

FEDERAL LAW PREVAILS – THE MYTH EXPOSED!

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 zero tolerance for marijuana.

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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Such statements certainly sound logical and they are repeated often enough but is it true in all cases – as they claim??? In exactly the same manner as attorneys find loopholes 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

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“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!!!