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**Philadelphia Medicine Magazine
c/o Philadelphia County Medical Society
Alan J. Miceli, Editor
2100 Spring Garden St.
Philadelphia PA 19130**

Dear Mr. Miceli,

I am writing this letter hoping that you will give it *serious* consideration and make it available to the members of the Society as well as those who read your publication.

I have been a friend and counsel to Ariel Benjamin Mannes, the Director of Investigations (formerly Test Security) at the American Board of Internal Medicine (ABIM), for many years. I must say, candidly, that with over 50 years of law practice I have never before seen the likes of the repeated attempts by Dr. Westby G. Fisher to malign a person based upon an 11-year old "blip" in his long and successful career of public trust. It is, to be sure, unconscionable, to be using his invective to shame the ABIM and, along the way, destroying the career and good name of a very honest, competent person. I know that if a member physician were similarly treated you would be mounting the ramparts to obviate its harm to his/her career.

First, Mr. Mannes was a member of the DC Police Department with a very fine record of service. He had been on a leave of absence and was awaiting reinstatement to duty while working part time at a DC restaurant when the incident in question occurred. That night, Mr. Mannes intervened in an altercation and himself called the police for assistance and was in possession of a legally licensed handgun from Virginia where he lived, but not technically permitted then in DC. His arrest and conviction was solely for illegal possession of the weapon; one felony, not two as Dr. Fisher alleges.

Interestingly, Ben's employment appeal was won and he was ordered reinstated to the DC Police, and was employed there at the time he applied to ABIM. As his reinstatement was ordered prior to the incident and was successfully reinstated, our legal view was that he was a *de facto* police officer at the time of the incident. It should also be noted that the very law Mr. Mannes plead guilty to was later declared unconstitutional by the Supreme Court.

Second, Ben had served with the US Department of Homeland Security on a TSA-led rail inspection team with a security clearance, even on the night of the incident. He had also held roles before his moving to DC with the US Federal Protective Service in New York following the first World Trade Center bombing trials and the CAT Eyes program where

he trained police instructors on anti-terrorism in multiple jurisdictions. Even after the aforementioned incident he worked as a contractor on homeland security technology initiatives in Los Angeles, Ohio and the Philadelphia region. In multiple instances, Mr. Mannes was able to assist me in my role as Chief of Staff of the Army Division of the New York Guard after 9/11. In fact, his intelligence gathering enabled us in New York to be forewarned of serious potential threats.

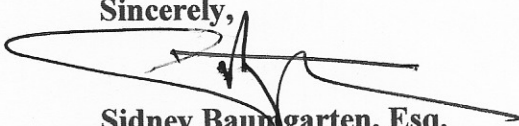
Third, because Ben was a resident of New York for many years, he was able to obtain a Certificate of Relief from Disabilities issued by the State of New York several years ago, which relieved him of any impediments to employment, etc. as a result of his plea and conviction.

Finally, our laws here in New York (where Mr. Mannes' certificate was issued) prohibit discrimination against a person who has one criminal conviction. It is codified in our Human Rights Law and our Correction Law. Both are designed to prevent the stigma of one arrest from interfering with future employment.

As you can see, the one incident revealed nothing that would even suggest any form of dishonesty or other reason for the ABIM to reject his services. Mr. Mannes' position was designed with a myriad of checks and balances and his casework, to include the one cited in your publication, have been upheld in courts of law on numerous occasions. Mr. Mannes is a consummate professional, active in the federal and local security community, who has made the appropriate disclosures in both his pre-employment background check at ABIM and the vetting process for appointments he has held since, to include his elected Governorship at InfraGard, a public private partnership coordinated by the FBI.

To put it bluntly, Mr. Mannes is being unfairly pilloried to serve Dr. Fisher's own differences with the ABIM. It is especially unseemly for the member of a highly respected profession to undertake the willful destruction of another human being for his own motives. Mr. Mannes has worked extremely hard over the last eleven years to undo the unfortunate incidents of *one* night and surely does not deserve to have his family, friends, and colleagues read disparaging, inaccurate things about him in the pages of your publication. I am sure Hippocrates would blush.

Sincerely,



Sidney Baumgarten, Esq.
Former Deputy Mayor, City of New York
Brigadier General, NYG, Retired

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