

From: "Gordon Epperly" <[enter7740@14th-amendment.com](mailto:enter7740@14th-amendment.com)>  
To: [AskDOJ@usdoj.gov](mailto:AskDOJ@usdoj.gov)  
Cc: "Alaska Legislature" <[gov.alllegislators@alaska.gov](mailto:gov.alllegislators@alaska.gov)>; [attorney.general@alaska.gov](mailto:attorney.general@alaska.gov)  
Sent: 1/5/2015 5:58:10 PM  
Subject: 18 USC 4 - Misprision of Felony



## An Open Letter

Gordon Warren Epperly  
P.O. Box 34358  
Juneau, Alaska 99803

Tel: (907) 789-5659  
E-Mail: [enter7740@14th-amendment.com](mailto:enter7740@14th-amendment.com)

January 5, 2015

Executive Office for United States Attorneys  
United States Department of Justice  
950 Pennsylvania Avenue, NW, Room 2242  
Washington, D.C. 20530-0001

Gentleman

As you know, there have been "Marijuana Ballot Initiatives" that have been passed into law within several "States" with my "State of Alaska" about to follow the trend. All these "Ballot Initiatives" are founded upon "Memos" (dated 10/19/09 and 10/29/13) that were

addressed to the "U.S. Attorneys" of our "Nation" by "Deputy Attorney General, James M. Cole" and former "Deputy Attorney General, David W. Ogden." These "Memos" instructs the "U.S. Attorneys" to not execute and enforce the "Laws" of our "Nation" as enacted by the "U.S. Congress," namely, the "Federal Controlled Substance Acts" ([21 USC, Chapter 13](#)) as those "Acts" of the "U.S. Congress" applies to the use of "Marijuana" within those "States" that have adopted "Colorable Laws" to execute and regulate the use of "Marijuana," These two members of the "U.S. Justice Department" have exceeded their authority and committed "criminal acts" against the "United States" which are cognizable by a "Federal Court."

"Malfeasance has been defined by appellate courts in other jurisdictions as a wrongful act which the actor has no legal right to do; as any wrongful conduct which affects, interrupts or interferes with the performance of official duty; as an act for which there is no authority or warrant of law; as an act which a person ought not to do; as an act which is wholly wrongful and unlawful; as that which an officer has no authority to do and is positively wrong or unlawful; and as the unjust performance of some act which the party performing it has no right, or has contracted not, to do."

— Daugherty v. Ellis, 142 W. Va. 340, 357-8, 97 S.E.2d 33, 42-3 (W. Va. 1956)

Under the mandate of 18 USC 4; you are hereby informed of a "felony" that is cognizable by "Courts" of the "United States":

#### **18 U.S. Code § 4 - Misprision of felony**

"Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both."

The crimes that "Deputy Attorney General, James M. Cole" and former "Deputy Attorney General, David W. Ogden" have committed are:

## 18 U.S. Code § 2 – Principals

- (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.
- (b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

And the violation of one or more provisions of the “Federal Control Substance Acts” of 84 Stat. 1242, 21 USC. §801 et seq.

In and through their “Memos,” the “Deputy Attorney General, James M. Cole” and former “Deputy Attorney General, David W. Ogden” have “aided,” “abetted,” “counseled,” and “induced” the “U.S. Attorneys” of our “Nation” to willfully cause or mislead the “Members” of the “Legislatures,” the “Governors,” and the “Attorney Generals” of several “States” of the “Union” to adopt “Colorable Laws” making “lawful” the use of “Marijuana” within their “States” in violation of “International Law” of “Treaties” and in violation of the “Federal Controlled Substance Acts.” This is a “felony” especially when those two individual “Deputy Attorney Generals” had full knowledge that the “U.S. Congress” had declared by the enactment of the “Laws” of 84 Stat. 1242, 21 USC. §801 et seq. {e.g. 21 USC 841(a)(1), (b)(1)(D) and 21 USC §849, §859, §860, and §861} that “Marijuana” shall not be used for any purpose whatsoever.

A demand is placed upon each and every “U.S. Attorney” to “faithfully” execute and enforce “all” laws of the “United States” that have been lawfully enacted by the “U.S. Congress” thus giving “equal protection” of the laws to every “Citizen” [citizen] and “State” of our “Nation” as mandated by “U.S. Constitution, Article II, Section 3, Clause 1” and within the principles of law as expressed in “Section One” of the “U.S. Constitution, Fourteenth Amendment.”

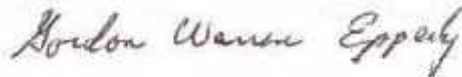
Further demand is placed upon each and every "U.S. Attorney" to enforce the "International Law" of the "Treaties" to which the "United States" is a party to and which have been brought into existence as "Supreme Laws" of our "Nation" by the "Federal Controlled Substance Act" of 21 USC. §801 et seq.. All "States" which have enacted "Colorable Laws" making the use of "Marijuana" a "lawful act" of the "State" shall be ordered to "cease and desist" in violating the provisions of the "Constitution" for "The United States of America" by bringing their "State Laws" into conformity with the "Federal Laws" and "Treaties" of our "Nation" that are made pursuant to the U.S. Constitution.

As "Deputy Attorney General, James M. Cole" has not served his "Oath of Office" to support the "U.S. Constitution" by refusing to correct his "errors" as expressed in his August 29, 2013 "Memo" after being duly notified of those "errors" on December 1, 2014, his act of defiance becomes a "willful act" of a "felony" that is cognizable by a "Court" of the "United States." My letter as addressed to "Deputy Attorney General, James M. Cole" with his attached "Memo" may be viewed from the "Internet" at: "<http://tinyurl.com/nchndrj>." Appropriate action is expected.

My "Testimony in Opposition" to the implementation of the "Alaska Marijuana Ballot Initiative" with supporting documents may be found on the "Internet" at: "<http://tinyurl.com/o4qdp9>" ("<http://www.usa-the-republic.com/marijuana.html>") This "Testimony" with supporting documents will be submitted to the "Alaska State Legislature" when it convenes on January 20, 2015. I hereby submit those "Documents" into the record of the "Executive Office for United States Attorneys" in support of the "Complaint" of this "Message."

It is my desire to give the "Executive Office for United States Attorneys" the first opportunity to address the issues as presented in this message before this matter finds its way before the "Federal Courts." As several members of the "House" of the "U.S. Congress" are making rumors of initiating "Articles of Impeachment" for those of the "U.S. Justice Department" who have allowed the "States" to be in contempt of the "Marijuana" prohibition laws of the "Federal Controlled Substance Acts," I will be forwarding this message to "U.S. Representative, Trent Franks" and to "Deputy Attorney General, James M. Cole."

Respectfully Submitted

A handwritten signature in cursive script that reads "Gordon Warren Epperly". The signature is written in dark ink on a light-colored background.

Gordon Warren Epperly

# Proof of Mailing

## Executive Office of U.S. Attorneys

Tracking Number: 70070710000329746742



On Time

Expected Delivery Day: Wednesday, January 14, 2015

### Product & Tracking Information

**Postal Product:**  
Priority Mail 3-Day™

**Features:**  
Certified Mail™

Up to \$50 insurance included  
Restrictions Apply ⓘ

DATE & TIME	STATUS OF ITEM	LOCATION
January 14, 2015 , 5:27 am	Delivered	WASHINGTON, DC 20530
Your item was delivered at 5:27 am on January 14, 2015 in WASHINGTON, DC 20530.		
January 13, 2015 , 11:00 am	Available for Pickup	WASHINGTON, DC 20530
January 13, 2015 , 10:32 am	Arrived at Unit	WASHINGTON, DC 20018
January 10, 2015 , 11:50 am	Arrived at USPS Facility	WASHINGTON, DC 20018
January 8, 2015 , 6:00 am	Departed USPS Facility	JUNEAU, AK 99801
January 7, 2015 , 8:03 pm	Arrived at USPS Origin Facility	JUNEAU, AK 99801
January 7, 2015 , 5:05 pm	Departed Post Office	JUNEAU, AK 99801
January 7, 2015 , 2:03 pm	Acceptance	JUNEAU, AK 99801

**Proof of Mailing**  
**U.S. Attorney, Karen Loeffler**  
**District of Alaska**

Tracking Number: 70070710000329746735



Updated Delivery Day: Friday, January 9, 2015

### Product & Tracking Information

**Postal Product:**  
First Class Mail®

**Features:**  
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
January 9, 2015 , 11:26 am	Delivered	ANCHORAGE, AK 99501
Your item was delivered at 11:26 am on January 9, 2015 in ANCHORAGE, AK 99501.		
January 9, 2015 , 7:36 am	Out for Delivery	ANCHORAGE, AK 99501
January 9, 2015 , 7:26 am	Sorting Complete	ANCHORAGE, AK 99501
January 9, 2015 , 6:42 am	Arrived at Unit	ANCHORAGE, AK 99501
January 9, 2015 , 1:27 am	Departed USPS Facility	ANCHORAGE, AK 99530
January 8, 2015 , 4:41 pm	Arrived at USPS Origin Facility	ANCHORAGE, AK 99530
January 8, 2015 , 6:00 am	Departed USPS Facility	JUNEAU, AK 99801
January 7, 2015 , 11:36 pm	Arrived at USPS Origin Facility	JUNEAU, AK 99801
January 7, 2015 , 5:05 pm	Departed Post Office	JUNEAU, AK 99801
January 7, 2015 , 2:05 pm	Acceptance	JUNEAU, AK 99801



# Proof of Mailing

## U.S. Representative, Trent Franks

Tracking Number: 70070710000329746759



Updated Delivery Day: Tuesday, January 13, 2015

### Product & Tracking Information

**Postal Product:**  
Priority Mail 3-Day™

**Features:**  
Certified Mail™

Up to \$50 insurance included  
Restrictions Apply ⓘ

DATE & TIME	STATUS OF ITEM	LOCATION
January 13, 2015 , 7:29 am	Delivered	WASHINGTON, DC 20515

Your item was delivered at 7:29 am on January 13, 2015 in WASHINGTON, DC 20515.

January 13, 2015 , 6:09 am	Arrived at Unit	WASHINGTON, DC 20018
January 10, 2015 , 11:50 am	Arrived at USPS Facility	WASHINGTON, DC 20018
January 10, 2015 , 6:15 am	Departed USPS Facility	WASHINGTON, DC 20056
January 10, 2015 , 12:35 am	Arrived at USPS Facility	WASHINGTON, DC 20056
January 8, 2015 , 6:00 am	Departed USPS Facility	JUNEAU, AK 99801
January 7, 2015 , 8:03 pm	Arrived at USPS Origin Facility	JUNEAU, AK 99801
January 7, 2015 , 5:05 pm	Departed Post Office	JUNEAU, AK 99801
January 7, 2015 , 2:04 pm	Acceptance	JUNEAU, AK 99801





The Deputy Attorney General

Washington, D.C. 20530

August 29, 2013

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole   
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Enforcement

In October 2009 and June 2011, the Department issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). This memorandum updates that guidance in light of state ballot initiatives that legalize under state law the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale. The guidance set forth herein applies to all federal enforcement activity, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states.

As the Department noted in its previous guidance, Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The Department of Justice is committed to enforcement of the CSA consistent with those determinations. The Department is also committed to using its limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, as several states enacted laws relating to the use of marijuana for medical purposes, the Department in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

These priorities will continue to guide the Department's enforcement of the CSA against marijuana-related conduct. Thus, this memorandum serves as guidance to Department attorneys and law enforcement to focus their enforcement resources and efforts, including prosecution, on persons or organizations whose conduct interferes with any one or more of these priorities, regardless of state law.<sup>1</sup>

Outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws. For example, the Department of Justice has not historically devoted resources to prosecuting individuals whose conduct is limited to possession of small amounts of marijuana for personal use on private property. Instead, the Department has left such lower-level or localized activity to state and local authorities and has stepped in to enforce the CSA only when the use, possession, cultivation, or distribution of marijuana has threatened to cause one of the harms identified above.

The enactment of state laws that endeavor to authorize marijuana production, distribution, and possession by establishing a regulatory scheme for these purposes affects this traditional joint federal-state approach to narcotics enforcement. The Department's guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. Jurisdictions that have implemented systems that provide for regulation of marijuana activity

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<sup>1</sup> These enforcement priorities are listed in general terms; each encompasses a variety of conduct that may merit civil or criminal enforcement of the CSA. By way of example only, the Department's interest in preventing the distribution of marijuana to minors would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors.

must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations in a manner that ensures they do not undermine federal enforcement priorities.

In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above. Indeed, a robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for. In those circumstances, consistent with the traditional allocation of federal-state efforts in this area, enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity. If state enforcement efforts are not sufficiently robust to protect against the harms set forth above, the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms.

The Department's previous memoranda specifically addressed the exercise of prosecutorial discretion in states with laws authorizing marijuana cultivation and distribution for medical use. In those contexts, the Department advised that it likely was not an efficient use of federal resources to focus enforcement efforts on seriously ill individuals, or on their individual caregivers. In doing so, the previous guidance drew a distinction between the seriously ill and their caregivers, on the one hand, and large-scale, for-profit commercial enterprises, on the other, and advised that the latter continued to be appropriate targets for federal enforcement and prosecution. In drawing this distinction, the Department relied on the common-sense judgment that the size of a marijuana operation was a reasonable proxy for assessing whether marijuana trafficking implicates the federal enforcement priorities set forth above.

As explained above, however, both the existence of a strong and effective state regulatory system, and an operation's compliance with such a system, may allay the threat that an operation's size poses to federal enforcement interests. Accordingly, in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department's enforcement priorities listed above. Rather, prosecutors should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system. A marijuana operation's large scale or for-profit nature may be a relevant consideration for assessing the extent to which it undermines a particular federal enforcement priority. The primary question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.

As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

cc: Mythili Raman  
Acting Assistant Attorney General, Criminal Division

Loretta E. Lynch  
United States Attorney  
Eastern District of New York  
Chair, Attorney General's Advisory Committee

Michele M. Leonhart  
Administrator  
Drug Enforcement Administration

H. Marshall Jarrett  
Director  
Executive Office for United States Attorneys

Ronald T. Hosko  
Assistant Director  
Criminal Investigative Division  
Federal Bureau of Investigation



U.S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

October 19, 2009

MEMORANDUM FOR SELECTED UNITED STATES ATTORNEYS

FROM:   
David W. Ogden  
Deputy Attorney General

SUBJECT: Investigations and Prosecutions in States  
Authorizing the Medical Use of Marijuana

This memorandum provides clarification and guidance to federal prosecutors in States that have enacted laws authorizing the medical use of marijuana. These laws vary in their substantive provisions and in the extent of state regulatory oversight, both among the enacting States and among local jurisdictions within those States. Rather than developing different guidelines for every possible variant of state and local law, this memorandum provides uniform guidance to focus federal investigations and prosecutions in these States on core federal enforcement priorities.

The Department of Justice is committed to the enforcement of the Controlled Substances Act in all States. Congress has determined that marijuana is a dangerous drug, and the illegal distribution and sale of marijuana is a serious crime and provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. One timely example underscores the importance of our efforts to prosecute significant marijuana traffickers: marijuana distribution in the United States remains the single largest source of revenue for the Mexican cartels.

The Department is also committed to making efficient and rational use of its limited investigative and prosecutorial resources. In general, United States Attorneys are vested with "plenary authority with regard to federal criminal matters" within their districts. USAM 9-2.001. In exercising this authority, United States Attorneys are "invested by statute and delegation from the Attorney General with the broadest discretion in the exercise of such authority." *Id.* This authority should, of course, be exercised consistent with Department priorities and guidance.

The prosecution of significant traffickers of illegal drugs, including marijuana, and the disruption of illegal drug manufacturing and trafficking networks continues to be a core priority in the Department's efforts against narcotics and dangerous drugs, and the Department's investigative and prosecutorial resources should be directed towards these objectives. As a general matter, pursuit of these priorities should not focus federal resources in your States on



Subject: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana

individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana. For example, prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide such individuals with marijuana, is unlikely to be an efficient use of limited federal resources. On the other hand, prosecution of commercial enterprises that unlawfully market and sell marijuana for profit continues to be an enforcement priority of the Department. To be sure, claims of compliance with state or local law may mask operations inconsistent with the terms, conditions, or purposes of those laws, and federal law enforcement should not be deterred by such assertions when otherwise pursuing the Department's core enforcement priorities.

Typically, when any of the following characteristics is present, the conduct will not be in clear and unambiguous compliance with applicable state law and may indicate illegal drug trafficking activity of potential federal interest:

- unlawful possession or unlawful use of firearms;
- violence;
- sales to minors;
- financial and marketing activities inconsistent with the terms, conditions, or purposes of state law, including evidence of money laundering activity and/or financial gains or excessive amounts of cash inconsistent with purported compliance with state or local law;
- amounts of marijuana inconsistent with purported compliance with state or local law;
- illegal possession or sale of other controlled substances; or
- ties to other criminal enterprises.

Of course, no State can authorize violations of federal law, and the list of factors above is not intended to describe exhaustively when a federal prosecution may be warranted. Accordingly, in prosecutions under the Controlled Substances Act, federal prosecutors are not expected to charge, prove, or otherwise establish any state law violations. Indeed, this memorandum does not alter in any way the Department's authority to enforce federal law, including laws prohibiting the manufacture, production, distribution, possession, or use of marijuana on federal property. This guidance regarding resource allocation does not "legalize" marijuana or provide a legal defense to a violation of federal law, nor is it intended to create any privileges, benefits, or rights, substantive or procedural, enforceable by any individual, party or witness in any administrative, civil, or criminal matter. Nor does clear and unambiguous compliance with state law or the absence of one or all of the above factors create a legal defense to a violation of the Controlled Substances Act. Rather, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion.

Subject: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana

Finally, nothing herein precludes investigation or prosecution where there is a reasonable basis to believe that compliance with state law is being invoked as a pretext for the production or distribution of marijuana for purposes not authorized by state law. Nor does this guidance preclude investigation or prosecution, even when there is clear and unambiguous compliance with existing state law, in particular circumstances where investigation or prosecution otherwise serves important federal interests.

Your offices should continue to review marijuana cases for prosecution on a case-by-case basis, consistent with the guidance on resource allocation and federal priorities set forth herein, the consideration of requests for federal assistance from state and local law enforcement authorities, and the Principles of Federal Prosecution.

cc: All United States Attorneys

Lanny A. Breuer  
Assistant Attorney General  
Criminal Division

B. Todd Jones  
United States Attorney  
District of Minnesota  
Chair, Attorney General's Advisory Committee

Michele M. Leonhart  
Acting Administrator  
Drug Enforcement Administration

H. Marshall Jarrett  
Director  
Executive Office for United States Attorneys

Kevin L. Perkins  
Assistant Director  
Criminal Investigative Division  
Federal Bureau of Investigation