



November 13, 2003

The Honorable John Ashcroft, Attorney General  
United States Department of Justice  
Constitution Avenue and 10<sup>th</sup> Street, N.W.  
Washington, D.C. 20530

Dear Attorney General Ashcroft:

I am writing on behalf of the Infectious Diseases Society of America (IDSA), a national medical society representing more than 7,500 infectious diseases physicians and scientists, about the case of Dr. Thomas C. Butler. IDSA has a stake in the outcome of Dr. Butler's case because many of our members are engaged in research on deadly potential agents of bioterrorism. IDSA's leadership is highly concerned about the detrimental impact this case is having upon efforts to safeguard United States citizens from threats of bioterrorism and naturally occurring infections as it undermines the willingness of others to engage in critical infectious diseases research. You must agree that such an outcome is directly at odds with the very purpose behind the Justice Department's case against Dr. Butler.

Although IDSA is not in a position to comment on the specific allegations against him, Dr. Butler is a member of IDSA and is viewed by many of our members as a wonderfully kind, caring and sincere individual as well as a dedicated physician and researcher. Many of Dr. Butler's colleagues in the infectious diseases community have long admired his excellent research on behalf of the many less fortunate people suffering from infectious diseases around the globe. Given his past outstanding contributions as well as the public facts surrounding his case, we are very concerned that Dr. Butler is being treated unfairly. No one was physically harmed by his mistakes, nor to the best of our knowledge is there any allegation of intent to harm. Absent any actual harm or harmful intent, any culpability that may fall upon Dr. Butler's shoulders would not seem to warrant the punishment he has already received, let alone the fear of further time spent in prison.

If the government's goal in bringing this case is to make an example of Dr. Butler and to encourage infectious diseases scientists across the United States to be cautious in handling the dangerous pathogens they study, that goal has been achieved. IDSA has already informed our members about the importance of complying with the new regulations and registration rules for research on select agents. In addition, given the extensive press coverage that Dr. Butler's case is receiving, our members have been inundated with information about his situation.

No additional value will come from further ruining Dr. Butler's reputation and finances or by incarceration for any missteps he might have taken. As such, we join with our colleagues around the country who call for an acceptable, just resolution to quickly bring to a close this unfortunate chapter in an otherwise outstanding career.

Respectfully submitted,

Joseph R. Dalovisio, MD  
President

cc:

The Honorable Robert Mueller, Director, Federal Bureau of Investigation  
The Honorable C. Richard Baker, Assistant United States Attorney  
President Roy Wilson, MD, Texas Tech University Health Sciences Center

Daniel C. Schwartz, Esq., Bryan Cave LLP  
Professor Jonathan Turley, The George Washington University Law School

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Those interested in helping out with the out-of-pocket expenses of Dr. Butler's *pro bono* attorneys can address contributions to The Thomas Butler Legal Defense Fund, C/O Daniel Schwartz, Esq., Bryan Cave LLP, 700 13th St. NW, Washington, DC 20005. ([dcschwartz@bryancave.com](mailto:dcschwartz@bryancave.com)).

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