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Honorable Members of the Marijuana Control Board
and Assemblies of the Cities and Boroughs of the State of Alaska

As many of you know, Judge Sharon L. Gleason of the U.S. District Court for the District of Alaska issued a “Court Order” dismissing my “Petition for Redress of Grievance” known as Gordon Warren Epperly vs. State of Alaska and The United States of America (U.S. District Court Case No. 1:15-CV-00002-SLG) /¹ “with prejudice” for “Want of Standing.” The following day, Judge Sharon L. Gleason corrected the ruling within the “Judgment” to read “the merits are dismissed without prejudice.” /² I am not in agreement with the “Court Order” for there are established exceptions to the “Standing” requirement of a “Federal Article III Judicial Court” as applied to the issuance of “Declaratory Judgments,” /³ but as my only source of income is “Social Security Checks,” I am not in a financial position to file “Notice of Appeals” or employ members of the BAR Association.

Assistant Attorney General, Christopher D. Peloso for the State of Alaska did you and your fellow “Officials” no favors when he chose to avoid the “Constitutional Questions of Law” that were presented to the U.S. District Court for the District of Alaska by moving the Court to dismiss my “Petition for Redress of Grievance” for “Want of Standing.” Christopher D. Peloso has now

^{1/} See “Petition for Redress of Grievance” (<http://tinyurl.com/qezd6x9>).

^{2/} See “Court Order” (<http://tinyurl.com/pxsvsct>).

^{3/} See <http://tinyurl.com/pgbu6gh>
See also <http://tinyurl.com/or9zmba>

shifted “liability” (civil and criminal) to every “Member” of the “Marijuana Control Board” and “Assemblies” of the “City and Boroughs” of the State of Alaska.

When Judge Sharon L. Gleason issued forth her “Court Order” to dismiss my “Petition for Redress of Grievance” for “Want of Standing” (with the exception of “the merits without prejudice”) is a statement that the “Constitutional Questions of Law” presented may have merit which may be addressed by the Court sometime in the future. For this reason I would encourage you to read the “merits” of my “Petition for Redress of Grievance.” /⁴

The “Marijuana Laws” of the States are “Colorable Laws” /⁵ for they all have the appearance of being laws, but in fact they are not laws at all. They are in conflict with many provisions of the “Federal Control Substance Law,” /⁶ a law that was made pursuant to the U.S. Constitution, and thus is the “Supreme Law” of our Nation notwithstanding any Law or Constitution of a State. /⁷ No Attorney General of any State of our Nation has ever questioned the findings of 21 U.S.C. 801 /⁸ and thus they all have acknowledged the authority of the U.S. Congress to regulate the intra-State Commerce of “Marijuana” within the borders of their States. All laws of a State that are in conflict with lawful Federal Laws are “null and void” ab initio. For an “activity” involving “Marijuana” to be “lawful,” that “activity” must be “lawful” not only under the laws of the State, but must also be “lawful” under the laws of The United States of America. /⁹

When a “Public Official” of a “State” or its “Municipal Corporations” exercises “Color of Office,” /¹⁰ that individual does so in his/her individual capacity, not as an “Official” of a “Public Office” and may be personally liable as such.

⁴/ See <http://tinyurl.com/qezd6x9>

⁵/ See <http://tinyurl.com/nldbowl>

⁶/ See <http://tinyurl.com/3mau7kd>

⁷/ See U.S. Constitution, Article VI, Sections 9 and 10.

⁸/ See <http://tinyurl.com/ozxu4sh>

⁹/ See unanimous “Court Ruling” of the State of Colorado Supreme Court ([Brandon Coats vs. Dish Network, L.L.C. 13SC394-\(103897\)](#)).

¹⁰/ Color of Office - A description of an act by an officer done without authority under the pretext that he or she has an official right to do the act by reason of the officer's position.

As an "Officer" of the "Marijuana Control Board" or as an "Assembly Member" of a "City and Borough" of the "State of Alaska," you are on the front lines that may damage fellow "Citizens" of the State of Alaska through wrongful issuance of "Marijuana Licenses" and "Permits" which may bring an adverse effect upon "Property Values," "Business Profits," and "Physical Harm" through the violence of "Monetary Theft," "Dwelling Robberies" that are financing the support of those purchasing "Marijuana" and other drugs on the open market. You may also be made liable for any injury or fatalities that may occur from those that operate "Motor Vehicles" under the influence of "Marijuana," for unlike "Alcoholic Beverages" which are not prohibited by "Law" of The United States of America, the use of "Marijuana" within the boundaries of any State of the Union has been made "unlawful" for any use by "Federal Law." /¹¹ At the present time, there are "Civil Actions" pending before the U.S. District Court for the District of Colorado declaring that "Public Officials" of the State of Colorado and its "Counties" and "Cities" have in their personal and individual capacities damaged the Plaintiffs upon their issuances of "Marijuana Building Permits" and "Marijuana Business Licenses." The "Plaintiffs" are seeking damages in the thousands of dollars. /¹²

Governor Bill Walker has placed you in "harms way" when he refused to uphold his "Oath of Office" in supporting lawful "Statutes" of the government of The United States of America. This occurred when he had been duly "noticed" that the year 2014 "Marijuana Ballot Initiative" was in conflict with the "Federal Control Substance Law" (as that law applies to the use of "Marijuana") and he has refused to issue forth "Executive Orders" declaring that the "Marijuana Ballot Initiative" to be "null and void" absent a "Court Order." This is a problem for "Employees" and "Officers" of the State for under the doctrine of "Separation of Powers," no Judge of the State of Alaska has authority to interfere with "discretionary actions" taken by the Governor in the performance of his Office.

I am sure a "Cause of Action" may be brought before the Superior Court for the State of Alaska as that Court is a "Court of Record" with "General Jurisdiction." The Alaska Supreme Court in the case of State of Alaska v. American Civil Liberty Union (No. S-12370, Decided: April 3, 2009) /¹³ has ruled that under the "ripeness doctrine," there are exceptions to "the constitutionality of a statute generally may

^{11/} See [21 USC 841](#), [21 USC 842](#), [21 USC 843](#), [21 USC 844](#), [21 USC 846](#), etc..

See also [Federal RICO Statutes 18 USC 1961-1988](#) and [Federal RICO Statute 18 USC 1964\(c\)](#).

^{12/} See [Safe Streets Alliance et al v. Alternative Holistic Healing, LLC et al](#) (<http://tinyurl.com/ofzpaef>).

See [New Vision Hotels Two, LLC v. Medical Marijuana of the Rockies, LLC et al](#) (<http://tinyurl.com/ng526hk>).

See [Smith et al v. Hickenlooper](#) (<http://tinyurl.com/pz3pseg>).

^{13/} See <http://tinyurl.com/o2ee53r>

not be challenged as an abstract proposition.” As you are being placed in a position of involuntary *“liability”* when you are being compelled under *“defacto”* laws to implement the mandates of the Marijuana Ballot Initiative, giving the controversy that exists between the *“Laws”* of The United States of America and the State of Alaska *“Ripeness”* and *“Standing”* for adjudication. This Alaska Supreme Court ruling declared that the Superior Court’s conclusion that the Plaintiffs may have had *“standing”* to challenge the *“Statute”* (AS 11.71.060(a)) as that *“Statute”* applied to *“Marijuana”* because *“they [Plaintiffs] are exposed to potential criminal prosecution”* was within the authority of the Court. You, as an *“Official”* of the State of Alaska or its Municipal Corporations, is exposed to *“Criminal Prosecution”* before a U.S. District Court and as the Federal Judiciary has ruled that the *“Marijuana Laws”* of a State may not be used as a defense before the its Courts,¹⁴ it appears that you may have *“Standing”* before the Alaska State Superior Court.

The Federal Controlled Substances Law treats possession and use of *“Marijuana”* as a much more serious offense than Alaska law. The federal sanction for a first-time offender possessing any quantity of *“Marijuana”* is a term of imprisonment of not more than one year and a fine of at least \$1,000, or both.¹⁵ A person who knowingly possesses *“Marijuana”* for personal use also faces a federal civil penalty of not more than \$10,000.¹⁶ The federal sanctions apply to *“anyone knowingly open, lease, rent, use, or maintain any place, whether permanently or temporarily, for the purpose of manufacturing, distributing, or using any controlled substance; manage or control any place, whether permanently or temporarily, either as an owner, lessee, agent, employee, occupant, or mortgagee, and knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, the place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance.”*¹⁷

You, as an *“Official”* of the State of Alaska or its Municipal Corporations, will be identified as a *“person who attempts or conspires to commit any offense defined in this subchapter (SUBCHAPTER I — CONTROL AND ENFORCEMENT)”* and *“shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy”*¹⁸

^{14/} See *“U.S. Justice Department Letters and Memos”* (<http://tinyurl.com/ngn56nu>).

^{15/} See [21 U.S.C. § 844\(a\)](#).

^{16/} See [21 U.S.C. § 844\(a\)](#).

^{17/} See [21 USC 856](#).

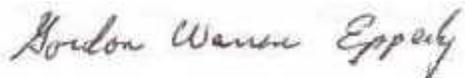
^{18/} See [21 USC 846](#).

of the "Federal Control Substance Law" upon the issuance of defacto "Marijuana Building Permits" and defacto "Marijuana Business Licenses."

You should instruct your City and Borough Attorney and the Alaska Attorney General to bring forth an "Action at Law" before the "State of Alaska Superior Court" to address the conflicts and controversy that exist with the "Marijuana Laws" of the State of Alaska and with the "Federal Controlled Substance Law." The Court should declare how those conflicting laws will affect you and your "Office," or in the alternative, convince Governor Bill Walker to issue forth an "Executive Oder" declaring the year 2014 "Marijuana Ballot Initiative" to be "null and void" for being in conflict with the "Federal Control Substance Law." As noted by the Attorney Generals for the States of Nebraska and Oklahoma, the refusal of the U.S. Attorney General to enforce the "Marijuana Statutes" of the Federal Control Substance Law is not a license for any State to regulate the use of "Marijuana" contrary to the prohibitions of the Federal Control Substance Law. /¹⁹ It would be to your benefit to have a "Ruling of a Court" on your side.

You may find the Article "Cannabis in the United States" as found on "Wikipedia, the free encyclopedia" to be of interest. /²⁰

Respectfully Submitted



Gordon Warren Epperly

^{19/} See U.S. Supreme Court - Nebraska and Oklahoma vs. Colorado - (Reply Brief) [<http://tinyurl.com/qzua4kd>].

^{20/} See <http://tinyurl.com/b9cxkl4>