

1840 Lost and Found

Found: Arcade Background for pinball machine, Airborne brand, flew out of a truck, found at 401 E. 4th St. (605)660-9100

Found: Leather dog leash and collar on Hwy. 52 by the park entrance. Call (605)665-3144 to identify.

1855 Alfalfa - Hay

Want to buy Alfalfa, picked-up or delivered, call Roy at Pleasant Acres, (620)804-1506.

2010 Legal and Public Notices

10+11+18+25

Notice of Application For Executive Clemency

Lori Hoffman who was sentenced from Yankton County, the 6th Day of October, 2010, to Fine/Restitution For the crime of Petty Theft 2nd Degree. Has applied to the South Dakota Board of Pardons and Paroles for: Pardon.

9+27 & 10+4+11+18

STATE OF SOUTH DAKOTA COUNTY OF YANKTON:§

IN CIRCUIT COURT

DONALD J. KOEPP, SR., Plaintiff,

vs.

NATHAN WONG, SR., Defendant.

CIV. NO. 11 - 481

SUMMONS

THE STATE OF SOUTH DAKOTA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint of the Plaintiff, a copy of which is hereto attached and herewith served upon you, and to serve a copy of your Answer thereto upon the attorney for the Plaintiff, Sherlyn J. Koletzky, at the address below, within thirty (30) days from the completed service of Summons upon you, exclusive of the day of such service.

IF YOU FAIL TO ANSWER, judgment by default may be rendered against you as requested in the Plaintiff's Complaint sixty (60) days after the completed service of Plaintiff's Summons and Complaint.

Dated this 1st day of August, 2011.

HORN & KOLETZKY, ATTORNEYS AT LAW, PROF. L.L.C.

/s/ Sherlyn J. Koletzky 401 Capitol Street P.O. Box 886 Yankton, South Dakota 57078 Telephone: (605) 260-1300 Facsimile: (605) 260-1301 E-mail: skoletzkylaw@iw.net Attorney for the Plaintiff

Anthrax

From Page 9

home of a former Fort Detrick researcher whom Ivins disliked, loomed large.

"This mailbox wasn't a random mailbox," said Edward Montooth, a recently retired FBI agent who ran the inquiry. "There was significance to it for multiple reasons. And when we spoke to some of the behavioral science folks, they explained to us that everything is done for a reason with the perpetrator. And you may never understand it because you don't think the same way."

Ivins was a complicated, eccentric man. Friends knew him as a practical joker who juggled beanbags while riding a unicycle, played the organ in church on Sundays and spiced office parties with comical limericks. William Hirt, who befriended Ivins in grad school and was the best man at his wedding, described him as "a very probing, spiritual fellow that wouldn't hurt a fly."

Ivins gained self-esteem and status in his job as an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases at Fort Detrick in Frederick, Md.

Even so, his fixations wouldn't quit.

He became so obsessed with two of his lab technicians that he sent one of them, Mara Linscott, hundreds of emails after she left to attend medical school in Buffalo, N.Y. Ivins drove to her home to leave a wedding gift on her doorstep. When she left, he wrote a friend, "it was crushing," and called her "my confidante on everything, my therapist and friend."

Later, after snooping on emails in which the two technicians discussed him, Ivins told a therapist that he'd schemed to poison Linscott, but aborted the plan.

USAMRIID was once a secret germ factory for the Pentagon, but the institute's assignment shifted to vaccines and countermeasures after the United States and Soviet Union signed an international treaty banning offensive weapons in 1969. A decade later, a deadly leak from a secret anthrax-making facility in the Soviet city of Sverdlovsk made it clear that Moscow was cheating and prompted the United States to renew its defensive measures.

Ivins was among the first to be hired in a push for new vaccines.

By the late 1990s, he was one of USAMRIID's top scientists, but the institute was enmeshed in controversy. Worried that Iraqi leader Saddam Hussein had made large quantities of anthrax before the 1991 Persian Gulf War, President Bill Clinton had ordered that all military personnel be inoculated with a 1970s-era vaccine, not just those in war zones. But soldiers complained of ill health from the vaccine, some blaming it for the symptoms called Gulf War syndrome.

Later, Karl Rove, political adviser to new President George W. Bush, suggested that it was time to stop the vaccinations. Further, a Pentagon directive — although quickly reversed in 2000 — had ordered a halt to research on USAM-

RIID's multiple anthrax-vaccine projects.

Federal prosecutors say these developments devastated Ivins, who'd devoted more than 20 years to anthrax research that was now under attack.

"Dr. Ivins' life's work appeared destined for failure, absent an unexpected event," said the Justice Department's final report on the anthrax investigation, called Amerithrax. Told by a supervisor that he might have to work on other germs, prosecutors say Ivins replied: "I am an anthrax researcher. This is what I do."

Ivins' former bosses at Fort Detrick call that Justice Department characterization wrong. Ivins had little to do with the existing vaccine; rather, he was working to replace it with a better, second-generation version, they say.

In the summer of 2001, Ivins shouldn't have had any worries about his future, said Gerard Andrews, who was then his boss as the head of USAMRIID's Bacteriology Division. "I believe the timeline has been distorted by the FBI," Andrews said. "It's not accurate."

Months earlier, Andrews said, the Pentagon had approved a full year's funding for research on the new vaccine and was mapping out a five-year plan to invest well over \$15 million.

Published reports have suggested that Ivins had another motive: greed. He shared patent rights on the new vaccine. If it ever reached the market, after many more years of testing and study, federal rules allowed him to collect up to \$150,000 in annual royalties, and he might have stood to reap tens of thousands of dollars.

If that was his plan, it didn't go well. After the attacks, Congress approved billions of dollars for bio-defense and awarded an \$877.5 million contract to VaxGen Inc. to make the new vaccine, but scrapped it when the California firm couldn't produce the required 25 million doses within two years.

Ivins received modest royalty payments totaling at least \$6,000. He told prosecutors he gave most of the money to others who worked with him on the project, said Kemp, his defense attorney.

Kemp said that prosecutors told him privately that they'd dismissed potential financial returns as a motive. That incentive wasn't cited in the Justice Department's final report.

DID IVINS HAVE AN OPPORTUNITY?

The relatively lax security precautions that were in place at U.S. defense labs before the mailings and Sept. 11 terrorist attacks offered many opportunities for a deranged scientist. Prosecutors said Ivins had easy access to all the tools needed to make the attack spores and letters.

Researchers studying dangerous germs work in a "hot suite," a specially designed lab sealed off from the outside world. The air is maintained at "negative pressure" to prevent germs from escaping. Scientists undress and shower before entering and leaving.

Like many of his colleagues at Fort Detrick, Ivins dropped by work at odd hours. In the summer

and fall of 2001, his night and weekend time in the hot suite spiked: 11 hours and 15 minutes in August, 31 hours and 28 minutes in September and 16 hours and 13 minutes in October. He'd averaged only a couple of hours in prior months. Swiping a security card each time he entered and left the suite, he created a precise record of his visits. Rules in place at the time allowed him to work alone.

Sometime before the mailings, prosecutors theorize, Ivins withdrew a sample of anthrax from his flask — labeled RMR-1029 — and began to grow large quantities of the deadly germ. If so, his choice of strains seemed inconsistent with the FBI's portrait of him as a cunning killer. Surrounded by a veritable library of germs, they say, Ivins picked the Dugway Ames spores, a culture that was expressly under his control.

Using the Ames strain "pointed right at USAMRIID," said W. Russell Byrne, who preceded Andrews as the chief of the Bacteriology Division and who's among those who are convinced of Ivins' innocence. "That was our bug."

Federal prosecutors have declined to provide a specific account of when they think Ivins grew spores for the attacks or how he made a powder. But the steps required are no mystery.

First, he would have had to propagate trillions of anthrax spores for each letter. The bug can be grown on agar plates (a kind of petri dish), in flasks or in a larger vessel known as a fermenter. Lieber, then an assistant U.S. attorney and lead prosecutor, said the hot suite had a fermenter that was big enough to grow enough wet spores for the letters quickly.

But to make at least 5 grams of dried powder — roughly what was in the letters — could require up to 30 gallons of fermenter broth or 400 to 1,200 agar plates, according to a report by a National Academy of Sciences panel released in May.

Next was drying. Simple evaporation can do the job, but it also would expose other scientists in a hot suite. Lieber said the lab had two pieces of equipment that could have worked faster: a lyophilizer, or freeze dryer, and a smaller device called a "Speed Vac."

Investigators haven't said whether they think the Sept. 11 attacks prompted Ivins to start making the powder or to accelerate a plan already under way. However, records show that on the weekend after 9/11, Ivins spent more than two hours each night in the

hot suite on Friday, Saturday and Sunday.

The next afternoon, Monday, Sept. 17, 2001, he took four hours of annual leave but was back at USAMRIID at 7 p.m. Because of their Sept. 18 postmarks, the anthrax-laced letters had to have been dropped sometime between 5 p.m. Monday and Tuesday's noon pickup at a mailbox at 10 Nassau St. in Princeton.

If Ivins did make the seven-hour round-trip drive from Fort Detrick, he would've had to travel overnight. Investigators said he reported to USAMRIID at 7 a.m. Tuesday for a business trip to Pennsylvania.

DID IVINS HAVE THE MEANS?

Colleagues who worked with Ivins in the hot suite and think that he's innocent say he'd never dried out anthrax, and they don't think he could have made it in the lab.

Henry Heine, a fellow microbiologist who's now with the University of Florida, estimated that it would have taken Ivins "30 to 50 weeks of continuous labor" to brew spores for the letters. Andrews, Ivins' former boss, said Ivins didn't know how to use the fermenter, which Andrews described as "indefinitely disabled," with its motor removed. He said the freeze dryer was outside the hot suite, so using it would have exposed unprotected employees to lethal spores.

FBI searches years later found no traces of the attack powder in the hot suite, lab and drying equipment.

Fraser-Liggett, the FBI's genetics consultant, questioned how someone who perhaps had to work "haphazardly, quickly" could have avoided leaving behind tiny pieces of forensically traceable DNA from the attack powder.

Lieber, the Justice Department prosecutor, said the FBI never expected to find useable evidence in the hot suite after the equipment had been cleaned multiple times.

"This notion that someone could have stuck a Q-Tip up in there and found, you know, a scrap of '1029' DNA, I think is, with all due respect, it's inconsistent with the reality of what was actually happening," she said.

Yet in 2007, six years after the letters were mailed, the FBI carefully searched Ivins' home and vehicles looking for, among other things, anthrax spores. None were found.

The first round of anthrax letters went to an eclectic media group: Tom Brokaw, the NBC anchor; the tabloid newspaper The New York Post; and the Florida offices of American Media Inc., which publishes the National Enquirer. Just over two weeks later,

on Oct. 4, jittery Americans were startled to learn that a Florida photo editor, Robert Stevens, had contracted an extremely rare case of inhalation anthrax.

Stevens died the next day. As prosecutors tell the story, Ivins would hit the road to New Jersey again as early as Oct. 6, carrying letters addressed to the offices of Democratic Sens. Patrick Leahy, the Judiciary Committee chairman from Vermont, and Tom Daschle of South Dakota, the Senate majority leader.

Unlike the brownish, granular, impure anthrax in the earlier letters, this batch was talclike, far purer and more lethal.

Just a few hours before those letters were dropped at Nassau Street, investigators had a scientific breakthrough: Paul Keim, an anthrax specialist at Northern Arizona University, verified that the spores in Stevens' tissues were the Ames strain of anthrax.

"It was a laboratory strain," Keim recalled later. "And that was very significant to us."

On Oct. 15, an intern in Daschle's office opened a nondescript envelope with the return address "4th Grade, Greendale School, Franklin Park, NJ 08852." A white powder uncoiled from the rip, eventually swirling hundreds of feet through the Hart Senate Office Building, where dozens of senators work and hold hearings. It would take months and millions of dollars to fully cleanse the building of spores.

Ill-prepared to investigate America's first anthrax attack, the FBI didn't have a properly equipped lab to handle the evidence, so the Daschle letter and remaining powder were taken to Fort Detrick.

Among those immediately enlisted to examine the attack powder: Bruce Ivins.

The FBI would turn to Ivins time and again in the months and years ahead. At this early moment, he examined the Daschle spores and logged his observations with scientific exactitude. The quality, he determined, suggested "professional manufacturing techniques."

"It is an extremely pure preparation, and an extremely high concentration," Ivins wrote on Oct. 17, 2001. "These are not 'garage' spores."

McClatchy Newspapers collaborated with the investigative newsroom ProPublica and PBS's "Frontline" to produce this series. Gordon works for McClatchy. Engelberg works for ProPublica and Wisner and Gilmore are with "Frontline."



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Let's work together to raise awareness of breast cancer and the importance of early detection.

For every Press & Dakotan employee that wears pink on Monday, October 17, 2011, \$5 will be donated to the Yankton Area Cancer Survivorship Program.

We invite all area businesses to join us in donating \$5 for every employee that wears pink on Monday, October 17.

For More Information Please Contact:
Tonya Schild at:

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