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November 25, 2014

James M. Cole
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Honorable James M. Cole

As you are aware, several States of the Union have adopted Marijuana legislation as authored by Sponsors of Ballot Initiatives. My State of Alaska has followed the trend.

These "Marijuana Ballot Initiatives" raises questions of "Law" as found within "International Law" of "Treaties" and the "Constitution" for "The United States of America" which I would like you to address. I am directing this letter to you as it appears that you are the one to have adopted and set forth the "Policies" to regulate "Marijuana" as expressed within an August 29th, 2013 "Memo" (see "Memo" enclosed with this letter).

First - Without going through the attached "Memo" in detail, please explain the "Policies" which you have adopted setting forth the execution and enforcement of

the "Marijuana Laws" that are found to have been enacted by the "U.S. Congress" under the exclusive "Interstate Commerce Clause" of U.S. Constitution, Article I, Section 8, Clause 3 to enforce and regulate "Marijuana" as a product in "Commerce" between the "States" of the "Union" as a "Power" that is to be delegated in part or in whole to the "Governors" of the "States" of the "Unions"?

Second – Please explain the "Policies" which you have adopted setting forth the execution and enforcement of "Treaties" as "International Law" [*which the "President" of "The United States of America" has entered into under the exclusive authority of U.S. Constitution, Article II, Section 2, Clause 2] to regulate and control "Marijuana" that is being transported between the "States" and "Foreign Nations" as a "Power" that is to be delegated to the "Governors" of the "States" of the "Union"?*

Third – Please produce the authority which you rely upon to allow the "Governors" and "Legislatures" of the "States" to "legalize" the use of "Marijuana" when the "U.S. Congress" has declared by "Law" that "Marijuana" shall not be used for **any purpose whatsoever**? Are you saying the "Marijuana Prohibition Laws" of the "U.S. Congress" **are not** "Laws" made in pursuance to the "Constitution" for "The United States of America" and thus they are not the "Supreme Law" of the land (see U.S. Constitution, Article VI, Sections 2 and 3), and if so, who made that determination?

Treaty Obligations

The Congressional findings in 21 USC §§ 801(7), 801a(2), and 801a(3) state that a major purpose of the CSA is to "*enable the United States to meet all of its obligations*" under international Treaties. The CSA bears many resemblances to these Conventions. Both the CSA and the Treaties set out a system for classifying controlled substances in

several Schedules in accordance with the binding scientific and medical findings of a public health authority. Under 21 U.S.C. § 811 of the CSA, that authority is the Secretary of Health and Human Services (HHS). Under Article 3 of the Single Convention and Article 2 of the Convention on Psychotropic Substances, the World Health Organization is that authority.

Schedule I controlled substances

Schedule I substances are those that have the following findings:

- A. The drug or other substance has a high potential for abuse.
- B. The drug or other substance has no currently accepted medical use in treatment in the United States.
- C. There is a lack of accepted safety for use of the drug or other substance under medical supervision.

No prescriptions may be written for Schedule I substances, and such substances are subject to production quotas by the DEA.

Under the DEA's interpretation of the CSA, a drug does not necessarily have to have the same "*high potential for abuse*" as heroin, for example, to merit placement in Schedule I:

[W]hen it comes to a drug that is currently listed in schedule I, if it is undisputed that such drug has no currently accepted medical use in treatment in the United States and a lack of accepted safety for use under medical supervision, and it is further undisputed that the drug has *at least some potential for abuse sufficient to warrant control under the CSA*, the drug must remain in schedule I. In such circumstances, placement of the drug in schedules II through V would

conflict with the CSA since such drug would not meet the criterion of "a currently accepted medical use in treatment in the United States." 21 USC 812(b).

— Drug Enforcement Administration,
Notice of denial of petition to reschedule marijuana (2001)

Sentences for first-time, non-violent offenders convicted of trafficking in Schedule I drugs can easily turn into *de facto* life sentences when multiple sales are prosecuted in one proceeding. Sentences for violent offenders are much higher.

Drugs in this schedule include:

- MT (*alpha-methyltryptamine*), an anti-depressant from the tryptamine family; first developed in the Soviet Union and marketed under the brand name Indopan.
- BZP (*benzylpiperazine*), a synthetic stimulant once sold as a designer drug. It has been shown to be associated with an increase in seizures if taken alone. Although the effects of BZP are not as potent as MDMA, it can produce neuroadaptions that can cause an increase in the potential for abuse of this drug.
- Cathinone, an amphetamine-like stimulant found in the shrub *Catha edulis* (*khat*).
- DMT (*dimethyltryptamine*), a naturally-occurring psychedelic drug that is widespread throughout the plant kingdom and endogenous to the human body. DMT is the main psychoactive constituent in the psychedelic South American brew, ayahuasca, for which the UDV are granted exemption from DMT's schedule I status on the grounds of religious freedom.
- Etorphine, a semi-synthetic opioid possessing an analgesic potency approximately 1,000–3,000 times that of morphine.
- GHB, a general anaesthetic and treatment for narcolepsy-cataplexy and alcohol withdrawal with minimal side-effects and controlled action but a limited safe dosage range. It was placed in Schedule I in March 2000 after widespread recreational use led to increased emergency room visits, hospitalizations, and deaths. This drug is also listed in Schedule III for limited uses, under the

trademark Xyrem.

- [Heroin](#) (*diacetylmorphine*), which is used in some European countries as a potent pain reliever in terminal cancer patients, and as second option, after morphine (*it is about twice as potent, by weight, as morphine*).
- [LSD](#) (*lysergic acid diethylamide*), a semi-synthetic psychedelic drug famous for its involvement in the counterculture of the 1960s.
- [Marijuana](#) and its cannabinoids. Pure (–)-trans- 9-tetrahydrocannabinol is also listed in Schedule III for limited uses, under the trademark Marinol. Ballot measures in several states such as Colorado, Washington, Massachusetts and others have made allowances for recreational and medical use of marijuana and/or have decriminalized possession of small amounts of marijuana – **such measures operate only on state laws, and have no effect on Federal law. Despite such ballot measures and multiple studies showing medicinal benefits, marijuana nevertheless remains on Schedule I, effective across all U.S. States and Territories.**
- [MDMA](#) ("ecstasy"), a stimulant, psychedelic, and entactogenic drug which initially garnered attention in psychedelic therapy as a treatment for post-traumatic stress disorder (*PTSD*). The medical community originally agreed upon placing it as a Schedule III substance, but the government denied this suggestion, despite two court rulings by the DEA's administrative law judge that placing MDMA in Schedule I was illegal. It was temporarily unscheduled after the first administrative hearing from December 22, 1987 – July 1, 1988.
- [Mescaline](#), a naturally-occurring psychedelic drug and the main psychoactive constituent of peyote (*Lophophora williamsii*), San Pedro cactus (*Echinopsis pachanoi*), and Peruvian torch cactus (*Echinopsis peruviana*).
- [Methaqualone](#) (*Quaalude, Sopor, Mandrax*), a sedative that was previously used for similar purposes as barbiturates, until it was rescheduled.
- [Peyote](#) (*Lophophora williamsii*), a cactus growing in nature primarily in northeastern Mexico; one of the few plants specifically scheduled, with a narrow exception to its legal status for religious use by members of the Native American Church.
- [Psilocybin](#) and psilocin, naturally-occurring psychedelic drugs and the main psychoactive constituents of psilocybin mushrooms.
- Controlled substance analogs intended for human consumption (*as defined by the Federal Analog Act*).

Disclosure of the Act

The Controlled Substances Penalties Amendments Act was authored as two chapters entitled Controlled Substances Penalties and Diversion Control Amendments. The H.R. 5656 bill was passed on September 18, 1984 as the Dangerous Drug Diversion Control Act of 1984.

Part A — Controlled Substances Penalties (*excerpt*)

This chapter is cited as the Controlled Substances Penalties Amendments Act of 1984

(1) Controlled Substances Act is amended and redesigned —

(A) In the case of a violation of this section involving —

(i) 100 grams (3.5 oz) or more of a controlled substance in schedule I

(ii) 1 kilogram (2.2 lb) or more of any other controlled substance in schedule I or II which is a narcotic drug

.

(iv) such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than \$250,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both.

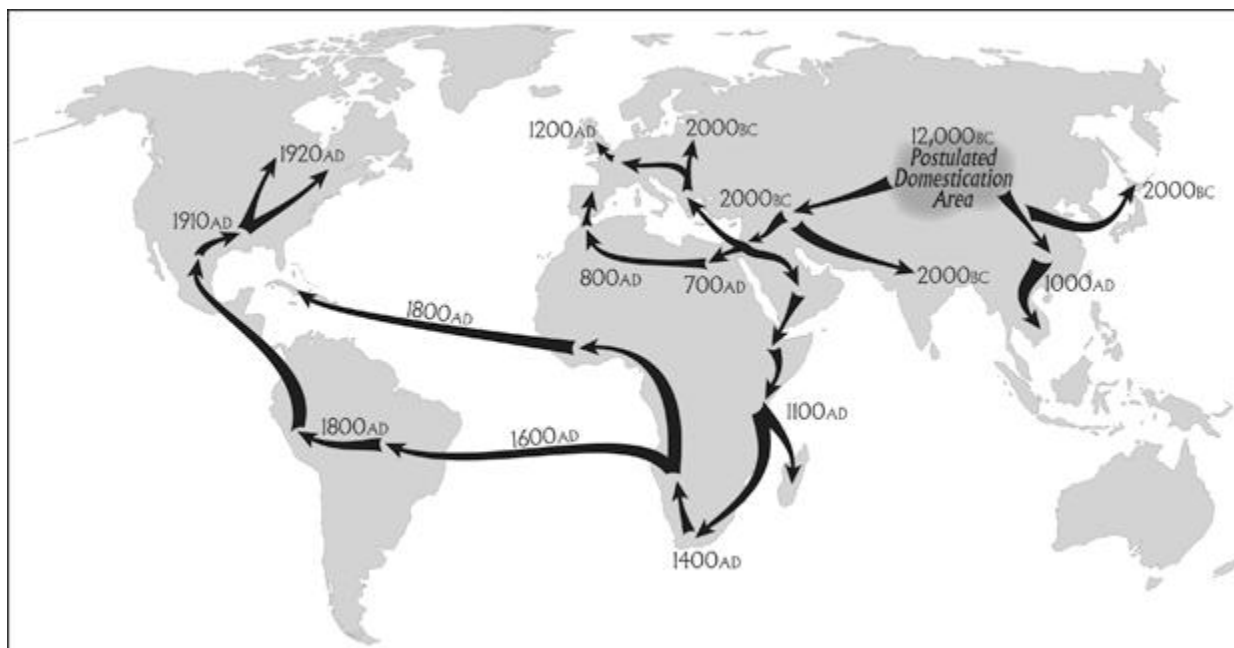
The History of Marijuana

The "Marijuana" plant is not a "native" plant of any "State" of the "united States of America." As the first "Marijuana" plant was "imported" into the "States" of the "Union," from "Foreign Nations," the "parent" "Marijuana" plants and all of its "child" plants falls within the "Interstate Commerce Clause" of U.S. Constitution, Article I Section 8, Clause 3

for the “U.S. Congress” to regulate. There is no such thing as an action in “Intrastate Commerce” within a State that would authorize a “State” to “regulate” or “tax” the use “Marijuana.”

From Asia to Europe

Cannabis came to the Middle East between 2000 B.C. and 1400 B.C., and it was probably used there by the Scythians, a nomadic Indo-European group. The Scythians also likely carried the drug into southeast Russia and Ukraine, as they occupied both territories for years. Germanic tribes brought the drug into Germany, and Marijuana went from there to Britain during the 5th Century with the Anglo-Saxon invasions.



This map shows how marijuana spread throughout the world, from its origins on the steppes of Central Asia.

Over the next Centuries, cannabis migrated to various regions of the world, traveling through Africa, reaching South America in the 19th Century and being carried north afterwards, eventually reaching North America.

How did marijuana get to the United States?

After this really long "*trip*" throughout the pre-modern and modern worlds, cannabis finally came to the United States at the beginning of the 20th Century. It arrived in the southwest United States from Mexico, with immigrants fleeing that Country during the Mexican Revolution of 1910-1911.

"Many early prejudices against marijuana were thinly veiled racist fears of its smokers, often promulgated by reactionary newspapers," Barney Warf wrote in his report. "Mexicans were frequently blamed for smoking marijuana, property crimes, seducing children, and engaging in murderous sprees."

Americans laws never recognized the difference between *Cannabis sativa L.* and *Cannabis sativa*. The plant was first outlawed in Utah in 1915, and by 1931 it was illegal in 29 states, according to the report.

In 1930, Harry Aslinger became the first Commissioner of the "Federal Bureau of Narcotics" (FBN) and undertook multiple efforts to make "Marijuana" illegal in all States. In 1937, the "Marijuana Tax Act" put cannabis under the regulation of the Drug Enforcement Agency, criminalizing possession of the plant throughout the Country.

"Today, the federal government still classifies Marijuana as a Schedule I controlled substance, along with heroin and LSD, indicating it has high potential for abuse and addiction, no accepted medical uses and no safe level of use," Warf wrote.

The “Powers” of Congress

At the time our “Nation” was founded, the individual “States” were “Countries” within their own right possessing all the “Powers” of sovereignty of a “Country.” When those “States” entered into a “Confederation” on November 15th, 1776, they established a new government and declared its name to be “The United States of America.” To give this new government authority, each of those “States” delegated a number of their “Powers” to the newly formed government.

On September 17, 1787, the “States” adopted a “Constitution” to replace certain “Articles” of the “Articles of Confederation” for the government of “The United States of America” and to clarify the intent of the “Articles” found within that Constitution, the “States” adopted a “Bill of Rights” on December 15, 1791. The “Bill of Rights” was directed to the government of “The United States of America,” not to the “States” of the “Union.”

Within the “Bill of Rights” at “Article X,” the “States” of the “Union” declared and reaffirmed that any “Powers” exercised by the government of “The United States of America” are delegated “Powers” of the “States” and once those “Powers” have been delegated away, the “States” no longer have the authority to execute and enforce those delegated “Powers.” No “Officer” of the government of “The United States of America” has authority to delegate any of those “Powers” back to any “State” to execute and exercise.

Mr. Cole, when you instructed the “U.S. Attorneys” to not enforce the “Laws” of “The United States of America” and when you look away from the unlawful acts of “Governors” and “Legislatures” of the “States” to “exercise” and “execute” the “Powers” of “Congress” and of the “President” of “The United States of America,” you are not exercising the authority of your “Office,” but you are using your “Office” under colorable law to destroy the “Constitution” and government of “The United States of America.” For you to declare within your “Memo” that the “Justice Department” has no funds to enforce the “Laws” of “The United States of America” is nothing short of “bullshit” for we see in the year 2011, the “**U.S. Taxpayers spent an astounding 1.4 billion dollars on the Obama Family**” (see <http://tinyurl.com/8bfy2yf>) and during “March” of year 2013 we see that our [defacto] President Obama was involved in “**Obama’s Billion-Dollar Giveaway to the Muslim Brotherhood**” (see <http://tinyurl.com/mkrv45t>) and

in "March" of the year 2014 we see that President Obama was involved in "**Obama Blowing \$120 Billion on Global Warming**" (see <http://tinyurl.com/ph5s6qh>) and these "Articles" are merely a few examples of how the "Obama Administration" has thrown away "Billions of Dollars" over the years of his tenure.

The Alaska State Legislature

The "Alaska State Legislature" (and "Legislatures" of other "States") will be convening in January, 2015 to address the "Marijuana Ballot Initiatives" that were passed into law by popular vote of the "General Public." If "Marijuana" is to be declared to be a lawful "Product" to be used and "taxed" within the "State of Alaska," they will have to take a position that the "Constitution" for "The United States of America" is no longer a viable "Document" to which they are bound by "Oath of Office" to support. And if the "Members" of the "Alaska State Legislature" follows the guidance of your "Memo," they will be misleading the "Governor" into believing that he may participate in "criminal activities" against the "Laws" of "The United States of America" in exercising colorable law to "regulate" and "tax" the use of "Marijuana." You, Mr. Cole, have a duty to give guidance to the "Legislatures" of the "States" by informing them of the "Marijuana Prohibition Laws" of "The United States of America" and the "International Laws" that the "President" has entered into by "Treaties" and the effects of those "Laws" and "Treaties" upon the "States" of the "Union."

The Governors of the States to be Informed of the "Laws" and "Treaties" of "The United States of America."

Mr. Cole, below is a U.S. Supreme Court ruling addressing the "supremacy clause" of the "Constitution" for "The United States of America" which may be helpful in your duties to interpret the laws of "The United States of America":

SUPREME COURT OF THE UNITED STATES

ARIZONA ET AL. v. UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 11–182. Argued April 25, 2012—Decided June 25, 2012

“The Supremacy Clause of the U.S. Constitution [*Article VI, Clause 2*] gives Congress the power to preempt state law.

“First, States are precluded from regulating conduct in a field that Congress has determined must be regulated by its exclusive governance. See *Gade v. National Solid Wastes Management Assn.*, 505 U.S. 88, 115. Intent can be inferred from a framework of regulation “so pervasive . . . that Congress left no room for the States to supplement it” or where a “federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject.” *Rice v. Santa Fe Elevator Corp.*, 331 U. S. 218, 230.

“Second, state laws are preempted when they conflict with federal law, including when they stand “as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” *Hines v. Davidowitz*, 312 U. S. 52, 67. Pp. 7–8.”

Mr. Cole, you have a duty to enforce the “Laws” and “Treaties” of “The United States of America” on behalf of the “President” of “The United States of America.” As a part of your duties, you must give a “Memo Notice” to all “Governors” informing them of the “Federal Laws” and “Treaties” that prohibits all uses of “Marijuana.” The “Governors” of the “States” needs to be informed that the “execution” and “enforcement” of “Marijuana Prohibition Laws” of “The United States of America” are with the exclusive authority of the “President” of “The United States of America” (see *U.S. Constitution, Article II, Section 3*), not with the “Governors” of the “States.”

You also need to inform the “Governors” of the “States” that the “execution” and “enforcement” of the “Laws” of “The United States of America” are not a matter of “discretion” which may be exercised by the “President” of “The United States of America” or his “Staff” of

the "Department of Justice" as declared by "We the People" within the "Doctrine" and "Law" of "U.S. Constitution, Fourteenth Amendment, Section One" which states in part: "nor deny any person ... the equal protection of laws" and with the statement "[The President] shall take care that the laws be faithfully executed ..." that is found within "Article II, Clause 3" of the "Constitution" for "The United States of America." [Emphases added].

Mr. Cole, you have a duty of "Office" to give a "Memo Notice" to all "Governors" of the "States" that they will close all commercial activity and use of "Marijuana" within their "States" and that they will inform the citizens of their State through "Public Service Announcements" that "U.S. Attorneys" and other "Agencies" of the government of "The United States of America" will be enforcing **all** "Federal Marijuana Laws and Treaties" within their "States." Any "Governor" that refuses to be in compliance with the "Marijuana Prohibition Laws and Treaties" of "The United States of America" as the "Supreme Law" of the land shall be arrested and prosecuted for "aiding and abetting" the commission of crimes against the government of "The United States of America" and the "International Laws" of the "United Nations":

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.”

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.”

Those who would like to legitimize the use of "Marijuana" may overcome the "Federal Laws" that "bans" all uses by:

1. **Political** – Lobby the U.S. Congress to change the "Marijuana Prohibition Laws;" or
2. **Federal Courts** – Obtain a ruling from the U.S. Supreme Court declaring the "Marijuana Prohibition Laws" of The United States of America to have not been enacted in pursuance to the Constitution for The United States of America; or
3. **Constitutional Amendments** – Have the U.S. Congress or the States in Convention propose "Constitutional Amendments" with the "Legislatures" of the "States" ratifying those "Constitutional Amendment" authorizing medical and recreational use of "Marijuana" within the States.

Litigation

The "Alaska State Legislature" will be addressing the "Marijuana Ballot Initiative" that was passed into law this past "Election" of "November" during its "Year 2015 Legislative Session." Depending upon on how the "Marijuana Ballot Initiative" will be addressed, there is a possibility of litigation. If litigation is initiated within a "Superior Court" for the "State of Alaska," you will be "Summoned" to make an appearance before that "Court" for the purpose of giving testimony in regard of your August 29, 2013 "Memo." [Enclosed with this letter]. To avoid litigation, I hope you will make a "good faith" effort to correct the errors of your "Memo."

Copy of Letter

A copy of this letter will be forwarded to the following:

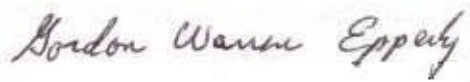
1. U.S. Attorney for the District of Alaska
2. Governor of the State of Alaska
3. Members of the Alaska State Legislature
4. State of Alaska Attorney General
5. Governors of those States that have legalized the use of Marijuana

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Respectfully Submitted

A handwritten signature in cursive script that reads "Gordon Warren Epperly". The signature is written in dark ink and is centered on the page.

Gordon Warren Epperly

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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.¹

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

¹ 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

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Certified Mail No. 7007 0710 0003 2974 6674

Gordon Warren Epperly
c/o P.O. Box 34358
Juneau, Alaska [99803]

December 9, 2014

Leslie R. Caldwell
Assistant Attorney General
U.S. Department of Justice
Criminal Division
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Leslie R. Caldwell

On or about August 29, 2013, Deputy Attorney General, James M. Cole of the U.S. Justice Department mailed out a "Memo" to the Offices of the United States Attorneys wherein he sets forth his "Policy" for the execution and enforcement of the "Laws" of "The United States of America" as they address the use of "Marijuana" within the "States" of the "Union." At the bottom of the "Memo" is a listing of the "Administrators" of "Agencies" which received a copy of the "Memo." As your name and Agency was one of those listed in the "Memo," I have enclosed a copy of my letter addressing James M. Cole's "Memo" as a matter of courtesy.

Please forward your position of the execution and enforcement of the "Marijuana Prohibition Laws" of "The United States of America" within the "States" of the "Union" to "John Skidmore," Director of the Criminal Division for

the Alaska Department of Law and to Alaska State Senator, "Lesil McGuire" who will be the "Chairperson" of the "Alaska Legislative Senate Judiciary Committee" which will be addressing the "Alaska Marijuana Ballot Initiative" this 2014 Legislative Session. I would appreciate having a copy of any correspondence which you may forward to any "Officer" of the "State of Alaska."

Sincerely Yours

A handwritten signature in cursive script that reads "Gordon Warren Epperly".

Gordon Warren Epperly

Cc: Alaska Senator, Lesil McGuire

Alaska Director of the Criminal Division, John Skidmore

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December 15, 2014 , 12:50 pm	Available for Pickup	WASHINGTON, DC 20530
December 15, 2014 , 10:27 am	Arrived at Unit	WASHINGTON, DC 20018
December 11, 2014 , 4:14 am	Departed USPS Facility	ANCHORAGE, AK 99530
December 10, 2014 , 7:18 pm	Arrived at USPS Origin Facility	ANCHORAGE, AK 99530
December 9, 2014 , 5:07 pm	Departed Post Office	JUNEAU, AK 99801
December 9, 2014 , 1:34 pm	Acceptance	JUNEAU, AK 99801

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Gordon Warren Epperly
c/o P.O. Box 34358
Juneau, Alaska [99803]

December 9, 2014

Monty Wilkinson
Director
Executive Office for United States Attorneys
950 Pennsylvania Avenue, NW, Room 2242
Washington, DC 20530-0001

Dear Monty Wilkinson

On or about August 29, 2013, Deputy Attorney General, James M. Cole of the U.S. Justice Department mailed out a "Memo" to the Offices of the United States Attorneys wherein he sets forth his "Policy" for the execution and enforcement of the "Laws" of "The United States of America" as they address the use of "Marijuana" within the "States" of the "Union." At the bottom of the "Memo" is a listing of the "Administrators" of "Agencies" which received a copy of the "Memo." As your name and Agency was one of those listed in the "Memo," I have enclosed a copy of my letter addressing James M. Cole's "Memo" as a matter of courtesy.

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Sincerely Yours

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Gordon Warren Epperly

Cc: Alaska Senator, Lesil McGuire

Alaska Director of the Criminal Division, John Skidmore

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December 15, 2014 , 10:27 am	Arrived at Unit	WASHINGTON, DC 20018
December 11, 2014 , 4:14 am	Departed USPS Facility	ANCHORAGE, AK 99530
December 10, 2014 , 7:44 pm	Arrived at USPS Origin Facility	ANCHORAGE, AK 99530
December 9, 2014 , 5:07 pm	Departed Post Office	JUNEAU, AK 99801
December 9, 2014 , 1:31 pm	Acceptance	JUNEAU, AK 99801

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Gordon Warren Epperly
c/o P.O. Box 34358
Juneau, Alaska [99803]

December 9, 2014

Robert L. Hill
Executive Assistant (ODX)
DRUG ENFORCEMENT ADMINISTRATION
8701 Morrissette Drive
Springfield, VA 22152

Dear Robert L. Hill

On or about August 29, 2013, Deputy Attorney General, James M. Cole of the U.S. Justice Department mailed out a "Memo" to the Offices of the United States Attorneys wherein he sets forth his "Policy" for the execution and enforcement of the "Laws" of "The United States of America" as they address the use of "Marijuana" within the "States" of the "Union." At the bottom of the "Memo" is a listing of the "Administrators" of "Agencies" which received a copy of the "Memo." As your name and Agency was one of those listed in the "Memo," I have enclosed a copy of my letter addressing James M. Cole's "Memo" as a matter of courtesy.

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Sincerely Yours

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Gordon Warren Epperly

Cc: Alaska Senator, Lesil McGuire

Alaska Director of the Criminal Division, John Skidmore

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December 13, 2014 , 10:35 am	Business Closed	SPRINGFIELD, VA 22152
December 13, 2014 , 8:58 am	Business Closed	SPRINGFIELD, VA 22152
December 13, 2014 , 8:58 am	Arrived at Unit	SPRINGFIELD, VA 22152
December 13, 2014 , 5:53 am	Departed USPS Facility	DULLES, VA 20101
December 13, 2014 , 12:15 am	Arrived at USPS Facility	DULLES, VA 20101
December 11, 2014 , 4:11 am	Departed USPS Facility	ANCHORAGE, AK 99530
December 10, 2014 , 7:18 pm	Arrived at USPS Origin Facility	ANCHORAGE, AK 99530
December 9, 2014 , 5:07 pm	Departed Post Office	JUNEAU, AK 99501
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Gordon Warren Epperly
c/o P.O. Box 34358
Juneau, Alaska [99803]

December 9, 2014

Assistant Director, Ronald T. Hosko
Criminal Investigative Division
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

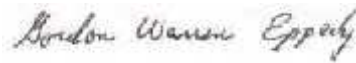
Dear Ronald T. Hosko

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Sincerely Yours

A handwritten signature in cursive script that reads "Gordon Warren Epperly". The signature is written in black ink on a white background.

Gordon Warren Epperly

Cc: Alaska Senator, Lesil McGuire

Alaska Director of the Criminal Division, John Skidmore

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December 9, 2014 , 5:07 pm	Departed Post Office	JUNEAU, AK 99801
December 9, 2014 , 1:30 pm	Acceptance	JUNEAU, AK 99801