



Judge William J. Haynes, Jr.  
U.S. District Judge  
649 U.S. Courthouse  
Nashville, TN 37203

November 20, 2003

For the last ten years the scientific (and personal) efforts of Bernie Ellis have provided Gallup, New Mexico with both the “rationale and means” to combat substance abuse in a more aggressive manner than any other city in the US.

We are classified by US-ISATS (Inventory of Substance Abuse Treatment Services 2000) as the largest substance abuse service provider in the US. In it’s ten-year history NCI has sheltered, detoxed, or treated over 250,000 residential Native American substance abusers – closely coordinated with Police, Sheriff, State Trooper, Tribal, and the full spectrum of Judicial Agencies. Part of this story is told in the Department of Justice’s 2000, Promising Practices and Strategies to Reduce Alcohol and Substance Abuse Among American Indians and Alaska Natives.

I’m enclosing yesterday’s Gallup paper with another front page article utilizing Bernie’s data, commentary, and suggestions. Without his generous and persistent work, hundreds of people would be lost. Bernie’s data and insight has been foundational in our overall strategy (In the past an average of 13 people would die each month in Gallup of alcohol related issues - today we lose 2-4 per month). [I’m sure another 50 articles and papers will be provided by others in the field]

I’ve devoted my career to helping others avoid substance abuse. I, personally, do not utilize marijuana - or any other recreational drugs. I’m lucky enough to be pain free – and with no terrible medical problems.

In my opinion as a well-educated health professional, marijuana is sometimes justified for medical reasons – especially in illness with few effective alternatives. The majority of serious medications can be less kind, more addictive, more dangerous, and more expensive. It’s medically, socially, and spiritually unethical to not provide legal access to THC for those people with relevant chronic disease. The active ingredients of all other medically useful drugs (for example powerful opiates) are legally available – those drugs that are far more dangerous and addictive. Not making THC medically available has forced thousands of honest, hard-working Americans into the criminal corner.

A little more maturity and critical thinking would be useful in our strategy against drug abuse. This kind of arbitrary and reckless enforcement – especially when so many dangerous and difficult forms of abuse, exploitation, and predatory crimes go largely unchecked – certainly undermines our credibility and resources. Although I am not aware of the exact circumstances

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of Mr. Ellis's arrest, I suspect that he was a pretty "soft" and "impotent" target when compared to those hundreds of dangerous criminals selling drugs for profit in Tennessee.

I do acknowledge that "unjust" or "out-dated" laws should be followed until legally revised – but in this odd situation there is so much irrational fear banging against overwhelming scientific and ethical evidence that it's causing great damage and harm to our society and to the people we love. This type of enforcement can ultimately erode social progress and justice.

Because laws were indeed violated, I do understand the need for judicial involvement. I encourage you to be less punitive than those violations based on criminal and exploitive intent. Prison time, or property seizure, makes no sense and will further undermine the health of all involved.

Bernie Ellis is a great man with unusual generosity, a high moral code, and a huge heart. He's a wonderful asset to his local community, to Tennessee, and to the Nation. He has a remarkable history of social service and has provided countless hours of help to less fortunate people at no personal gain – and even at great expense. Mr. Ellis has helped several large, impoverished, and historically exploited communities that most others have largely ignored.

Extensive probation, or some form of significant Court-ordered Community Service, would be more productive – and certainly would make a strong point. This man is a friend and asset to your court - and for the principles of all the court ultimately stands for. I'm sure the Gallup, Wind River, or some Tennessee communities could better utilize his talent.

Please call me if you have any questions. Due to the cost of travel, I am unable to personally testify.

Sincerely,

Matthew J. Kelley Ph.D.  
Clinical Psychologist  
NCI Director of Evaluation and Development  
50 Stutz Bearcat Drive  
Suite #3  
Sedona, AZ 86336-5252  
(928) 282-9238  
MatthewK@commspeed.net