

**Henry H. Howe**

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28 Dec 2016

Penny Miller  
Clerk of the Supreme Court  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0530

Sent by em to: [supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov)

Re: [Petition](#) to Permit Temporary Provision of Legal Services by Qualified Attorneys from Outside North Dakota

I have read the above referenced petition, with the Attached Affidavit, Exhibit 1, and the Proposed Order to grant the requested relief. In addition, I have reviewed numerous media reports – print , TV and other media - addressing the issues of the amazingly peaceful – at least on the part of the civilians - DAPL demonstrations. Under the totality of the circumstances presented regarding both the Standing Rock // DAPL protesters, and Law Enforcement [including ND National Guard] it would seem to be both constitutionally critical and unequivocally necessary to assure that those charged – or what would appear to be in many cases overcharged – with criminal offenses, be timely provided with competent, available, and effective counsel. It would also appear that the necessary attorney resources are not available in the State of North Dakota.

Although the appointment of out of state attorneys is not an ideal resolution, the proposed Order, as requested by a consortium of attorneys, and other entities, including the ACLU, is perhaps the best – and presently the only – readily available solution, to protect the fundamental rights of the Defendants, and under the

requirements of the - Constitutional – “right to counsel”, should be entered by the North Dakota Supreme Court.

Sincerely,

A handwritten signature in black ink, appearing to read "H. H. Howe". The signature is written in a cursive style with a large, stylized initial "H".

Henry H. Howe

H.c

SR.161228.ToNDSC.Grant-Petit to Appt DAPL Def. OutOfStateCounsel.