AO106(Rev.5/85) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
OCT 31 2007
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

In the Matter of the Search of

Safe Deposit Box #48, located at Farmers & Mechanics Bank, Branch #1, 1305 West 7th Street, Frederick, MD, rented by Bruce E. Ivins and [redacted], Frederick, MD

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 07-528-M-01

I **Thomas F. Dellafera** being duly sworn depose and say:

I am a(n) **Postal Inspector with the U.S. Postal Inspection Service** (Official Title) and have reason to believe that ☐ on the person of or ☒ on the property or premises known as (name, description and or location)

Safe Deposit Box #48, located at Farmers & Mechanics Bank, Branch #1, 1305 West 7th Street, Frederick, MD, rented by Bruce E. Ivins and [redacted] Frederick, Maryland

United States District Court
For the District of Columbia
A TRUE COPY
NANCY MAYER WHITTINGTON, Clerk
By _____ Deputy Clerk

in the District of Maryland, there is now concealed a certain person or property, namely **trace quantities of Bacillus anthracis or simulants thereof, hairs, textile fibers, lab equipment or materials used in preparation of select agents, papers, tape, pens, notes, books, manuals, receipts, financial records of any type, correspondence, address books, maps, handwriting samples, photocopy samples, photographs, computer files, cellular phones, phone bills, electronic pager devices, other digital devices, or other documentary evidence.**

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure) **evidence relevant to the commission of an act of terrorism, to include the use of a weapon of mass destruction (anthrax) and the murder and attempt to murder officers and employees of the United States**

in violation of Title 18 United States Code, Section(s) 2332a and 1114 . The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT HEREIN INCORPORATED BY REFERENCE AS IF FULLY RESTATED HEREIN

Continued on the attached sheet and made a part hereof. ☒ YES ☐ NO

Kenneth C. Kohl, AUSA
U.S. Attorney's Office, Washington, DC
(202) 616-2139

Signature of Affiant
Thomas F. Dellafera, Postal Inspector
United States Postal Inspection Service

Sworn to before me, and subscribed in my presence

OCT 31 2007
Date

at Washington, D.C. (pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3))

DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE
Name and Title of Judicial Officer

Signature of Judicial Officer

DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Thomas F. Dellafera, being duly sworn, depose and say: 07-528-M-01

I have been a Postal Inspector of the United States Postal Inspection Service (USPIS) for approximately twenty-one years. I am authorized to investigate crimes involving violations of Title 18 U.S.C. Section 2332(a) and 1114.

This affidavit is respectfully submitted, pursuant to the terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in support of an application for a warrant to search the following premises and vehicles:

(1) [redacted] Frederick, Maryland, a single family residence. The residence has white painted wood siding, with a white front door that is located on the right side of the front of the home. The front door has an exterior storm door. Left of the front door are two windows cased with red shutters. A black railing leads up several stairs to the front door where the numbers [redacted] are indicated in black above the door. The search will include a large white shed; with peeling paint, that is located on the rear of the property. Bruce Edwards Ivins purchased the house [redacted] Investigation has disclosed the property has been his principle residence since September, 2001.

(2) Automobile #1: a vehicle with Maryland registration [redacted] expiration 02/11/2009, and Vehicle Identification Number [redacted] The vehicle is described as a 2002 Saturn SL1, blue, 4 door sedan, and is registered to Bruce Edwards Ivins, [redacted] Frederick, MD. Bruce Edwards Ivins purchased the vehicle 9/13/2002 and has been the sole owner, and is the primary user.

(3) Automobile #2: search a vehicle with Maryland registration [redacted] expiration 06/25/2008, and Vehicle Identification Number [redacted]. The vehicle is described as a 1993 Honda Civic, blue, 4 door sedan, and is registered to Bruce Edwards Ivins, [redacted] Frederick, MD. Bruce Edwards Ivins purchased the vehicle 12/02/1999 and has been the sole owner. The vehicle is primarily used by Ivins's wife, [redacted], and is driven on occasion by Bruce Edwards Ivins.

(4) Automobile #3: A warrant to search a vehicle with Maryland registration [redacted] expiration 07/01/2009, and Vehicle Identification Number [redacted] The vehicle is described as a 1996 Dodge van, red, and is registered to Diane Betsch Ivins, [redacted] Frederick, MD. [redacted] purchased the vehicle 10/17/1996, and the vehicle is driven on occasion by Bruce Edwards Ivins.

(5) Safe Deposit Box #48, located at Farmers & Mechanics Bank, Branch #1, 1305 West 7th Street, Frederick, Maryland 21702. The box was originally leased on 06/12/1990, and is subscribed to Bruce E. Ivins and [redacted] of [redacted], Frederick, Maryland 21702. Available records indicate Bruce E. Ivins and [redacted] accessed

the box during the period 12/07/2004 – 07/20/2007. Access records previous to 12/07/2004 no longer exist.

As discussed below, there is probable cause to believe that a search of the aforementioned premises may result in the collection of evidence relevant to an ongoing criminal investigation into the dissemination of a Weapon of Mass Destruction (anthrax) through the U.S. mail system in September 2001 and October 2001 in violation of Title 18, United States Code, Sections 2332(a) and 1114, which killed five people and infected at least 17 others.

Overview

The Federal Bureau of Investigation and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks has led to the identification of Dr. Bruce Edward Ivins, an anthrax researcher at the U.S. Army Medical Research Institute for Infectious Diseases, Fort Detrick, MD, as a person necessitating further investigation for several reasons: (1) At the time of the attacks, he was the custodian of a large flask of highly purified anthrax spores that possess certain genetic mutations identical to the anthrax used in the attacks; (2) Ivins has been unable to give investigators an adequate explanation for his late night laboratory work hours around the time of both anthrax mailings; (3) Ivins has claimed that he was suffering serious mental health issues in the months preceding the attacks, and told a coworker that he had "incredible paranoid, delusional thoughts at times" and feared that he might not be able to control his behavior; (4) Ivins is believed to have submitted false samples of anthrax from his lab to the FBI for forensic analysis in order to mislead investigators; (5) at the time of the attacks, Ivins was under pressure at work to assist a private company that had lost its FDA approval to produce an anthrax vaccine the Army needed for U.S. troops, and which Ivins believed was essential for the anthrax program at USAMRIID; and (6) Ivins sent an email to [redacted] a few days before the anthrax attacks warning [redacted] that "Bin Laden terrorists for sure have anthrax and sarin gas" and have "just decreed death to all Jews and all Americans," language similar to the anthrax letters warning "WE HAVE THIS ANTHRAX … DEATH TO AMERICA … DEATH TO ISRAEL."

The Task Force submits that a search and forensic swabbing of the Subject Residence and Subject Vehicles may reveal forensic or documentary evidence that will assist the investigation by linking Dr. Bruce Edwards Ivins to the anthrax mailings and identify conspirators involved in the attacks. The search is for laboratory equipment, tape, ink, paper, textile fibers, Caucasian hair, trace bacillus spores, handwriting samples, photocopy samples, and all relevant documents, notes and records in various formats, as more fully described in the Attachment to this affidavit.

Factual Background

In September and October, 2001, at least five envelopes containing significant quantities of *Bacillus anthracis*, were mailed to persons in the District of Columbia, New York City, and Boca Raton, Florida, in violation of Title 18, United States Code, Section 2332(a), which prohibits the use of a Weapon of Mass Destruction. *Bacillus anthracis* is a Weapon of Mass destruction because it is a bacteria and "biological agent" capable of causing death, disease, and other biological malfunction in humans and certain other animals as defined in Title 18, United

States Code, Section 178. *Bacillus anthracis* is classified as a Select Agent, which requires special handling and containment protocols as governed by the Centers for Disease Control and Prevention (CDC) in Atlanta. The disease caused by *Bacillus anthracis* is known as anthrax, subsequently these terms will be used interchangeably. The letters were addressed to members of the national media and to the Capitol Hill offices of two United States Senators located in the District of Columbia. Each of the envelopes contained a handwritten note referencing "9-11-01" and warning "WE HAVE THIS ANTHRAX. YOU DIE NOW. ARE YOU AFRAID? DEATH TO AMERICA. DEATH TO ISRAEL. ALLAH IS GREAT." The two letters addressed to Capitol Hill had fictitious return addresses. The return address read, "4th GRADE," "GREENDALE SCHOOL," "FRANKLIN PARK NJ 08852."

At least 22 victims contracted anthrax as a result of the mailings. Eleven individuals contracted *inhalational* anthrax (developed from inhaling *Bacillus anthracis* spores) and the other eleven people suffered *cutaneous* anthrax (contracted through the skin). Five of the inhalational victims eventually died from their infection: (1) Robert Stevenson, 63, photo editor, American Media Inc., Boca Raton, Florida, died on 10/5/2001; (2) Thomas L. Morris, Jr., 55, postal worker, Brentwood Post Office, Washington, D.C., died on 10/21/2001; (3) Joseph P. Curseen, Jr., 47, postal worker, Brentwood Post Office, Washington, D.C., died on 10/22/2001; (4) Kathy T. Nguyen, 61, hospital employee, New York City, died on 10/31/2001; and (5) Ottilie Lundgren, 94, Oxford, CT, died on 11/21/2001. Another 31 persons tested positive for exposure to anthrax spores. All of the exposures and cases of infection are attributed to the anthrax mailings, based on their timing, their location, the place of employment of each individual infected, and the identity of the strain of anthrax found in each letter and in the bodies of the five deceased victims.

The CDC examined isolates of the *Bacillus anthracis* extracted from the powder contained in the letters and compared it to body fluid samples collected from the five decedents. The CDC has determined that the strain of *Bacillus anthracis* found in each of the decedents' bodies is the same strain of anthrax found in the threat letters mentioned above. This particular strain is commonly known as the Ames strain of *Bacillus anthracis*.

Law enforcement officials have spoken to biological experts who have knowledge and training in the field of infectious diseases including anthrax. According to these individuals quantities of *Bacillus anthracis* can be produced in a scientific laboratory, such as those found at universities, military research facilities, or other research institutions. Culturing anthrax and working safely with dried anthrax spores requires specific training and expertise in technical fields such as biochemistry or microbiology. It also requires particular laboratory equipment such as a lyophilizer or other drying device, biological safety cabinet or other containment device, incubator, centrifuge, fermentor, and various personal protective gear, described more fully in the Attachment to this affidavit.

Determination of Origin of Anthrax Contained in 2001 Mailings

The mail attacks are believed to have occurred on two separate occasions, which are delineated by the postmark dates of the recovered letters. Letters used in the first attack were postmarked on 09/18/2001 and were focused to media establishments located in the New York

area. Three weeks later, letters postmarked 10/09/2001 were sent to two U.S. Senators in Washington, DC.

In order to fully characterize the threat letters and their contents, the Task Force has conducted numerous physical (phenotypic) and genetic (genotypic) analyses. Physical comparison of the spore powders taken from the *Post* and Brokaw letters versus the Senator Leahy and Senator Daschle letters reveals obvious differences. The spore powders recovered from the *Post* and Brokaw letters were granular and multicolored in consistency, while the Senator Leahy and Senator Daschle letters contained fine spore powders that were uniform in color.

Microscopic examination of the evidentiary spore powders recovered from all four letters identified an elemental signature of Silicon within the spores. This Silicon signature had not been previously described for *Bacillus anthracis* organisms.

Genetic Analysis of the Anthrax Used in the Attacks

Upon visual inspection of the *Bacillus anthracis* organisms used in the mail attacks, researchers have discovered numerous phenotypic variations, which distinguish it from the original Ames anthrax isolated in 1981, which is the earliest known sample. The phenotypic variations were identified as differences in morphology (i.e. shape, color, texture) from the original Ames anthrax. Changes in morphology can be attributed to individual genetic mutations within the *Bacillus anthracis* DNA. As a whole, the collection of all of the genetic mutations found in the anthrax used in the 2001 mailings, serve to provide a "DNA fingerprint" which can, and has been used to investigate other Ames isolates collected from laboratories possessing the Ames strain. Four individual, highly sensitive, and specific molecular assays capable of detecting four of the genetic mutations discovered in the *Bacillus anthracis* used in the mail attacks have been developed and validated.

Following the mailings, sixteen domestic government, commercial, and university laboratories that had virulent Ames strain *Bacillus anthracis* in their inventories prior to the attacks were identified. [redacted] received Ames strain *Bacillus anthracis* isolates or samples from all sixteen domestic laboratories, as well as, from laboratories in Canada, Sweden, and the United Kingdom. All total, the Task Force has obtained more than 1000 isolates of the Ames strain of *Bacillus anthracis* from these laboratories and archived these isolates in the FBI *Bacillus anthracis* Repository (hereinafter "FBIR").

The four aforementioned molecular assays have been applied to each of the more than 1000 *Bacillus anthracis* samples contained within the FBIR. Of the more than 1000 FBIR samples, only eight were determined to contain all four genetic mutations.

The Task Force investigation has determined that each of the eight isolates in the FBIR is directly related to a single *Bacillus anthracis* Ames strain spore batch, identified as RMR-1029.

RMR-1029 was stored in the B3 biocontainment suite within Building 1425 of the United States Army Medical Institute of Infectious Diseases (USAMRIID), Fort Detrick, Maryland. Access to the suite is afforded only to those personnel who are approved by the USAMRIID Security, Safety, and Special Immunizations Program to have the required background check, training, and medical protection (vaccination or personal protective equipment (PPE)). Dr. Bruce Ivins has unrestricted access to the suite and has been the sole custodian of RMR-1029 since it was first grown in 1997.

Bacterial contaminant found in attack letters

Both of the anthrax spore powders recovered from the *Post* and Brokaw letters contain low levels of a bacterial contaminant identified as a strain of *Bacillus subtilis*. The *Bacillus subtilis* contaminant has not been detected in the anthrax spore powders recovered from the envelopes mailed to either Senator Leahy or Senator Daschle. *Bacillus subtilis* is a non-pathogenic bacterium found ubiquitously in the environment. However, genomic DNA sequencing of the specific isolate of *Bacillus subtilis* discovered within the *Post* and Brokaw powders reveals that it is genetically distinct from other known isolates of *Bacillus subtilis*. Analysis of the *Bacillus subtilis* from the *Post* and Brokaw envelopes revealed that these two isolates are identical.

Phenotypic and genotypic analyses demonstrate that the RMR-1029 does not have the *Bacillus subtilis* contaminant found in the evidentiary spore powders, which suggests that the anthrax used in the letter attacks was grown from the material contained in RMR-1029 and not taken directly from the flask and placed in the envelopes. Since RMR-1029 is the genetic parent to the evidentiary spore powders, and it is not known how the *Bacillus subtilis* contaminant came to be in the *Post* and Brokaw spore powders, the contaminant must have been introduced during the production of the *Post* and Brokaw spores. Taken together, the postmark dates, the Silicon signature, the *Bacillus subtilis* contaminant, the phenotypic, and the genotypic comparisons, it can be concluded that, on at least two separate occasions, a sample of RMR-1029 was used to grow spores, dried to a powder, packaged in an envelope with a threat letter, and mailed to the victims.[1]

Envelopes used in the anthrax attacks

In the 2001 anthrax attacks, four envelopes were recovered. The four envelopes were all 6 ¾ inch federal eagle envelopes. The "federal eagle" designation is derived from the postage frank in the upper right-hand corner on the envelope which consists of the image of an eagle perched on a bar bearing the initials "USA." Underneath the lettering is the number "34," which denotes the postage value of 34¢. The eagle, lettering, and denomination are referred to as the

[1] As the Court may recall from its review, during the course of this six year investigation, the Task Force has from time to time obtained search warrants, supported by affidavits establishing probable cause, for the residences and vehicles of other individuals who have come under investigative scrutiny in the case, e.g. [redacted] All prior searches in this investigation were conducted before the Task Force developed the genetic assays that led to the identification of RMR 1029 at USAMRIID as the genetic parent of the anthrax used in the 2001 letter attacks.

indicia. The eagle and the bar are stamped in blue ink, while the denomination is stamped in grey ink. Approximately 45 million Federal eagle 6 ¾" envelopes were manufactured by Westvaco Corporation (now known as MeadWestvaco Corporation) of Williamsburg, Pennsylvania, between December 6, 2000 and March 2002. These Federal eagle 6 ¾" envelopes were manufactured exclusively for and sold solely by the U.S. Postal Service between January 8, 2001 and June 2002.

Subsequent to the attacks, an effort was made to collect all such envelopes for possible forensic examination, including the identification of defects that occur during the envelope manufacturing process. As a result of this collection, envelopes with printing defects identical to printing defects identified on the envelopes utilized in the anthrax attacks during the fall of 2001 were collected from the Fairfax Main post office in Fairfax, Virginia and the Cumberland and Elkton post offices in Maryland. The Fairfax Main, Cumberland, Maryland, and Elkton, Maryland post offices are supplied by the Dulles Stamp Distribution Office (SDO), located in Dulles, Virginia. The Dulles SDO distributed "federal eagle" envelopes to post offices throughout Maryland and Virginia. Given that the printing defects identified on the envelopes used in the attacks are transient, thereby being present on only a small population of the federal eagle envelopes produced, and that envelopes with identical printing defects to those identified on the envelopes used in the attacks were recovered from post offices serviced by the Dulles SDO, it is reasonable to conclude that the federal eagle envelopes utilized in the attacks were purchased from a post office in Maryland or Virginia.

Of the sixteen domestic government, commercial, and university laboratories that had virulent RMR-1029 Ames strain *Bacillus anthracis* material in their inventory prior to the attacks, only one lab was located in Maryland or Virginia, where the relevant federal eagle envelopes were distributed and sold by the U.S. Postal Service: the USAMRIID facility at Fort Detrick, MD.

Tape, Ink, and Fiber Trace Evidence

All four of the envelopes containing these letters were taped along the seams with transparent tape. Due to striation patterns placed on transparent tape as part of the manufacturing process, it is sometimes possible to match a piece of suspect tape with the tape roll from which it originated. According to FBI Laboratory experts, the envelopes were addressed with a pen which dispenses fluid-like ink, rather than the ink typically found in a ball point pen. Due to the distinguishing characteristics of ink, which vary by manufacturer, it is sometimes possible to match ink writing with the pen or brand of pen used to apply it. Forensic analysis of the tape attached to the four envelopes has identified eight different types of fiber attached to the tape: black cotton, black wool, black nylon, brown polyester, blue wool, yellow acrylic, red cotton, and red acrylic.

Identification of Collection Box at 10 Nassau Street

Information gathered to date suggests that all of the lethal anthrax letters were mailed from a single street collection box located at 10 Nassau Street, in Princeton, New Jersey. The letters were postmarked on either September 18, 2001 or October 9, 2001 at the same Hamilton

Township Regional Postal Facility in Hamilton, New Jersey. The collection box on Nassau Street was identified through forensic biological swabbing of every U.S. Postal Service drop box that collects mail to be processed at the Hamilton facility. Further forensic examination of the contaminated mailbox recovered a number of Caucasian human hairs from inside the box, which are suitable for comparison.

Dr. Bruce Edwards Ivins

Dr. Bruce Edwards Ivins is a senior microbiologist who has worked for 27 years in the Bacteriology Division at USAMRIID. The Task Force investigation has revealed that Dr. Ivins is considered an expert in the growth, sporulation, and purification of *Bacillus anthracis*. Dr. Ivins obtained a Bachelor of Science degree in Bacteriology in 1968, a Master of Science degree in Microbiology in 1971, and a Doctorate of Philosophy (Ph.D.) degree in Microbiology in 1976, all from the University of Cincinnati. Dr. Ivins then completed a two year Post-doctoral Fellowship at the University of North Carolina (UNC), Chapel Hill.

A review of USAMRIID records, laboratory notebooks, written protocols, and professional publications has shown that Dr. Ivins has worked with *Bacillus anthracis* at USAMRIID since 1980. He has personally conducted and supervised Ames anthrax spore productions for over two decades. At the time of the anthrax mailings, Dr. Ivins possessed extensive knowledge of various anthrax production protocols. Dr. Ivins was adept at manipulating anthrax production and purification variables to maximize sporulation and improve the quality of anthrax spore preparations. He also understood anthrax aerosolization dosage rates and the importance of purity, consistency, and spore particle size due to his responsibility for providing liquid anthrax spore preparations for animal aerosol challenges. Dr. Ivins produced large batches of *Bacillus anthracis* which were required for such challenges - tests in which vaccinated animals inhale pre-defined doses of anthrax spores to assess the efficacy of the anthrax vaccine.

Dr. Ivins's 20 years of working in the laboratories of USAMRIID provided him personal, hands-on laboratory experience in the production of liquid spore preparations of *Bacillus anthracis*. He has used lyophilizers, biological safety cabinets, incubators, and centrifuges in vaccine research. Such devices are considered essential for the production of the highly purified, powdered anthrax used in the Fall 2001 mailings. Dr. Ivins was also very experienced in conducting laboratory work in a containment area, and well versed in decontamination procedures specifically for *Bacillus anthracis*. Dr. Ivins's employment at USAMRIID also provided protection against anthrax infection at the time of the mailings due to his extensive and current anthrax vaccination history.

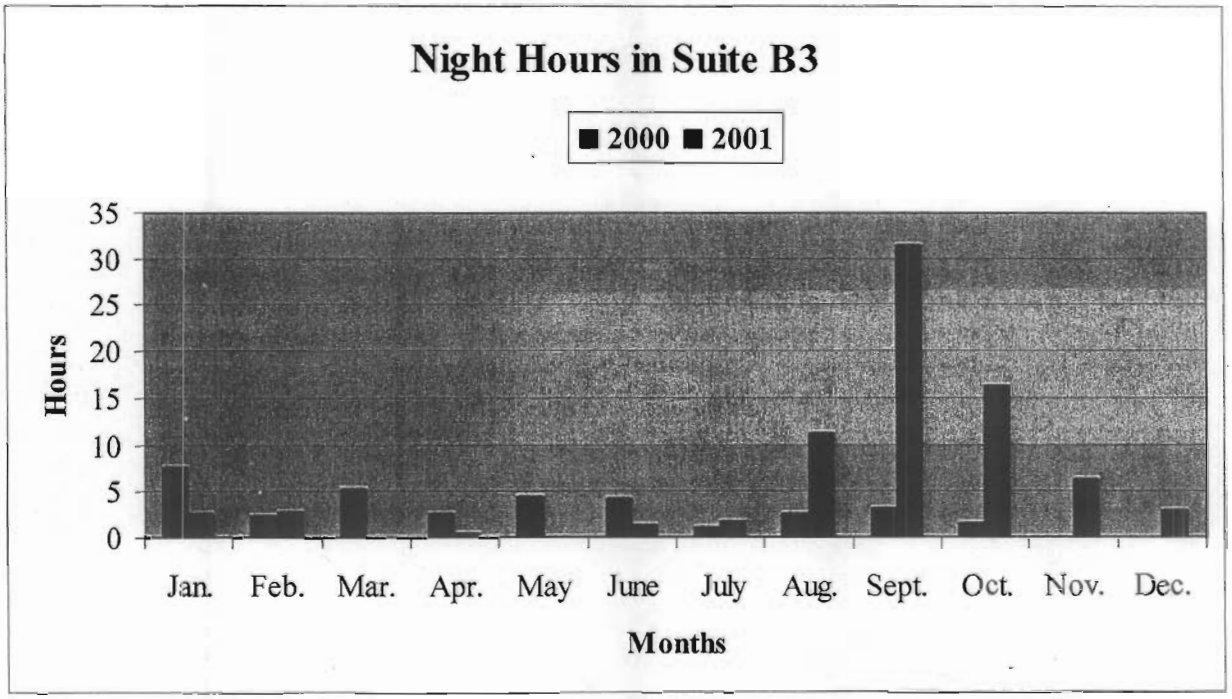
Unexplained late night laboratory access

USAMRIID containment Suite B3 is a Biological Safety Level-3 (BSL-3) suite of laboratories used by USAMRIID Bacteriology personnel for research on dangerous animal and human pathogens. The flask identified as RMR-1029 was stored in Suite B3 at the time of the letter attacks. Suite access is obtained via a Security Access Control (SAC) badge reader at the

door to the cold-side change room, which is secured by a magnetic-lock. A central security system monitors and records a time stamp for each SAC badge and keypad request.

A review of Dr. Ivins's laboratory access records for Building 1425 was assessed to determine trends in working hours and evening times (after 6 p.m.) spent in Suite B3. His regular working hours on average consisted of a 7:30 a.m. to 4:45 p.m. shift, but he would periodically return in the evenings, presumably to check on the status of various experiments. Beginning in mid-August 2001; however, there was a noticeable spike in Dr. Ivins's evening access to the B3 hot Suite.

The following depicts the comparison of Dr. Ivins's total hours spent at night, after 6 p.m., in Suite B3 during the years 2000 and 2001:



The investigation examined Dr. Ivins's laboratory activity immediately before and after the window of opportunity for the mailing of the *Post* and Brokaw letters to New York which began at 5:00 p.m. Monday, September 17, 2001 and ended at noon on Tuesday, September 18, 2001. Beginning on Friday, September 14, Dr. Ivins worked the following three consecutive evening shifts prior to the mailings with time spent in Suite B3:

Day	Date	Time in Building 1425	Total Time in B3
Friday	September 14	8:54 p.m. to 12:22 a.m.	2 hours 15 minutes
Saturday	September 15	8:05 p.m. to 11:59 p.m.	2 hours 15 minutes
Sunday	September 16	6:38 p.m. to 9:52 p.m.	2 hours 15 minutes

After September 16, Dr. Ivins did not enter Suite B3 in the evening again until September 25.

The investigation further examined Dr. Ivins's laboratory activity before and after the window of opportunity for the mailing of the Daschle and Leahy letters to Washington, D.C. which began 3:00 p.m. Saturday, October 6, 2001, and ended at noon on Tuesday, October 9, 2001. Beginning on September 28, Dr. Ivins worked eight consecutive nights which consisted of the following times in building 1425 with time spent in Suite B3:

Day	Date	Time in Building 1425	Total Time in B3
Friday	September 28	7:16 p.m. to 10:59 p.m.	1 hour 42 minutes
Saturday	September 29	8:02 p.m. to 11:18 p.m.	1 hour 20 minutes
Sunday	September 30	9:53 p.m. to 12:04 a.m.	1 hour 18 minutes
Monday	October 1	9:14 p.m. to 10:43 p.m.	20 minutes
Tuesday	October 2	7:24 p.m. to 9:39 p.m.	23 minutes
Wednesday	October 3	7:25 p.m. to 10:55 p.m.	2 hours 59 minutes
Thursday	October 4	6:10 p.m. to 10:12 p.m.	3 hours 33 minutes
Friday	October 5	7:40 p.m. to 12:43 a.m.	3 hours 42 minutes

After October 5, Dr. Ivins did not enter Suite B3 in the evening again until October 9, for 15 minutes, and then October 14, for 1 hour and 26 minutes.

The investigation has also analyzed the daily schedules, work areas accessed, and the number of hours worked per week of all other researchers assigned to the Bacteriology Division who had access to Suite B3 during the months of September and October 2001. When these records are compared to Dr. Ivins for the same period, Dr. Ivins's habits are significantly different than those of the other researchers, in that he was frequently in Suite B3, where RMR-1029 was kept, late at night and on weekends when no other researchers were present in Suite B3. Additionally, while Dr. Ivins was in Suite B3 at night, no other USAMRIID employee was present.

On March 31, 2005, Dr. Ivins was asked by Task Force investigators about his access to B3 and could provide no legitimate reason for the extended hours, other than "home was not good" and he went there "to escape" from his life at home. A review of Dr. Ivins's and co-workers's laboratory notebooks and projects at the times in question was conducted. The investigation determined that Dr. Ivins's role in the experiments were minimal, and did not justify the time he spent in B3. Dr. Ivins has admitted to investigators that the research he was conducting in 2001 did not require, and does not explain, his late night hours in the B-3 laboratory around the time period of the anthrax mailings.

Since producing anthrax spore preparations was one of Dr. Ivins's principal responsibilities at USAMRIID, he had multiple and unfettered opportunities to produce or divert Ames strain spores for illegitimate purposes. His access to Suite B3 and USAMRIID afforded all of the equipment and containment facilities which would have been needed to prepare the anthrax and letters used in the Fall 2001 attacks.

Failure to cooperate in providing laboratory samples

[redacted]

[redacted] Dr. Ivins provided two sets of samples of Ames anthrax to the FBI which he represented to the FBI were drawn from RMR-1029. In the first submission in February 2002, Dr. Ivins failed to follow the protocol [redacted]. Dr. Ivins was subsequently notified that the February 2002 samples were unusable due to his failure to follow the protocol. A second set of samples, labeled "Dugway Ames spores – 1997" was provided to the FBIR by Dr. Ivins in April of 2002. Dr. Ivins declares that he uses the terms "Dugway Ames spores – 1997" and RMR-1029 interchangeably, as they are the same flask of material. Both of the April RMR-1029 samples were submitted for genetic testing and found to be negative for the presence of the four mutations found in the anthrax used in the attacks.

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 [redacted] response. Dr. Ivins submitted slants prepared from the newly identified samples to the FBIR 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.

On June 17, 2004, RMR-1029 and the additional Ames samples were submitted to the FBIR, by the NMRC, under the direction of the FBI. Samples of these FBIR submission were sent to the same contracting laboratories for genetic testing. The sample labeled RMR-1029 tested positive for all four genetic markers, therefore, manifesting the genetic characteristics common to the evidence.

On March 31, 2005, Dr. Ivins was informed that the slants of RMR-1029 material, he provided to the FBIR on April 10, 2002 [redacted] were found to be genetically distinct from the anthrax contained in the attack letters, and from the anthrax material recovered by the FBI from the RMR-1029 flask seized from Dr. Ivins' lab on April 7, 2004. Dr. Ivins was confronted with this and was asked to explain why he did not submit the genetically positive sample which was clearly responsive [redacted] Dr. Ivins was adamant in his response that there had been no omission from his [redacted] submission, and he insisted that he had provided RMR-1029 to the FBI in his second submission of samples in April 2002.

Knowledge that his stock of anthrax matched the anthrax used in the attack

On March 31, 2005, when Dr. Ivins was informed by FBI agents that RMR-1029 shared genetic similarities with the Ames strain used in the mailings, he indicated that he was already aware of this information. Dr. Ivins explained that many months to a year ago, FBI Special Agent Darin Steele told him that RMR-1029 matched the evidence.

SA Steele denied having the conversation described by Dr. Ivins above. As indicated in previous paragraphs, the RMR-1029 submission provided by Dr. Ivins in April 2002 did not match genetically or phenotypically. Therefore, neither SA Steele nor any other member of the Task Force could make a comparison between the Ames strain used in the mailing and RMR 1029, until after the June 17, 2004 submission and subsequent laboratory analysis.

When interviewed again on May 7, 2007, Dr. Ivins told investigators that, within three months after the letter attacks, he was aware that his stock of anthrax, RMR-1029, exhibited unique morphological similarities to the anthrax used in the attacks, and that he allegedly learned this information from three coworkers at USAMRIID who participated in the forensic analysis of the anthrax in the letters. Each of those three coworkers was interviewed by the Task Force, and deny disclosing such information to Dr. Ivins.

Over the course of this investigation, Dr. Ivins has been repeatedly interviewed and had open access to the law enforcement personnel responsible for investigating the anthrax attacks. During none of these interactions, did Dr. Ivins ever indicate he had knowledge that RMR-1029 had phenotypic similarities to the material used in the anthrax attacks, nor did he suggest that investigators analyze RMR-1029. To the contrary, Dr. Ivins repeatedly claimed that the anthrax used in the attacks resembled that of another researcher at USAMRIID and were dissimilar to the *Bacillus anthracis* Ames organisms maintained in his laboratory, which included RMR-1029.

Mental health issues and possible motive

The investigation has shown that in 2000 and through the mailings in 2001, Dr. Ivins had mental health issues. Dr. Ivins's mental health issues came to the attention of investigators while reviewing e-mails of USAMRIID researchers. Through the e-mails it was determined that Dr. Ivins was undergoing significant stress in both his home and work life. The mental health issues and stress were significant to the extent that Dr. Ivins sought professional help from a psychiatrist and was immediately prescribed medication that started in February 2000.

The following are excerpts from e-mails dated April 2000 through December 2001, from Dr. Ivins to a friend regarding work, home, state of mental health, and use of medication (emphasis are as they appeared in the e-mails):

> April 3, 2000, "Occasionally I get this tingling that goes down both arms. At the same time I get a bit dizzy and get this unidentifiable "metallic" taste in my mouth. (I'm not trying to be funny, [redacted]. It actually scares me a bit.) Other times it's like I'm not only sitting at my desk doing work, I'm also a few feet away

watching me do it. There's nothing like living in both the first person singular AND the third person singular!"

June 27, 2000, "Even with the Celexa and the counseling, the depression episodes still come and go. That's unpleasant enough. What is REALLY scary is the paranoia . . . .Remember when I told you about the "metallic" taste in my mouth that I got periodically? It's when I get these "paranoid" episodes. Of course I regret them thoroughly when they are over, but when I'm going through them, it's as if I'm on a passenger on a ride. . . . Ominously, a lot of the feelings of isolation - and desolation - that I went through before college are returning. I don't want to relive those years again. . . . I've been seeing the counselor once a week."

June 28, 2000, "Apparently Gore (and maybe even Bush) is considering making the anthrax vaccine for the military voluntary, or even stopping the program. Unfortunately, since the BioPort people aren't scientists, the task of solving their problem has fallen on us. . . . . Believe me, with all the stress of home and work, your email letters to me are valuable beyond what you would ever imagine – and they help me keep my sanity…."

June 29, 2000, "BioPort just tested its final lot of AVA [anthrax vaccine] in a potency test. If it doesn't pass, then there are no more lots to test, and the program will come to a halt. That's bad for everyone concerned, including us. I'm sure that blame will be spread around."

July 4, 2000, "The thinking now by the psychiatrist and counselor is that my symptoms may not be those of a depression or bipolar disorder, they may be that of a "Paranoid Personality Disorder."

July 6, 2000, [redacted] I think the **** is about to hit the fan…bigtime. The final lot of AVA, lot 22, isn't passing the potency test, and now there's nothing to back it up. Plus, the control vaccine isn't working. It's just a fine mess. [redacted] are spending probably 95% of our time on this."

July 7, 2000, in an e-mail, Dr. Ivins offered to be interviewed as a case study, as long as it remained anonymous. Dr. Ivins indicated that he did not want to see a headline in the *National Enquirer* that read, "PARANOID MAN WORKS WITH DEADLY ANTHRAX!!!"

July 23, 2000, "It's been a really stressful week, from all stand points. Home, work, and it's not going well with the counselor I'm going to. (She said she thinks [redacted] I'm going to have to ask to get put with another counselor or into a group session. . . . Sometimes I think that it's all just too much."

August 12, 2000, "Last Saturday, as you probably guessed from my email, was one of my worst days in months. I wish I could control the thoughts in my mind. It's hard enough sometimes controlling my behavior. When I'm being eaten alive inside, I always try to put on a good front here at work and at home, so I don't spread the pestilence. . . .I get incredible paranoid, delusional thoughts at times, and there's nothing I can do until they go away, either by themselves or with drugs."

August 29, 2000, [redacted]are 10% of the Bacteriology Division. If we quit, the anthrax program and BioPort would go down the drain. I'm not boasting, [redacted], but the three of us have a combined total of 52 years of research experience with anthrax. You just can't go out and find someone like [redacted] with their knowledge, skill and abilities. Ain't gonna happen."

March 4, 2001, "The people in my group just don't pick up on what I try to say. They are not into the kinds of problems I bring up, so it's hard for them to deal with them. The psychiatrist is helpful only because he prescribes the Celexa. He's not that easy to talk to, and he doesn't really pick up on my problems. The woman I saw before I went into group wanted to get me put in jail. That wasn't very helpful either. I'm down to a point where there are some things that are eating away that I feel I can't tell ANYONE. . . ."

September 7, 2001, "I was taken off the Special Immunization Program because of what happened last spring, and I've just gotten back on it, getting my anthrax and Yellow fever shots. We are currently finishing up the last of the AVA, and when that is gone, there's nothing to replace it with. I don't know what will happen to the research programs and hot suite work until we get a new lot. There are no approved lots currently available at BioPort. . . [redacted]has been having us have biweekly meetings on the rPA vaccine progress, and on August 29 I went to the Pentagon – first time there – to go to a meeting in his place on the vaccine. There is a real bag of worms with a new lot of rPA produced by the BDP (a private company) for NCI, who is under contract to USAMRIID. BDP signed a sub-contract with to produce the rPA for a human use vaccine Phase I trial. They were paid and they produced it. Now they are refusing to release it unless the Army pays some incredible sum of money for lawsuit indemnification (about $200,000 per year for the next 50 years). The Army refuses to do that of course, and everything is in Limbo."

September 15, 2001, "I am incredibly sad and angry at what happened, now that it has sunk in. Sad for all of the victims, their families, their friends. And angry. Very angry. Angry at those who did this, who support them, who coddle them, and who excuse them."

September 26, 2001, "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]

In that same September 26, 2001 email, Dr. Ivins states "Osama Bin Laden has just decreed death to all Jews and all Americans" -- language similar to the text of the anthrax letters postmarked two weeks later warning "DEATH TO AMERICA," "DEATH TO ISRAEL."

On October 16, 2001, in an e-mail, Dr. Ivins's coworker communicated the following to a former coworker, "Bruce has been an absolute manic basket case the last few days."

December 15, 2001, "I made up some poems about having two people in one (me + the person in my dreams): . . .

I'm a little dream-self, short and stout.
I'm the other half of Bruce - when he lets me out.
When I get all steamed up, I don't pout.
I push Bruce aside, them I'm Free to run about!

Hickory dickory Doc - Doc Bruce ran up the clock.
But something then happened in very strange rhythm.
His other self went and exchanged places with him.
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 investigation has revealed that Dr. Ivins was prescribed various psychotropic medications including antidepressants, antipsychotics, and anti-anxiety, for his mental health issues from 2000 through 2006.

On July 18, 2007, a forensic psychiatrist completed a detailed review of Dr. Ivins insurance billing records for medical appointments and prescriptions. Additionally, this psychiatrist was provided with an overview of Dr. Ivins's social habits, interests, and obsessions. The forensic psychiatrist stated that based on his experience, if Dr. Ivins was the mailer, it is quite possible that Dr. Ivins retained some kind of souvenir or references to the mailing events.

Controversy concerning the anthrax vaccine

Beginning shortly after the first Gulf War and through 2001, USAMRIID and Dr. Ivins was the focus of public criticism concerning their introduction of a squalene adjuvant (or additive) to the AVA anthrax vaccine, which was blamed for the Gulf War Syndrome. In 2000 and 2001, as evident by the e-mails above, that same anthrax vaccine was having problems in the production phase at Bioport, a private company in Michigan responsible for manufacturing the vaccine. The Food and Drug Administration (FDA) had suspended further production at Bioport, and the U.S. government, specifically the Department of Defense, was running out of approved lots of the vaccine. The situation placed pressure on select staff members at USAMRIID, including Dr. Ivins, who were part of the Anthrax Potency Integrated Product Team (IPT). The purpose of the IPT was to assist in the resolution of technical issues that was plaguing Bioport's production of approved lots of the vaccines.

In the weeks immediately prior to the attacks, Dr. Ivins became aware that an investigative journalist who worked for NBC News had submitted a Freedom of Information Act (FOIA) requests on USAMRIID seeking detailed information from Dr. Ivins's laboratory notebooks as they related to the AVA vaccine and the use of adjuvants. On August 28, 2001, Dr. Ivins appeared angry about the request providing the following response in an e-mail: "Tell Matsumoto to kiss my ass. We've got better things to do than shine his shoes and pee on command. He's gotten everything from me he will get."

In early 2002, shortly after the anthrax letter attacks, the FDA re-approved the AVA vaccine for human use, production at Bioport resumed, and anthrax research at USAMRIID continued without interruption. As mentioned previously, one of the anthrax letters post marked on September 18, 2001, was addressed to Tom Brokaw, NBC News in New York. Dr. Ivins thereafter received "the highest honor given to Defense Department civilians at a Pentagon ceremony on March 14, 2003" for his work in "getting the anthrax vaccine back into production."

Use of false names and fascination with sorority group linked to location of anthrax mailings

The investigation has shown that over the past twenty-four years, Dr. Ivins was known to have utilized at least two Post Office Boxes to communicate with members of the public, to pursue obsessions, and possibly engage in the unauthorized use of another person's name. The use of the P.O. Boxes is significant because the post office where Dr. Ivins frequented and maintained a P.O. Box, College Estates Station, Frederick, Maryland 21702, was serviced by the Frederick Main post office, Frederick, Maryland 21701. Analysis of the USPS shipping records indicate the Frederick Main received 1000 6 3/4" Federal Eagle banded envelopes on the same day as post offices known to have received envelopes with identical print defects as those seen on the envelopes used in the mailings.

On May 14, 2007, [redacted] identified four communications that it had previously received from Dr. Ivins. [redacted] does not personally know Dr. Ivins but has repeatedly corresponded with him by mail]. In Dr. Ivins's first letter to [redacted] dated May 8, 1982, he used the return address of P.O. Box 1265, Frederick, Maryland 21702. In the letters, Dr. Ivins expressed his support to

[redacted] work and an interest in sorority hazing. One of the sororities with which he expressed an interest was identified as Kappa Kappa Gamma (KKG). In a letter to [redacted] dated [redacted] Dr. Ivins enclosed a "letter to the editor" of [redacted] dated [redacted] justifying the practice of hazing by it's sorority, (KKG).

On July 9, 2007, the Post Office Box application (PS Form 1093) at the College Estates Station, Frederick, Maryland 21702, for P.O. Box 1103, in the name of Bruce E. Ivins was obtained. A review of the application card revealed that Dr. Ivins rented P.O. Box 1103 on November 12, 1993, providing a military identification and using his Maryland Motor Vehicle Administration Drivers License, I-152-098-188-301 as proof of identification. Dr. Ivins provided an address of [redacted] Frederick, MD 21702 and telephone numbers of [redacted] and [redacted] Also listed on the P.O. Box application card to receive mail [redacted] The last payment on the P.O. Box was made on November 13, 2004. A review of Change of Address records revealed that P.O. Box 1103 was closed on December 30, 2005 and no forwarding address was provided.

On July 30, 2007, [redacted] was interviewed regarding P.O. Box 1103. [redacted] does not personally know Dr. Ivins but has historically been familiar with his name [redacted] was shown the P.O. Box application and stated that it had never rented a P.O. Box anywhere and had never met, nor had any social or professional association with a Dr. Ivins. However, [redacted] recognized the name Bruce Ivins because [redacted] had previously mentioned his name. [redacted] indicated to [redacted] that Dr. Ivins harassed it in the past, and believed that [redacted] was frightened of Dr. Ivins, resulting from unspecified incidents that occurred prior to [redacted] meeting [redacted] also recalled a vandalism incident that occurred in the months prior to leaving the Maryland area with [redacted] They had awoken one morning in their [redacted] apartment to find Greek letters spray painted on the fence, sidewalk, and vehicle outside their apartment.

A copy of the [redacted] Police Report, [redacted] was obtained from the Records Division and provided the following information:

On the morning of [redacted] filed a report of vandalism with the [redacted] Police Department. [redacted] advised that between 2330 and 0830 hours, unknown subject(s) sprayed the Greek symbols for KKG on its front fence, three (3) areas of sidewalk adjacent to its residence, and on the rear window of its 1981 Honda Accord. [redacted] advised that [redacted] was a member of the sorority KKG in North Carolina four (4) years ago.

This incident is significant because Dr. Ivins's first [redacted] address, after completing his Post Doctoral Fellowship at the UNC, Chapel Hill in 1978 and prior to moving to Frederick in the 1980s, [redacted] the same town home community that [redacted] resided and experienced the case of KKG related vandalism before moving out of the state in 1983.

On April 5, 2007, [redacted] recalled that Dr. Ivins had told it that he had maintained a P.O. Box for the purpose of corresponding with individuals who had responded to advertisements Dr. Ivins had placed in possibly a newspaper or magazine. [redacted] Dr. Ivins told [redacted] that he advertised that he possessed a KKG sorority handbook which contained cherished information solely reserved for KKG members. CW-4 believed that Dr. Ivins was advertising that he had access to privileged information and would be willing to share the secrets with those responding to the advertisements. Dr. Ivins admitted to CW-4 that he had broken into a KKG sorority house to steal a secret KKG handbook. CW-4 believed that Dr. Ivins had committed this alleged crime during his Post Doctorate Fellowship at the UNC, Chapel Hill.

Dr. Ivins provided CW-4 one of his alternate e-mail addresses as goldenphoenix111@hotmail.com. A search of the internet for postings under goldenphoenix111 identified the following posting dated February 20, 2007, on a website at www.abovetopesecret.com:

> "Wildswan, you are quite right about what you said about KKG. If people look hard enough and dig hard enough, have friends, relatives, perhaps financial resources, etc., then they can pretty much find out about whatever GLO they want. Kappas are noted for being lovely, highly intelligent campus leaders. Unfortunately, they labeled me as an enemy decades ago, and I can only abide by their "Fatwah" on me. I like individual Kappas enormously, and love being around them. I never choose an enemy, but they've been after me since the 1960s, and REALLY after me since the late 1970s. At one time in my life, I knew more about KKG than any non-Kappa that had ever lived. Unfortunately I've forgotten a lot. I've read the history of KKG that was written several decades ago about its founding. Question for you: Did your chapter use the combined service, or did you separate your services into the "RedRoom and WhiteRoom"? did you use special blue or white blindfolds? You can reach me at goldenphoenix111@hotmail.com ...as a phoenix rises from its ashes..."

This posting is significant in that in his own words, Dr. Ivins defines the depths of his obsession and knowledge in the sorority KKG. Additionally, as previously described above, the letters used in the 2001 anthrax mailings were mailed from a blue collection box located at 10 Nassau Street, Princeton, New Jersey. The sorority, KKG, has an office at 20 Nassau Street, Princeton, New Jersey, located on the same side of the street and 60 feet to the right from the blue collection box.

Connection to "4th Grade, Greendale School"

The investigation into the fictitious return address on envelopes used for the second round of anthrax mailings, "4th GRADE," "GREENDALE SCHOOL," has established a possible link to the American Family Association (AFA) headquartered in Tupelo, Mississippi. In October 1999, AFA, a Christian organization, published an article entitled *"AFA takes Wisconsin to court."* The article describes a lawsuit filed in federal court, by the AFA Center for Law and Policy (CLP), on behalf of the parents of students at Greendale Baptist Academy. The article focuses on an incident that occurred on December 16, 1998, in which case workers of the Wisconsin Department of Human Services went to the Greendale Baptist Academy in order to interview a fourth-grade student. The case workers, acting on an anonymous tip that Greendale Baptist Academy administered corporal punishment as part of its discipline policy, did not disclose to the staff why they wanted to interview the student. The case workers interviewed the student in the absence of the student's parents and informed the school staff that the parents were not to be contacted. The AFA CLP filed suit against the Wisconsin Department of Human Services, citing a violation of the parents' Fourth Amendment rights.

[redacted] donations were made to the AFA in the name of "Mr. and Mrs. Bruce Ivins" on eleven separate occasions beginning on December 31, 1993. After an approximate two year break in donations, the next donation occurred on November 11, 1999, one month after the initial article referencing Greendale Baptist Academy was published in the AFA Journal. It was also discovered that the subscription to the AFA Journal, in the name of "Mr. & Mrs. Bruce Ivins," at [redacted] Frederick, Maryland 21702, was active until March 2005.

Frustrations with Members of the United States Senate

The investigation has shown that Dr. Ivins and his wife, [redacted] are practicing Catholics. Their children are graduates of Saint John's at Prospect Hall Catholic High School located in Frederick, Maryland. In an e-mail dated, September 26, 2001, Dr. Ivins states that both he and [redacted] are actively involved in the church choir. On July 10, 2002, in an e-mail to a friend, Dr. Ivins identified his wife, [redacted] as the President of the Frederick County Right to Life, as well as having connections to many other pro-life/anti-abortion groups. Dr. Ivins later states in the same e-mail, "I'm not pro-abortion, I'm pro-life, but I want my position to be one consistent with a Christian."

In 2001, members of the Catholic pro-life movement were known to be highly critical of Catholic Congressional members who voted pro-choice in opposition to the beliefs of the Catholic Church. Two of the more prominent members of Congress who fell in this category were Senator Tom Daschle, then Senate Majority Leader; and Senator Patrick Leahy, Chairman of the Senate Judiciary Committee, both recipients of the 2001 anthrax mailings. In a September/October 2001 newsletter from the organization Right to Life of Greater Cincinnati, Senator Leahy and Senator Daschle were featured in an article entitled: *Pro-Abortion "Catholic" Senators?*, wherein a statement declares that these men should no longer be labeled Catholic and should be excommunicated for aiding and abetting abortion. During Task Force interviews, 12

staff members related that Senator Leahy is pro-choice on the issue of abortion. Three staff members stated that Senator Leahy was on a pro-life "hit list" because of his stance on abortion.

On September 26, 2001, in an e-mail to a friend, Dr. Ivins writes "The news media has been saying that some members of Congress and members of the ACLU oppose many of the Justice Department proposals for combating terrorism, saying that they are unconstitutional and infringe too much on civil liberties. Many people don't know it but the official ACLU position is to oppose all metal detectors in airports and schools and other public buildings. It's interesting that we may now be living in a time when our biggest threat to civil liberties and freedom doesn't come from the government but from enemies of the government. Osama Bin Laden has just decreed death to all Jews and all Americans, but I guess that doesn't mean a lot to the ACLU. Maybe I should move to Canada . . . ."

On November 17, 2001, Senator Leahy's Chief of Staff, was interviewed by Task Force investigators. The staffer stated that Senator Leahy has drawn fire from some conservative pro-life supporters. The staffer advised that Senator Leahy and Senator Daschle were seen by some members of the public as slowing the passage of the P.A.T.R.I.O.T. Act. Senator Leahy reportedly was critical of the P.A.T.R.I.O.T. Act because he believed it was too far reaching and threatened civil liberties. The staffer also related that Senator Leahy had been criticized by conservatives and Republicans for resisting the appointment of Republican appointed judicial nominees.

Bacillus Trace Evidence

Experts at the FBI's Hazardous Materials Response Unit have found that trace quantities of *Bacillus anthracis* and *Bacillus subtilus* can be detected using biological swabbing techniques similar to those used by United Nations weapons inspectors. Anthrax and Subtilus spores are like seeds, which are surrounded by a dense shell capable of enduring extreme environmental conditions and temperatures remaining dormant for decades, until such time that nutrients are again available and the organism returns to its vegetative cycle of replication. Even when the viability of an anthrax or subtilus spore is destroyed by environmental or other factors, the genetic material of the organism will remain preserved within the dense shell of the spore, and can be detected by DNA analysis using the Polymerase Chain Reaction (PCR).

The investigation to date has yielded a diverse array of items contaminated with anthrax spores from the letters, such as the previously mention mailbox at 10 Nassau Street in Princeton, New Jersey. The contaminated items tenaciously retain anthrax spores on their surfaces, even when subjected to the highs and lows of outdoor temperatures, various environmental conditions, and elements of the weather. The United States Postal Service had great difficulty cleaning the two regional postal facilities that processed the anthrax letters. Trace quantities of anthrax spores were found to persist in those facilities nearly two years after the attacks, despite repeated efforts to eliminate those spores using chlorine dioxide gas and other remediation techniques.

Taken together, it is reasonable to believe that bacillus *anthracis* and *subtilus* spores residual from the September and October 2001 mailings may still persist in trace amounts inside the home or vehicle of the person who mailed them, even six years after the crime. Regardless

of their viability, the mechanics of the spore structure protects the DNA of the organism, which can be detected using PCR techniques.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search and forensic swabbing of the Subject Residence and Subject Vehicles may result in collection of evidence relevant to the dissemination of a weapon of mass destruction (anthrax) through the U.S. mail system in September and October 2001 in violation of 18 U.S.C., Sections 2332a and 1114. Specifically, there is probable cause to believe that a search and forensic swabbing of the Subject Residence and Subject Vehicles as described in the Attachment to this affidavit, may reveal laboratory, makeshift, and dual purpose equipment, or materials, supplies, and protocols used in preparation of the deadly anthrax contained in the letters, or may recover trace amounts of the non-*anthracis Bacillus* or the powdered anthrax material remaining in the Subject Residences and Vehicles, or may recover textile fibers that match those recovered from the tape on the envelopes used in the anthrax mailings, or may recover hairs that match the Caucasian hairs recovered from inside the contaminated mail drop box in Princeton, New Jersey, or may produce papers, tape, pens, pencils, notes, books, manuals, receipts, financial records, correspondence, address books, maps, handwriting samples, photocopy devices, scanners, printers, toner or printer cartridges, photocopy exemplars, envelope bands, New Jersey addresses, global positioning devices, zip-code information, photographs, computer files, cellular phones, phone bills, electronic pager devices, other digital devices, or other documentary evidence that may link Dr. Bruce Edwards Ivins to the anthrax mailings and identify conspirators involved in the attacks.

Based upon my knowledge, training and experience, my consultations with other criminal investigators, persons engaged in criminal activity frequently store, or inadvertently deposit, these kinds of items in their homes or automobiles and leave them on the premises for many years after a crime, failing to recognize their forensic value and incriminating nature. This conclusion is supported by trash covers that have been found in material recently discarded from the house. On October 15 and October 22, 2007, trash was recovered from the front of 622 Military Road, Frederick, Maryland, including receipts from a 1995 purchase as well as other documents related to KKG sorority. In my experience, vehicles are often used to store documents, maps, receipts, and other papers related to travel that may be relevant to this investigation.

Because this affidavit is part of an ongoing investigation that would be jeopardized by premature disclosure of information, I further request that this Affidavit, the accompanying Order, and other related documents be filed under seal until further order of the Court. In light of the length of time required to perform the search described in the Affidavit, I further request the Authority to execute this warrant at any time, day or night.

10/31/07

The statements contained in this Affidavit are based in part on information provided by FBI Special Agents and U.S. Postal Inspectors, on observations made by law enforcement agents, and on my experience and background as an FBI Special Agent. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the necessary foundation for the search warrant.

THOMAS F. DELLAFERA
Postal Inspector
United States Postal Inspection Service

OCT 31 2007
Sworn to before me this
____ day of _____, 2007

U.S. MAGISTRATE JUDGE
United States District Court
for the District of Columbia

DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE

United States District Court
For the District of Columbia
A TRUE COPY
NANCY MAYER WHITTINGTON, Clerk
By _____
Deputy Clerk

ATTACHMENT TO AFFIDAVIT

The search of the Subject Property and Premises will include a physical search and forensic swabbing for the items mentioned in the text of the search warrant, including more specifically the following:

1. Any assembled or unassembled Biological Threat Agent (BTA), or trace thereof, and any BTA weapon, and/or any incendiary, radiological, nuclear, chemical or booby trap device.

2. Laboratory equipment used in the production/replication of biological threat agents including, but not limited to agar or liquid growth media, media components, anti-foaming agents, animal droppings or carcasses, autoclaves, bleach, blenders, live animals and materials for their care, cylinder of nitrogen or oxygen, soil, dimethylsulfoxide (DMSO), fermentors, grinders, home brewing kits, incubators, inoculating loops, mechanical stirrers/paint stirrers, microscopes, microwave for making homemade agar plates, mortar/pestle, milling devices, ovens, Petri dishes/improvised glass/plastic cook dishes, pipettes, pressure cookers, Q-tips, roller flasks, rubber gaskets/seals, screens, sieves, sodium hydroxide, stains/inks/dyes used to identify BTAs, sterilization equipment (Bunsen or alcohol burners/butane torches), swabs, test tubes, tissue culture flasks, virus flasks, and other materials.

3. Personal Protective Equipment/Safety Equipment including, but not limited to, biosafety hoods and cabinets (commercial or homemade), masks (surgical/dust/HEPA), exhaust vents, filters (HEPA), gloves, lab coats, mechanical fans, safety glasses/goggles, shoe covers, soap, tubing pipes, and vinegar.

4. Items used in the weaponization/delivery of biological weapons including, but not limited to pens, tape, paper, scissors, envelopes, target addresses, aerosol canisters, agricultural or garden sprayers, acetone or other drying agents, baby powder, baking powder, baking soda, boxes, commercial/industrial powders, copier toner/printer and/or toner/inks, compressed air or other gas systems, cornmeal, cornstarch, explosive, hypodermic syringes/needles, jars or flasks with gauze on top, oatmeal, powdered milk, salt/pepper, spray bottles, squirt guns, stamps, sugar, talcum powder, and other materials.

5. Documents, memoranda, notes or other writings and equipment which include but are not limited to schematics, diagrams, blueprints, surveillance equipment or its manuals and other related paperwork, receipt for purchase of items, how-to magazines, books and pamphlets which describe production, weaponization, and delivery techniques, directions, maps, diagrams, and blueprints of delivery or target locations, communication which would include but not be limited to handwritten notes and drawings, memos and photographs, which would include descriptive information such as telephone numbers, addresses, affiliations and contact points of individuals involved in a conspiracy to acquire, refine, alter, transport, and/or use a biological weapon. Note that such documentary material described herein may be in printed or electronic form such as, but not limited to, computer disks. Such computerized and other electronic material would constitute contraband, fruits, instrumentalities or evidence of the offenses enumerated herein and in the attached affidavit for search warrant.

6. Publications or other written materials evidencing knowledge of federal laws including those related to biological weapons and other weapons of mass destruction.

7. Photographs, newspapers, or magazine clippings, travel information, brochures, maps, hotel receipts, rental receipts, notes, ledgers, phone numbers, toll records, address books (which may be in printed or electronic format), hand-held electronic memo-type notebooks, scanners, commercial transportation receipts, and firearms, ammunition, firearms owners identification documents and/or permits and licenses, digital or other types of pagers and all alpha and/or numeric data/message stored therein, cellular phones, cordless telephones and their base units, caller identification units and all alpha-numeric information and data stored therein, biological weapons/agent formulas, biological weapons/agents, and/or recipes, all of which related to the construction of biological weapons, or plans to produce, conceal, or use such devices or agents or indicated possible confederates involved or possible targets of such weapons.

8. Any notes, correspondence, memoranda, writings or other documents, regardless of storage media, which relate to the production or refinement of biological weapons (including anthrax bacteria/spores), or plans to produce, conceal or use such weapons, which items concern, among other things, rental agencies, storage facilities, biological/chemical suppliers or outlets for necessary biological equipment. Examples of such writings include, but are not limited to, those that evidence biological weapons production or predisposition such as sales receipts, invoices, shipping records, literature that relates to biological weapons-making or the production of biological materials, electronic addresses of sites with biological agent/weapons-making information and stored electronic communications, computer passwords or codes, delivery devices, and material from which biological weapons can be made from related chemicals and materials.

9. Bank documents and other records and documents pertaining to the expenditure of funds for illegal activities, assets and funds used to facilitate illegal activities and assets and funds obtained from the conduct of illegal activities.

10. Cellular and telephone records.

11. Keys, records, or other information pertaining to storage facilities, safety deposit boxes or other locations where assets or contraband may be stored.

12. Books, videos, pamphlets and any other written, audio, video media advocating production, refinement, distribution of biological weapons or other acts of violence or criminality.

13. Destructive devices, weapons of mass destruction or their components or parts and any written medium pertaining to their design, use, operation, function, capabilities or other attributes.

14. Records, documents, notes, or other material indicating the use of aliases or false identities including birth certificates, driver's licenses, photographs, travel documents or passports and miscellaneous items such as permits, registrations, certificates, licenses, and badges of all types.

15. Computer hardware, computer software, computer-related documentation, computer passwords and data security devices, records, documents, photos, and materials use to communicate, both written, electronic mail, and by any other means directed either to/from subject.

a. Computer hardware is defined as any computer equipment including any electronic devices which are capable of analyzing, collecting, converting, creating, displaying, or transmitting electronic, magnetic, optical computer impulses or data. These devices include, but are not limited to, computers, computer components, computer peripherals, data-processing hardware (such as CPUs, memory typewriters, and self-contained laptop or notebook computers), encryption circuit boards, internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes and optical storage devices), peripheral input/output devices (such as keyboards, printers, scanners, plotters, and video display monitors), related communications devices (such as modems, cables and connections, recording equipment, Random Access memory (RAM) or Read-Only memory (ROM) units, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone gathering devices), as well as devices, mechanisms, or parts that can be used to restrict access to such hardware (such as physical keys and locks.)

b. Computer software is defined as any instructions or programs stored in the form of electronic, magnetic, or optical media which are capable of being interpreted by a computer or its related components. These items include, but are not limited to, operating systems, application software, utility programs, compilers, interpreters, and communications software, as well as software used to communicate with computer hardware peripherals, either directly or indirectly by telephone lines, radio, or other means of transmission. Computer software may also include certain data, data fragments, or control characters integral to the operation of the computer software.

c. Computer-related documentation is defined as any written, recorded, printed, or electronically-stored material which provides instructions or examples concerning the operating of a computer system, computer software, and/or any related device, including but not limited to, user agreements, software manuals, and operating procedure guidelines. Such documentation may also include material which explains or illustrates the configuration or use of any seized hardware, software, or related item.

d. Computer passwords and data security devices are defines as all those devices, programs, or data - whether themselves or in the nature of hardware or software - that can be used, or is designed for use to restrict access to, or facilitate concealment of, any computer hardware, software, computer-related documentation, electronic data, records, or materials within the scope of this application. These items include, but are not limited to, any data security software or information (such as test keys and encryption codes), similar information that is required to access computer programs or data or to otherwise render programs or data into usable form.

e. Records, documents, and materials, as used above, includes all the forgoing items of evidence in whatever form and by whatever means such records, documents, or material, their drafts, or their modifications may have been created or stored, including, but not limited to, any

handmade form (such writing or drawing), any photographs or negatives, any mechanical form (such as printing or typing) or any electrical, electronic, magnetic, or optical form (such as floppy diskettes, hard disks, CD-Roms, optical disks, printer buffers, smart cards, thumb drives, memory calculators, electronic dialers, or electronic notebooks), as well as printouts or readouts from any storage devices.

f. The term electronic mail is defined as any communications, including, but not limited to, the transfer of signs, signals, writing, images, sounds, data, or intelligence, previously received, transmitted, or stored, or prepared in contemplation of transmission, or any communications in the process of being received or transmitted, whether stored on any electronic media named above or held in temporary, intermediate storage incidental to transmission.

16. Any notes, correspondence, memoranda, writings, address books, documents or other materials, regardless of storage media, which establish an evidentiary link to (1) the particular envelopes and photo-copied letters used in the crime, including samples of documents photo-copied around that time period, (2) the location from which the attack letters were mailed in Princeton, New Jersey, including but not limited to materials relating to the KKG sorority associated with the particular mailbox from which the anthrax letters were sent, and any other materials linking Ivins or his family or associates to the Princeton area, (3) the return address on the envelopes used in the attacks, including any materials relating to "Greendale" schools, "4th grade", "Franklin Park," and postal zip code "08852" and zip code directories; (4) the victims to whom each of the attack letters were mailed, including but not limited to materials relating to NBC, *New York Post*, reporters Gary Matsumoto and Tom Brokaw, the *National Enquirer* and other publications of American Media Incorporated, letters to the editor, and any member of the United States Congress; (5) a possible motive to commit the attacks in 2001, including but not limited to materials relating to the anthrax vaccine, Gulf War Syndrome, bioterrorism issues, the former bio-weapon program at Ft. Detrick, the bio-defense program at USAMRIID, any vendetta against the KKG sorority or sororities in general, dislike for members of the press or members of Congress, and (6) plans or attempts to obstruct justice or otherwise mislead Task Force investigators on this case, including materials relating to the submission of false evidentiary samples, how to defeat a polygraph, the purchase or use of any electronic eavesdropping or counter-surveillance devices including computer software, spyware or other services, investigative counter-measure materials and detection devices, materials relating to the cooperating FBI sources mentioned in this affidavit, and the purchase of weapons, stun-guns, taser-guns, and ballistic vests.