



RON POZZER, THE HAMILTON SPECTATOR

Ryan Clark, 26, of Milton, left, and Chris Goodwin, 25, of Hamilton are confident their café will create a positive buzz in the downtown core.

## Pot café planned for downtown

Owners say the Up In Smoke Café will be a friendly place where members can smoke marijuana and hash

BY JENNIFER MORRISON

A pair of budding Hamilton entrepreneurs have set their sights on becoming the "kings of pot."

Next week, business partners Chris Goodwin, 25, and Ryan Clark, 26, say they'll open the Up In Smoke Café at 227 King St. E. near Ferguson Avenue North, a weed-friendly downtown shop where members can smoke marijuana and hash, as they snack on pastries, drink coffee and surf the Net.

"Any member will be able to smoke pot in here," Clark said.

The pair is confident their café will create a positive buzz in the core. "The best possible scenario is that they come here and enjoy a coffee and smoke," Goodwin said. But if they don't want to see their sizable investments go "up in smoke," Goodwin and Clark still have a couple of hurdles to overcome.

Hamilton police Inspector Warren Korol, who heads the major crime unit, is well aware

of the upcoming opening and has already assigned officers to look into the establishment.

"We're going to monitor what's going on there and if there are criminal acts that are being committed, then we're going to enforce the law," Korol said. "My understanding is that (possession of pot) continues to be a criminal offence, and we'll uphold the laws."

There's also the Hamilton smoking bylaw, which prohibits smoking in public places, except designated rooms.

Goodwin and Clark insist they can get around this by operating as a private club, where patrons must purchase memberships to the Hamilton Compassion Society. They say certain sections of the 2,000 square-foot café will be cordoned off for members only. It's no coincidence their opening on Aug. 21 coincides with Canabian Day.

Private clubs are exempt from the city bylaw.

Stan Yung, manager of the

city's health protection branch, said pot smoking and possession of marijuana aren't things the city regulates.

Goodwin and Clark insist there won't be any pot or hash for sale at the shop. They're applying for a licence that will allow them to sell cannabis and other goodies, like hash brownies and pot cookies, to medicinal users through the not-for-profit Hamilton Compassion Society.

Korol said he hadn't heard of these plans. He's already contacted the local federal Crown attorney's office to understand all of the relevant issues.

Meanwhile, Goodwin and Clark have set out some pretty strict rules modelled after similar outfits in Vancouver, Saint John, and Toronto. As Goodwin and Clark talked of their plans earlier this week, a delicate glass pipe is passed between them, the sweet smell of marijuana smoke wafting through the air. A small bag of weed sits on the desk.

Both say they've been avid pot

smokers — and have been since their early teenage years.

Goodwin, a McMaster political science student who challenged MP David Christopherson for the NDP Hamilton Centre nomination, is the senior partner. Clark, a Mohawk College graduate, is the junior partner. Both say they've taken out bank loans. When asked how much the café is costing them, Goodwin would only say, "lots — it's in the five figures."

Aside from the café, plans call for a retail store on site, which will sell head-shop fare, meaning bongos, pipes, rolling papers, and other paraphernalia, but also seeds and gardening kits.

Both Goodwin and Clark are pretty sure they've covered all their bases. They want to establish a good relationship with the police, they've sought legal advice and are working to obtain all the relevant permits.

[jmorrison@thespec.com](mailto:jmorrison@thespec.com)  
905-526-3283

# NEW POT SHOP FORCES THE ISSUE

By Jen Watson  
News Editor

There's a new café in town that's giving people a buzz to talk about, literally.

Up In Smoke, located on King Street East in downtown Hamilton, is a "pot shop" that sells all types of marijuana paraphernalia from papers, to pipes to bong, but only allows members to light up inside.

"It's a business first and foremost, but it's also a socio-political effort to promote the liberation of the cannabis community," said co-owner Ryan Clark.

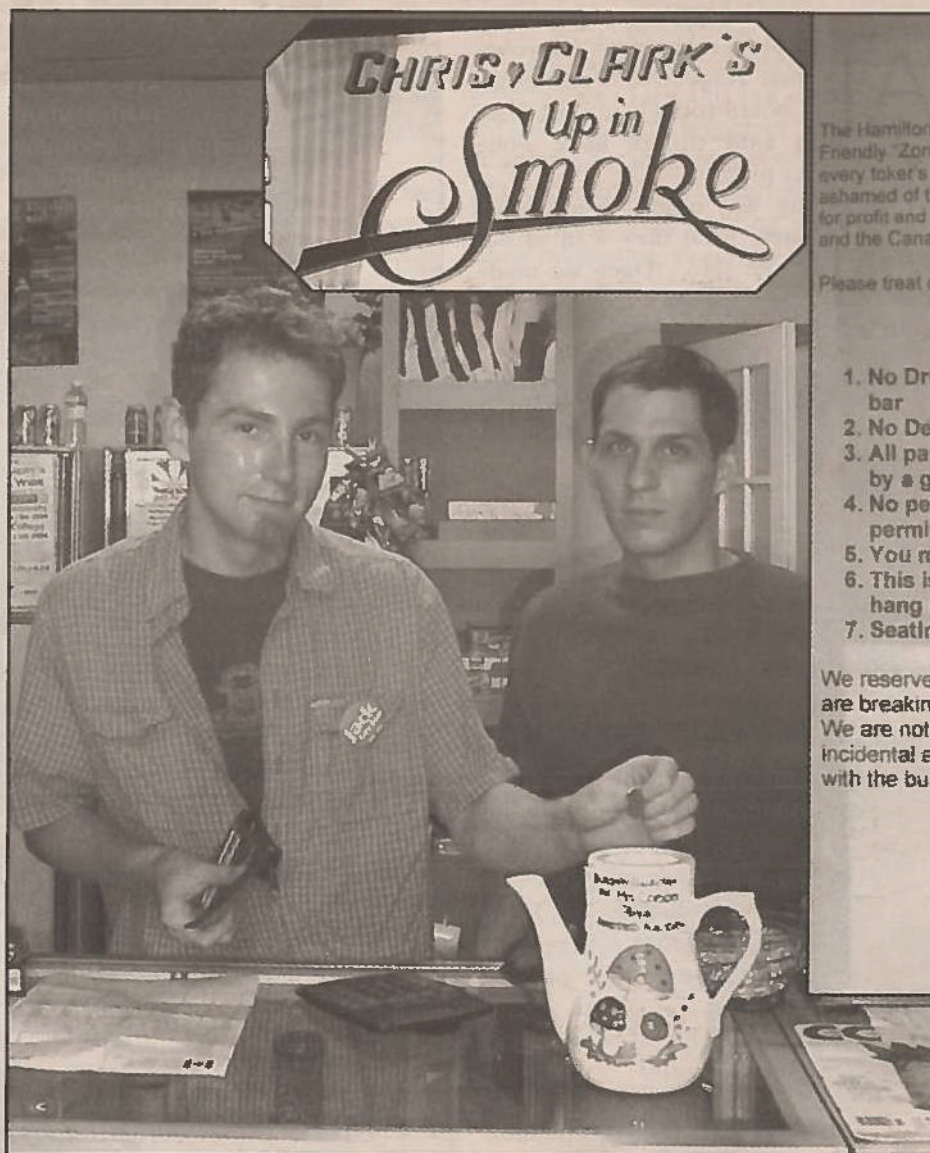
Last week a 70 year-old woman was arrested at the café. While in mid puff, two uniformed police officers walked in and arrested the woman. Two other arrests have been made in the last three weeks since the shop has been open, and police don't intend to let up, regardless of membership.

"Marijuana is still an offence under the criminal code of Canada and no special treatment will be given to members," said Sgt. Carol Pacey, Media Relations Officer for the Hamilton Police Service.

The question is, how is this business legit?

Co-owners Clark and partner Chris Goodwin pooled together their legal resources to operate the establishment as a private members-only club. The café is modeled after many other similar cafes in Canada, is registered legitimately as a business and is open to everyone in the public, even police. The membership side is part of the Hamilton Compassion Society, a not-for-profit co-operative corporation that applies to social and cultural gatherings.

To become a member, people must be 18 years of age, they must sign a waiver of liability ensuring they understand that smoking cannabis is a criminal offence and that they are still subject to the law and its punishments regardless of membership. Basically, patrons



Ryan Clark and Chris Goodwin are the co-owners of 'Up in Smoke', a members-only pot cafe in downtown Hamilton. They're pictured here adding money to a fund to help with the legal expenses of a 70-year-old woman who was arrested while smoking a joint at the cafe recently.

smoke at their own risk. It costs anywhere from one to ten dollars to become a member depending on the number of sessions wanted. A dollar buys one session, \$5 is good for six months and \$10 covers a full year.

These types of shops and cafes are popping up all over the country,

Goodwin said. There's a strip of pot shops that are open in Vancouver, including the most recent one called the Kind Smoke Shop which sells marijuana over the counter.

Goodwin, who is also the Executive Youth Officer for Students for Sensible Drug Policy and an NDP

## Store policy

The Hamilton Compassion Society is Hamilton's first Cannabis Friendly "Zone." We believe in the normalization of cannabis, and in every toker's right to come out of the grow closet and not be ashamed of themselves or their life style choices. The H.C.S. is not for profit and all membership dues are collected on behalf of legal aid and the Canadian chapter of NORML.

Please treat our space, customers and employees with respect.

## Society Rules

1. No Drinking Or already being drunk, please go to a bar
2. No Dealing, asking, fishing or mooching
3. All patrons must be 18 years old, or accompanied by a guardian
4. No pets allowed due to food services (disabled permitted)
5. You must provide membership details on record
6. This is a restaurant; you must buy something to hang out!!!
7. Seating maximum is 1 hour

We reserve the right to ask you to leave if we feel that you are breaking any of our rules

We are not responsible for your adult decisions, and all other incidental activities which may be carried on in connection with the business, any risk that you are taking is your choice.

candidate, said there are places like this in Montreal and Toronto that are open about what they are doing but there are still so many that remain underground. His business has a great repore with the police and was purposely set up around the corner from the station to show they have nothing to hide and that they believe in what they're doing, he said.

Michael Hampson, a patron of the cafe said pot smokers are not criminals and reminds people that it used to be illegal for women and black people to vote.

"Things change because people cross lines of the law," said Hampson.

That's why they're forcing the issue.

ONE OF ONTARIO'S MOST PROMINENT CANNABIS ACTIVISTS IS CHRIS GOODWIN FROM HAMILTON. IN 1997 HE WAS 18 YEARS OLD, AND ALREADY AN ACTIVIST. BUT WHEN HIS MOM FOUND HASH OIL IN HIS ROOM SHE CALLED THE POLICE FOR ADVICE.

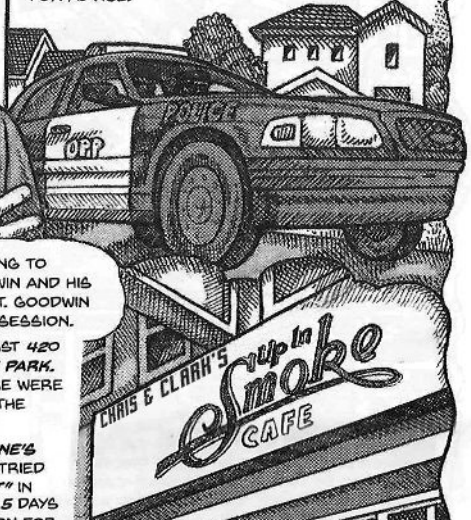


OFFICERS RESPONDED BY COMING TO THEIR HOME AND PUTTING GOODWIN AND HIS GIRLFRIEND IN JAIL FOR THE NIGHT. GOODWIN GOT A YEAR OF PROBATION FOR POSSESSION.

IN 1999, GOODWIN PUT ON HAMILTON'S FIRST 420 RALLY, BRINGING 200 PEOPLE TO GORE PARK. POLICE MADE 6 ARRESTS, BUT THERE WERE NO ARRESTS AT A LARGER RALLY THE NEXT YEAR.

INSPIRED BY DAVID MALMO-LEVINE'S EFFORTS IN VANCOUVER, GOODWIN TRIED TO OPEN A "SAFE DEALING SPOT" IN 2002, BUT WAS RAIDED WITHIN 5 DAYS AND CONVICTED OF POSSESSION FOR THE PURPOSES OF TRAFFICKING.

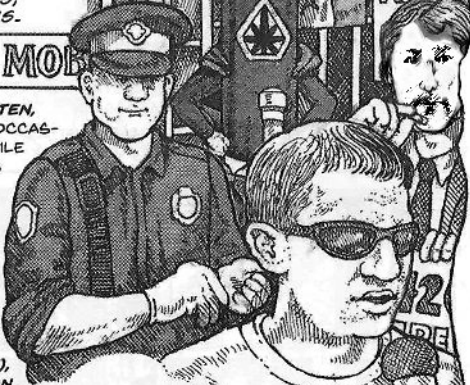
IN AUGUST 2004 GOODWIN AND FRIEND RYAN CLARK, OPENED A "BRING YOUR OWN BUD" CAFE IN HAMILTON CALLED UP IN SMOKE. THEY SOLD CANNABIS COOKIES, SEEDS, BONGS AND GROW BOOKS.



### HAMILTON HASH MOB

POLICE VISITED THE CAFE OFTEN, HARASSING CUSTOMERS AND OCCASIONALLY MAKING ARRESTS WHILE OTHER CUSTOMERS LIT JOINTS IN PROTEST.

THE LOCAL ACTIVIST CORE WAS KNOWN AS THE HAMILTON HASH MOB. MEMBERS INCLUDED ADAM GLOVER, CHRIS LAWSON (THE POT POET), JOHN ANDERSON, STEPHANIE SPICER, DAVIN CHRISTENSEN, AND MATT MERNAGH.



FOR THE 420 RALLY IN 2005, GOODWIN GAVE AWAY 300 JOINTS OF CANNABIS. IN 2006, THE HASH MOB GAVE AWAY A POUND OF CANNABIS OUT FRONT OF CITY HALL DURING THE LARGE CELEBRATION.

THE NEXT DAY UP IN SMOKE WAS RAIDED AND SEVERAL HASH MOB MEMBERS WERE CHARGED WITH TRAFFICKING. UNDERCOVER POLICE HAD BEEN IN THE CROWD AND RECEIVED FREE BUDS DURING THE GIVEAWAY.



CHRIS GOODWIN

### VAPOR CENTRAL

GOODWIN WAS CONVICTED OF POSSESSION OF TWO SMOKED JOINTS AND FREEZER FULL OF POT FOOD, AND FOR BREACHING HIS BAIL BY GOING BACK TO UP IN SMOKE AFTER AN EARLIER BUST. HE RECEIVED A SIX MONTH SENTENCE, SPENT 118 DAYS IN JAIL AND WAS RELEASED IN NOVEMBER 2006. UP IN SMOKE SHUT DOWN, BUT IN 2007, GOODWIN MOVED TO TORONTO AND OPENED A CANNABIS-FRIENDLY LOUNGE CALLED VAPOR CENTRAL. IT'S NOW THE CITY'S MOST POPULAR SPOT TO SMOKE A JOINT.

# COPS SHOULD BUTT OUT

"Hey, they're busting nuns, man. Man that's cold blooded."

Chong to Cheech, as the cops roust the Sisters

**QUESTION:** How many Hammer cops does it take to arrest an elderly woman having a toot in the Up In Smoke café?

**ANSWER:** Evidently, in this grim and loathing town, at least three.

Surely, famed narco nut Sgt. Stadenko's mantra to all cops that "the better the bust, the bigger the boost," could not possibly apply in the sad case of Jean Cooper, 73, who was Up in Smoke's unfortunate official first arrest.

Co-owner Ryan Clark showed me video of Ms. Cooper's bust, and although her take-down made all of the local mainstream media, what was not well known was that Ms. Cooper—who presently resides at the YWCA—was so freaked out by her encounter with Hamilton's finest, she departed the scene in an ambulance for a check up at a local hospital.

Clark said that there have been four visits by the coppers, on consecutive days beginning Aug. 30 usually around 4pm—a time Clark referred to as "stoner's tea time"—which resulted in two arrests.

Clark showed me exclusive video of the bust of a Mac student and his girlfriend, charged with simple possession, as well as another attempted arrest that was aborted after the accused produced a federal medical marijuana use exemption card.

Clark said that the student and his girlfriend were "pretty upset," about the bust—blaming Up in Smoke for their arrest—and Clark said he believed the student planned to plead guilty to a charge of simple possession and get it over with.

Now, I've never claimed that the local cops are rocket scientists, but in the case of Up in Smoke, the blue boys appear to be following an ingenious strategy.

Just as in boxing the credo of "kill the body, and the head will die," is mostly true, so is "bust the heads, and the store will close," in upstart Mary Jane cafés.

So I put the obvious question to co-owner Chris Goodwin: are the cops trying to scare the shit out of Up in Smoke's customers, which will effectively shut the store down?

"That's exactly what they're doing," claimed Goodwin, as we sat for an interview at one of the half-dozen tables in the café, most containing an ashtray with several leftover roaches.

"And I didn't think they were going to use that tactic, it was nothing I anticipated, using pressure tactics to intimidate customers. And they are openly saying that they are not even after me and Ryan," said Goodwin.

Hamilton's apparent equivalent to Sgt. Stadenko, detective Mike Thomas, who is tasked with controlling the vice and drug rackets around these parts, did not respond to a list of e-mailed questions, including a point blank query as to Goodwin's charges of "pressure tactics" to force the café out of business.

However, Bob Bratina, running for Ward 2 councilor, took the time to actually go down to Up in Smoke and sit down with Clark and Goodwin.

In an e-mail interview afterwards, Bratina said that "after a month or so, we should have a very good handle on the real impact of this business, and how council should deal with it, and I will take the lead."

However, Bratina did add that from what he can gather, the reaction to Up in Smoke from local businesses has been mostly negative, and opined that perhaps being located right downtown is too "in your face" for the local powers that be.

Others have a different take.

When I was in the café, I spoke to Ray, 35, and his wife, Joanne, 46, who are HIV positive, possess medical exemption cards and use marijuana to treat a variety of symptoms from their life-threatening illness.

"It's about time, and a long time coming," said Ray when asked for his opinion of Up in Smoke. "We (still) have to go Toronto to pick up our medical supplies (but) for these gentlemen to step up and do this, I love them."

And the constant police presence at Up in Smoke will not deter Ray and Joanne, who both bear the scars of their disease.

"I'm not worried, we're not doing anything wrong," added Joanne, who also said she and her husband had been in the café every day since it opened.

While I was in the café, a heavy-set young man who may in fact have been a police officer entered and filled out the requisite membership and waiver form, then sat down at a table and began toking from a joint.

After asking Clark if he could look around the store, the man left and Clark remarked that the new "customer" was most likely "major undercover," and had been doing a little recon for the fuzz.

There is almost a siege mentality surrounding Up in Smoke—which issued a manifesto-like press release entitled "Day 15" late last week—in that Goodwin and Clark are almost resigned to something not so pleasant happening to them, such as getting busted and thrown in the can.

Yet these two energetic young guys are true believers in the cannabis culture, vowing to fight to stay in business, and receive certification from the federal government as a compassion society, which should allow them to provide marijuana products to their customers, who are legally entitled to smoke weed for medical reasons.

But in the meantime, Clark and Goodwin are hoping that the cops don't bogart this joint. **V**

[TERRY OTT]

## It's high time Canada cleared the legal smoke on marijuana

*RE: "Criminal or comfort-seeker? 'Life's been weird,' says grandmother nabbed in pot café" (Sept. 16)*

A new business recently opened in downtown Hamilton. That alone makes it newsworthy, let alone the controversy that has surrounded its opening.

Up in Smoke is Hamilton's first marijuana café. Shortly after the café opened, an elderly woman was arrested by Hamilton police for possession of marijuana. She was sitting in the café smoking a joint when several police officers arrested her.

Smoking a joint for one's personal benefit or pleasure is a victimless crime. If you trace the history of marijuana legislation, it is clear that political interests, which first emerged in the United States, were responsible for bringing marijuana into the criminal justice system.

I am not suggesting that marijuana is completely benign to either individuals or to society, but certainly it is located on a continuum of potentially harmful behaviours, including smoking cigarettes, drinking alcohol and eating excessively.

Would it not be absurd if police officers walked into a café and arrested an

elderly woman for sipping her martini? You see my point.

I am hopeful that the federal Liberals will have the courage to enact legislation to decriminalize the use of small amounts of marijuana. This would be a positive first step toward shifting our societal attitudes and misconceptions about marijuana and its effects. Research shows that millions of Canadians smoke marijuana.

They represent all classes; all walks of life. Some rely on marijuana to manage the challenges of living with a chronic illness such as cancer or AIDS.

It's time for Canadians to look beyond the rhetoric and fallacies about marijuana, to stand against the political and moral winds from the United States and to approach marijuana in a way that reduces unnecessary demands on our judicial system.

Marijuana smokers are simply not criminals.

As for Up in Smoke, I commend the owners and patrons for having the courage to not only invest their money in downtown Hamilton, but to challenge laws that are paternalistic, outdated and illogical. May your business thrive!

— Duane Williams, Hamilton

IN 1978, CHEECH MARIN and Tommy Chong—the later of whom recently finished up a nine-month jail stay for sailing a bong across state lines—produced the gold standard of stoner movies, with the brilliant *Up In Smoke*.

There is a line in the movie uttered by dip shit narco cop Sgt. Stadenko (Stacey Keach) that goes something like: “The buying and selling of dope is one of the last vestiges of free enterprise left in this country.”

Now, in 2004, two young Hamilton men will try to put Stadenko's edict to the test. Well, sort of, and if they can.

Chris Goodwin and Ryan Clark plan to open the Up In Smoke Cannabis Cafe at 227 King St. E, deep in the heart of the Hammer, with the grand opening slated for August 21, Cannabis Day.

Up In Smoke aspires to be only the tenth retail proprietary dispenser of marijuana and hashish in Canada, and will definitely test the local law enforcement level of tolerance for the murky marijuana laws.

Goodwin, a political science student at McMaster, is the senior partner in the venture, which will operate from a 2,000-square-foot facility, with an initial investment in the five-figure range.

In an exclusive interview, Goodwin proclaimed his marijuana manifesto: “Our real reason *d’être* is to organize the cannabis culture into an effective civil rights movement.

“We are a wrongly outlawed culture, viciously discriminated against for 70 years and we are finally, effectively, organizing to regain our rightful place in society as individuals and equals.”

Pretty high-minded—pun intended—hyperbole from a guy who, after all, is principally interested in getting you high, yet it would appear that Goodwin and Clark are taking the enterprise very practically, if not a tad preachily.

“I talked to Mike Thompson, who is the head of the Hamilton Police drug task force,” said junior partner Clark, a Mohawk advertising student. “(Thompson) talked about (Up In Smoke) operating on a membership only basis, but also said that his mandate is crack houses (not retail pot houses).”

And a July press release from the Ontario Consumers For Safe Access To Recreational Cannabis claims that a recent Supreme Court decision (Regina vs. Mann) has made recreational marijuana use “defacto legal” in Canada.

So as Goodwin and Clark see it, they are therefore free to sell cannabis cookies, hash brownies and muffins, as well as standard head shop fare such as bongs, pipes and assorted toking paraphernalia.

Up In Smoke ([www.upinsmokecafe.ca](http://www.upinsmokecafe.ca)) will also feature home-cooked

vegan meals and offer Internet access to its customers in what is described as a cozy and friendly atmosphere.

I guess the best way to picture the cafe would be to recall the scene in Cheech and Chong's *Still Smokin'* in which the two lovable pot heads excitedly order their mary jane fare from a varied menu of buds seeds and salads.

In fact, Goodwin and Clark are considering a “Still Smokin'” moniker if and when they open a second location. If all this has some tokers and pot abstainers et al thinking, “hey, (man) this is too good to be true,” you just may be right.

In the next few weeks, Up In Smoke will surely receive the requisite hype, fear and loathing from the local luminaries, as well as a much closer look by the Hammer cops and local Crown Attorney's office. As I understand it, Goodwin and Clark received no hard and fast promises from the police that they would not investigate and even possibly bust them, similar to the bust of another local head shop proprietor earlier this year.

If Up In Smoke were to receive governmental certification as a medical marijuana membership cafe, then there would probably be precious little the coppers could do about it. However, if the thrust of the cafe is the retail offering of marijuana products for sale to any and all comers, then I think Up In Smoke could quickly become up, and well, out. Just imagine the above-the-fold banner headline screaming out from the *Hamilton Spectator*: “Pot to be sold in store in downtown Hamilton.”

The mayor and many other upstanding citizens would surely have their shorts in a knot, and what happened next would be anyone's guess. After all, this ain't BC, or even Toronto.

And under the tough new federal Proceeds of Crime law, if the cops lay charges of trafficking against Up in Smoke, then all the assets of the perpetrators are available for seizure by the feds. Ouch. Even though the chances for such tough action by authorities is probably small, Goodwin and Clark seem to be sensibly planning for any eventuality.

They said that if they are raided, they have enough stock to re-open with 48 hours, and have retained strong legal representation to deal with any police action.

But even if Goodwin and Clark are bonging past the bone yard, they sure are talking the talk. “The retail store is the first line of the Cannabis Liberation Movement. Together, we will end cannabis prohibition in Canada,” stated Goodwin. That, or go up in smoke. **V** [TERRY OTT]



# RestaurantNews

ONTARIO'S HOSPITALITY BUSINESS NEWSPAPER \$5.00

## Hamilton pot cafe opens; 70-year-old toking lady charged

HAMILTON—When Chris Goodwin and Ryan Clark opened the Up in Smoke cannabis café in downtown Hamilton last month, they must have known someone was going to end up arrested.

But you could excuse the pair for not anticipating that a 70-year-old woman would be the first person charged for lighting up at their establishment.

On Aug. 30, Jean Cooper, who had been described in local news reports as a "frail diabetic," was smoking a joint at the café.

Clark told *ORN* last month, Hamilton Police entered the premises before Cooper had finished her spliff and asked her to extinguish it. Cooper, the only person in the café smoking up at the time, ignored the constable's request and continued smoking.

"She didn't really make any effort to put it out," recalled Clark, who was working at the time and then immediately ran to the back to grab a video camera.

Clark told *ORN* he believed Cooper's claim to be diabetic and in possession of a medical exemption to

smoke marijuana. Hamilton police told *ORN* Cooper was charged with possession and subsequently released, and added she failed to show any identification proving her claim to have a medical exemption.

"I don't believe she's diabetic, and besides, is diabetes something you can get a medical exemption for?" a female constable asked.

On Sept. 1, Hamilton police made another visit to the café and arrested and charged a 20-year-old Oakville man with possession after he was caught smoking marijuana in a pipe.

Clark said the café will continue to operate as normal despite the two arrests.

Even before the incidents, the café was already receiving a great deal of attention in the media and in the general public.

Clark, a 26-year-old Mohawk advertising student, and Goodwin, a 25-year-old McMaster political science student, had been hoping that by branding the café as a "compassion club for recreational marijuana users" the police would turn a blind, or at least, tolerant eye.

*continued on pg 6*

continued from pg 1

## Cannabis cafe foodservice will include soups, salads, sandwiches, coffees

But Up in Smoke is indeed more than just a place for people to get high, as evidenced by its plans to operate a full-service café including a range of foodservice items including teas and fair-trade coffee, vegan baked goods (yes, including hash brownies) soups, sandwiches and salads.

“There are some people (with medical exemptions) who just can’t smoke marijuana and need alternate forms of ingestion Goodwin told *ORN*. “So the hash brownies, cookies, muffins, etc, would be designed for the compassion clients who need it.”

But in order to legally sell marijuana to such

clientele, Goodwin and/or Clark would first need a federal license to do so, something for which they have applied.

Other than that, marijuana is not permitted to be sold anywhere on the café’s 2,000-sqaure foot premises.

“I think (foodservice) is going to be the bigger part of our business,” said Goodwin. “Even right now I only have pop, chips and muffins, but I’m selling more of that than I am paraphernalia such as bong, pipes, etc.

“They are complimenting each other of course,” he said.

At present, Up in Smoke seats 30, but



**Chris Goodwin and Ryan Clark, owners of Up In Smoke cannabis cafe are hoping Hamilton Police take a passive view towards their patrons pot-smoking. As *ORN* went to press, two patrons, including a 70-year-old woman, had been arrested and charged with possession.**

Goodwin says the café can comfortably seat 70. There are also plans to install up to 10 Internet terminals for customers to rent by the half-hour.

And as you might expect, the café walls are a painted light green with a dark green trim. All the artwork features marijuana plants.

But despite its stereotypical look, Goodwin said his clientele who doesn’t necessarily fit the mold.

“Most customers are young,” he admitted, but pointing out you must be 18 to enter. “But not as much as you’d think. We also get an older crowd too. We get everybody and it’s not just the old hippies. It’s teachers and lawyers too.”

And maybe it’s a good thing a few lawyers have been dropping by because Goodwin and Clark might need the help should Hamilton Police decide to become café regulars themselves.

“We already have many lawyers,” laughed Goodwin.

Most prominent among them is Vancouver marijuana activist Allan Young.

“We’re taking things day-to-day with the police,” he said. “But we plan to be here for the long term.”