

Butler takes stand, denies deceiving FBI

BY KERRY DRENNAN

Thomas Butler took the witness stand Thursday morning and described how the FBI convinced him to claim responsibility for 30 vials of plague he reported stolen from his Texas Tech lab.

"If you're able to recall this for me ... (the destruction of the samples) and give me a statement to that effect, I'll be on your side. We'll both walk out of here and nobody will be arrested," FBI Agent Dale Green told Butler after more than two hours of interrogation, Butler testified.

Butler calmly recalled the events leading up to his Jan. 15 arrest, eliciting chuckles as he described the 1986 Chevrolet Nova that FBI agents searched for the missing plague as a "fantastic car."

Butler is charged with 69 federal crimes, including lying to the FBI, fraud and smuggling. He faces life in prison and a \$17.1 million fine if convicted on all counts.

His first words to the jury declared his innocence on all 69 charges. He specifically denied deceiving federal agents.

"I never lied to the FBI," he said.

Over the course of the rest of the day, Butler fielded questions from the defense.

Family members and friends lined the benches on the defense side of the courtroom. Jurors paid rapt attention to Butler's story of the night when more than 60 federal agents descended on Lubbock to search for the missing plague.

He said he first noticed the missing samples Jan. 11. He searched his lab the next day for the 30 test tubes before alerting his supervisor, Michael Jones, on Jan. 13.

The following day, the chairman of internal medicine and dean of the medical school were alerted, and then authorities.

Previous witnesses testified that Butler tried to discourage notifying police. Butler denied he protested such a measure.

"My initial reaction was they were missing or could've been taken out by mistake, that they might be somewhere near by where we could locate them," he said. "I thought a local investigation within Texas Tech would find them."

After his superiors made the decision to call police, Butler said he respected that decision.

Tech police called the FBI, and agents met with Butler at the Tech Police Department. He said the agents asked general questions about the nature of the bacteria and how dangerous it might be if terrorists were connected to the theft.

"I knew it was possible. Certainly after 9/11 everyone knows there might be terrorists in our midst. I thought that might be a remote possibility," Butler said.

At the request of the FBI, Butler wrote out a list of people who had knowledge of or access to his lab as well as people he might consider to be his enemies. He said the list was not meant to be suggestions for possible suspects.

"I really didn't suspect anyone specifically of stealing," he said.

Butler said that after almost a full night of interrogation and two hours of sleep, he returned for more questions. That's when Green began pressuring him to say he'd accidentally destroyed the vials, he said. However, he had no memory of destroying them, Butler testified.

"My first reaction was to tell him I did not destroy them myself," Butler said.

But Green told him they'd be there a "long time" if he continued to insist the vials were missing or stolen. He told Butler it was very expensive for the FBI to mount such an investigation.

"He told me the FBI investigation pointed toward accidental destruction as the explanation for the missing vials," Butler said. "Because they were destroyed, there was no danger to the public. (Green) wanted a written statement that would help them conclude the case."

As Butler wrote the statement, Green told him what issues needed to be addressed in the statement.

Defense attorney Chuck Meadows picked that statement apart sentence by sentence. Butler said he agreed with certain sentences, but others were included under pressure from Green.

Meadows also asked Butler about the prosecution's assertion that Butler faked the theft to draw attention away from problems Butler was having with administrators of the Texas Tech Health Sciences Center.

"It's false. My only reason for reporting the missing vials is public safety," Butler said. "I consider safety to be the most important thing."

Testimony continues this morning in the George H. Mahon Federal Building.

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