the law shall take effect January 1, 1905. In all succeeding elections the law shall take effect on July 1, following the day of the election.

That is to say that a dealer in liquor might have several thousand dollars invested in fixtures and decorations in his place of business, and between June 6th and the first of the following month, he would be compelled to dispose of them—if he could. Of course, under the circumstances he could not, and the passage of such a law would be nothing more nor less than confiscation of the property. Such a law cannot appeal to any fair-minded citizen.

The other sections follow in their order:

Sec. 10: After the election the county court must hold a session, and, if a majority of the votes in the county, as a whole, or in any subdivision of the county as a whole, or in any precinct in the county are for prohibition, the county must immediately make an order absolutely prohibiting the sale of liquor in such districts. The section compels the court to issue an order of prohibition in every precinct in the county which has voted for prohibition, even if the county, as a whole, has voted against prohibition. This section makes it unlawful to even give away intoxicating liquors within the prohibited territory.

"Section 11. If the majority is 'Against Prohibition,' the court shall make an order declaring the result."

Sec. 12. If the election result in favor of prohibition in any precinct, no election can be held in that precinct again for at least two years, except an election for the entire county. If a whole county should vote for prohibition, no election on this subject can be held either in the county as a whole or in any precinct, for at least two years.

Sec. 13. When a second election results against prohibition the court shall enter an order setting aside the previous order.

Sec. 14.—When a county has declared for prohibition, no election on this question can be held in any precinct of the county thereafter until prohibition has been defeated at a subsequent election held for the entire county.

Sec. 15. Any person who shall sell, exchange or give away any intoxicating liquors in prohibition territory, shall be punished by a fine of not less than \$50 or more than \$500, or by imprisonment in the county jail for not less than 10 days nor more than 30 days, or both fine and imprisonment. A second offense entails a fine of both fine and imprisonment.

Sec. 17. This section makes it the duty of judges, district attorneys and justices of the peace to rigidly enforce the law.

Sec. 18. In all prosecutions under this act it shall not be necessary to state the kind of liquor sold, nor to show the knowledge of the principal, in order to convict for the acts of an employe, and in all cases persons to whom intoxicating liquor is sold shall be competent witnesses. The issue of a license or internal revenue special tax stamp by the federal government to any person for the sale of intoxicating liquors shall be prima facie evidence that such person is violating

the provisions of this act. Sections 10 and 12 are so palpably unfair as to be unworthy of discussion. While it is conceded to be fair that the people of any community should have the right to say whether or not there should be prohibition—a right which, as has been pointed out, they already possess by virtue of their power to protest against the granting of a saloon license—the advocates of 'local option' in its latest form would deny the right of the people of any sub-division of a county to conduct their own affairs if by any means the prohibitionists could cast in the entire county a majority of the votes at any election. In other words, it resembles the game of heads and tails wherein it would be "heads the prohibitionists win, tails the opponents lose."

Section 13, in order that its unfairness be made manifest, should be considered in connections 1 and 3. These latter provide that 10 per cent of the voters may have an election called every year, but section 12 denies the same right to the people as a whole if any sub-division of the county goes prohibition. Evidently the prohibitionists hold the opinion that the goose is entitled to all the sauce diet.

Section 14 makes it still more binding by denying to the voters of a precinct the right to call for an election on the question of prohibition until the entire county has voted in favor of the liquor traffic. That is, in cases where the county has previously voted in favor of prohibition. That would be local option which would give the people of a given locality nothing to say. Rather a remarkable brand of local option.

Section 15 simply provides for the penalties for violations of the law, while in order to make a pretense of fairness the local option men provide in section 16 that the money for a liquor license that has not expired shall be refunded in proportion to the length of time the license has been in force. Section 18 places a man charged with selling liquor entirely at the mercy of any person who may desire to gratify a grudge, and who may be sufficiently unscrupulous to give false testimony. Certainly no more unreasonable law was ever proposed.

It may be asked what would be the result if such a law could be passed in Astoria? It would simply mean that at one blow the city's revenues would be reduced over \$30,000 annually, to say nothing of the indirect loss. The loss of \$30,000 would necessitate an additional levy of 20 mills on a city valuation of \$1,500,000, a prospect not at all inviting to the average taxpayer. The local option law, as proposed, is so grossly unfair that it has no chance of being enacted if an intelligent vote is cast, and it is in order that the voters may familiarize themselves with its provisions that the foregoing digest of the law is given space. Voters will doubtless profit by the experiences of other states that have tried prohibition, and delegated the so-called local option to the obscurity of the past and forgotten.

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