



Statement by Nobel Laureates Peter Agre, Sidney Altman, Robert Curl, and Torsten Wiesel

Re: The Case of Thomas Butler, Lubbock, Texas

November 3, 2003

A growing number of leading scientists, including ourselves, are acutely worried about the handling of the Thomas Butler case by the Department of Justice. Rather than demonstrating the importance of strict care in the handling of research materials--something that all right-minded scientists appreciate--the determination to convict Dr. Butler and put him in jail sends a strong message to the scientific community that runs counter to the best interests of our country and scientific research. It says: this 62-year-old man, who voluntarily reported missing material and cooperated with federal investigators, is now being repaid with a ruined career and a personal cost from which he and his family will never recover. The message says that those scientists most involved in bioterrorism-related research are most likely to be victims of punitive attacks at the hands of federal authorities. We worry that the result will be reluctance to engage in this urgently needed type of research.

We fear that the message sent by this case will intimidate exactly those most involved in bioterrorism-related research--precisely the scientists we need most in this effort of high national priority. As the counts against Dr. Butler and the penalties for his conviction have risen, so has the level of alarm among scientists witnessing this highly publicized case. The alarm of concerned scientists is independent of the issue of Dr. Butler's guilt or innocence. Their worry is based on the unfair and disproportionate treatment to which he has been subjected by federal authorities. As a result of his voluntary report of the missing vials, Dr. Butler has been subjected to:

- An interrogation session that betrayed his willingness to cooperate by imposing intimidating elements, such as shackling, lie-detector tests, and continuous questioning for many hours without adequate food or rest.
- Imprisonment for five days and six nights without bail.
- Nine months of house arrest (following posting of \$100,000 bail).
- Humiliating conditions of house arrest that initially involved wearing an electronic monitoring device, being allowed only 4 hours per day (9 am - 1 pm) free movement away from home, a prohibition against his use of a computer or e-mail, and being forbidden contact with colleagues who might be called as witnesses in his defense. These are extreme and paralyzing punishments for a scientist, and seem to presume guilt without proof. (Some four months later, upon appeal and posting of \$225,000 bond, these conditions were subsequently modified to permit 12 daily hours away from home, and use

of a computer and e-mail.)

- Piling on of accusations which now total 69 counts, including many such as tax offenses and internal university matters that are unrelated to bioterrorism defense and seem included only as an attempt to discredit Butler and assure his conviction. (Conviction on all counts could mean life imprisonment and a fine of millions of dollars.)

As Dr. Butler's trial begins this week in Lubbock, Texas, responsible scientists will not remain silent. This respected colleague has been subjected to unfair and disproportionate treatment and the case is having a negative impact on the future of research in this crucial national-security-related field. We urge that all efforts be made immediately by both the prosecution and the defense to arrive at a mutually acceptable plea bargain that does not include prison time.