

[March 2005]

Dear _____:

We address you today as a group of concerned citizens who are extremely disturbed at our government's prosecutorial mishandling of world renowned doctor and scientist Thomas C. Butler. We speak also for hundreds of others, including Nobel Laureates, academic societies, and civil liberties watchdog groups, in expressing concern about the ramifications that Butler's trial and subsequent incarceration have had and will continue to have on our nation's future. We kindly ask you to review a brief history of Butler's case and consider the issues we raise as they concern our national security and our standing as a country dedicated to justice, and to take action based on said concerns.

Brief history of Butler's case

Since his service in the Vietnam War, Dr. Thomas C. Butler, age 63, has spent thirty-five years studying the effects of and possible cures for the bubonic plague, along the way developing a reputation as a pre-eminent world plague authority, even publishing a monograph and textbook chapters on plague that are currently used in universities around the world. His recent projects included working with the FDA, the CDC, and the military to develop better antibiotics for plague in case of a bioterror attack. But everything in Butler's world changed in January 2003 when he reported plague vials missing from his Texas Tech University laboratory. Sixty FBI agents descended on Lubbock, TX to find out anything they could about the vials' disappearance, and after they could find no leads, they convinced Butler, under duress and without legal counsel, to sign a statement saying he had previously destroyed the vials.

Butler expected his statement to defuse the circus atmosphere, but he was mistaken; he soon found himself in handcuffs, being led into prison on national news, and charged with lying to the FBI (of which he was later acquitted). After Butler refused to admit to lying, the government scoured his files and brought charges of illegal transportation of plague bacteria and tax evasion against him. Eventually, a failed plea bargain led to our government piling on an additional 54 counts of embezzlement and fraud, which carried a maximum sentence of 469 years in prison and \$17 million in fines. Each of these counts had to do with a contract dispute Butler had with his university (normally handled through civil, not criminal, proceedings), and all were totally unrelated to the original plague disappearance. Texas Tech University provided no assistance to Butler on the plague counts, even vigorously supporting prosecutors to develop their case.

Ultimately, a jury acquitted Butler of almost all the original charges, convicting him only on charges relating to an overseas shipment of a single FedEx package (a technical violation) and charges relating to contracts with private pharmaceutical companies. The judge in the case, acknowledging that Butler's role in popularizing oral rehydration during the 1980's has saved and continues to save millions of lives each year, issued a sentence that took his tremendous record of service into account. Butler has begun serving a two year prison term in Fort Worth, TX and is appealing his verdict. Our government is planning further legal action. Butler's career and finances are in shatters, and he is separated from his wife and four children.

Our country cannot afford to continue down this path

Reaction in favor of Butler has been strong and determined among those familiar with the case, but it has been muted because of fear. The following respected entities have each publicly protested the Justice Department's behavior toward Butler from the very earliest stages: The National Academy of Sciences (only the second time in their history they have made such a stand), National Academy of Engineering, Institute of Medicine, NY Academy of Sciences, and four Nobel Laureates. The federal judge presiding over the case also received more than 150 letters in the weeks before sentencing (more than he had received for any case prior) from friends, family, former patients and colleagues, all testifying to Butler's good character and competence as a medical doctor and scientist.

Media coverage has suggested that Butler may be a victim of the current peak in fear about bioterrorism. The New Scientist reported on November 8th 2003 in an article titled "A climate of fear: Why is the U.S. government turning on its friends?," that "there is much to suggest that justice has not been the prime motivation in bringing the case against Butler." The NY Times, LA Times, Baltimore Sun, BBC, CBS, and many others have run stories suggesting that Butler has been singled out in a flawed strategy to fight bioterror. Jonathon Turley, a professor of law from Georgetown University and Butler's attorney, has said about what has happened to Butler, "It's about as rational as getting hit by a locomotive."

A prison term is inappropriate given the facts of the case, and it ignores Butler's decades-spanning contribution to the United States science and security. Scholars and their universities commonly have disputes concerning grant and contract money, and these are normally resolved through civil proceedings. Once Butler would not plead guilty to the terrorism charges of which he was later acquitted, however, our government claimed that routine disagreements between Butler and Texas Tech about the proper apportioning between them of grant and contract monies amounted to fraud and embezzlement. Only because prosecutors were hungry for convictions of any kind did these unrelated disagreements end up as criminal charges.

Incarcerating Dr. Butler has and will continue to adversely impact the national security. Not only have we deprived the United States of the expertise of a foremost plague expert at a time when we need him most, but we have also effectively discouraged any promising young scientists from conducting research on vital national security interests. Knowing that even a technical violation or disputing a university's claim to funds can result in criminal charges, they will decline to work on research critical to national security, such as plague or anthrax. One author of this letter has already destroyed all plague samples held in his lab for exactly this reason.

The Department of Justice is attempting to make an example out of Butler without regard to the truth, in order to appear vigilant in the war against bioterrorism; this will become clearer with the passage of time. The DOJ has issued statements that they believe Butler is in no way connected to bioterrorism, yet they have shown great determination in prosecuting his case under the most stringent new terrorism guidelines. This two-faced strategy is dishonest at best and deeply disturbing at worst. We are aware of many who share our views, who are waiting to speak when they believe it is safe to speak out about such issues. We believe that time is upon us.

We all agree that bioterrorism is a serious threat to our country's future, and we should do all we can to combat it. But by imprisoning Butler we are shooting ourselves in the foot. Our government agrees that Butler's actions never put anyone in danger, that he is an exemplary father and husband, and that his contributions to public health and science have been extraordinary. Yet Butler spends his days locked in prison, isolated from loved ones, and unable to continue his life's work. This is simply unconscionable. It is imperative that something be done immediately to remedy this situation. We ask for your help.

Something must be done now

We appeal to you on the basis of freedom, justice, and fairness – principles on which our country was founded and our future depends – to make a stand against the injustices that Butler is currently suffering. Discuss these issues with friends or colleagues, write to Congress, appeal to newly confirmed Attorney General Alberto Gonzales, or further distribute this letter to anyone you think may be interested. Specifically, you may ask the Justice Department to stop its legal actions against Butler. Do anything you can. You are encouraged, of course, to contact any of us personally with questions and comments. Thank you for your time and attention.

Respectfully,

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