

A new look: U.S. twisted facts to pin anthrax attacks on ill scientist

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The Justice Department severely distorted the evidence it used to pin all blame for the 2001 anthrax attacks on a mentally ill scientist, a new review of federal documents shows.

In many instances in the federal case against Bruce E. Ivins, the meanings given to facts presented by federal authorities turn out to stray far from reality or to be highly ambiguous. The government bent the usual rules of evidence and logic wildly as it tried to make a case that the anthrax attack could only have come from a flask, numbered RMR-1029, "exclusively" controlled by Ivins.

The U.S. government has released two major reports on the 2001 anthrax attacks: A Justice Department "investigative summary" and a psychiatric evaluation of the purported killer written under the leadership of a longtime FBI psychology consultant. In addition, depositions and excerpts of depositions from a civil suit brought by the widow of the first anthrax fatality have been released under court order. As has previously been reported, the depositions of Ivins's coworkers show that they strongly disagree with the Justice Department theory that Ivins was guilty of single-handedly carrying out the attacks. (See ProPublica, PBS's Frontline and McClatchy Newspapers.)

A bit of background

The conclusions drawn from the scientific work performed by the FBI were strongly criticized by a National Academy of Sciences committee in 2011. The panel noted that though the FBI formally answered all questions, the bureau often rebuffed it with uninformative bureaucratic responses. The scientists added that, at the last minute when the bureau sensed the direction of the panel's upcoming report, the bureau suddenly reported that there was much classified information germane to the investigation and that a secret committee of White House appointees and scientists with high-level secrecy clearances had been quietly steering the FBI investigation.

The NAS panel decided against trying to review the national security data brought in at the last minute. The panel added that the FBI also suddenly introduced material supposedly pointing to potential al Qaeda involvement, but the panel decided that while authorities were welcome to seek more evidence in that matter, the rushed al Qaeda question was irrelevant to the panel's findings about the scientific methods used to directly link the attack anthrax to Ivins. The FBI had been led to the U.S. military early in the investigation because the attack spores showed that they came from the Ames strain, which was known to be used by the military in its biodefense work.

The problematic nature of the FBI's scientific work is buttressed by this writer's review of the investigative summary, which shows instances of trickery and serious distortion in its attempt to show that a pattern of circumstantial evidence strongly implied that Ivins, a federal anthrax scientist at the Army's Fort Detrick in Maryland, was solely responsible for the anthrax attacks.

Additionally, this writer's review of the psychiatric report written for the FBI, shows that its narrative portion differs greatly on an important incident from the Justice Department summary. None of the psychiatric review panelists was able to go on the record in response to queries from

this writer. Other documents reviewed include transcripts of two FBI science briefings for the press and a number of released FBI reports.

The original Justice Department report was issued on Feb. 19, 2010, along with a group of FBI documents, in accord with a Freedom of Information Act request that was complied with at the formal closing of the anthrax case. However, it is apparent from the form of the summary that the document was intended for public consumption.

This analysis does not claim to exonerate Ivins. However, the idea that he could have acted alone has been vigorously challenged by his scientific colleagues working at the U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID) at Fort Detrick.

The number of peculiarities with respect to the anthrax case is quite large, and no attempt has been made here to cover all bases.

This reporter notes that since he began researching this report in August 2014, the FBI has disabled its link to the Justice Department summary that appeared on the FBI's Amerithrax page.

This reporter has reviewed all testimony available to the public from depositions of Ivins's coworkers in a case brought in a Florida court against the Justice Department by Maureen Stevens, widow of the first anthrax fatality, Robert Stevens. The lawsuit was eventually settled after the Justice Department's criminal division forced the civil division to accept its claim that Ivins had had access to equipment for making the attack anthrax. The civil division had argued that, because there was no concrete evidence that the anthrax attacks had originated at Ivins's Army workplace, the U.S. government was not liable for a negligence damage claim.

The incidents cited below do not necessarily mean that the Justice Department and psychiatric reports are entirely inaccurate, but do show that one should beware any of their claims.

A slip of the zip

Item from the summary:

"On November 1, 2007, the Task Force executed these search warrants, which resulted in the recovery of numerous items of interest, including a large collection of letters that Dr. Ivins had sent to members of Congress and the news media over the previous 20 years -- including one sent to NBC News in 1987 at the same address for NBC used on the Brokaw letter."

The implication here is that it is odd that the NBC address on an anthrax letter matched an address used by Ivins decades previously. However, NBC has had the same address at Rockefeller Center since Rockefeller Center was built.

When checked on Sept. 4, 2014, the NBC Studios address, on the Rockefeller Center web site was

30 Rockefeller Plaza
(Entrance on 49th Street between Fifth & Sixth Avenues)
New York, NY 10012

The zip code is incorrect. The proper code is 10112.

(The page with that address has been taken down since Sept. 4 in an overhaul of the Rockefeller Center web site. Here is a URL to a partial copy of the deleted page:

<http://sandeeeee.blogspot.com/2014/10/partial-copy-of-rockefeller-centers-nbc.html>

.)

However, if one had obtained the address via the NBC News web site "contact" page, the correct address was (as of Sept. 4, 2014) given:

NBC News, 30 Rockefeller Plaza, New York, N.Y. 10112.

As the deleted Rockefeller Center page said, NBC has been at Rockefeller Center since the center was built. "No major tenant has been here longer, occupied more space, or become so widely identified with Rockefeller Center than NBC" which opened its radio studios in 1933.

Nationwide postal zip codes date to the 1960s.

Aside from the conflicting zip codes, one other difference is that the attack letter uses "NBC TV," as opposed to "NBC News," in the address but this seems barely relevant.

So, the address that Ivins used in the early eighties would have been no different from the one the anthrax mailer used in 2001, though a number of correspondents in 2001 may have used the incorrect zip code given by NBC (yet it is not evident how long the wrong code had been up). But that is not very informative, as the attack mailer could easily have gone to the NBC News contact page to get the address.

If there were substantive differences, the summary does not disclose them.

So the insinuation is absurd. There is no strange coincidence between an old mailing address used by Ivins and the NBC anthrax letter.

Email doublethink

The summary relates that in an Oct. 3, 2001 email from Ivins to a former coworker (Mara Linscott), Ivins talked about biowar scenarios but "the next day Ivins did not mention these more plausible possibilities" in an email to a CDC colleague, an email the summary portrayed as a sinister ploy.

A CDC website statement relates that on Oct. 4, 2001, the CDC "confirmed the first bioterrorism-related anthrax case identified in the United States in a resident of Palm Beach County, Florida." The CDC was initially highly uncertain as to whether a bioterror attack had occurred. Just because Ivins was aware of bioterror scenarios doesn't mean he would jump to the conclusion that the Florida case had resulted from bioterrorism.

Ivins's email to the CDC was fired off as soon as initial reports came in of Stevens's condition. But, he was writing in a professional capacity, and possibly was simply being cautious. The previous email had been sent in an informal vein to a friend.

The summary reprints the Oct. 3 email in full but paraphrases the scientist's email to the CDC selectively.

From the summary (numbering added):

"When Robert Stevens became the first victim of the anthrax attacks, Dr. Ivins sent an unexplainable [1] e-mail to a contact at the CDC on October 4, 2001, the day after [2] Stevens was diagnosed with

inhalation anthrax. Dr. Ivins, one of the nation's foremost anthrax scientists, speculated that Mr. Stevens's infection could have been the result of Stevens drinking infected creek water. The proffered explanation was impossible because the anthrax had been inhaled [3]. Alternatively, he proposed to the CDC that Stevens could have contracted the disease from infected alpaca used in wool socks or a sweater [4]. Both a renowned microbiologist at another lab and a scientist at USAMRIID found these suggestions absurd. The microbiologist at the other lab described them as "laughable," and the USAMRIID scientist called them 'fishy, any reasonable scientist would say this doesn't make sense'." [5]

A footnote concedes that another anthrax researcher pointed out that everyone was wondering whether the microbe came from the environment, though no one had considered the idea of infection via ingestion of water.

Here is the Oct. 4 letter obtained from page 487 of Ivins's 2001 emails reproduced at ProPublica's Anthrax Files.

From: Ivins, Bruce E. Dr. USAMRIID
To: REDACTED
Subject: Florida case(?)
Date: Thursday, October 04, 2001 9:57:19 PM

Hi, REDACTED

I just heard this evening (and read over internet news) that a case of pulmonary anthrax may have been identified in Florida. Is this true, or is this just hysteria? The only Florida strain of *B. anthracis* that I am familiar with is V770, which is the parent of V770-NP1-P, the strain used in production of the human anthrax vaccine. (I believe that V770 was originally isolated from a cow in Florida in the early 1950s.) The article said that this person was an "Outdoorsman," and had drunk water from a creek in North Carolina. If he really does have anthrax, could he have gotten it this way, or did he get it by tromping around some dusty field area. (Has North Carolina been dry this summer?) I know that in the wild in Africa, animals are supposed to be able to get it from water holes by stirring up spores and presumably ingesting them and possibly inhaling them as an aerosol. Could this have happened? What if the animal had died upstream and the stream was contaminated? (Drinking from a stream or creek without boiling or purifying the water first is an invitation to intestinal disease or parasites, but have any other human anthrax cases been documented from people drinking contaminated water?)

You called me several times in the recent past REDACTED with regards to another anthrax issue. If there's anything I can help with here (if you or coworkers are involved) please let me know. I don't know if there's anything I can do, but I'm certainly willing to provide whatever informational assistance I can. (I would have been less surprised if the Florida man had been hunting deer in Texas, where there is identifiable anthrax. I don't recall North Carolina as having ideal soil for preservation of anthrax spores or for anthrax cycling of spore-vegetative cell-spore-vegetative cell etc., but I suppose there could be areas of higher soil calcium and alkalinity.)

Anyway, please don't hesitate to give me a call if there's anything I can do. We are currently testing the virulence (in immunized and unimmunized guinea pigs) of *B. anthracis* strains from all over the world, including China, and we've come up with some very interesting differences in virulence among the strains.

Take care of yourself, REDACTED

- Bruce

[1] After reading the email, would you call it unexplainable?

[2] The CDC says that it first confirmed that Stevens had inhalational anthrax on Oct. 4, the day Ivins wrote the email, not the day before. Hence, the dust had not yet settled and Ivins may well have been unsure the diagnosis was realistic.

[3] It's clear that he seems to distrust the inhalation diagnosis, though he is willing to entertain various possibilities -- possibilities he is thinking about in light of the news account he had read.

[4] The "alternative" explanation does not appear in the email and is not documented. However, cutaneous (infected skin lesion) anthrax is known as a disease of wool workers, and he may have wondered whether there was a slight, but not impossible, chance of transmission via infected wool clothing.

[5] It is apparent that when scientists were asked about Ivins's conjectures, they weren't privy to what he actually wrote. Even when it comes to the wild idea of anthrax contamination of drinking water, Ivins only throws out a question, which should be seen in context of his having heard of animals contracting anthrax at water holes, where they kicked up spores from the ground.

However, the Justice Department says, "This email to the CDC, fishing for information, is additional evidence of his guilty conscience."

Even if Ivins was fishing for information, is that really evidence of a guilty conscience? After all, his field was anthrax research.

No news is bad news

The summary bills another Ivins email as indicative of inside knowledge of the anthrax attacks.

On Sept. 26, 2001 Ivins wrote a former coworker:

"Of the people in my 'group' everyone but me is in the depression/sadness/flight mode for stress. I'm really the only scary one in the group. Others are talking about how sad they are or scared they are, but my reaction to the WTC/Pentagon events is far different. Of course, I don't talk about how I really feel with them -- it would just make them worse. Seeing how differently I reacted than they did to the recent events makes me really think about myself a lot. I just heard tonight that Bin Laden terrorists for sure have anthrax and Sarin gas. You [REDACTED]."

The summary ominously notes that the public did not become aware of the first anthrax mailings until early October, about a week after this email. The email was sent six days after attack letters were postmarked in New Jersey.

The summary adds that in that same email, Ivins wrote: "Osama Bin Laden has just decreed death to all Jews and all Americans" -- language it held to be similar to the text of the anthrax letters postmarked two weeks later warning "DEATH TO AMERICA," "DEATH TO ISRAEL."

But, a point the summary omits is that there was much discussion on the internet and via other media about the possibility that bin Laden, or al Qaeda, possessed such weaponry. And, the public had been told of bin Laden's actions against Israel and his 1998 fatwa against Americans, saying they were permissible targets for attacks. In fact, the government's conspiracy theory concerning

the 9/11 attacks hinges on bin Laden's death decree.

On Sept. 12, the atmosphere was set by former Defense Secretary William Cohen and CIA Director George Tenet.

A Sept. 12 report in the Guardian newspaper notes that Tenet told Americans that bin Laden had in 1998 served notice that any American was a legitimate target for attack. That same article asserts -- probably incorrectly -- that Sarin nerve gas was among "the many sinister components" of bin Laden's arsenal.

On the evening of Sept. 12, Cohen told CBS News that he fully expected there to be a full-scale deployment of biological and chemical "weapons of mass destruction" very soon. This reinforced his earlier statements as Clinton's Pentagon chief that a five-pound bag of anthrax bacteria in the hands of terrorists would likely cause the deaths of hundreds of thousands of Americans.

On Sept. 16, Defense Secretary Donald Rumsfeld told Fox News: "What they can do is use these asymmetrical threats of terrorism and chemical warfare and biological warfare and ballistic missiles and cruise missiles and cyber attacks."

On Sept. 19, a British TV station followed up another Telegraph report, and tied bin Laden, Sarin and anthrax together in one report.

<http://www.news24.com/xArchive/Archive/Germ-warfare-next-big-threat-20010917>

A Sept 24 Time magazine article on terrorism via unconventional weapons discusses anthrax, Sarin and bin Laden, though the writer does not suggest bin Laden had access to such weapons.

<http://content.time.com/time/nation/article/0,8599,176066,00.html>

On Sept. 26, Britain's Telegraph told of a bin Laden unit's plan to use Sarin nerve gas.

<http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/1340692/Bin-Laden-British-cell-planned-gas-attack-on-EU-Parliament.html>

Though Ivins may not have seen the British reports, this type of information was picked up and circulated extensively on the internet and in American media.

On Sept. 26, columnist Maureen Dowd of the New York Times wrote, "Americans are now confronted with the specter of terrorists in crop dusters and hazardous-waste trucks spreading really terrifying, deadly toxins like plague, smallpox, blister agents, nerve gas and botulism." She added that women she knew "share information on which pharmacies still have Cipro, Zithromax and Doxycycline, all antibiotics that can be used for anthrax, the way they once traded tips on designer shoe bargains."

On Sept. 26, Bill Gertz of the Washington Times reports that al Qaeda was attempting to acquire Sarin and anthrax.

"Intelligence officials say classified analysis of the types of chemicals and toxins sought by al Qaeda

indicate the group probably is trying to produce the nerve agent Sarin, or biological weapons made up of anthrax spores," Gertz wrote. "Sarin can be produced from the components used to make fertilizer and kills by disrupting the central nervous system. Anthrax is a highly lethal biological weapon that causes death after spores are ingested."

Gertz writes for the Washington Times, which still circulates in the Maryland suburbs of Washington, meaning that that story could well have been read by Ivins or a coworker.

It is true that none of these reports asserts that bin Laden definitely had Sarin and anthrax, but many casual listeners or readers would have assumed that bin Laden did have such capabilities. Even scientists can make rash assumptions when they are not focusing carefully.

Though the reports cited here mostly do not refer to bin Laden's death fatwa against Americans, it is safe to say various commentators had mentioned it. And it is quite plausible that Ivins heard a compressed version of Gertz's story from broadcast news or read a garbled account on the internet. Certainly there is nothing unlikely about someone rewriting the Gertz story and adding to it the bin Laden fatwas against Americans and Jews.

Another possibility is that Ivins overheard office scuttlebutt concerning the Gertz story or that he somehow became aware of a Pentagon threat analysis of al Qaeda's purported biowar potential. After all, he worked for the Pentagon.

Of course, it is possible Ivins's email was criminally anticipatory, but not only is there no evidence of that, there is plenty of evidence that such an awareness could have been picked up from news accounts.

Lies, damned lies and polygraphs

The summary relegated the fact that Ivins had passed a polygraph examination to a footnote.

"In some sense, Dr. Ivins's efforts to stay ahead of the investigation began much earlier. When he took a polygraph in connection with the investigation in 2002, the examiner determined that he passed. However, as the investigation began to hone in on Dr. Ivins and investigators learned that he had been prescribed a number of psychotropic medications at the time of the 2002 polygraph, investigators resubmitted his results to examiners at FBI Headquarters and the Department of Defense Polygraph Institute for a reassessment of the results in light of that new information. Both examiners who independently reassessed the results determined that Dr. Ivins exhibited "classic" signs of the use of countermeasures to pass a polygraph. At the time the polygraph was initially examined in 2002, not all examiners were trained to spot countermeasures, making the first analysis both understandable under the circumstances, and irrelevant to the subsequent conclusion that he used countermeasures."

Jeff Stein of the Washington Post wrote in February 2011 that the the FBI's case file contradicts the summary footnote.

Ivins "did not research anything about the test, to include ways to defeat its accuracy," the FBI's 2002 report on Ivins says.

"Likewise, he did not take any steps to defeat the tests [sic] accuracy or use countermeasures," the FBI report says. "In fact, IVINS stopped taking his anti-depression/anti-anxiety medication 48-72 hours before the polygraph, and he offered to provide blood and/or urine specimens at the time of the test to prove he was not medicated."

Links to the report cited by Stein are now dead.

As Stein observes, "An obvious question might be whether, of the many other possible suspects who were eliminated, any were eliminated solely on the basis of polygraph examinations."

http://voices.washingtonpost.com/spy-talk/2011/02/ivins_cases_inconvenient_quest.html

The polygraph method has been the subject of considerable controversy, but a National Academies of Science panel found that such examinations in the hands of skilled examiners are often effective, though far from perfect. Still, doubts remain about whether examiners know how to detect countermeasures and about the notion that psychiatric drugs are useful in that regard.

<https://antipolygraph.org/blog/2010/02/20/doj-rationalizes-away-polygraphs-failure-to-catch-alleged-anthrax-mailer-bruce-ivins/>

A few more points:

A heavily redacted Dec. 8, 2004, FBI report shows that, despite reservations, either Ivins or an associate agreed to submit to an FBI polygraph exam. Now, supposing the report refers to an Ivins associate, one still faces the question of why the FBI did not polygraph Ivins in 2004, when he had come under new scrutiny.

<http://vault.fbi.gov/Amerithrax>

In April 2010, ProPublica reported that another Fort Detrick anthrax scientist, Henry S. Heine, said FBI agents gave him a polygraph exam and took statements from him several times between 2001 and 2003. Yet the summary implies that the bureau did not polygraph Ivins at all, but, rather, relied on Army polygraphers. So then, what stopped the bureau from relying on Army polygraphs of Heine?

So, aside from passing an Army polygraph, either Ivins also passed an FBI polygraph test -- with the government falsely implying that the FBI had not polygraphed Ivins -- or the FBI was waved away from polygraphing him. As a Pentagon employee with a security clearance, Ivins's ability to refuse further polygraphing was limited, which was especially the case prior to his being officially considered a suspect.

In June 2002, the Hartford Courant noted that the FBI intended to interview and conduct polygraph tests of more than 200 former and current employees of Fort Detrick and the Army's Dugway Proving Grounds in Utah, where biowar anthrax tests had been carried out. An FBI source told the Courant that there were only about 25 people from Dugway on the list of those to be interviewed and tested, meaning most scientists to be scrutinized were from Fort Detrick.

Steven Hatfill, a former Fort Detrick scientist whom the FBI once considered a "person of interest" was among those polygraphed by the FBI.

So again, what really caused the FBI to seemingly give Ivins a waiver from polygraph testing?

It is hard to answer such questions because, as bioweapons expert Martin Furmanski observed concerning the released FBI files:

"Often the redactions are quite extensive, involving most or all of a paragraph. Generally, these carry the 'personal privacy' exemption notations, which seems unlikely. In some cases the redacted material can be reasonably surmised to be of scientific character from the context and the unredacted portions."

Furmanski, a Stanford University professor with degrees in pathology and microbiology, examined more than 2000 pages of FBI documents.

Despite his conclusion that Fort Detrick had possessed the equipment needed to make sufficient quantities of anthrax powder for the letter attacks, Furmanski noted, "There is a larger issue regarding the robustness of the material in the FBI FOIA documents. Although extensive, they are a selection of a much larger archive, estimated to be over 50,000 pages."

Furmanski, in his 2010 analysis for the Federation of American Scientists, said a fermenter at Ivins's work place was large enough to have produced in two batches enough anthrax for the attacks.

But in 2011, ProPublica and its partner news organizations reported that Gerard P. Andrews, a pathologist and Army officer who headed the bacteriology division where Ivins worked, described the division's fermenter as "indefinitely disabled," with its motor removed. Assuming the Andrews statement is accurate, someone would not only have had to get the fermenter running, but to have removed and hidden the motor, at least twice. There is no indication that Ivins was skilled in such matters. So acceptance of the FBI theory tends toward the conclusion that Ivins very likely would have had confederates.

The FBI made no attempt to give a detailed explanation of how the powders were prepared, and so the public is left with unanswered questions about other fermenters at Fort Detrick and Ivins's access to them.

At any rate, in 2012 an NSA whistleblower, Russell Tice, revealed to Newsweek that if one has used trickery on a control question, then when the key questions are asked, the subject can daydream about something pleasant. It seems plausible that daydreaming might be easier to do if one is using psychotropic drugs.

<http://www.usnews.com/news/blogs/washington-whispers/2012/09/25/nsa-whistleblower-reveals-how-to-beat-a-polygraph-test>

It cannot easily be ruled out that Ivins had learned how to beat the test from associates in the Pentagon. Or, is it possible he was "passed" by confederates, which is another way of beating such tests?

One online report, quoting FindLaw.com, says that psychopaths and sociopaths (who lack empathy with other people) "may be excluded from polygraphs as the disorders reflect individuals who can control their emotional responses and do not exhibit a conscience."

A reader could get the impression -- though the summary is not explicit -- that Ivins's mental illness may have contributed to his ability to pass the polygraph test. In an acute paranoid schizophrenic episode, it is conceivable that an "alternate" personality could emerge which is capable of turning to murder. Later, when the "alter ego" has re-submerged, the "real Bruce Ivins" would sincerely believe that he had had nothing to do with the attacks.

For example, among the many personal emails he sent to his former coworkers Mara Linscott and Patricia Fellows, is this poem:

So now, please guess who
Is conversing with you.
Hickory dickory Doc!
Bruce and this other guy, sitting by some trees,
Exchanging personalities.
It's like having two in one.
Actually it's rather fun!

The summary adds:

"In the weeks that followed this e-mail, Dr. Ivins continued to discuss his 'terrifying' mental health issues, telling Former Colleague # 1 (Mara Linscott) in an e-mail on July 4, 2000: 'The thinking now by the psychiatrist and the counselor is that my symptoms may not be those of depression or bipolar disorder, they may be that of 'Paranoid Personality Disorder'."

Ivins also wrote that he was seeking help, fearing the "terrible things some paranoid schizophrenics have done."

Under pressure from the Justice Department, the civil depositions of Linscott and Fellows were sealed, meaning there is no way at present to compare government claims with the recollections of the two women.

The psychiatric panel observed that "Ivins's writings referred, at times explicitly, to depression, paranoia, and delusional thoughts; described a sense of observing himself from the outside (depersonalization); talked and wrote about there being two Bruces (dissociation); described being harmed by the rejection of KKG [a sorority] members; and worried about becoming, and being, schizophrenic."

Yet, the psychiatric panel cited neither schizophrenia nor dissociative identity disorder (in which "alter egos" emerge) in its diagnosis, but found that Ivins lacked empathy (a problem associated with "psychopaths") and suffered from "personality disorder not otherwise specified, with narcissistic and antisocial features" which he medicated via drug and alcohol abuse.

The government may have had a problem with the "murder-by-alter-ego" idea, as such events are not well documented in the literature and the federal prosecutors may have been reluctant to set a precedent. Still, defense lawyers have tried to use the multiple personality defense in murder cases.

For example, lawyers for Richard Angelo, the "Angel of Death" nurse, fought to prove that Angelo suffered from dissociative identity disorder, which meant he would dissociate himself completely from the crimes he committed.

The lawyers fought to prove this theory by introducing polygraph exams which Angelo had passed during questioning about the murdered patients, it has been reported. The judge however, would not allow the polygraph evidence.

Considering the emphasis put on his mental stress and neurotic behavior before the anthrax attacks, one wonders how Ivins would not have panicked at the possibility he might flub his polygraph -- countermeasures or no -- and draw investigators down on his head. But if an alternate personality

had been in control during key periods, Ivins may well have passed a polygraph test when that personality was submerged.

However, such a scenario has many difficulties, including a proposed ability to switch on the murderous "alter ego" during contacts with confederates.

Also, one should not automatically dismiss the possibility that Ivins's emails had been intercepted by security agents in 2000 and brought to the attention of politically powerful persons in early 2001 who were seeking war against Iraq and other Mideastern nations, as is documented in many places, including here:

<http://paulpages.blogspot.com/2011/11/fox-news-trumpet-of-israels-hard-right.html>

In such a scenario, Ivins would have been used as a witting or unwitting pawn, or perhaps as a potential "fall guy." How else does one account for the government notion that Ivins was guilty and also for his colleagues' assertion that Ivins could not have escaped notice while making the large amount of anthrax powders used in the mailings?

Shortly after the 9/11 attacks, Seymour M. Hersh, a highly regarded investigative reporter, wrote in the New Yorker magazine:

"Many of the investigators believe that some of the initial clues that were uncovered about the terrorists' identities and preparations, such as flight manuals, were meant to be found. A former high-level intelligence official told me, 'Whatever trail was left was left deliberately--for the F.B.I. to chase.'

"In interviews over the past two weeks, a number of intelligence officials have raised questions about Osama bin Laden's capabilities. 'This guy sits in a cave in Afghanistan and he's running this operation?' one C.I.A. official asked. 'It's so huge. He couldn't have done it alone'."

What Went Wrong

The New Yorker, Oct. 8, 2001 issue

<http://www.newyorker.com/magazine/2001/10/08/what-went-wrong>

Also see,

9/11 probers skipped key forensic test

<http://www.angelfire.com/ult/znewz1/trade7.html>

An argument positing federal clandestine operations is made by Graeme MacQueen, a retired McMaster University professor of peace studies, in *The 2001 Anthrax Deception -- The Case for Domestic Conspiracy* (Clarity Press, 2014). MacQueen, who specialized in Buddhist studies, points out that curious linkages between the alleged al Qaeda hijackers and the anthrax attacks look as though they were clues planted to validate a narrative blaming bin Laden -- along with his supposed sponsor, Saddam Hussein -- for the anthrax attacks. The FBI was initially inclined to blame al Qaeda, but the quality of the anthrax sent to the Senate pointed to a military program and the bureau was forced to change direction.

Letters with bogus anthrax were sent from St. Petersburg, Fla., a 50-minute drive from Sarasota, where the reputed hijackers paid visits to a mysterious Saudi family. The reputed hijackers trained at a flight school in Venice, Fl.

Among the letters sent from St. Petersburg to news media was one to Judith Miller, a reporter for the New York Times, and another to Howard Troxler, a columnist for the St. Petersburg Times. Troxler, whose columns also appeared in the Tampa Bay Times, and Miller both opened their letters after the first anthrax case had become known. But a fuzzy St. Petersburg Times image appears to show a postmark date of Oct. 1, before attacks had become known.

The St. Petersburg Times reported that the cryptic letter to its columnist misspelled Troxler's name and had little punctuation. According to the paper, it said:

"Howard Toxler ... 1st case of disease now blow away this dust so you see how the real thing flies. Oklahoma-Ryder Truck! Skyway bridge-18 wheels."

Less information is available about the Miller letter.

In October 2011, Miller told a CNN caller, "Well, the letter was handwritten. And there was no return address. And there were misspellings. It was a threatening letter. And the Times has decided that I should only tell you that it contained a threat to the Sears Tower and to President Bush. It was a crude letter. That is all I can say."

Google searches suggest that she hasn't since revealed whether the envelope's address was similar to the attack letters or the Troxler letter or whether she has seen the envelope and letter since the FBI took custody of them. The FBI has not released copies of the letters or envelopes sent to Troxler and Miller.

A query was sent through a close associate of Miller asking her about the threat letter, but no response was received. (Miller's apparent reticence should not be taken as indicative of any violation of U.S. law.)

It is noteworthy that the Troxler letter's address is written in a blocky style very similar to, but not in the same handwriting as, the attack letters. It seems plausible that the Miller letter followed suit. Ivins is unlikely to have been able to mail the Florida letters.

Another theory is that the Obama White House did not want the investigation to dog the Obama presidency, as it had the Bush presidency, and had pressured the attorney general, Eric Holder, and the FBI director, Robert Mueller, to wrap up the investigation quickly. In an attempt to justify closure of the case, the thinking goes, a politicized Justice Department report was issued. Despite an important deviation from the Justice Department account, the behavioral analysis's narrative section reads as though it were written by a Justice Department functionary.

Though the various subsidiary points raised above are worth some thought, the main issue is that the summary gives a highly deceptive statement about the Ivins polygraph matter.

Now you see it, now you don't

From the psychiatric report, dubbed "Report of the Expert Behavioral Analysis Panel":

"The agent then asked Dr. Ivins whether that was all the anthrax he had. It was, Dr. Ivins said. The agent then specifically asked about the RMR-1029 flask.

"Dr. Ivins walked back into the cooler and returned with a standard, one-liter vessel, and labeled with a black Sharpie. The anthrax inside was in liquid form. Unlike the two samples he had readily volunteered, Dr. Ivins had held back the RMR-1029 -- surrendering it only when specifically requested.

"Later, Dr. Ivins' technicians reported that they had never seen the flask. He had been its sole custodian and presumably had kept it concealed in the cooler.

"Soon, anthrax from the seized RMR-1029 flask was tested with the more sophisticated assay techniques that scientists had been developing. The question was whether the anthrax from the flask would show the same genetic markers as the anthrax used in the mailings."

Why this incident is problematic is that the story is corroborated neither by the investigative summary nor pertinent FBI files.

The summary reads: "So, in April 2004, the flask containing RMR-1029, along with approximately 20 other samples of Ba [Bacillus anthracis] which Dr. Ivins maintained in his lab, were secured by the FBI in such a manner that Dr. Ivins no longer had access to them. In June 2004, those samples were removed from Dr. Ivins's lab and transferred to the custody of the FBI."

A federal affidavit for a 2007 search of Ivins's property discusses the April 2004 search. It says nothing about the alleged blatant evasion by Ivins.

"On December 12, 2003, an FBI Special Agent accompanied Dr. Ivins into Suite B3 at USAMRIID and identified additional Ames samples of Dr. Ivins's and others that had not been submitted as part of the above mentioned response. Dr. Ivins submitted slants [test tubes holding biological material] prepared from the newly identified samples to the FBIR [FBI repository] on April 7, 2004

"On the afternoon of April 7, 2004, an FBI Special Agent accompanied Dr. Ivins into Suite B3, and seized the original samples Dr. Ivins had used to prepare the slants submitted to the FBIR earlier that day. Additionally, the Agent seized the RMR-1029 flask itself. All of the samples were secured in the B3 walk-in cold room within a double-locked safe, and sealed with evidence tape until such time that they could be transported to the Navy Medical Research Center (NMRC), which was under contract by the FBI."

The affidavit, as of Oct. 26, 2014, is found at

<http://www.fbi.gov/about-us/history/famous-cases/anthrax-amerithrax/07-524-M-01> Attachment.pdf

There is no mention of Ivins attempting to withhold the critical flask from an FBI agent during the search of the hot suite.

ProPublica's Anthrax Files site has a document (pages 73 to 79 in "The FBI Bruce E. Ivins investigation") discussing the search conducted in early April 2004 which does not verify the psychiatric narrative's account.

<http://projects.propublica.org/docdiver/documents/73700-c1-fbi-bruce-e-ivins-investigation-sections>

ProPublica's research yielded nothing like the tale in the psychiatric report.

ProPublica:

"In early April 2004, Ivins was asked to help the FBI collect a complete set of cultures from Fort Detrick. Earlier, FBI agents had found 22 vials of anthrax that hadn't been turned over. On April 6, a lab assistant found a test tube of material that appeared to have been removed from Ivins' flask.

"The assistant gave the germs to Henry Heine, a colleague of Ivins' who happened to be in the building. Heine said he checked with Ivins, who told him to send a sample from the tube to the FBI. In an April 6 email, Ivins thanked Heine, acknowledging that the anthrax 'was probably RMR-1029.'

"Heine views this moment as a sign of his colleague's innocence, pointing out that Ivins willingly turned over a sample he thought had originated from his flask. In an interview, Heine said there were no cameras in the building, that FBI agents weren't monitoring the search and that Ivins easily could have prepared the sample himself and tampered with the evidence.

"A day later, investigators seized Ivins' flask, locking it in a safe double-sealed with evidence tape.

"What happened next raises questions about the reliability of the FBI's method for detecting morphs [genetic markers]. The bureau separately ordered tests on Heine's sample and a second one drawn from the same test tube. Records show conflicting results, one negative and one positive.

"Does this mean the FBI's tests for morphs were unreliable?

"An FBI scientist said Ivins had told investigators the anthrax in the refrigerator had been diluted. This perhaps made the morphs undetectable in testing, said the scientist, who was made available to discuss the matter on the condition of anonymity.

"Heine said the sample he sent wasn't diluted.

"'We can only go by what Bruce told us,' the FBI scientist replied.

"Heine said he sent the FBI at least two additional samples from RMR-1029 that Ivins had shared with him. He said the FBI later told him both had tested negative for the morphs. The FBI scientist said the bureau could find no record of this."

As discussed below, a Navy laboratory had measured the spore density in the seized anthrax, and obtained a count consistent with dilution. However, Ivins showed an FBI scientist that that the Navy measurement was unlikely.

On such an important matter as pronounced evasive behavior, the psychiatric report does not cite its source of evidence, whether that be an FBI document or an interview with the FBI agent who is said to have reported Ivins's suspicious behavior. In fact the redacted online report gives few if any citations for "facts" reported in its narrative.

The psychiatric report was published in 2011 by Research Strategies Network (RSN) under the leadership of Gregory B. Saathoff, a University of Virginia psychiatrist who has been an FBI behavioral consultant since 1996. The report's authors were given the mission of reviewing decades' worth of Ivins's psychiatric files and coming up with a behavioral analysis. The report was originally held under wraps, but eventually was released to the public.

Saathoff is currently RSN's president and treasurer.

Among RSN's reviewers were two American Red Cross officials with no record of mental health professionalism. Gerald M. DeFrancisco is head of Red Cross humanitarian services, who also sits on RSN's board, and Joseph C. White is a Red Cross senior vice president. Presumably, justification for their inclusion was the fact that Ivins had, late in his career, joined the Red Cross as a volunteer. Retention of these men demonstrates the political nature of the report.

Another reviewer is a fellow University of Virginia professor, Christopher P. Holstege MD, who shares with Saathoff management responsibilities at an outfit called the Critical Incident Analysis Group

Among luminaries on RSN's board are Edwin Meese III, President Ronald Reagan's attorney general, and Charles S. Robb, the former Virginia governor and U.S. senator. Meese also sits on the board of the critical incident group.

On Sept. 4, 2014 this reporter asked most RSN reviewers (some had no publicly available email addresses) these questions:

1. What did your contribution to the psychiatric panel entail?
2. Was there any thought of or opportunity for minority opinion?
3. Did you believe that the narrative portion of the report was reliable and gave you the necessary background for a psychiatric evaluation? Who prepared the narrative portion?
4. Did you personally subscribe to the belief that there was strong reason to conclude that Dr. Ivins had acted alone in carrying out the attacks?
5. Did you endorse all the findings and recommendations of the report?

No response was received from any of those emailed.

(For further information on RSN, please see Appendix A below.)

Princeton puzzles

"The letters were mailed from a mailbox in front of KKG in Princeton," the summary asserts, referring to offices of Kappa Kappa Gamma, a sorority with which Ivins was obsessed, at 20 Nassau Street.

That's the FBI claim, based on the reported finding of spores at a mailbox at Nassau and Mercer streets in Princeton.

In 2002 there were three mailboxes at Nassau and Mercer, according to an observer, Richard M. Smith. Two were for receiving mail and one for storing mail temporarily.

<http://www.computerbytesman.com/anthrax/princeton.htm>

There is now in November 2014 one standard mailbox and the storage box. So we can assume that the presumed spore-laden box was removed. It is not apparent whether the other standard mailbox was removed and replaced, though the Wall Street Journal in August 2002 said officials had removed "the box" for further tests. Attack letter postmarks had led to the swabbing of mailboxes in the Hamilton, N.J., postal region, with swabs tested for anthrax spores.

One can assume that the other standard mailbox at Nassau and Mercer tested negative, and one can guess that the storage box was not swabbed because it is not used by the public.

The faded green storage box, which was manufactured in the 1960s, still stands at Mercer and Nassau.

This writer checked news reports from the period and found nothing about a decontamination operation at the busy intersection. One would think that once the site was definitively identified as anthrax-contaminated, the area around the tainted mailbox would have been decontaminated and, as a safety precaution, all other mailboxes on site removed. It seems unlikely that, had it been removed, the old storage box would have been returned to the spot.

No covert operation via secret military flights can be officially considered -- though the attack anthrax is apparently derived from a military laboratory.

In addition, nearby is a large shade tree, meaning that spores would have been protected from sunlight and could have posed a significant hazard for months or years. But, there seems to have been no concern about this possibility.

Obviously, it is possible that a decontamination was conducted very quietly, or that authorities were simply negligent about public safety. However, it seems fair to wonder whether the letters were sent from the location claimed.

This suspicion is underpinned by Glenn Greenwald's report in Salon arguing that the FBI had been forced to change its story about the Princeton mailings after he and others spotted an absurd contradiction.

http://www.salon.com/2008/08/18/anthrax_7/

Greenwald challenged a Washington Post story that said, "A partial log of Ivins's work hours shows that he worked late in the lab on the evening of Sunday, Sept. 16, signing out at 9:52 p.m. after two hours and 15 minutes. The next morning, the sources said, he showed up as usual but stayed only briefly before taking leave hours. Authorities assume that he drove to Princeton immediately after that, dropping the letters in a mailbox on a well-traveled street across from the university campus. Ivins would have had to have left quickly to return for an appointment in the early evening, about 4 or 5 p.m.

"Ivins also had ample time to return to the same Nassau Street mailbox the following month, over the Columbus Day weekend, when a second group of letters was sent to Senate offices and media organizations, the sources said, offering new information that they said underscored Ivins's opportunity to commit the crime."

http://www.washingtonpost.com/wp-dyn/content/article/2008/08/07/AR2008080703443_pf.html

Greenwald wrote, "But almost immediately after the FBI leaked this theory as to when and how Ivins traveled to New Jersey undetected, it was pointed out in several online venues, including here, that this timeline made no sense whatsoever -- that, indeed, the FBI's own theories were self-contradictory. In the documents that the FBI disclosed two weeks ago, it itself defined the 'window of opportunity' for mailing the September 18 postmarked letters as beginning on September 17 at 5:00 p.m. (after which letters dropped in that mailbox would have received a postmark of September 18, but before which they would be postmarked September 17). Thus, based on the FBI's own facts, it would be physically impossible for Ivins -- as the FBI claimed to the Post -- to have driven to New

Jersey after taking administrative leave in the morning in order to mail the anthrax letters, since he returned that day to Maryland for a 4:00 or 5:00 p.m. meeting, and thus could not have dropped the letters in the mailbox after 5:00 p.m."

The Post then ran a story based on federal sources that modified the timeline, having Ivins driving to Princeton on the evening of Sept. 17.

An editor might say that use of anonymous sources poses risks to a story's accuracy. And it is also possible a reporter misinterpreted what he or she was told.

But this mistake should be seen in light of a pattern of federal errors, deceptions and omissions as to its theory about Ivins.

Silicon alley

From the summary (with numbering added):

[1] "Throughout the course of the investigation, repeated challenges have been raised to this finding that the spores were not weaponized. The challenges have their root in an initial finding by the Armed Forces Institute of Pathology ("AFIP") that, upon gross examination, the spores exhibited a silicon and oxygen signal.

[2] However, subsequent analysis of the spores by Sandia National Laboratories, using a more sensitive technology called transmission electron microscopy ("TEM") -- which enabled material characterization experts to focus its probe of the spores to the nanometer scale -- determined that the silica was localized to the spore coat within the exosporium, an area inside the spore. In other words, it was incorporated into the cell as a natural part of the cell formation process.

The summary continues, "The spores we examined lacked that fuzzy outer coating that would indicate they'd been weaponized," stated Dr. Paul Kotula of Sandia, who personally examined the spores from the 2001 attacks. When presented with these results, Dr. Peter Jahrling, a USAMRIID scientist who had reviewed the initial AFIP results and stated publicly in late 2001 that the spores had been weaponized, retracted his earlier statement, telling the Los Angeles Times on September 16, 2008, 'I believe I made an honest mistake'."

This reporter's analysis follows:

[1] There are a number of means to weaponize anthrax spores: gene-splicing or possibly cultivation to increase resistance to antibiotics; microencapsulation to shield spores from the human immune system; purification, along with possible neutralization of electric charges to make spores go airborne easily; and addition of fused silica, which is commonly used to make powders less sticky and hence easier to aerosolize. When Ivins and his immediate supervisor, Lt. Col. Jeffrey J. Adamovicz, opened the plastic bag holding the Daschle powder, they were startled to see the spores fly out all over the place, according to Stevens case testimony.

Tests of the attack matter showed that it had no antibiotic resistance, indicating that advanced weaponization had not been used. However, virologist Jahrling was alarmed by the initial silicon signal and rushed to the White House to brief top officials.

[2] The Sandia analysis of attack powders sent to Sen. Patrick J. Leahy and the New York Post showed that fumed silica was not present in either sample, but that the spores tested positive for silicon.

According to NAS scientists, the evidence they saw convinced them that the amount of silicon detected in the Leahy powder could be completely accounted for by natural spore uptake from silicon in laboratory equipment. However, they pointed out that there was substantially more silicon detected in the Post powder than could be accounted for by silicon uptake in spore coats. This fact was obviously known to federal investigators when the summary was being prepared.

[For more on the silicon uptake matter, please see Appendix B below.]

The Post powder from the envelope postmarked Sept. 18 was a much more crudely prepared form of anthrax than the Leahy and Daschle powders sent two weeks later with an Oct. 9 postmark.

Asked at an FBI science briefing about the big discrepancy between silica levels in the attack powders, FBI scientist Vahid Majidi replied, "Well, the water in New Mexico has ten times more silicant in it than the water in some other states..."

The NAS panel would later observe: "The high levels of silicon found in the attack powders are extremely unusual."

A reporter at an FBI science briefing asked, "Would it be fair to say then that the silica and oxygen presence in these spores was, for want of a better term, accidental or not intentional or put there by God or something, but it just happened?"

An unnamed official responded: "Well, there are scientific reasons behind it. I mean, you know, *Bacillus* species often produce proteins that are -- whose sole purpose is to chelate metals and other minerals. And the theory behind it is that it makes the spore heartier. That if the spore mineralizes they're more -- so that's a scientific theory."

"But that's something the anthrax did, not man?"

"The understanding of that process is not well understood," the official replied.

Or, in other words, the science briefers have parried the issue about high silicon content in the Post letter without saying that its presence was regarded by microbiologists as very unusual.

A related question at that briefing: "Did you try and duplicate the process? And how close did you get to making something like, you know -- the finer preparation that appeared?"

Majidi replied, "We were able to get those spores minus the silicon signal."

At another briefing for science writers, a questioner asked whether there was any truth to news reports that the FBI had been unable to replicate the attack spores.

Majidi replied, "If I make soup at home at two different times, they are not going to taste the same. So the fact that we can't duplicate a single powder prep is not unusual in any realm." At this briefing, he kept mum about the inability to replicate the silicon signal.

The public has not been told what the FBI scientists did to reverse-engineer the attack anthrax, with Majidi having excused that opaqueness on national security grounds. But presumably the FBI's consultants used equipment comparable to what was available at Fort Detrick. Despite assuring the press that the silicon signal resulted from a "natural" process, the FBI scientists skirted around the anomalous Post result.

Ivins told the FBI that when he saw the purity of the Daschle powder, he immediately thought: "Fermenter!" He explained that fermenters tend to produce clean spore concentrations while matter grown on agar plates is much dirtier, or contaminated by other biological material.

Interestingly, the Post and NBC powders were quite crude. So the crude matter had silicon added, but silicon that would do no harm. One wonders if someone added silicon in an amateurish attempt to weaponize it, or whether someone added it to make it look as though semi-trained al Qaeda terrorists were responsible. Of course, one can come up with a scenario in which Ivins adds silicon in a devious ruse to fool investigators. According to the summary, Ivins's seemingly odd late hours in the lab began in August, weeks before Sept. 11 (and federal officials have never explicitly said that they believe Ivins began preparing attack powder before 9/11, though that is the logical conclusion of their scenario).

After Sept. 11, the summary shows, Ivins's lab hours zoomed up and fell rapidly once all anthrax attacks were completed.

Yet one wonders why Ivins didn't bother to add silicon to the new powder, and why he was no longer concerned with making the powder look crude (grown from agar plates, which would have been within al Qaeda's capability), but now went full-bore with a fermenter (assuming he somehow got his work place fermenter up and running).

Why the change in anthrax quality? It has been reported that at the time the Senate attack letters were mailed the Bush administration was high-pressuring Senate Democrats -- in particular Leahy and Daschle -- to get swiftly behind the emergency powers, or Patriot, bill. Otherwise, the public is left to speculate that Ivins had already planned to blame al Qaeda when he was preparing the crude powder, but after 9/11 was electrified into throwing caution to the wind by dramatically ramping up his action.

The point here is that the FBI and Justice Department blurred the matter of high silicon levels in some attack powder by deliberately confusing that issue with the fact that other attack powder had routine levels of silicon.

A paper by biologists Martin E. Hugh-Jones, Barbara Hatch Rosenberg, and Stuart Jacobsen argues that the high level of silicon, along with iron and tin, detected in the attack spores suggests the possibility of microencapsulation of spores, which they say is a known method of weaponization. Rosenberg, an expert on biological weapons, has been a persistent critic of the FBI's anthrax probe.

However, if microencapsulation was used, one wonders why the cruder spore powder would contain encapsulated spores but not the purer powder sent later. (In this respect, it may be noted that the NAS panel cast a skeptical eye on other anomalies NAS scientists noticed in the spore test reports, as well as scorning the FBI's statistical analysis.)

The FBI's Amerithrax page has a link titled "Science Briefing on the Investigation," but only the opening remarks, which includes introduction of the FBI's blue-ribbon group of consultant scientists, is available. This reporter obtained transcripts of the two science briefings online after some effort, as at the time of writing they were not readily available via Google.

Aug. 18, 2008 science briefing for the general press

<http://sandeeee.blogspot.com/2014/11/fbi-science-briefing-for-general-press.html>

Aug. 18, 2008 briefing for science writers

<http://bloximages.newyork1.vip.townnews.com/fredericknewspost.com/content/tncms/assets/v3/editorial/d/f8/df85eef6-ee4b-11e2-9630-0019bb30f31a/51e59ba745e4c.pdf.pdf>

or

<http://fredericknewspost.com/content/tncms/assets/v3/editorial/d/f8/df85eef6-ee4b-11e2-9630-0019bb30f31a/51e59ba745e4c.pdf.pdf>

Rubber sole

From the summary:

"Finally, when RMR-1029 was sent over for the aerosol challenges, it was frequently diluted substantially, usually 1,000-fold. Given the highly concentrated material used in the mailings, experts consulted have stated that it is extremely unlikely that such diluted material could have been used in the mailings."

This statement makes it seem as though the attack material would have come straight from the 1029 flask. But all scientists, including the FBI's scientists, were keenly aware the attack spores were grown from a seed batch of the 1029-type substrain of Ames. Scientists testified in the civil case that a 1029-type preparation could have been grown from a very low number of spores. Dilution would not have been an issue if the necessary time and equipment were available.

One must be cautious about the various Justice Department claims about dilutions, dilutions that could have been done deliberately in order to conceal the presence of the four genetic markers found in the attack spores. At one point, an FBI report says, a bureau microbiologist challenged Ivins on the Navy's finding that a 1029 sample its experts analyzed had on the order of 10⁹ (or one billion) spores per unit milliliter. Ivins expressed skepticism and permitted the FBI scientist to stand at his side and replicate every part of Ivins's measurement process.

<http://tinyurl.com/paymt8r>

Jungle Drum Prose/Poetry. <http://jungledrum.lingama.net/news/story-1336.html>