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December 15, 2014

Sally Amanda Marshall
United States Attorney
1000 SW Third Ave, Suite 600
Portland, Oregon 97204

Dear Sally Amanda Marshall

This letter is being mailed to you for the purpose of addressing an "Associated Press Article" that appeared in the "National Newspapers" and on the "Internet" on Friday, December 12, 2014 (*enclosed*). What I have read is very disturbing for the "Associated News" Reporters, JEFF BARNARD and GOSIA WOZNIACKA declared that you have made a ruling on behalf of the "United States Department of Justice." To this statement, I must take exception.

It appears from the "Article" that you have taken upon yourself to make an interpretation of a "Memo" that was delivered to several "U.S. Attorneys" by "U.S. Deputy Attorney General, James M. Cole." This "Memo" is dated August 29, 2013 which is attached to my "Letter" of November 25, 2014. This "Memo" and "Letter" are enclosed with this letter and they may be downloaded from the Internet at: <http://tinyurl.com/nchndrj>.

Addressing your position as reported by the "Associated Press" that "Indian Tribes" have the authority to use "Marijuana" for medical and other uses is a position that I believe you have made in error. According to the Associated Press, you have taken the position that Mr. Cole's "Memo" addresses "Indian Reservations" as if they were "States" of the "Union" and if they adopt "Tribal Laws" to authorize the use "Marijuana," you and your fellow U.S. Attorneys will ignore the duties of your "Office" to enforce the provisions of the "United States Controlled Substances Acts" **equally** upon all "American Indians"

and "Citizens" as mandated by "Section One" of the "Fourteenth Amendment" to the "Constitution" for "The United States of America" and by the "faithfully executed" clause of "Article II, Section 3" of the "Constitution" for "The United States of America" for:

- "Indian Reservations" are not "States" of the "Union" and the "Memo" of Mr. Cole **does not** address the use of "Marijuana" on "Indian Reservations." Tribal "Indian Reservations" are established by "Treaties" wherein Congress granted the "Indians" limited authority to govern themselves with "Tribal Laws" and "Tribal Courts." In exercising their authority to govern themselves, they are not exercising "Powers" of the "Sovereign" such as the "Reserved Powers" of the "States" as stated within "Article Ten" of the "Bill of Rights" to the "Constitution" for "The United States of America" nor are they the exercising "Delegated Powers" as granted to the government of "The United States of America."

Unless declared by an enactment of law by the Congress of "The United State of America," all "American Indians" are subject to the laws of The United States of America including the laws of the "United States Controlled Substance Acts." If "American Tribal Indians" have the authority to use "Marijuana" for medical use or for any other purpose whatsoever, the "U.S. Justice Department" should be able to produce a "Legislative Enactment" by the "Congress" of "The United States of America" declaring that "American Indians" are "exempt" from the "Marijuana Prohibition Use Laws" of the "United States Controlled Substance Acts." Notice is taken that there is a provision in the "United States Controlled Substance Acts" where upon an application and approval for a waiver for use of a "Controlled Substance," "Marijuana" may be used for "Religious Purposes."

Please provide me, Gordon Warren Epperly and the "Members" of the "Alaska Legislative Judiciary Committees" with a copy of the "Congressional Enactments" which you, Sally Amanda Marshall relied upon to publically declare that "American Tribal Indians" may use "Marijuana."

- It appears that certain "Officers" of the "U.S. Justice Department" have taken the position that "U.S. Attorneys" have discretionary authority in the execution and enforcement of the "Laws" of "The United States of America" and as such, their refusal of enforcement of any provision of the "United States Controlled Substances Acts" by the "U.S. Department of Justice" constitutes authority to make "lawfu" those laws which the members of the "U.S. Congress" have declared to be "unlawful." Needless to say, the "Officers" of the "U.S. Department of Justice" **are not** the elected members of "Legislative Branch" of our national government of "The United States of America" and thus they have no authority to make or repeal laws nor are they "Judicial Officers" of a "Federal Court" and thus they have no authority to "nullify" any law of "The United States of America" leaving the U.S. Attorneys without discretionary authority to enforce the "Marijuana Prohibition Laws" upon any "State," "Territory," or "Indian Reservation."

Notwithstanding any reference to the August 29, 2013 "Memo" of James M. Cole or to the October 19, 2009 "Memo" of David W. Ogden (enclosed), the execution and enforcement of the "United States Controlled Substance Acts" is with the "U.S. Justice Department Drug Enforcement Administration, Office of Diversion Control" with the "U.S. Attorneys" being under the supervision of Joseph T. Rannazzisi as "Deputy Assistant Administrator" of that "Office." To the best of knowledge, Joseph T. Rannazzisi nor any of his "Assistants" have ever issued "Memos" instructing "U.S. Attorneys" to ignore "criminal acts" committed against the "Marijuana Prohibition Use Laws" of the "United States Controlled Substance Acts" by any "Governor," "Employee," or "Citizen" of a "State" or by any "American Indian" of an "Indian Tribe Reservation." A "Flow Chart" of the "Office of Diversion Control" with telephone numbers of the "Officers" of that "Drug Enforcement Office" is enclosed with this letter.

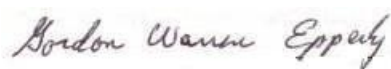
- On November 25, 2014, I wrote a letter to James M. Cole, Deputy Attorney General for the "U.S. Justice Department" questioning several positions of his August 29, 2013 "Memo" (enclosed). This letter was delivered to the "Office" of Mr. Cole on December 1, 2014 and as you can see, Mr. Cole has not had the opportunity to address the "Constitutional" and "Legal" questions raised within that letter before you published your position with the "Associated Press" on "Marijuana" as to be the "National Public Policy" for the "U.S. Department of Justice."

As the members of the "Legislatures" for my "State of Alaska" and the "States" of "Oregon" and "Washington" will be addressing "Marijuana Ballot Initiatives" that were passed into law by the "People" this coming "Legislative Session;" I, and the members of those "State Legislatures" would appreciate an input of your professional views on "Constitutional Law" and the "Laws" of "The United States of America" addressing the administration of the "United States Controlled Substance Acts" as those "Acts" of "Congress" relates to the use of "Marijuana." Please address the questions which have been presented to "U.S. Deputy Attorney General, James C. Cole."

A copy of this letter and the attached "Associated Press Article" will be forwarded to:

1. Associated Press
2. Alaska State Legislature
3. Oregon State Legislature
4. Washington State Legislature
5. U.S. Deputy Attorney General, James C. Cole

Respectfully Submitted



Gordon Warren Epperly

Product & Tracking Information

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DATE & TIME	STATUS OF ITEM	LOCATION
December 22, 2014 , 12:37 pm	Delivered	PORTLAND, OR 97204
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December 21, 2014 , 5:16 am	Arrived at USPS Facility	PORTLAND, OR 97208
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December 16, 2014 , 8:52 pm	Departed USPS Origin Facility	ANCHORAGE, AK 99530
December 16, 2014 , 12:03 pm	Arrived at USPS Origin Facility	ANCHORAGE, AK 99530
December 15, 2014 , 5:10 pm	Departed Post Office	JUNEAU, AK 99801
December 15, 2014 , 11:03 am	Acceptance	JUNEAU, AK 99801

DOJ Says Indian Tribes Can Grow and Sell Marijuana

GRANTS PASS, Ore. — Dec 11, 2014, 7:50 PM ET

By JEFF BARNARD and GOSIA WOZNIACKA Associated Press



Indian tribes can grow and sell marijuana on their lands as long as they follow the same federal conditions laid out for states that have legalized the drug, the U.S. Justice Department said Thursday.

Some advocates said the announcement could open new markets across the country and give rise to a rich new business on reservations, not unlike the advent of casino gambling. Others said it was too early to tell; many tribes oppose legalization, and only a handful of tribes have expressed any interest in the marijuana business.

Oregon **U.S. Attorney Amanda Marshall** said that the Justice Department policy addresses questions raised by tribes about how legalization of pot in states like Oregon, Washington and Colorado would apply to Indian lands.

"That's been the primary message tribes are getting to us as U.S. attorneys," Marshall said from Portland. "What will the U.S. as federal partners do to assist tribes in protecting our children and families, our tribal businesses, our tribal housing? How will you help us combat marijuana abuse in Indian Country when states are no longer there to partner with us?"

Whether tribal pot could become a major bonanza rivaling tribal casinos is a big question. Marshall said only three tribes — one each in California, Washington state and the Midwest — have voiced any interest. She did not identify them.

Seattle attorney Anthony Broadman, whose firm represents tribal governments throughout the West, said the economic potential is vast. "If tribes can balance all the potential social issues, it could be a really huge opportunity," Broadman said.

But many in Indian Country are wary of compounding existing drug and alcohol problems by growing and selling pot.

The Yakama Nation in Washington state recently banned marijuana on the reservation and is trying to halt state regulated pot sales and grows on lands off the reservation where it still holds hunting and fishing rights. The Hoopa Valley Tribe in Northern California has battled illegal pot plantations on its reservation that have damaged the environment.

In South Dakota, the Oglala Sioux Tribal Council this year rejected a proposal to allow marijuana.

Oglala Sioux tribal Councilwoman Ellen Fills the Pipe, chairwoman of the council's Law and Order Committee, said Thursday she needs to review the federal policy more thoroughly but that given her long background in law enforcement, she opposes loosening marijuana laws.

"For me, it's a drug," Fills the Pipe said. "My gut feeling is we're most likely going to shoot it down."

In Oregon, former Klamath Tribes chairman Jeff Mitchell said communities everywhere deal with drug and alcohol issues, and tribes are likely to proceed carefully.

"I have confidence in tribal government that they will deal with it appropriately and they'll take into consideration social and legal aspects, as well as other implications that go along with bringing something like that into a community," Mitchell said.

Marshall warned that marijuana is still illegal under federal law. Problems could arise for tribes with lands in states that outlaw marijuana due to the likelihood that pot would be transported or sold outside tribal boundaries, she said.

Tribes selling marijuana may not be subject to state and local taxes, allowing them to undercut off-reservation sales. In Washington, heavy taxes on recreational pot have pushed the price to about twice the price at medical marijuana dispensaries.

Alison Holcomb, a primary drafter of Washington state's legalization measure, said most people in larger states won't want to drive to far-flung reservations to buy pot. "The reality is that so much of the market depends on convenience, it's not just price that drives consumer choices," Holcomb said.

John Evich disagreed. He runs one of the five legal marijuana stores in the northwest Washington city of Bellingham, near the Nooksack and Lummi Indian reservations. When he chewed tobacco, he said, he used to stop at the Nooksack reservation to stock up because it was about 30 percent cheaper there. He had little doubt people would do the same if tribes began selling pot.

The Nooksack and Lummi tribes did not immediately respond to messages seeking comment Thursday.

Marshall said with 566 tribes around the country recognized by the federal government, there will be a lot of consulting going on between tribal leaders and federal prosecutors. As sovereign nations, some tribes have their own police, some rely on federal law enforcement, and some call in state and local police.

With limited resources and vast amounts of territory to cover, federal prosecutors will not prosecute minor cases, Marshall said.

The tribal policy is based on an August 2013 Justice Department announcement that the federal government wouldn't intervene as long as legalization states tightly regulate the drug and take steps to keep it from children, criminal cartels and federal property.

U.S. attorneys also reserve the right to prosecute trafficking, firearms violations and possession of marijuana on federal property.

Wozniacka reported from Portland, Oregon. Associated Press writers Eugene Johnson in Seattle and James Nord in Pierre, South Dakota, contributed to this story.