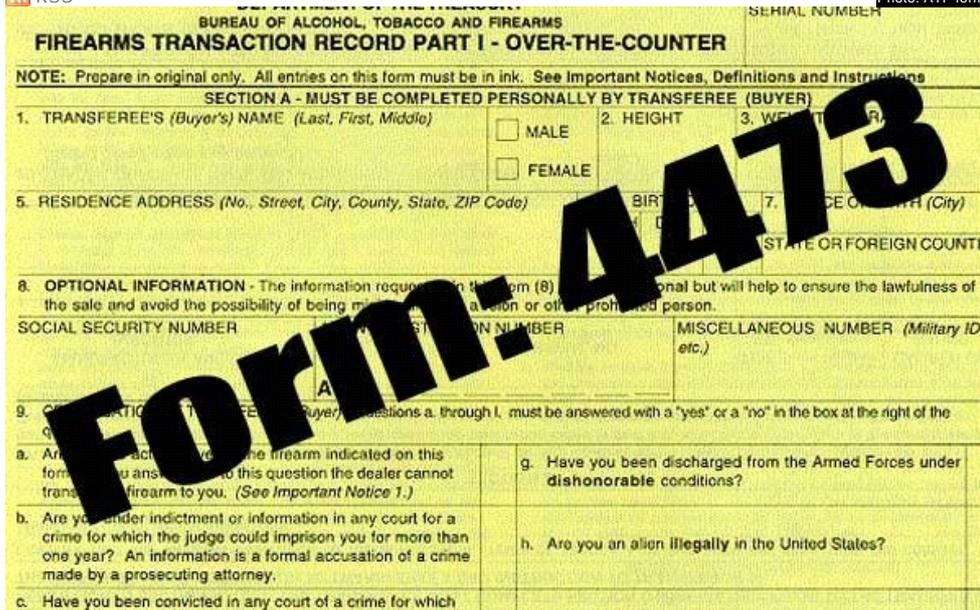


ATF versus gun toting tokers

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Saturday, October 8, 2011 - Middle Class Guy by Peter Bella



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As one runner prepares for Disney's Wine & Dine Half Marathon, she realizes that, like Cinderella, running is all about the shoes.

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'Endure: A Run Woman Show' poses the question, "What if the race of your life is your life?" Well then, you better wear your running shoes to this immersive theater piece.

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Alexander McQueen Savage Beauty

“...any person who uses or is addicted to marijuana, regardless of whether his or her State has passed legislation authorizing marijuana use for medicinal purposes, is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal law from possessing firearms or ammunition.” (ATF memorandum/Washington Times)

CHICAGO, October 8, 2011— Medical marijuana is legal in Montana and several other states. People who want to get stoned can obtain state issued medical ID cards to legally buy an illegal substance. Then Montana firearm dealers opened up Pandora’s box of political insanity when they contacted the ATF about people who possessed medical marijuana cards or who admitted marijuana use on their firearm purchase forms and that wanted to buy guns.

Under federal law it is illegal to sell a firearm to anyone who admits to using, or is addicted to, federally illegal controlled substances.

Sixteen states , plus the District of Columbia, have legalized a substance that is banned by the federal government, setting off the law of unintended consequences.

Under federal law, cannabis is a Schedule 1 controlled substance. It cannot be cultivated, possessed, prescribed, dispensed, distributed, or sold. The United States Supreme Court ruled that the federal government has the right to regulate and criminalize Cannabis. (*United States v. Oakland Cannabis Buyers' Coop* and *Gonzales v. Raich*)

Since sixteen states have legalized so-called medical marijuana, there have been increases in two things: the numbers of people who purportedly claim illnesses supposedly eased by marijuana use, and the numbers of producers and sellers of the cash crop.

Those Montana firearms dealers were merely trying to protect themselves and their businesses. They sought clarification. ATF’s response was fast and furious. No way. No how. It was the correct interpretation.

Besides being a law enforcement agency, ATF is a regulatory agency. They regulate the trade in alcohol, tobacco, and firearms, hence their name, "Alcohol, Tobacco, and Firearms (and Explosives)." Licensed gun dealers must keep meticulous records that make CPAs look slipshod. Those records are subject to inspection at any time by the ATF.

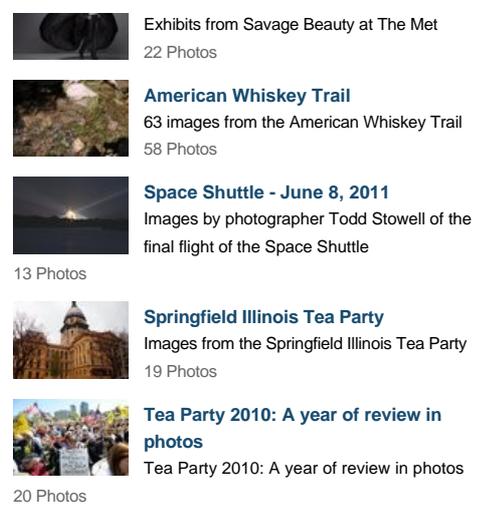
Owning and operating a firearm dealership requires a major financial investment. ATF can put you out of business in a heartbeat. You can also be fined or prosecuted for violations of the laws regulating the sales of firearms. Firearm dealers fear the ATF more than the IRS.

In order to purchase a firearm, consumers must check off several boxes on a purchase form. One of the boxes asks if you use or are addicted to controlled substances. If you check yes, you are denied the purchase. If you lie and check no, you walk out of the store with your shiny new toy. We can see a problem right there.

But it gets tricky. The federal government does not acknowledge the legalization of medical marijuana by states. It even gets trickier. The Obama administration, until two months ago, decided to ignore the whole issue.

This left gun dealers in a quandary. Besides being licensed by the federal government, they have state and local business licenses. As anyone in business knows, the last thing you want to do is get the local politicians and bureaucrats mad at you. Refusing to sell guns to people who are authorized by the state to use a federal illegal substance would cause all kinds of local trouble.

Being responsible businesspeople, they sought guidance from the government agency that regulates them, the ATF. The response is that they not only can, but must refuse to sell firearms to anyone who claims to use marijuana for any reason.



The fault of this problem lies with the states who legalized marijuana. OK, call it medical marijuana if it makes the stoners happy. They knew and were warned that marijuana is an illegal controlled substance.

They ignored the law and the warnings.

Oregon is facing a similar problem. Sheriffs are refusing to issue gun permits to people who admitted using medical marijuana citing federal law. The Oregon Supreme Court ruled that the state had to issue the permits, though they cannot force dealers to sell guns. The case is now on appeal through the federal court system.

The federal gun laws are what they are. The federal drug laws are what they are. The ATF is absolutely correct in its interpretation. Admitted stoners cannot buy guns. Period.

Montana and the other states did not heed the warnings of the federal government when they knowingly passed laws that were in direct conflict with federal drug laws. They did not consult with or seek waivers from the federal government when they knew full well people who use illegal controlled substances cannot purchase firearms.

This is a problem they created for themselves and they have to live with it. They openly flouted federal law by legalizing an illegal substance. Had they performed due diligence this problem could have been alleviated before they passed their laws. The state politicians are responsible for the mess they created.

Mr. Bullock, and officials in other states where this is a problem, doth protest too much. They created the mess. They need to fix it.

Peter Bella is a retired Chicago Police Officer, freelance writer, freelance photographer, and consultant. He is a passionate cook and eater. He likes to be the sharp stick that pokes, annoys, and provokes. His opinions are his and his alone.

Facebook- <https://www.facebook.com/#!/pvbella>

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