UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SEALED

In the Matter of the Search of
(Name, address or brief description of person, property, or premises to be searched)

Electronic mail stored in accounts jimmyflathead [at]yahoo[dot]com and [redacted] at]yahoo[dot] com, controlled by Yahoo! Inc., 701 First Avenue, Building D, Sunnyvale, CA 94809

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

FILED
FEB 14 2008
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

CASE NUMBER: 08-084-M-01

(Further described below)

I **Marlo Arredondo** being duly sworn depose and say:

I am a(n) **Special Agent with the Federal Bureau of Investigation** and have reason to believe
(Official Title)

that (name, description and or location)
on the property or premises known as email account jimmyflathead[at]yahoo[dot]com and [redacted] at]yahoo[dot]com, controlled by Yahoo! Inc., 701 First Avenue, Building D, Sunnyvale, CA 94809

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or property to be searched)
electronic mail between Bruce Ivins and other individuals

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

concerning a violation of **Title 18 United States Code 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. x YES ☐ NO

Rachel Carlson Lieber, AUSA
US Attorney's Office, Washington, DC
(202)202-353-8055

Signature of Affiant
Marlo Arredondo, Special Agent
Federal Bureau of Investigation

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

Sworn to before me, and subscribed in my presence

FEB 14 2008
Date

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

ALAN KAY
U.S. MAGISTRATE JUDGE
Name and Title of Judicial Officer

Signature of Judicial Officer

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08-084-M-01

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT

SEALED

I, Marlo Arredondo, being first duly sworn, hereby depose and state as follows:

A. Introduction and Agent Background

I make this affidavit in support of an application for a search warrant for certain accounts controlled by the free web-based electronic mail service provider known as (1) Yahoo!, Inc. (Yahoo!), located at 701 First Avenue, Building D, Sunnyvale, California 94089; (2) America Online, Inc. (AOL), 2200 AOL Way, Dulles, VA 20166; and (3) MSN Hotmail Micrososft Corp. (MSN Hotmail), 1065 La Avenida, Building 4, Mountain View, California 94043. The accounts to be searched at Yahoo! are:

jimmyflathead[at]yahoo[dot]com; and
[redacted]t]yahoo[dot]com

The account to be searched at AOL is:

kingbadger7[at]aol[dot]com

The account to be searched at MSN Hotmail is:

[redacted][at]hotmail[dot]com

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

These accounts are further described in the following paragraphs and in Attachment A. As set forth herein, there is probable cause to believe that on the computer systems of Yahoo!, AOL, and MSN Hotmail, there exists evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Sections 2332 and 2332a.

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately two years. As a Special Agent of the FBI, I investigate a crime involving the dissemination of a Weapon of Mass Destruction (anthrax) in violation of Title 18, United States Code, Sections 2332(a) and 1114. The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

The FBI and the U.S. Postal Inspection Service (hereinafter Task Force) investigation of the anthrax attacks of 2001 has led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute for Infectious Diseases (USAMRIID), Fort Detrick, Maryland, 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 work hours for which he was the only person in the laboratory around the time of both anthrax mailings; (3) Ivins is

believed to have submitted false samples of anthrax from his lab to the FBI for forensic analysis in order to mislead investigators; (4) 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 (5) Ivins sent an e-mail 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 of the Subject e-mail accounts may reveal 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 computer files, e-mail accounts, or documentary evidence as more fully described in Attachment A to the search warrants, affixed to this affidavit.

In my training and experience, I have learned that Yahoo!, AOL, and MSN Hotmail are companies that provide free web-based Internet electronic mail (e-mail) access to the general public, and that stored electronic communications, including opened and unopened e-mail for subscribers to these services may be located on the computers of Yahoo!, AOL, and MSN Hotmail. Further, I am aware that computers located at Yahoo!, AOL, and MSN Hotmail contain information and other stored electronic communications belonging to unrelated third parties. Accordingly, this affidavit and application for search warrants seeks authorization solely to search the computer accounts and/or files and following the procedures described herein and in Attachment A.

B. Search Procedure

In order to facilitate seizure by law enforcement of the records and information described in Attachment A, this affidavit and application for search warrant seek authorization to permit employees of Yahoo!, AOL, and MSN Hotmail to assist agents in the execution of this warrant. In executing this warrant, the following procedures will be implemented:

a. The search warrant will be presented to Yahoo!, AOL, and MSN Hotmail personnel who will be directed to isolate those accounts and files described in Attachment A;

b. In order to minimize any disruption of computer service to innocent third parties, Yahoo!, AOL, and MSN Hotmail employees and/or law enforcement personnel trained in the operation of computers will create an exact duplicate of the computer accounts and files described in Attachment A, including an exact duplicate of all information stored in the computer accounts and files described in Attachment A;

c. Yahoo!, AOL, and MSN Hotmail employees will provide the exact duplicate in electronic form or paper copy of the accounts and files described in Attachment A and all information stored in those accounts and files to the agent who serves this search warrant; and

d. Law enforcement personnel will thereafter review all information and records received from Hotmail employees to determine the information to be seized by law enforcement personnel pursuant to Attachment A.

C. Background Regarding Computers, the Internet, and E-Mail

The term "computer" as used herein is defined in 18 U.S.C. § 1030(e)(1), and includes an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.

I have had both training and experience in the investigation of computer-related crimes. Based on my training, experience and knowledge, I know the following:

a. The Internet is a worldwide network of computer systems operated by governmental entities, corporations, and universities. In order to access the Internet, an individual computer user must subscribe to an access provider, which operates a host computer system with direct access to the Internet. The world wide web ("www") is a functionality of the Internet which allows users of the Internet to share information;

b. With a computer connected to the Internet, an individual computer user can make electronic contact with millions of computers around the world. This connection can be made by any number of means, including modem, local area network, wireless and numerous other methods; and

c. E-mail is a popular form of transmitting messages and/or files in an electronic environment between computer users. When an individual computer user sends e-mail, it is initiated at the user's computer, transmitted to the subscriber's mail server, then transmitted to its final destination. A server is a computer that is attached to a dedicated network and serves many users. An e-mail server may allow users to post and read messages and to communicate via electronic means.

D. Yahoo!, AOL, and MSNHotmail

Based on my training and experience, I have learned the following about Yahoo!, AOL, and MSN Hotmail:

Yahoo!, AOL, and MSN Hotmail provide e-mail services which are available free of charge to Internet users. Subscribers obtain an account by registering on the Internet with Yahoo!, AOL, or MSN Hotmail. Yahoo!, AOL, and MSN Hotmail requests subscribers to provide basic information such as name, gender, ZIP code, and other personal/biographical

information. However, neither Yahoo!, AOL, nor MSN Hotmail verify the information provided;

Yahoo!, AOL, and MSN Hotmail maintain electronic records pertaining to the individuals and companies for which they maintain subscriber accounts. These records include account access information, e-mail transaction information, and account application information;

Subscribers to Yahoo!, AOL, and MSN Hotmail may access their accounts on servers maintained and/or owned by Yahoo!, AOL, or MSN Hotmail from any computer connected to the Internet located anywhere in the world;

Any e-mail that is sent to a Yahoo!, AOL, or MSN Hotmail subscriber is stored in the subscriber's "mail box" on the providers servers until the subscriber deletes the e-mail or the subscriber's mailbox exceeds storage limits preset by Yahoo!, AOL, or MSN Hotmail. If the message is not deleted by the subscriber, the account is below the maximum limit, and the subscriber accesses the account periodically, that message can remain on the providers' servers indefinitely;

When the subscriber sends an e-mail, it is initiated at the user's computer, transferred via the Internet to Yahoo!, AOL, or MSN Hotmail's servers, and then transmitted to its end destination. Users have the option of saving a copy of the e-mail sent. Unless the sender of the e-mail specifically deletes the e-mail from the Yahoo!, AOL, or MSN Hotmail server, the e-mail can remain on the system indefinitely. The sender can delete the stored e-mail message thereby eliminating it from the e-mail box maintained at the provider, but that message will remain in the recipient's e-mail box unless the recipient deletes it as well or unless the recipient's account is subject to account size limitations;

A Yahoo!, AOL, or MSN Hotmail subscriber can store files, including e-mails and image files, on servers maintained and/or owned by the provider; and

E-mails and image files stored by a Yahoo!, AOL, or MSN Hotmail subscriber may not necessarily be located in the subscriber's home computer. The subscriber may store e-mails and/or other files on the provider's server when there is insufficient storage space in the subscriber's computer and/or when he/she does not wish to maintain them in the computer in his/her residence. A search of the files in the computer in the subscriber's residence, or in a portable computer, will not necessarily uncover the files that the subscriber has stored on the Yahoo!, AOL, or MSN Hotmail server.

As a federal agent, I am trained and experienced in identifying communications relevant to the crimes under investigation. The personnel of Yahoo!, AOL, and MSN Hotmail are not. I also know that the manner in which the data is preserved and analyzed may be critical to the successful prosecution of any case based upon this evidence. Computer Forensic Examiners are trained to handle digital evidence. Yahoo!, AOL, and MSN Hotmail employees are not. It would be inappropriate and impractical, however, for federal agents to search the vast computer network of Yahoo!, AOL, and MSN Hotmail for the relevant accounts and then to analyze the

contents of those accounts on the premises of Yahoo!, AOL, and MSN Hotmail. The impact on Yahoo!, AOL, and MSN Hotmail's business would be severe;

In order to accomplish the objective of the search warrant with a minimum of interference with the business activities of Yahoo!, AOL, and MSN Hotmail, to protect the rights of the subject of the investigation and to effectively pursue this investigation, authority is sought to allow Yahoo!, AOL, and MSN Hotmail to make a digital copy of the entire contents of the information subject to seizure specified in Attachment A. That copy will be provided to me or to any authorized federal agent. The contents will then be analyzed to identify records and information subject to seizure pursuant to Attachment A; and

Executing a warrant to search a Yahoo!, AOL, or MSN Hotmail e-mail account requires an approach similar to the standard approach for executing a warrant to search papers stored in a file cabinet. Searching the subject e-mail account in this case for evidence of the target crimes will require that agents cursorily inspect all e-mails produced by Yahoo!, AOL, and MSN Hotmail in order to ascertain which contain evidence of those crimes, just as it necessary for agents executing a warrant to search a filing cabinet to conduct a preliminary inspection of its entire contents in order to determine the documents which fall within the scope of the warrant. In addition, keyword searches alone are inadequate to ensure that law enforcement can discover all information subject to seizure pursuant to Attachment A. Keywords search text, but many common electronic mail, database and spreadsheet applications files (which files may have been attached to electronic mail) do not store data as searchable text.

E. Stored Wire and Electronic Communication Access

Title 18, United States Code, Chapter 121, Sections 2701 through 2711, is entitled "Stored Wire and Electronic Communications and Transactional Records Access."

a. Title 18, United States Code, Section 2703(a) provides, in part:

> A governmental entity may require the disclosure by a provider of electronic communication service of the contents of a wire or electronic communication, that is in electronic storage in an electronic communications system for one hundred and eighty days or less, only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation or equivalent State warrant. A governmental entity may require the disclosure by a provider of electronic communications services of the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than one hundred and eighty days by the means available under subsection (b) of this section.

b. Title 18, United States Code, Section 2703(b) provides, in part:

(1) A governmental entity may require a provider of remote computing service to disclose the contents of any electronic communication to which this paragraph is made applicable by paragraph (2) of this subsection –

> (A) without required notice to the subscriber or customer, if the governmental entity obtains a warrant issued under the Federal Rules of Criminal Procedure or equivalent State warrant...

(2) Paragraph (1) is applicable with respect to any electronic communication that is held or maintained on that service –

> (A) on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communications received by means of electronic transmission from), a subscriber or customer of such remote computing service; and
> (B) Solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing.

c. The government may also obtain records and other information pertaining to a subscriber to or customer of electronic communication service or remote computing service by way of a search warrant. 18 U.S.C. § 2703(c)(1)(A). No notice to the subscriber or customer is required. 18 U.S.C. § 2703(c)(3).

d. Title 18, United States Code, Section 2711, provides, in part:

> As used in this chapter –
>
> (1) the terms defined in section 2510 of this title have, respectively, the definitions given such terms in that section; and
>
> (2) the term "remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system.

e. Title 18, United States Code, Section 2510, provides, in part:

> (8) "contents," when used with respect to any wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of that communication; . . .
>
> (14) "electronic communications system" means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications; . . .
>
> (15) "electronic communication service" means any service which provides to users thereof the ability to send or receive wire or electronic communications; . . .
>
> (17) "electronic storage" means --
>
> (A) any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and

(B) any storage of such communication by an electronic communication service for purposes of backup protection of such communication.

F. Probable Cause

As discussed below, there is probable cause to believe that a search of the aforementioned e-mail addresses 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. Additionally, it is believed that Dr. Bruce Edwards Ivins has taken steps to possibly obstruct the investigation. The reasons are set forth in this affidavit:

1. Overview

More specifically, this affiant submits that a search of these e-mail accounts may reveal (1) details of the subject's work and familiarity with anthrax; (2) explanations of how anthrax from the subject's laboratory could have been used in the 2001 attacks; (3) the subject's prior communications with members of Congress and the news media; (4) false names and aliases used by the subject; (5) evidence linking the subject to the address from which the anthrax letters were mailed in Princeton, New Jersey; and (6) evidence of the subject's use of the U.S. mail system to send packages under assumed names.

a. 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," and "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 another 11 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, Connecticut, 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 decedent's body 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 access to 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, all of which Dr. Ivins had readily accessible to him through his employment at USAMRIID.

b. 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 on 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, D.C.

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 media letters versus the Senate letters reveals obvious differences and also significant similarities.

c. 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 (*e.g.* 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, 16 domestic government, commercial, and university laboratories that had virulent Ames strain *Bacillus anthracis* in their inventories prior to the attacks were identified. [redacted] To date, the Task Force has received Ames strain *Bacillus anthracis* isolates or samples from all 16 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 USAMRIID. 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)). RMR - 1029 was compiled in 1997 by Dr. Ivins, the sole creator and custodian.

d. 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.

2. 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 have 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.

a. 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 researcher must pass through the change room in order to go in or out of the suite. 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 Suite.

The investigation examined Dr. Ivins's laboratory activity immediately before and after the window of opportunity for the mailing of the media 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 evenings 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 Senate letters to Washington, D.C. which began at 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 one 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 the FBI about his access to Suite 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' laboratory notebooks and projects at the times in question was conducted and 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.

b. 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 declared that he used 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] 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 submissions 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's 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 [redacted] and he insisted that he had indeed provided RMR-1029 to the FBI in his second submission of samples in April 2002. Which was improbable given the presence of all four genetic mutations found in the RMR-1029 sample that the FBI seized.

c. 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 prior, FBI Special Agent (SA) 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 of the letter attacks, he was aware that his stock of anthrax, RMR-1029, exhibited 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 named other researchers as possible mailers, and 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.

3. Dr. Ivins's Use of E-mail

a. Use of E-mail to Discuss his Anthrax Research

(1) The E-mail Account: bruce.ivins@us.army.mil or bruce.ivins@amedd.army.mil

Utilizing Microsoft Exchange, USAMRIID provides e-mail communication for it's employees. In addition to Dr. Ivins's name being present in the e-mail address, further investigation has shown that Dr. Ivins, referenced through out this document, utilizes this account. Hundreds of e-mail communications have been obtained showing Ivins's previous and present day use of this account.

Beginning shortly after the first Gulf War and through 2001, USAMRIID and Dr. Ivins were the focus of public criticism concerning the 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-mail excerpts below, 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.

The following are excerpts from e-mails dated April 2000 through September 2001, from Dr. Ivins to a friend regarding work:

> 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 e-mail 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 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."

August 29, 2000, "[redacted] 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."

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."

In the weeks immediately prior to the attacks, Dr. Ivins became aware that an investigative journalist who had submitted Freedom of Information Act (FOIA) requests to 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 the mid-1990's, Matsomoto wrote an article that scrutinized Dr. Ivins and the use of adjuvants.

In early 2002, shortly after the anthrax letter attacks, the FDA re-approved the vaccine for human use, production at Bioport resumed, and anthrax research at USAMRIID continued without interruption. In 2003, Ivins 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."

b. Use of E-mail and False Names to Facilitate an Obsession with a Sorority Group Linked to the Location of the Anthrax Mailings

Early investigations revealed the e-mail account Kingbadger7@aol.com as belonging to Dr. Ivins. In November of 2006 a pen register was established on this account revealing several e-mail communications between four e-mail addresses: Kingbadger7@aol.com, bruce.ivins@amedd.army.mil, goldenphoenix111@hotmail.com, and jimmyflathead@yahoo.com.

January 16, 2008, Dr. Ivins informed investigators that he has used the following e-mail address names: Kingbadger7, jimmyflathead, prunetacos, goldenphoenix111, and Bigsky. Additionally, he has used several aliases to include [redacted] Ed Ivings, and Bruce Ivings.

(1) Use of False Names

In March, 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 the letters, Dr. Ivins expressed his support for [redacted] work and an interest in sorority hazing. One of the sororities in 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] purportedly [redacted] justifying the practice of hazing by the sorority KKG.

[redacted] has known and communicated with Dr. Ivins for [redacted]

[redacted] are familiar with each other. On July 30, 2007, [redacted] was interviewed regarding P.O. Box 1103, located at College Estates Station, Frederick, Maryland 21702. The P.O. Box application (PS Form 1093) revealed that Dr. Ivins rented P.O. Box 1103 on November 12, 1993, also listed on the P.O. Box application card to receive mail [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. 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.

[redacted] indicated [redacted] that Dr. Ivins harassed it in the past, and [redacted] believed that [redacted] was frightened of Dr. Ivins, resulting from unspecified incidents that occurred prior to [redacted]

The investigation has shown that over the past 24 years, Dr. Ivins was known to have utilized at least two Post Office (P.O.) 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 was located at the College Estates Station, Frederick, Maryland 21702. Investigations have revealed that the envelopes used in anthrax mailings all contained similar print defects. Analyses of the U.S. Postal System records indicate that the above Post Office received 1000 envelopes from the same batch of envelopes that contained the unique print defects.

(2) Use of Personal E-mail to Discuss KKG

The following will show how Dr. Ivins defines the depths of his obsession and knowledge of 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 approximately 60 feet to the right from the blue collection box.

(a) The E-mail Account: goldenphoenix111@hotmail.com

Investigations into the above e-mail account revealed that Dr. Ivins was the owner said account. Pen register information has revealed activity on this account from April 14, 2007 through November 30, 2007. [redacted] information from Hotmail provided the following user identification for the above e-mail address:

Login:	goldenphoenix111@hotmail.com
Name:	Golden Phoenix
Address:	Maryland 21702
Account Created:	October 01, 2006

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 [Greek Letter Organization] 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...

(b) The E-mail Account: jimmyflathead@yahoo.com

Pen register information has revealed activity on the above account from November 04, 2006 through November 29, 2007. [redacted] nformation from Yahoo! provided the following account information for the above e-mail address:

Login Name:	jimmyflathead
Alternate E-mail Address:	Kingbadger7@aol.com
Full Name:	Mr. Ed Irving
Address:	Frederick, MD 21702
Account Created:	October 13, 2005

Investigations have revealed instances when this account was used in association with Wikipedia to further his obsession with KKG. Wikipedia is an on-line collection of information created by the contributions of Wikipedia users. Anyone may contribute to an entry, or article, once they set up a Wikipedia account and user name. The articles on Wikipedia are similar to an encyclopedia entry, however, the information contributed is not verified and may not be factual. Each Wikipedia article has a discussion page for contributors to post comments or questions about the contents of the article. Wikipedia users may also communicate directly with each other through Wikipedia using their Wikipedia user name. Wikipedia contains articles on the different national fraternities and sororities, including an article on KKG.

One frequent contributor to the KKG entry is identified by the username "jimmyflathead," believed by investigators to be Dr. Ivins. In e-mails to [redacted] Dr. Ivins, using his true name and the e-mail address jimmyflathead@yahoo.com, referenced information in the KKG article posted by "jimmyflathead" as his contributions. Additionally, when CW-4 opens e-mail from jimymflathead@yahoo.com, the "from" line on the e-mail reads:

From: Bruce Ivins [mailto:jimmyflathead@yahoo.com]

indicating Bruce Ivins is jimmyflathead@yahoo.com and was the sender of the e-mails received by [redacted]

As cataloged in the history pages for the KKG entry, Dr. Ivins has attempted to post derogatory information about the organization and its members as well as confidential information known only to KKG's members. Dr. Ivins, as jimmyflathead, frequently "signed" his postings on the discussion page as "jf". Dr. Ivins and other users have previously engaged in an "edit war" on the KKG article. An edit war is where a Wikipedia contributor posts

information that is later deleted or changed by another contributor, and the contributors go back and forth deleting or changing each others contributions. [redacted] observed Dr. Ivins's postings and discussions with other users through the Wikipedia discussion forum in the KKG article and described his actions as follows:

> Every time someone removed information, he added it back, and added more negative information along with it. That was his usual threat - delete this again and I will add more negative information to this site or reveal more secrets. The sheer volume of information is that [jimmyflathead] has is more than most members remember.

Over the course of this edit war, Dr. Ivins provided his personal e-mail address to other contributors to e-mail him directly before they removed his contributions from the site. According to [redacted] Dr. Ivins "seemed to encourage people to e-mail him directly" and described such action as counter to the "culture" of Wikipedia, where contributors usually communicate with each other through the individual article talk pages or e-mail using their Wikipedia user name. By so doing, Dr. Ivins was also keeping other contributors out of the discussions about the KKG article.

On January 21, 2006, [redacted] received an e-mail [redacted] which is not affiliated with [redacted] from Dr. Ivins using the e-mail address jimmyflathead@yahoo.com. [redacted]

c. Use of an E-mail Account to Possibly [redacted] Identity

(1) The E-mail Account: [redacted]

The above e-mail account is the most recently identified account It was discovered when the investigation revealed that Dr. Ivins had placed an order for the magazine [redacted] information from [redacted] revealed account information with the name Ed Irving (Ivins's alias for his jimmyflathead@yahoo.com account), [redacted] Frederick, Maryland 21702 (Ivins's residence), and an e-mail address of "[redacted]." [redacted] information from Yahoo! Inc. listed an alternate e-mail address as "[redacted]@hotmail.com;" a known e-mail address for Dr. Ivins, however, [redacted] name was listed in the account information. It should be noted that [redacted] is the owner of the e-mail account [redacted]

A pen register was established on this account on December 01, 2007. Subpoenaed information from Yahoo! revealed that the account had been accessed on September 25, 2007, additionally; they provided the following user identification for the e-mail address:

Login Name: .
Alternate E-mail Address: [redacted]@hotmail.com
Name: [redacted]
Address:
Account Created: November 01, 2006

d. E-mail Communications Revealing Previous Acts of Concealed Identity

(1) The E-mail Account: bruce.ivins@us.army.mil or bruce.ivins@amedd.army.mil

The investigation has also shown that Dr. Ivins has used the postal system to obscure his identity as the true sender of letters, gifts, and packages, by driving to locations outside of the Frederick, Maryland area, to reflect different postmarks on the packages. Additionally, this information has lead to Dr. Ivins equating his driving habits to those of people who go on walks. The following examples show Dr. Ivins use of the postal system, driving habits, and how he manipulates the information he provides his wife:

> E-mail February 1, 2001, from Dr. Ivins: "I want to send to you a self-addressed (to me) stamped envelope with some money in it. When you get it, please send it back to me in the mail. Then I can tell [redacted] what happened and won't be lying."

> E-mail March 4, 2001, from Dr. Ivins: "The reason I put different names on the packages and card is in your message to me below....Then you recognized who sent you everything, despite the fact that they weren't sent from Frederick."

> E-mail March 13, 2001, from Dr. Ivins: "Then I got your e-mail making me wonder if you thought that I was trying to get something from you by sending you care packages, Christmas or birthday gifts, etc. That had me rather worried, so I decided to go ahead and send you the things, but from different places and with different names. The detergent from Laundry Boy was mailed from Virginia during an IPT meeting. The gift certificate and birthday card were mailed from Gaithersburg. The jacket - when it finally came - was to be mailed from Gaithersburg, but you had already figured out who sent you everything else, so I just went ahead and sent it from Frederick."

In September 2002 [redacted] Dr. Ivins anonymously left [redacted] Kahlua. In a series of e-mails beginning on October 21, 2002, Dr. Ivins denied responsibility for the [redacted]

Ivins). However, as described in the following e-mails, Dr. Ivins admitted responsibility for the gift after approximately six moths of denials:

> E-mail March 28, 2003, from [redacted] "He did tell me that he fessed up that he had indeed put the [redacted] etc on your [redacted] I find that really, really strange. Oh well."
>
> E-mail April 7, 2003, from [redacted] "Bruce told me an interesting thing while we were over there.....that he had, indeed put the [redacted]. Why did he wait so long to fess up and, why did he not tell the truth when both you and I asked him out right about it? Very odd. Sometimes (most of the time) I really don't get his motives behind anything he does. And, I think there are motives most of the time. It's a little scary actually to think he drove all the way up there in the middle of the night just to drop off a package."

On March 31, 2005, during an interview, Dr. Ivins admitted that the [redacted] was a 10 to 11 hour drive, and that "this was a surprise [redacted]" Dr. Ivins acknowledged that it was a long way to drive, and characterized the trip as a "killer drive" because he had two herniated disks in his spinal column which made long drives uncomfortable. Dr. Ivins also admitted that he had once driven to Gaithersburg, Maryland, and sent a package to [redacted] so [redacted] would not immediately perceive from the postmark that it was a package from him with a Frederick, Maryland postmark. When asked whether he had ever engaged in any similar driving activity, Dr. Ivins related that in the late 1990s he occasionally drove roundtrip from Frederick, Maryland to Flinstone, (a two hour and 30 minute round trip) where some friends lived. Dr. Ivins did not visit his friends on these trips, describing the journeys as just "mindless drives." Dr. Ivins equated these drives with the way some people go for a long walk.

Investigations revealed that Dr. Ivins informed people that he would drive places but tell his wife he was in the laboratory, and set back the odometer in his car. This information is significant because Dr. Ivins regularly worked at night, and could legitimately use it as an excuse with his family to explain his absence from home.

e. The Capture of E-mails from Bruce Ivins to Bruce Ivins

(1) The E-mail Account: Kingbadger7@aol.com

This account is the oldest active personal account identified in the investigation. Pen registers show that Dr. Ivins frequently uses this account with activity as recent as February 04, 2008. [redacted] information from AOL provided the following user identification for the above e-mail address:

Screen Name:	KingBadger7
Name:	Bruce Ivins
Address:	[redacted], Frederick, MD 21702
Account Created:	August 08, 2000

On multiple occasions, pen registers have captured Dr. Ivins sending e-mails from one of his e-mail accounts to another. A recent search of Dr. Ivins's home revealed a printed e-mail from KingBadger7@aol.com to Dr. Ivins's work e-mail account discussing the AMERITHRAX investigation. More precisely, in the e-mail, Dr. Ivins is attempting to draw attention to two other scientists from USAMRIID, who in Dr. Ivins's opinion, could be responsible for the anthrax mailings. Dr. Ivins named [redacted]s possible mailers of the anthrax letters of 2001. This e-mail is dated November 19, 2005 and outlined 11 reasons for Ivins's theory. Two years later when Ivins was asked who he believed could have accomplished the mailings he did name these two individuals, however, he did not explain why he came to this conclusion. Additionally, he provided the names of other individuals as well. Something he has done throughout the course of the anthrax investigation.

f. An E-mail Communication with Similar Language to the Anthrax letters

E-mail September 26, 2001, from Dr. Ivins: "Osama Bin Laden has just decreed death to all Jews and all Americans." This e-mail is significant because it displays language similar to the text of the anthrax letters postmarked two weeks later warning "DEATH TO AMERICA," "DEATH TO ISRAEL."

g. The Keepsake of Hundreds of Hand-Written or Typed Communications by Dr. Ivins

Recently, a search was conducted at Dr. Ivins's residence. From this search, hundreds of hand-written or typed letters to/from Dr. Ivins to/from various members of society were collected. The majority of the letters were from the early 1980s through the mid 1990s. Among others, Dr. Ivins sent letters to United States Senators as well as various news organizations.

These seized letters are significant since all of the anthrax-laden letters were sent to members of the Media or members of the United States Senate. Additionally, the envelopes of the anthrax-laden letters were addressed with a four digit extension to the ZIP code. The addition of the four digits showed knowledge by the mailer for reaching a specific person in the United States Senate.

G. Conclusion

The anthrax letters were mailed anonymously and utilized a fictitious return address for the letters mailed to Washington, D.C. Dr. Ivins has engaged in a pattern of sending letters and packages with fictitious return addresses in order to mask his identity. Similarly, Dr. Ivins has used and continues to use, the internet in ways that also conceal his identity, both in online postings, such as Wickipedia, and his specific e-mail accounts, as set forth above. Indeed, he has

proven that he can make a 10-hour round-trip drive in the middle of the night to deliver a package without his family or friends, or even the recipient, becoming aware of this activity.

Large e-mail providers allow customers to store their communications on their servers for as long as they wish. Dr. Ivins's keepsake of hundreds of hand-written or typed letters shows his affinity to keep his writings. Additionally, the thousands of e-mails collected from various computers of people either associated with USAMRIID or Dr. Ivins have revealed case-pertinent information. Specifically, Dr. Ivins's fascination with KKG was revealed from e-mail communications between coworkers and friends, as well as his own postings on the internet.

The vast amount of collected e-mails and letters show Dr. Ivins is predisposed to communicate to others, revealing his innermost thoughts and feelings. Additionally, various evidence also suggests that Ivins is taking steps to conceal his identity when he communicates and possibly mimics the identity of others, such as sending letters to the editor of a newspaper in the name of another, known individual.

Based on the foregoing, I submit that there is probable cause to believe that a search of the e-mail accounts described here and in Attachment A, 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, the search may reveal additional computer files, e-mail accounts, or documentary evidence that may link Dr. Bruce Edwards Ivins to the anthrax mailings or his possible obstruction of the investigation. Furthermore, additional conspirators involved in the attacks may be identified.

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.

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.

MARLO ARKEDONDO
Special Agent
Federal Bureau of Investigation

Sworn to before me this
____ day of FEB 14 2008

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

ALAN KAY
U.S. MAGISTRATE JUDGE

ATTACHMENT A

I. Search Procedure

a. These search warrants will be presented to Yahoo!, AOL, and MSN Hotmail personnel by law enforcement agents. Yahoo!, AOL, and MSN Hotmail personnel will be directed to isolate those accounts and files described in Section II below;

b. In order to minimize any disruption of computer service to innocent third parties, Yahoo!, AOL, and MSN Hotmail employees will create exact duplicates of the computer accounts and files described in Section II below, including an exact duplicate of all information stored in the computer accounts and files described therein:

c. Yahoo!, AOL, and MSN Hotmail employees will provide the exact duplicates in electronic form of the accounts and files described in Section II below and all information stored in those accounts and files to law enforcement agents who need not be present during the duplication of the files;

d. Law enforcement personnel will thereafter review the information stored in the accounts and files received from the Yahoo!, AOL, and MSN Hotmail employees and then identify and copy only the information contained in those accounts and files which is authorized to be further copied as described in Section III below; and

e. Law enforcement personnel will then seal the original duplicate of the accounts and files received from Yahoo!, AOL, and MSN Hotmail employees and will not further review the original duplicates absent an order of the Court.

II. Files and Accounts to be Copied by Yahoo! Employees

a. All electronic mail stored and presently contained in, or on behalf of, the following electronic mail addresses and/or individual accounts:

Yahoo!: **jimmyflathead[at]yahoo[dot]com;** and [redacted]

AOL: **kingbadger7[at]aol[dot]com**

MSN Hotmail: [redacted]**[at]hotmail[dot]com**

b. All existing printouts from original storage of all of the electronic mail described above in Section II(a);

c. All transactional information of all activity of the electronic mail addresses and/or individual accounts described above in Section II(a), including log files, dates, times, methods of connecting, ports, dial-ups, and/or locations;