

# NA'NIZHOOZHI CENTER



A Bridge to Recovery

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January 3, 2004

Judge William J. Haynes, Jr.  
U.S. District Judge  
c/o Peter J. Strianse, Esq.  
Tune, Entrekin and White, PC  
Suite 2100, AmSouth Center  
315 Deaderick Street  
Nashville, TN 37238-2100

Honorable Judge Haynes,

Going into 2004 and considering the unfortunate legal predicament Bernie Ellis is in, I couldn't help but wonder about the meaning of "justice". The core understanding I have of "justice", and I'm sure many others would share my thoughts, is that "justice" is formed around compassionate consideration of the wrongs committed upon the victim and making right the wrongs committed. But "justice" also includes compassionate consideration of the perpetrator's past, present, and future role in the community.

The victim in this case is the government's unyielding and out-of-date set of laws that are being rigidly applied in the name of justice. Laws that prohibit easing the suffering and pain of sick people are unethical and go against the grain of many of us in the health professions. Laws should be based on the ethics and values of the community, and in the arguments for and against medicinal marijuana, I have yet to hear sound reasons not to be compassionate toward the suffering and pain of the chronically ill.

This brings the question of whether the persons provided marijuana by Bernie are victims? Certainly, I believe, the folks Bernie helped by making medicinal marijuana available to ease their pain and suffering would all attest to not being victims of Bernie's compassion.

Justice is not being served by the course of action pursued by the legal system and, rather, displays for me the irrational approach of the criminalizing system, which is not a criminal justice system. Incarceration and forfeiture of property is far too harsh and unreasonable. After all, it is unethical not to provide aid and support to the suffering, which the government's case would have Bernie do, or to ignore the suffering and pain of the unfortunate, which is a principle upon which this country is founded. Rome two centuries ago chose to make a criminal of a compassionate person.



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I am  
not a  
user of  
drugs  
and  
alcohol.  
Rather  
I've  
dedicat  
ed my  
life, as  
Bernie  
has,

to reducing the harmful impact of drug and alcohol abuse in my community and among my people. As a Native American, I see daily the devastation caused by problematic and chronic chemical dependency. Bernie, fortunately for me and my community, has chosen for ten years to unselfishly aid our efforts and we have benefited from his expertise and enthusiasm for our efforts. Bernie has personally footed the cost of researching and publishing the results of social indicators that we use to keep momentum and focus in our efforts in Gallup and McKinley County. He has done this because he knows that this area is one of the poorest counties in the United States and his compassion for my people is strong and unwavering. Many of us in Gallup and McKinley County owe Bernie much more than we can contemplate. If he is incarcerated, not having his energy and expertise available to us would be a major detriment to our ongoing work. His knowledge and understanding of our community has made him a strong and impartial sounding board for where we go as a community trying to improve our quality of life. Gallup used to record an average of 34,600 protective custody pick-ups of intoxicated persons annually in the 1980's. Based on Bernie's guidance and research, that number has been reduced to an average of 15,000 per year since 1993. This is an example of the very important contributions Bernie has made to Gallup and does not include his significant contributions to other communities in Indian country.

Lastly, Bernie's past and present commitment to sobriety in his life stands as a beacon of hope for many of us fighting substance abuse and its harmful effects. Bernie is as proud of adhering to the principles of AA as he is of his commitment to help the disenfranchised and suffering. Therefore, along with others who attest to Bernie's character, love of people, and devotion to helping, I also ask for leniency.

Thank you for considering my comments. I offer my prayers to you and justice.

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