EDITORIALS

War of words over medical marijuana

The city of Riverside's medical marijuana initiative will enrich shady criminal pot peddlers at the expense of public safety and kids. Or the June 2 ballot measure will bring much-needed regulation to some businesses that have been operating in a legal gray area for years.

BEN BOYCHUK
STAFF COLUMNIST

It really just depends on whom you ask.

Language is everything. Turns out, Riverside residents don't object to legalization in theory. But when confronted with specific policy proposals, voters start getting a bit skittish.

Measure A, backed by the Riverside chapter of a national advocacy group called Americans for Safe Access, would undo the city's ban on pot dispensaries and impose certain licensing and security requirements, as well as criminal background checks, on dispensary owners. The measure would also bar a dispensary from opening within 1,000 feet of a school, residential neighborhood or park.

City officials greatly dislike medical marijuana dispensaries and dislike Measure A even more. The city's official ballot argument against the initiative is a forceful indictment. It would make mobile marijuana deliveries legal, "increasing the likelihood that drugs end up in the hands of our children." Furthermore, the city posits that the 1,000-foot barrier is more of a bug than a feature because that distance is "just a few blocks away."

Pretty persuasive, no? The measure's proponents seem to think so. Jason Thompson, the attorney who fought the city last year when it tried to block the measure from appearing on the ballot, on Monday filed an emergency writ in Riverside County Superior Court asking a judge to strike several words and phrases from the city's ballot argument against Measure A.

"The judicially noticeable evidence annexed hereto provides clear and convincing proof that the language in question is false and deceptive, thereby warranting issuance of the relief prayed for herein," the petition reads.

When I spoke with Thompson last week, he didn't couch his complaints in such staid legalese. "Their ballot argument is full of lies and glaring misrepresentations," he told me.

"They say the measure was drafted by dispensary owners," Thompson said. "No, it was drafted by me." In fact, Thompson has written similar ballot measures for South El Monte and Yucca Valley, where residents will also vote June 2.

"They say the measure puts profits before the community," he continued. "No, state law says all dispensaries must be nonprofit." That one may be true, technically speaking. In reality, California's medical marijuana industry isn't charity; it's a nearly $1 billion business. Somebody is making money somewhere.

Thompson also objects to the city's contention that Measure A requires neither criminal background checks for dispensary owners nor security cameras accessible to the Riverside Police Department. That simply isn't true, he says. The initiative's language specifies that dispensaries must cooperate with police investigations.

Maybe above all, Thompson dislikes the city's general tactics in opposing Measure A. "It's an emotional issue for a lot of people," Thompson told me. "People want to have an honest conversation." The city attorney was evaluating Thompson's writ and had no comment Tuesday.

"'Medical' is a pretext," Thompson told me. "If the city wants dispensaries closed, fine. But people aren't smoking any less marijuana."

He's right. Although Californians in 1996 passed the Compassionate Use Act in the belief it would help ease the suffering of terminally ill patients, it wasn't long before patients were obtaining the pot cure for all manner of maladies real and imagined. As comedian Seth Rogen once joked, he got his prescription for a specific ailment: "It's called 'I ain't got no weed on me right now.'"

The truth is, the moment the feds decided not to crush state medical marijuana laws in their infancy, the legalization debate was effectively over. Congress eliminated funding for enforcement last year, and is now considering legislation to legalize medicinal marijuana nationwide.

It's true that California's Supreme Court handed Riverside a nominal victory in 2013 when the justices ruled that cities have the power to ban medical marijuana dispensaries. But the judges acknowledged theirs would not be the last word: "nothing prevents future efforts by the Legislature, or by the People, to adopt a different approach."

On June 2, Riverside voters will have the opportunity to adopt a much different approach – assuming they can discern the facts from the arguments.

Ben Boychuk (bboychuk@city-journal.org) is an associate editor of the Manhattan Institute's City Journal.

Airport dispute raises questions

Ontario International should be under local control.

The lawsuit filed by the city of Ontario against Los Angeles over ownership of the Ontario International Airport may or may not prevail, but it certainly raises a number of important issues.

At the core of the lawsuit, filed in 2013, is the claim that Los Angeles is failing to satisfy its obligations to sustain and expand service at the airport. Ontario officials believe the airport is being underutilized and inadequately managed, to the detriment of the airport and, by extension, the local economy.

"The evidence shows L.A. violated its obligations," said Andre Cronthall, lead attorney for Ontario in the airport lawsuit. "It failed to provide sufficient marketing funds and it didn't try to reduce costs to attract more airlines."

As evidence, Ontario points to declines in passenger counts at ONT in the last decade. While there were over 7 million passengers in 2007, there were only 4 million by 2014.

The consequences to the local economy are significant. The sharp reduction in passenger counts has meant billions of dollars in lost economic opportunity.

Mr. Cronthall explained to our editorial board that Los Angeles has kept ONT too costly to be competitive. According to a 2010 report by Ontario entitled "Ontario International Airport – A Recovery Plan," Los Angeles has long overstaffed ONT, leading to significant costs being passed onto airlines and consumers.

"Ontario is seeking to return the airport to local control because they believe local control is best," said Mr. Cronthall.

Other regional voices are pushing for the transfer of ONT. Assemblywoman Melissa Melendez has proposed legislation to mandate a transfer. Assemblymen Freddie Rodriguez and Jimmy Gomez have introduced a bill to allowing Ontario to issue bonds to finance the acquisition of the airport.

San Bernardino County Supervisor Curt Hagman has been a prominent voice advocating for the transfer to occur. "On almost every front it would benefit the region economically," said Mr. Hagman.

It appears to be only a matter of time before the transfer occurs, whether it is a direct or indirect result of the ongoing litigation. Ultimately, we believe the Ontario Airport will be better managed by local interests with every incentive to operate the airport well, and we hope Los Angeles Mayor Eric Garcetti backs up his talk of supporting local control of ONT..

Administration transparent as mud

Undisclosed Clinton emails destroyed; FOIA requests stonewalled.

During a Google+ Fireside "Hangout" two years ago, President Obama claimed that his was "the most transparent administration in history."

We are reminded of that claim as the American Society of Newspaper Editors marks the 10th anniversary of Sunshine Week, which is set aside each year to remind the American public of the importance of open government and the freedom of information.

Sunshine Week 2015 – which coincides with the birthday of James Madison, drafter of the First Amendment – occurs this year as the issue of transparency is front and center in the nation's capital.

Hillary Clinton last week held a news conference during which she acknowledged – two years after the fact – that she maintained a secret nongovernmental email account while President Obama's secretary of state.

While Mrs. Clinton feigned transparency – declaring that she turned over tens of thousands of emails to the State Department, and suggesting that the emails will be made public at some unspecified time – she glossed over the fact that her staff deleted tens of thousands of emails she deemed strictly personal.

Meanwhile, the Associated Press last week filed a lawsuit against the State Department, attempting to force release of Mrs. Clinton's off-book emails after several failed attempts to obtain them under the Freedom of Information Act.

State Department spokesperson Alec Gerlach said that State "does its best to meet its FOIA responsibilities," but that timely fulfillment of legal requirements under FOIA depends on "the complexity of the request."

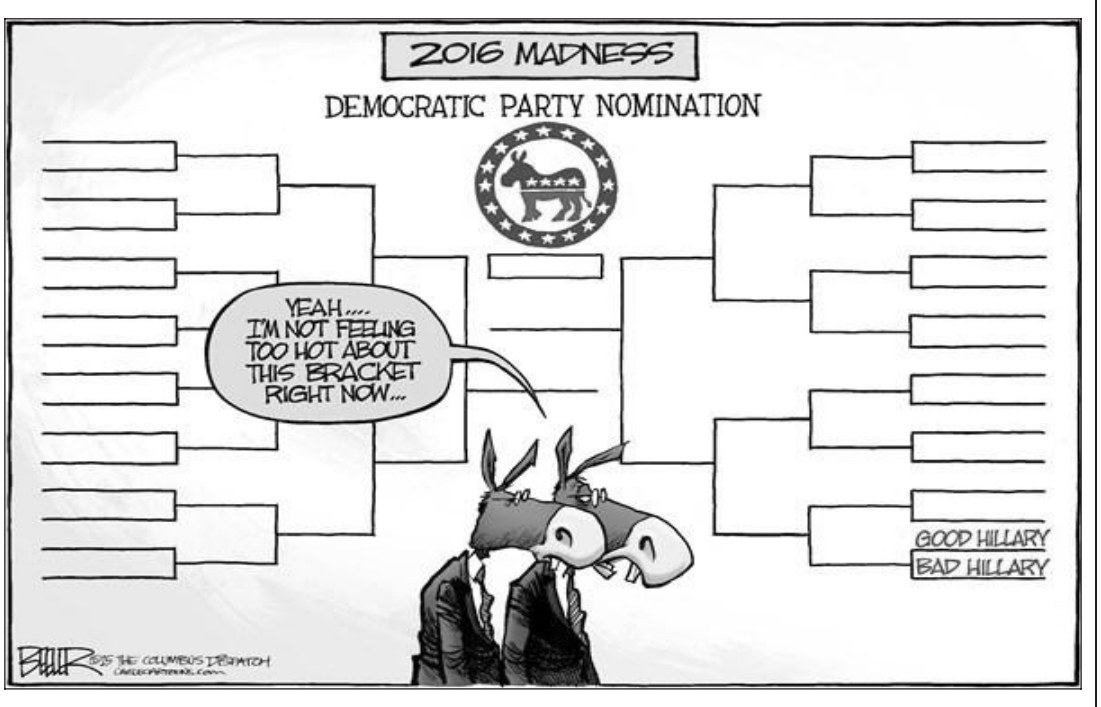
Then there was the lawsuit filed last week by the Competitive Enterprise Institute against the Environmental Protection Agency for "slow-walking" its 2012 FOIA request for the surreptitious emails of then-EPA administrator Lisa Jackson.

Ms. Jackson's email scandal may be even worse than Mrs. Clinton's. Indeed, she set up an email account in the name of "Richard Windsor," a fictitious employee, and used it to communicate with high-level administration officials as well as to secretly coordinate with outside environmental groups.

EPA said CEI's "Windsor" request required processing of some 120,000 records at a pace of 100 records a month. At that rate, CEI complained, it's FOIA request will take 100 years to be fulfilled.

Such are the obfuscatory actions of what was claimed to be the most transparent administration in history. And the American people would be none the wiser were it not for the Fourth Estate, which, as our friends at the AP aptly put it, is the "proxy for the people."

NATE BEELER / CAGLE CARTOONS



LETTERS TO THE EDITOR

Obama has fanned flames of racial tension

The two police officers in Ferguson, Mo., were shot largely due to President Barack Obama and Attorney General Eric Holder fanning the flames of racial tension. I was one who felt it was time we had a president who was black. But I wanted a president who happened to be black making decisions for the American people.

Early in Obama's administration, a black professor was arrested for disorderly conduct while attempting to break into his own house. Before all the facts came out, Obama made the statement that the police "acted stupidly." It didn't matter that a black officer who was present defended the actions of the white police officer.

When the Trayvon Martin incident came to light, Obama again fanned the flames of racial tension when he said, "If I had a son, he'd look like Trayvon." This was before the investigation was complete and a trial had taken place. After George Zimmerman was acquitted, Obama fanned the flames of racial tension when he said, "Trayvon Martin could have been me 35 years ago."

When the Michael Brown incident occurred, Obama sent Holder to meet with Brown's parents. After the grand jury decided not to file charges against the officer, President Obama again fanned racial tension when he acknowledged the protesters' anger and said it's "an understandable reaction." The investigation determined the officer did nothing wrong. Holder was determined to find something wrong. When he couldn't find anything on the officer, he went after the police department. This again fanned racial tension.

Ray Serna
Temecula

COUGAR DEATH AVOIDABLE

Re: "Tranquilizer killed mountain lion, official says" [Local, March 10]: It's so sad that the people we pay to protect our wildlife can't take a few extra seconds to make sure they hit their mark when tranquilizing animals. Now we have a perfectly healthy animal dead because someone was in a hurry.

Marlene Kirby
Riverside

Embracing sentencing reform

By LAUREN GALIK
CONTRIBUTING WRITER

It's been more than two years since voters passed Proposition 36, which prohibited individuals from being sentenced to life in prison for nonviolent offenses under the state's notorious Three Strikes Law.

Before Prop. 36 went into effect, California's three strikes law mandated that individuals convicted of any third felony offense be sentenced to life in prison without the possibility of parole for at least 25 years, even if the third offense was for something minor.

Since Prop. 36's implementation, over 2,000 third-strike inmates have been released from prison, and 92 have been re-sentenced to shorter prison terms. Most have stayed out of trouble. Only 4.7 percent of the former three-strikers have been returned to prison for committing new crimes after being free for an average of 18 months.

By contrast, over 37 percent of all inmates released in 2010-2011 were returned to prison for committing new crimes within one year, according to the California Department of Corrections and Rehabilitation.

"You cannot find another group of prisoners who have been released from almost anywhere that have had such a low recidivism rate," said Michael Romano, director of the Three Strikes Project at Stanford Law School and co-author of Prop. 36. "I think it really does prove that these sentences were just not effective law enforcement policy."

One reason for the low recidivism rates among former three-strikers is that judges have been able to evaluate their cases and determine if their releases would pose a likely threat to public safety. Another reason is that many of these inmates are older and have "aged out" of criminal behavior.

The fact that these former inmates have generally lived a crime-free lifestyle after being released signals that it is possible for California to reduce rates of incarceration without compromising public safety, but there's still a lot of work to be done on this front.

Many inmates have been sentenced under a provision of the three strikes law, which mandates that anyone convicted of any second felony offense (violent or nonviolent) receive twice the prison sentence they would receive if it were a first offense. They also have to serve their second-strike sentences in state prison, rather than a county jail. This aspect of the law remained untouched by Prop. 36. As a result, roughly half of all second-strike inmates are serving sentences for nonviolent offenses.

"Second-strike convictions had been generally declining since 1999. They began rising sharply about the same time as the realignment law took effect in October 2011," the Associated Press found last year. "Partly as a result of the increase in second-strike offenders, the prison population of 133,000 inmates last June is projected to grow to 143,000 by June 2019."

Certainly, prolonged periods of incarceration are appropriate for violent offenders. But the success of Proposition 36 has shown that it is possible for some nonviolent inmates to serve shorter sentences without compromising public safety. It's time for California to apply those lessons to nonviolent second-strike offenders.

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