

“FEDERAL LAW PREVAILS” - THE MYTH EXPOSED

The video of the US Department of Agriculture 1942 film titled "Hemp for Victory" (that you can view online on YouTube) constitutes incontrovertible proof that the Federal government decided to deliberately disobey existing federal laws at that time prohibiting the possession of any part (leaf, seed, stalk, flower, stem, fiber) of the marijuana/hemp plant.

The Marijuana Tax Act was passed in 1937 immediately after the approval by the US Supreme Court of the basic principle of the Machine Gun Act, which is best described as prohibition by taxation. The Marijuana Tax Act was in effect until the late 1960's when Dr. Timothy Leary (yes, the same Timothy Leary who coined the phrase - "Tune in, turn on, drop out") filed a lawsuit stating that the Marijuana Tax Act was essentially an illegal entrapment scheme and the US Supreme Court agreed with Dr. Leary. So the US government - without any investigation or research - removed Marijuana from where it was on the Schedule II list of controlled drugs to its current position on the Schedule I list of drugs without any approved medicinal use.

But for the time period between 1937 and 1967 the Marijuana Tax Act was the so-called "law of the land". And it was in 1942 when the US government needed a new supply of hemp that the US government just plain ignored the fact that possession of marijuana/hemp seeds was prohibited by law and distributed SEVERAL HUNDRED TONS of hemp seed to US farmers. (And the question I have always asked is if it was illegal to possess ANY seeds where did the US government find several hundred tons of them????) Which actually turned every one of those farmers that grew hemp into accomplices to that illegal act of possession of those seeds?!?!? And then there are the additional illegal acts of growing an illegal plant in mass quantities, processing that same illegal plant which necessarily entails having possession of all parts of the plant - leaf, seed, stalk, flower, stem and fiber. And each different plant part would be considered a separate legal charge under existing legal interpretations!!!!???

And I am particularly curious as to what happened to the important legal principle that no one is above the law?????????? Which certainly means the government itself, does it not????? I think that statement is AIMED at government.....

So what does all of this mean to us in Washington State in the year 2013??

Many federally funded programs are administered by Washington State government agencies and their favorite mantra in regards to marijuana is that the terms of their contract to administer those federally funded programs dictate that it is illegal to possess blah, blah, blah, blah, blah.....

HOWEVER, that is not necessarily a true statement!!!!!!!

As a Washington State government agency, for example, the Division of Vocational Rehabilitation (DVR), is required by law as a State government agency to comply with and enforce ALL existing Washington State statutes, including VOTER APPROVED INITIATIVES!!!!!! There is no higher priority above existing Washington State statutes for Washington State government agencies, whatever their source..... **PERIOD!!!**

When a Washington State government agency signs a contract with the federal government to administer a federally funded program in Washington State, the terms of that contract **DO NOT**, I repeat, **DO NOT**, take precedence over existing Washington State laws. The terms of a contract, ANY CONTRACT, **DO NOT** prevail when matched against existing state laws!!! In fact, it is my understanding that a long standing principle of contract law is that if any single term of a contract is found to be in violation of the law - of Washington State law in this example - then that term of the contract is void and unenforceable!!! Without having any bearing on any other portion of that contract unless it is also in violation of existing laws.....

That is pretty damn simple, isn't it??? The terms of a contract signed with the Federal government by ANY party or business entity does **NOT** automatically assume the authority of Federal law!!!!!!!

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AND, on top of that straightforward logical argument based on sound legal principles, the fact that the federal government deliberately decided to violate the existing Marijuana Tax Act and involve thousands of US farmers in further violations of that law further erodes the validity of any argument or statement that federal law ALWAYS prevails..... Particularly when it is the federal government that is making such statements!!! Those statements can be defined as “self-serving” and as such put the federal government far from being an unbiased and neutral party..... Much less a party who can actually be trusted at their word????? Please, give me a break?!?!?

Such statements certainly sound logical and they are repeated often enough - and true often enough - that it might be possible that it is true in all cases – as they claim??? But, in exactly the same manner as attorneys finding the loophole through limited exceptions, that is what we have here. A limited, perhaps even a not so limited(?), exception to the statement that “federal law always prevails”

When a Washington State government agency enters into a contract with the federal government to administer a federally funded program within Washington State, Washington State law takes precedence over **ANY** of the terms, **no exceptions**, of the contract between the federal government and the Washington State government agency.

The **ONLY** way for federal law to be imposed in the above situation is for the entity administering the federally funded program **NOT** to be 1. an agency of the Washington State government or 2. subject to the laws of Washington State - which limits that category to federal government agencies **ONLY**..... NOT State government agencies, FEDERAL government agencies!!!! In fact, this exception also applies to any and all businesses in Washington State that sign a contract with the Federal government with terms demanding zero tolerance for marijuana. Since that term of the contract violates Washington State law that term of the contract is null and void!!

The following is an excerpt from a panel discussion entitled – “**WASHINGTON vs. WASHINGTON (AND COLORADO): WHO SHOULD DECIDE ABOUT MARIJUANA?**” which took place on Tuesday, January 8, 2013 -

“To put this the other way around and to put it in the terms in which the Supreme Court has put it, the federal government may not commandeer states. That is to say it cannot compel state legislatures to enact laws -- that’s *New York vs. United States* -- and it cannot compel state officers to execute federal laws. That’s *Prince vs. United States*.

That’s obvious here the obvious implication with respect or the most immediate implication with respect to the dope question is that, look, no state has to criminalize marijuana just because the feds do, and no state had to enforce federal laws or prohibitions.”

So what does all that actually mean? It means that the mere existence of a Federal law to whatever effect on whatever issue(s) has absolutely **NO BINDING EFFECT** upon how, or even if, a State government treats any issue, even if the State government decides to treat that issue in the opposite manner in which the Federal law treats that issue!!! And even if the State government decides to treat that issue in a manner that violates the Federal law!!!

Ain’t federalism great?? If you don’t know what the word means, Google it.....

The contents of this article in no way should be considered legal advice but are only the personal thoughts and opinions of –

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Should, however, the above thoughts and opinions echo in your own personal/political philosophies, then I urge you to take the next step and show this article to an attorney and repeat as often as necessary until these issues are not only visible in public interactions but in the daily conversations and activities of our so-called “public servants”. Bottom line – unfortunately, it is up to us, the actual people, to force our elected representatives to “Respect the will of the People” when those representatives fail to act in a manner that demonstrates that respect. Amen.