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EDITORIAL DESK

Punishment to Fit the Crime

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A respected plague expert from Texas Tech University is scheduled to go on trial this fall on charges of violating federal security statutes. The underlying question is whether federal officials are simply being diligent in enforcing rules for handling infectious agents or are instead inflating minor violations into a major federal case.

The target of the prosecution is Dr. Thomas Butler, 61, who has conducted research in Tanzania aimed at finding better antibiotic treatments for plague. Dr. Butler brought plague samples back to the United States on flights last year but, according to the 15-count indictment, failed to get the necessary permits and violated other rules on how to label, transport and report on biohazards. Last January, in the incident that touched off the prosecution, he is alleged to have lied to university officials and federal agents by reporting that 30 vials were missing from his laboratory and presumed stolen, touching off a bioterrorism scare. After intense grilling by federal agents, he signed a statement saying that he had actually destroyed them some time earlier.

Now Dr. Butler faces a maximum sentence of 74 years in prison and a fine of more than \$3.5 million if found guilty on all 15 counts. He is reported to have spent more than \$400,000 on legal fees thus far. Colleagues in the scientific community express outrage that what they consider technical violations of the law have been blown out of proportion, and supporters portray him as an old-school researcher who had brought back specimens for years and paid little attention to the new biosecurity regulations. Still, no scientist can unilaterally declare himself above laws that are designed to keep dangerous materials under close control. If Dr. Butler is found guilty, the trick will be to find a punishment that makes that point without destroying a man whose research, ironically, is of potentially great value in the fight against bioterrorism.

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