Subject:	Marijuana - Making consolidated appropriations for the fiscal year ending September 30, 2015, and for other purposes.
From:	"Gordon Epperly" <enter7740@14th-amendment.com>
Sent:	1/24/2015 11:06:18 PM
To:	"Alaska Office of Attorney.General" <attorney.general@alaska.gov>
Attachments:	Colorado_Will_Defend_Marijuana_Laws_Bordering_State_Lawsuit--(12-18-14).pdf

An open letter

Honorable Members of the Alaska State Legislature and Alaska Attorney General

A few weeks ago, you were in receipt of litigation brought upon the "*State of Colorado*" by her sister "*States*" of "*Oklahoma*" and "*Nebraska*" as filed in the "*U.S. Supreme Court*." Attached to this message is a response of the "*State of Colorado*" to that litigation. As we look to the response of the "*State of Colorado*," it appears that the "*Attorney General*" of that "*State*" may be looking at the below U.S. Congress's "*Appropriation Bill*" as one authority for the "*State of Colorado*" to legalize the use of "*Marijuana*" within its "*State*." A comment on the "*Appropriation Bill*" is warranted.

The "*U.S. Congress*" adopted an "*Appropriation Bill*" for portions of the fiscal year 2015 wherein the following "*Section 538*" was inserted:

H. R. 83—88
Sponsor: U.S. Representative, Donna Christensen D-VI

Making consolidated appropriations for the fiscal year ending September 30, 2015, and for other purposes.

TITLE V
GENERAL PROVISIONS
(including rescissions)

SEC. 538. None of the funds made available in this Act to the Department of Justice may be used, with respect to the States of Alabama, **Alaska**, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, South Carolina,

Tennessee, Utah, Vermont, Washington, and Wisconsin, **to prevent such States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana.** [*Emphasis added*].

Reading "*Section 538*" of the "*Appropriation Bill*" you would believe that the "*U.S. Congress*" has given its approval for the "*States*" to make use of "*Marijuana*" for medical purposes, but is this true?

The above "*Appropriation Bill Section 538*" is invalid and unconstitutional as follows:

1. **Repugnancy -** There are no provisions provided to amend or repeal the "*Federal Controlled Substances Act*" (*84 Stat. 2142, 21 USC 801 et seq.*) and at 21 USC 812(b)(1): the law states: (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; and "*Marijuana*" has been classified as Schedule I drug at: 21 USC 812(c) Schedule I (c)(10). As "*Section 538*" of the "*Appropriation Bill*" gives "*Marijuana*" legitimacy for the "*States*" to regulate for medical purposes, this *Section 538* is "*null and void*" for being repugnant to 21 USC 812(b)(1)(A) thru (C).

2. **Powers** – The "*Section 538*" of the "*Appropriation Bill*" delegates the "*Power*" to execute and enforce the "*Federal Controlled Substances Act*" (*as that "Act" applies to the use of "Marijuana" within the "States"*) to the "*States*." This is a delegation of exclusive "*Constitutional Powers*" of the "*U.S. Congress*" to regulate "*Commerce*" between the "*States*," "*Nations*," and "*Indian Tribes*" under the authority of the "*Interstate Clause*" of U.S. Constitution, Article I, Section 8, Clause 3. The "*U.S. Congress*" has declared its authority to regulate "*Marijuana*" under the "*Interstate Commerce Clause*" of the "*U.S. Constitution*" at "*21 USC 801–801a*" and once the original thirteen "*Confederated States*" delegated their "*Powers*" to their creation: "*The United States of America*," those "*Powers*" are no longer available to the "*States*" to exercise and the "*U.S. Congress*" is without authority to re-delegate those "*Powers*" back to the "*States*."

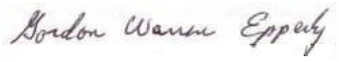
3. **Uniformity** – The above "*Section 538*" of the "*Appropriation Bill*" is in want of "*uniformity*" of "*Commerce*" between the "*States*." This "*Section 538*" makes a distinction in financing of enforcement of the "*Federal Controlled Substance Act*" as that "*Act*" is applied to those "*States*" that have enacted medical "*Marijuana*" laws from those "*States*" that have not enacted "*Marijuana*" medical laws. As there is no "*uniformity*" in the enforcement of the "*Federal Controlled Substance Act*" among the "*States*" as required by the "*Interstate Commerce Clause*" of the "*U.S. Constitution*," the above "*Section 538*" of the "*Appropriation Bill*" must be found to be "*null*" and "*void*."

4. **Absurdity** – The "*Section 538*" of the "*Appropriation Bill*" is an absurdity in law, and the laws of the "*united States of America*" do not entertain "*Absurdities*." The "*We the People*" in writing their "*Constitution*" for "*The United States of America*" declared at "*Article I Section 7*" the procedure for enacting laws by the "*U.S. Congress*" and declared at "*Article II, Section 3*" the duties of the "*President*" of the "*Executive Branch*" of government to "*faithfully*" execute and enforce those "*laws*." The "*laws*" of "*The United States of America*" are executed and enforced in and through the "*U.S. Justice Department*" of that "*Executive Branch*" of the government. The "*Absurdity*" arises when the "*U.S. Congress*" legislates laws into existence and then "*condemns*" those laws from being "*executed*" and "*enforced*" by the "*Executive Branch*" of government for want of financing.

5. **Supremacy of Law** – The "*Section 538*" turns the "*Constitution*" for "*The United States of America*" onto its head for the "*Laws*" of the "*U.S. Congress*" that were enacted pursuant to the provisions of the "*U.S. Constitution*" are no longer the "*supreme laws*" of our "*Nation*" (*as proclaimed by "U.S. Constitution, Article VI, Sections 2 & 3."*). The above "*Section 538*" declares that the "*Laws*" of the "*States*" are now the "*supreme laws*" of the "*land*" as those "*laws*" apply to the use of "*Marijuana.*" With the withholding of "*funds*" for the "*Justice Department*" to enforce the "*Federal Controlled Substance Law*" upon those "*States*" that have medical "*Marijuana*" laws, the "*U.S. Congress*" has now given authority for those "*States*" to disregard the "*Constitutional Powers*" of the "*U.S. Congress*" to regulate "*Commerce*" with foreign "*Nations*," and among the several "*States*," and with "*Indian Tribes*."

6. **Conclusion** – The "*States*" of the "*Union*" have no authority to "*legalize*" the use of "*Marijuana*" for "*medical*" or "*recreational*" purposes.

Respectfully Submitted



Gordon Warren Epperly

PRESS RELEASE
Colorado Department of Law
Attorney General John W. Suthers

FOR IMMEDIATE RELEASE
December 18, 2014

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COLORADO ATTORNEY GENERAL'S OFFICE WILL DEFEND STATE'S MARIJUANA LAWS FROM LAWSUIT BY BORDERING STATES

DENVER—Today, the states of Nebraska and Oklahoma announced that they have filed an original action in the United States Supreme Court against the State of Colorado alleging that Colorado's Amendment 64 and its implementing legislation regarding recreational marijuana is unconstitutional under the Supremacy Clause of the U.S. Constitution.

In response to today's lawsuit, Colorado Attorney General John Suthers issued the following statement:

"Because neighboring states have expressed concern about Colorado-grown marijuana coming into their states, we are not entirely surprised by this action. However, it appears the plaintiffs' primary grievance stems from non-enforcement of federal laws regarding marijuana, as opposed to choices made by the voters of Colorado. We believe this suit is without merit and we will vigorously defend against it in the U.S. Supreme Court."

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