

Siobhan Reynolds, President of the Pain Relief Network
Letter to Judge Wexler on Behalf of Dr. William Hurwitz

by Siobhan Reynolds; President, [Pain Relief Network](#); 4/3/2005
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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 3, 2005

Dear Judge Wexler,

As the President of the Pain Relief Network, I am writing to ask you to stand up to the government of the United States and refuse their request that you sentence Dr. Hurwitz to twenty-plus years in prison. While the government has already done terrible damage to patients in pain by intimidating law-abiding physicians, you could begin to heal our country by rejecting their outrageous call for a life sentence.

I have observed much of Dr. Hurwitz's trial as well as the trials of several other physicians brought up on similar charges. I have seen the same series of strategic maneuvers employed by the prosecutors in order to prejudice the judges in each of these cases. By announcing to the press that the physician has killed his patients, spread misery and death far and wide, and indicting him on dozens of felonies, the US Attorneys use their official power to give you and the public the impression that they are bringing a hardened and ruthless criminal to justice. By the time the case gets into the courtroom and all is revealed, however, what we find is a well-intentioned doctor who has been duped by a small percentage of his patients, the government arguing that he should have known better. That the jury foreman in this case specifically stated that he did not believe Dr. Hurwitz was running a criminal enterprise, but convicted Dr. Hurwitz anyway, should tell you that something went terribly wrong in your courtroom.

What's going on, Your Honor, if I may be so bold as to offer my opinion, is that jury members cannot imagine that attorneys representing the United States would seek to convict a compassionate physician when they know he was practicing medicine in good faith. Nor can they believe that a Federal judge would willingly preside over such a

travesty, and apparently do nothing to stop it. To an average, law-abiding individual, the entire charade is inconceivable. And yet, here we are.

Over and over, outside the courtroom, we have seen leaders of the United States Department of Justice and the Drug Enforcement Administration saying that they are 'sending a message' to physicians about the proper prescribing of pain medicines such as Oxycontin. When did it become acceptable for the enforcers of our Federal criminal laws to take it upon themselves to regulate medical practice, and do so by announced intimidation? When did we so lose track of the customary boundaries of civil society that we fail to react with immediate and determined action to the crossing of such an important line?

The Congress of the United States set up a system of drug control which, however unintentionally, permits this broaching of propriety to occur. In doing so they created an ongoing public health catastrophe for people in pain. We at the Pain Relief Network are working to bring this situation to the attention of the public and to Congress, and are moving toward a legislative remedy. In the meantime, we respectfully request that you take this opportunity to signal the world that decency will prevail, at least in so far as Dr. Hurwitz is concerned, and that Federal judges will not be buffaloed any longer.

It isn't clear to me whether the Court is required to impose a twenty-plus year sentence. I am not an attorney. But if the recent Booker/Fan Fan decisions permit you to exercise discretion in sentencing Dr. Hurwitz, it is my fervent hope that you will show him leniency, bringing us all one step closer to the restoration of order. Countless suffering Americans and their families will certainly thank you.

Respectfully,

Siobhan Reynolds
President, Pain Relief Network.org

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