

Honorable Judge Leonard D. Wexler
United States District Court
Eastern District of Virginia, Alexandria Division
401 Courthouse Square
Alexandria, VA 22314

Re: United States v. William Eliot Hurwitz, 03-CR-467-ALL (LDW)

April 6, 2005

Dear Judge Wexler,

I write this hoping to appeal to that part of you which is present in every person who rejoices to see justice done.

When I first consulted with Dr. William Hurwitz, I had, for over ten years, been given just enough pain medicine to keep me alive, but not enough to leave my bed or even to maintain my person in any way. Those of us for whom every moment is torture do whatever we can never to move a muscle; and so I spent a decade this way and passed beyond physical deconditioning until weakness and constant exhaustion prevented my even attempting to maintain my personal hygiene. In time, my diaphragm muscles atrophied, impeding the continuous functioning of my lungs during sleep. My blood gases became dangerously imbalanced, poisoning every cell of my body, adding agony upon agony- a condition called Pickwickian Syndrome. And yet, since I was one of the few Americans who received any opioid pain medications at all, and since my dosage was so large, equal to a gram of morphine a day (which I erroneously assumed to be the largest possible dose of opioids) in this one regard I felt lucky. I believed that all that could be done about my pain was being done.

At the same time, I was aware that I was caught in an interminable and deadly conundrum vis-à-vis my deteriorating health. For several years, the neurologist who wrote my opioid prescriptions refused to treat any of my other medical problems, even when I became constantly white-faced and blue-lipped, experienced absolute sleeplessness, and water-on-the-brain. Although he was aware that for several years I had consistently tested at near zero on my blood testosterone levels, this neurologist maintained that providing me with 'pain control' was his only responsibility. He held to this position all the years I was his patient despite his awareness that specialists like endocrinologists, pulmonologists, sleep disorder experts, emergency room personnel, and others refused outright to write any prescriptions for someone receiving opioids. Even the doctors of his own hospital group inevitably sent me back to him, "go get it from whoever is writing you these opioid prescriptions."

Dr. Hurwitz at all times treated me with the simple dignity a professional doctor accords a patient. I had become accustomed to being openly scorned by medical workers, as if I was doing something shameful and wrong by having to take opioid medicines. Dr. Hurwitz took over prescribing my opioid regimen, titrating me to 'effect', i.e. overseeing each increase, teaching

me how to safely take as much as I required, and in what increments to increase the dose, until I eventually felt functional, both of us keeping scrupulous notes on the process of reaching that quantity. He prescribed me the replacement testosterone. He got me sleeping again. He did much, much more. He made himself available to me 24 hours a day; no question of mine was ever treated as unimportant, no concern trivial.

He saved my life. My son was then 9 years old and soon I was taking him to and from school, helping with his homework, etc. I had never been well enough to do any of these tasks before.

As you know, and as our nation is becoming aware, a snitch-driven prosecution can be successfully mounted against anyone; and since juries are predisposed to assume that where there's smoke there's fire, convictions in these physician prosecutions are a near certainty.

As you also know, in the dispensing of opioids, doctors are currently held to a preposterous standard: perfect omniscience. Failure to perfectly foresee what precisely shall become of a controlled substance prescribed in good faith can cost them their freedom, their profession, their reputation; their lives. Unfair laws are the very definition of oppression, and we founded our country so we would not have to live under such laws.

I know that a certain lockstep mentality has pervaded the politics of the current ruling party. But reading the Federalist Papers taught me that America's greatness was the product of open discourse between freedom and liberty loving men of good will. Dr. Hurwitz considered serving the interests of his patients to be his foremost duty. He was a good doctor, far above average, and in the days preceding his trial I understand he was offered the option to denounce his own actions and so avoid lengthy imprisonment. Instead he chose to put the interests of American pain patients and the best interests of the nation itself above his own personal interest, his comfort, safety, and happiness. Please, sir, I implore you to do what you can to minimize the future suffering of this man. Thank you for your attention.

Sincerely Yours

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