FBI Case Against Anthrax Suspect Filled With Holes

10 Years Later: Is Real Killer On Loose?

BY STEPHEN ENGELBERG, GREG GORDON, JIM GILMORE AND MIKE WISER

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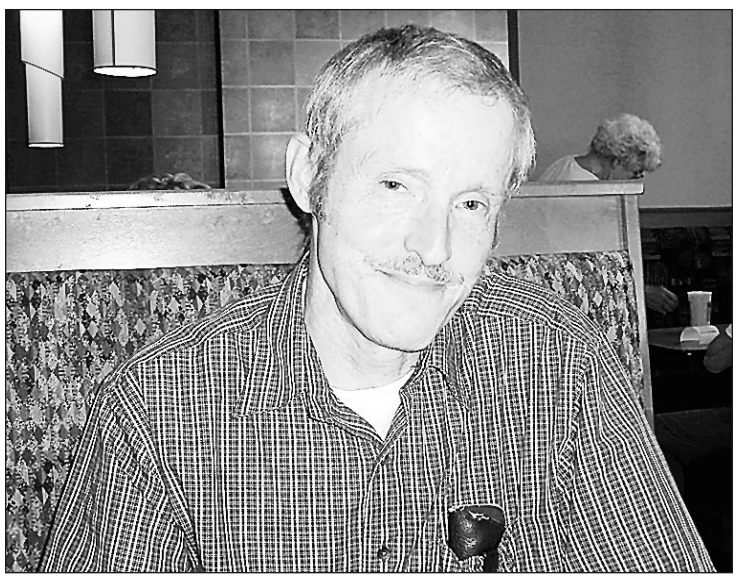

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Bruce Ivins, an Army scientist at Fort Detrick, Md., was branded the killer in the anthrax mailings. He committed suicide soon after.

WASHINGTON — Months after the anthrax mailings that terrorized the nation in 2001, and long before he became the prime suspect, Army biologist Bruce Ivins sent his superiors an email offering to help scientists trace the killer.

Already, an FBI science consultant had concluded that the attack powder was made with a rare strain of anthrax known as Ames that's used in research laboratories worldwide.

In his December 2001 email, Ivins volunteered to help take things further. He said he had several variants of the Ames strain that could be tested in "ongoing genetic studies" aimed at tracing the origins of the powder that had killed five people. He mentioned several cultures by name, including a batch made mostly of Ames anthrax that had been grown for him at an Army base in Dugway, Utah.

Seven years later, as federal investigators prepared to charge him with the same crimes he'd offered to help solve, Ivins, 62, committed suicide. At a news conference, prosecutors voiced confidence that Ivins would have been found guilty. They said years of cutting-edge DNA analysis had borne fruit, proving that his spores were "effectively the murder weapon."

To many of Ivins' former colleagues at the germ research center in Fort Detrick, Md., where they worked, his invitation to test the Dugway material and other spores in his inventory is among numerous indications that the FBI got the wrong man.

What kind of murderer, they wonder, would ask the cops to test his own gun for ballistics?

To prosecutors, who later branded Ivins the killer in a lengthy report on the investigation, his solicitous email is trumped by a long chain of circumstantial evidence that they think would have convinced a jury that he prepared the lethal powder right under the noses of some of the nation's foremost bio-defense scientists.

During the past year, PBS' "Frontline," McClatchy Newspapers and ProPublica have taken an in-depth look at the case against Ivins, conducting dozens of interviews and reviewing thousands of pages of FBI files. Much of the case remains unchallenged, notably the finding that the anthrax letters were mailed from Princeton, N.J., just steps from an office of the college sorority that Ivins was obsessed with for much of his adult life.

But newly available documents and the accounts of Ivins' former colleagues shed new light on the evidence and raise reasonable doubts about the government's case. A decade later, questions persist about whether the real killer is still on the loose.

Prosecutors have said Ivins tried to hide his guilt by submitting a set of false samples of his Dugway spores in April 2002. Tests on those samples didn't display the telltale genetic variants later found in the attack powder and in sampling from Ivins' Dugway flask.

Yet records discovered by "Frontline," McClatchy and ProPublica reveal publicly for the first time that Ivins made available at least three other samples that the investigation ultimately found to contain the crucial variants, including one after he allegedly tried to deceive investigators with the April submission.

Paul Kemp, who was Ivins' lawyer, said the government never told him about two of the samples, a discovery he called "incredible." The fact that the FBI had multiple samples of Ivins' spores that genetically matched anthrax in the letters, Kemp said, debunks the charge that the biologist was trying to cover his tracks.

Asked about the sample submissions, as well as other inconsistencies and unanswered questions in the Justice Department's case, lead federal prosecutor Rachel Lieber said she was confident that a jury would have convicted Ivins.

"You can get into the weeds, and you can take little shots of each of these aspects of our vast, you know, mosaic of evidence against Dr. Ivins," she said in an interview. But in a trial, she said, prosecutors would urge jurors to see the big picture.

"And, ladies and gentlemen, the big picture is, you have, you know, brick upon brick upon brick upon brick of a wall of evidence that demonstrates that Dr. Ivins was guilty of this offense."

Scientists who worked on the FBI's case aren't so sure. Claire Fraser-Liggett, a genetics consultant whose work provided some of the most important evidence linking Ivins to the attack powder, said she would have voted to acquit.

"I don't know how it would have been possible to convict him," said Fraser-Liggett, the director of the University of Maryland's Institute for Genome Sciences. "Should he have had access to a potential bio-weapon, given everything that's come to light? I'd say no. Was he just totally off the wall, from everything I've seen and read? I'd say yes.

"But that doesn't mean someone is a cold-blooded killer."

The Justice Department formally closed the anthrax case last year. In identifying Ivins as the perpetrator, prosecutors pointed to his deceptions, his shifting explanations, his obsessions with the sorority and a former lab technician, his penchant for taking long drives to mail letters under pseudonyms from distant post offices and, after he fell into drinking and depression with the FBI closing in, his violent threats during group therapy sessions. An FBI search of his home before he died turned up a cache of guns and ammunition.

Most of all, though, prosecutors cited the genetics tests as conclusive evidence that Ivins' Dugway spores were the parent material to the powder.

Yet the FBI never could prove that Ivins manufactured the dry powder from the type of wet anthrax suspensions used at Fort Detrick. It couldn't prove that he scrawled letters mimicking the hateful rhetoric of Islamic terrorists. And it couldn't prove that he twice slipped away to Princeton to mail the letters to news media outlets and two U.S. senators, only that he had an opportunity to do so undetected.

The $100 million investigation did establish that circumstantial evidence could mislead even investigators armed with unlimited resources.

Before focusing on Ivins, the FBI spent years building a case against another former Army scientist. Steven Hatfill had commissioned a study on the effectiveness of a mailed anthrax attack and had taken ciprofloxacin, a powerful antibiotic, around the dates of the mailings. Then-Attorney General John Ashcroft called Hatfill a "person of interest," and the government eventually paid him a $5.8 million settlement after mistakenly targeting him.

Ivins' colleagues and some of the experts who worked on the case wonder: Could the FBI have made the same blunder twice?

DID IVINS HAVE A MOTIVE?

Growing up in Ohio, the young Bruce Ivins showed an early knack for music and science. But his home life, described as "strange and traumatic" in a damning psychological report released after his death, left scars that wouldn't go away.

The report, written by a longtime FBI consultant and other evaluators with court-approved access to Ivins' psychiatric records, said Ivins was physically abused by a domineering and violent mother and mocked by his father. Ivins developed "the deeply felt sense that he had not been wanted," the authors found, and he learned to cope by hiding his feelings and avoiding confrontation with others.

Ivins attended the University of Cincinnati, staying there until he earned a doctoral degree in microbiology. In his sophomore year, prosecutors say, the socially awkward Ivins had a chance encounter that influenced his life: A fellow student who belonged to the Kappa Kappa Gamma sorority spurned him.

For more than 30 years, even as a married man, Ivins was obsessed with KKG, a fixation that he later admitted drove him to multiple crimes. Twice he broke into chapters, once climbing through a window and stealing the sorority's secret code book.

After taking a research job at the University of North Carolina at Chapel Hill, Ivins discovered that a doctoral student, Nancy Haigwood, was a KKG alumnus and tried to strike up a friendship. When she kept him at a distance, Ivins turned stalker, vandalizing her car and swiping her lab book. Two decades later, when Haigwood received an FBI appeal for scientists nationwide to help find the anthrax mailer, she instantly thought of Ivins and phoned the FBI. Investigators didn't home in on him for years.

When they did, the mailbox in Princeton, which also was near the

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New holes in anthrax probe

Days after the Sept. 11 terror attacks, letters containing deadly anthrax spores were mailed to media companies and congressional offices. Five people died, 17 others were sickened. Key events in the case and new questions raised by a PBS Frontline, McClatchy, ProPublica investigation:

2001

Sept. 18 Letters containing anthrax mailed

Oct. 4 Photo editor at tabloid publisher American Media hospitalized in Boca Raton, Fla., with inhalation anthrax; dies one day later

Oct. 8 Anthrax found in offices of American Media; offices closed

Oct. 9 More letters with anthrax mailed; FBI begins investigation

Oct. 12 Assistant to NBC anchor Tom Brokaw in New York City tests positive for anthrax after handling tainted letter

Oct. 15 Staffer of Senate Majority Leader Tom Daschle (D-S.D.) opens anthrax-laced letter mailed from Trenton, N.J.

Oct. 18 CBS employee, N.J. postal worker test positive for anthrax

Oct. 23 Two workers from Washington, D.C., postal facility die of anthrax

Oct. 31 New York City hospital stockroom worker dies of anthrax

Nov. 21 Elderly woman in Connecticut is fifth person to die of anthrax

2002

June 25 FBI searches home of government scientist Steven Hatfill; later named a "person of interest"

2008

June 27 Hatfill wins $5.8 million in suit against Justice Department

July 29 Army biologist Bruce Ivins, under investigation for anthrax attacks, commits suicide

2010

After issuing a report blaming Ivins, the Justice Department closes anthrax case

Source: McClatchy Washington Bureau, ProPublica, PBS Frontline, AP, U.S. Justice Department, NPR, New York Times

Questions in the case against Bruce Ivins

FBI says	New revelations
• Ivins tried to hide guilt by submitting false sample of his anthrax spores that didn't contain genetic variants found in attack powder	• New records show Ivins made available at least three other samples for testing that did contain the crucial variants, debunking charge that he was covering his tracks
• It used adequate technology to determine Ivins' anthrax flask as murder weapon	• An elite group of scientists impaneled by FBI urged investigators to do additional testing to assure that the results were reliable
• Ivins was devastated by signs from White House that his job developing anthrax vaccine could be curtailed or discontinued	• Ivins' former bosses say the Pentagon had approved funding for research on a new vaccine; his job was not in danger
• No anthrax spores were found at Ivins' house after thorough search because someone trained to handle dangerous germs would be able to hide any trace	• An expert whose work provided key evidence linking Ivins to attack powder says not finding any spores at Ivins' house leaves a big hole in case

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WEEKDAYS MONDAY-FRIDAY
Tuesday, October 11
7:40 a.m. Fire Prevention Week (Troy Cowman, Larry Nickels)
8:15 a.m. Chamber/Sertoma Fundraiser (Curt Dykstra)
8:45 a.m. Dakota Territorial Museum (Crystal Nelson)
Wednesday, October 12
7:40 a.m. The Center (Tammy Matuska)
8:15 a.m. Hy-Vee (Chef Staci)

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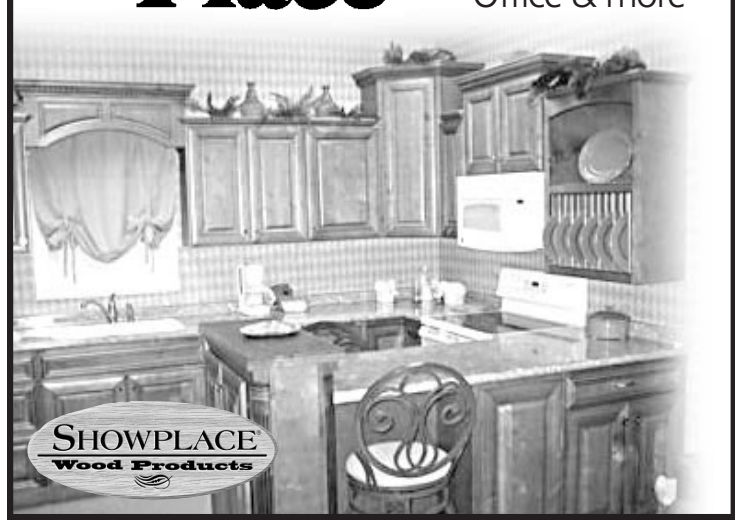

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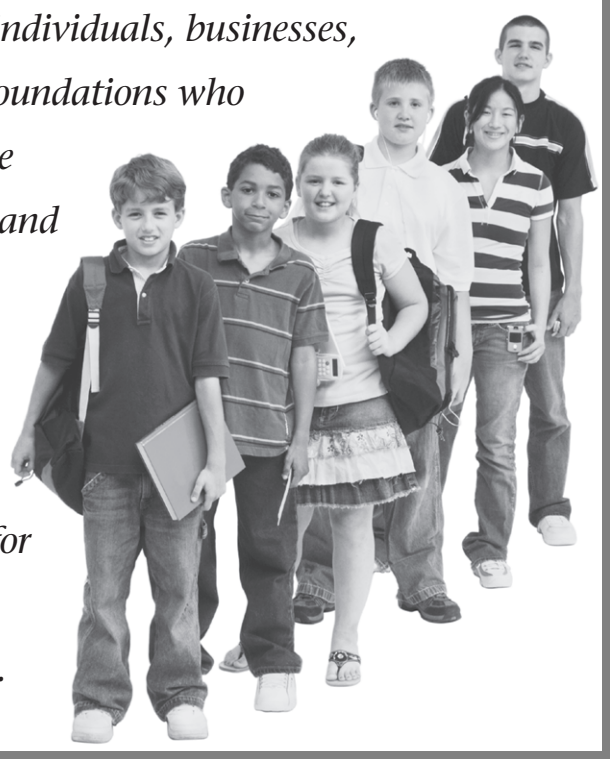
On behalf of the Yankton School District 63–3 Foundation, we would like to thank the individuals, businesses, service organizations, and foundations who generously donated to restore Yankton Middle School 7th and 8th grade activities.

We would also like to recognize and thank First Dakota National Bank and Larry and Diane Ness for their donations to restore 5th and 6th grade activities.



Meet
Dr. Barnes,
Internal Medicine

YANKTON MEDICAL CLINIC, P.C. IS PLEASED TO ANNOUNCE THE ASSOCIATION OF
Clarissa Barnes, M.D.
Board Eligible Internal Medicine

Dr. Barnes is a graduate of The Johns Hopkins School of Medicine. She completed her Internal Medicine residency training at The Johns Hopkins Hospital in Baltimore, Maryland.

Additionally, Dr. Barnes completed internships with the Global AIDS Alliance, the Center for Biosecurity, and the Department of Health and Human Services during her years in medical school.

Please join with us in welcoming Dr. Barnes to the Yankton area. The Clinic is pleased to bring her into our medical community as well as to the many patients she will serve.

Dr. Barnes began seeing patients at the Yankton Medical Clinic, P.C. on Sept. 1, 2011. Appointments can be made by calling 605-665-1152.

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