

January 7, 2004

Honorable Judge William J. Haynes, Jr.
U.S. District Judge
649 U.S. Court House
Nashville, TN 37203

Dear Judge Haynes:

I write in reference to Mr. **Bernard J. Ellis, Jr.** who will soon appear before you for sentencing. I strongly urge you to seriously consider the potential advantages to the community of a sentence of **probation and extensive community service** for Mr. Ellis, given his outstanding past record of contributing to the **public health good**.

I have known Mr. Ellis for thirty-five years. I first met him when he enrolled in my class at Vanderbilt University, where I was an Assistant Professor. I worked closely with him while he was an undergraduate and graduate student at Vanderbilt. In my almost four decades of teaching at the University level, Mr. Ellis is one of the most extraordinary colleagues I have encountered. I have followed his career ever since, staying in close professional touch with him. Over those years, I have provided feedback and advice to him on many of his public health projects, beginning with his groundbreaking work on smoking cessation. And he has provided me extraordinarily useful feedback on some of my own research projects. I know Mr. Ellis very well professionally and highly respect him as a colleague. Given his spotless record prior to this incident, his exceptional skills in public health program development and his record of past accomplishment, Mr. Ellis deserves, in my judgment, the **greatest leniency**.

From the first day I met Mr. Ellis, he displayed both an incredible level of human energy, deploying an important part of that energy generously coming to the aid of others. At Vanderbilt I had the chance to observe him regularly helping struggling students with their studies. And, it is clear that his willingness to contribute to those around him as well as to his broader community and to public institutions has continued since then. His extensive pro bono work on public health projects provides additional evidence for his generosity. It is his enthusiasm for and capacity for being of service for others that makes him such a strong candidate for a sentence of **probation and extensive community service**.

McCarthy/Ellis

I know Mr. Ellis, as well, through a long and warm friendship that developed out of our one time co-ownership of Trace View Farm in Santa Fe, Tennessee. We worked together, for a period, developing that land, but Bernie has invested exceptional effort into its development since he became the sole owner. I believe that his obvious devotion to that land has been important in endearing him to so many of his neighbors in Santa Fe, Tennessee. His respect for his neighbors as well as his willingness to be of help to them reflects the qualities of Bernie's character that puts him on that small list of people I have known over the years who I am certain would come to my aid if I were ever to confront any serious personal difficulties in life. We used to call people with these qualities upstanding members of the community, and I strongly believe that is an appropriate way to characterize Bernie Ellis. He has been an upstanding member of multiple communities, both local and professional. All of my experience with Mr. Ellis over the last thirty-five years convinces me that he is a man of high moral character. He is someone I trust completely. If he is removed from the communities he serves, I believe they will be the worse for that loss.

Please feel free to contact me if I can be of any additional assistance in this matter. I would be happy to respond promptly to any request you might have for additional information.

Sincerely,

John D, McCarthy, Professor and Graduate Officer