

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG - 7 2008

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

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Gateway E Series Computer
MFG Code 0033161568, formerly located
at Station 54, C. Burr Artz Library
110 East Patrick Street, Frederick, Maryland 21701
Currently located at 9325 Discovery Blvd, Manassas, VA

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER: 08-496-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)

Gateway E Series Computer, MFG Code 0033161568, formerly located at Station 54, C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland, 21701, currently located at 9325 Discovery Blvd, Manassas, VA

in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property to be searched)

electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters, or any other relevant electronic data.

which is (state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)

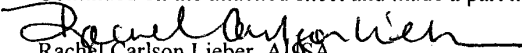
evidence relevant to the commission of an act of terrorism, including the use of a weapon of mass destruction (anthrax) and the murder and attempt to murder officers and employees of the United States.


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

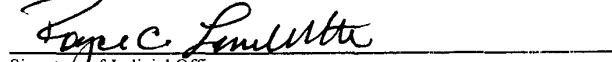

Signature of Affiant
Marlo Arredondo, Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence

AUG 07 2008

Da **LAMBERTH, C.J. RCL**
Name and Title of Judicial Officer

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


Signature of Judicial Officer

LAMBERTH, C.J. RCL

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

08-496-M 01

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

I have been a Special Agent of the Federal Bureau of Investigation (FBI) for approximately three 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 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following computers, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves threats to witnesses in, and obstruction of, a domestic terrorism investigation, pending in the District of Columbia.

I make this affidavit in support of an application for a search warrant for two desktop computers currently in the FBI's possession, however, previously located on the second floor of the C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland 21701. The first computer is identified as Station 54: a Gateway E Series, MFG Code 0033161568. The Gateway computer tower has a sticker on the front bearing the identifier, Station 54. The second computer is identified as Station 41: a Dell Optiplex 320, Bar Code 41YPBC1. The Dell computer tower has a sticker on top bearing the library's property identification number 00531.

As discussed below, there is probable cause to believe that a search of the aforementioned computers 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, and into tampering with a witness or informant in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2). The FBI and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks has led to the identification of Dr. Bruce Edwards Ivins as a person necessitating further investigation for the reasons set forth in this affidavit.

Overview

The Task Force investigation of the anthrax attacks has led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Maryland (hereinafter "USAMRIID"), 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 paranoia, 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 a friend a few days before the anthrax attacks warning her 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."

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

On July 9, 2008, Ivins attended a group therapy session in Frederick, Maryland, hosted by a licensed Clinical Social Worker, where he was later described as agitated, angry, and hostile. Ivins stated that he had been walking around the "ghetto" areas of Frederick late at night hoping that someone would try to hurt him so that he could stab them with a sharp writing pen. Ivins had the pen with him and made the social worker feel it.

Most importantly, at this same meeting, Ivins stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers,

and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt in Baltimore, Maryland, for further evaluation, where he remained until Thursday, July 24, 2008, when he was released.

On July 12, 2008, in response to the threats Dr. Ivins had made, a search of Dr. Ivins' house, cars, office, and wallet was conducted. Recovered in that search were several items of ammunition, a bullet proof vest, a homemade body armor plate, computers, and other case related items.

On July 24, 2008, between the hours of 7:00pm and 8:30pm, while conducting a surveillance operation on Dr. Bruce Edwards Ivins, Special Agents of the FBI observed Dr. Ivins enter the C. Burr Artz Library in Frederick, Maryland. Dr. Ivins utilized the computer located at Station 54. A short time later Dr. Ivins left Station 54 and utilized the computer located at Station 41. While utilizing the computers, Special Agents of the FBI observed Dr. Ivins reviewing a website dedicated to the Anthrax Investigation and examining email accounts.

On Sunday, July 27, 2008 at approximately 1:15 am, Frederick County Emergency Services responded to 622 Military Road, Frederick, Maryland following a 911 call for an unconscious male. Dr. Ivins was transported to Frederick Memorial Hospital where he remained until his death on Tuesday, July 29, 2008. Dr. Ivins' death was ruled a suicide due to an overdose of Tylenol (acetaminophen).

On July 31, 2008, both of the above referenced computers, Station 41 and 54, were obtained from C. Burr Artz Library. The computer towers are presently in FBI possession until they can be searched.

The Task Force submits that a search of the computers may reveal documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, and obstruction of that investigation. The search is for any indication of electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters or any other relevant electronic data.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the aforementioned computers may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the computers may reveal electronic data identifying a plan to kill witnesses, names of intended victims, photographs, suicide letters and other relevant information.

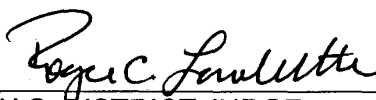
Because this affidavit is part of an ongoing investigation that would be jeopardized by premature disclosure of information, I further request that this Affidavit, the accompanying Order, and other related documents be filed under seal until further order of the Court.

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 a 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 ARREDONDO
 Special Agent
 Federal Bureau of Investigation

AUG 07 2008

Sworn to before me this
 ___ day of _____


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

LAMBERTH, C.J. RCL

AO93(Rev.5/85)Search Warrant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

Gateway Series E Computer MFG Code 0033161568, formerly located at Station 54, C. Burr Artz Library 110 East Patrick Street, Frederick, Maryland 21701 Currently located at 9325 Discovery Blvd, Manassas, VA

SEARCH WARRANT

CASE NUMBER: 08-496-M 01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that (name, description and or location)

Gateway E Series Computer, MFG Code 0033161568, formerly located at Station 54, C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland, 21701, currently located at 9325 Discovery Blvd, Manassas, VA

in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property)

electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters, or any other relevant electronic data.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

at Washington, D.C.

Date and Time Issued, pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3)

LAMBERTH, C.J. RCL

Name and Title of Judicial Officer

Signature of Judicial Officer: Roger C. Lamberth

LAMBERTH, C.J. RCL

RETURN		
DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH
INVENTORY MADE IN THE PRESENCE OF		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.		
<hr/>		
Subscribed, sworn to, and returned before me this date.		
<hr/>		<hr/>
U.S. Judge or U.S. Magistrate Judge		Date

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG - 7 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

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

Dell Optiplex 320 Computer, Bar code 41YPBC1
property ID number 00531, formerly located
at Station 41, C. Burr Artz Library
110 East Patrick Street, Frederick, Maryland 21701
Currently located at 9325 Discovery Blvd, Manassas, VA

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER: 08-497-M 01

(Further described below)

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(Official Title)

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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. YES NO

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

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

Sworn to before me, and subscribed in my presence

AUG 07 2008

LAMBERTH, C.J. RCL
Name and Title of Judicial Officer

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

Page C. Lambert
Signature of Judicial Officer

LAMBERTH, C.J. RCL

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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 paranoia, 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 a friend a few days before the anthrax attacks warning her 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."

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

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and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt in Baltimore, Maryland, for further evaluation, where he remained until Thursday, July 24, 2008, when he was released.

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Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the aforementioned computers may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the computers may reveal electronic data identifying a plan to kill witnesses, names of intended victims, photographs, suicide letters and other relevant information.

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 a 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 ARREDONDO
Special Agent
Federal Bureau of Investigation

AUG 07 2008

Sworn to before me this
____ day of _____



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

LAMBERTH, C.J. RCL

AO93 (Rev. 5/85) Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Dell Optiplex 320 computer, Bar Code 41YPBC1,
property ID number 00531, formerly located
at Station 41, C. Burr Artz Library
110 East Patrick Street, Frederick, Maryland 21701
Currently located at 9325 Discovery Blvd, Manassas, VA

SEARCH WARRANT

CASE NUMBER 08-497-M 01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Dell Optiplex 320 computer, Bar Code 41YPBC1, property ID number 00531, formerly located at Station 41, C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland, 21701, currently located at 9325 Discovery Blvd, Manassas, VA

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I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

at Washington, D.C.

Date and Time Issued, pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3)

LAMBERTH, C.J. RCL
Name and Title of Judicial Officer

C. J. Lambirth
Signature of Judicial Officer

LAMBERTH, C.J. RCL

RETURN		
DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH
INVENTORY MADE IN THE PRESENCE OF		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.		
<hr/>		
Subscribed, sworn to, and returned before me this date.		
<hr/>		<hr/>
U.S. Judge or U.S. Magistrate Judge		Date

AO1106 (Rev. 8/85) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account kingbadger7[at]
aol[dot]com, controlled by America Online, Inc.,
2200 AOL Way, Dulles, VA 20166

APPLICATION AND AFFIDAVIT
SEARCH WARRANT

CASE NUMBER: 08-124-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 kingbadger7@aol.com, controlled by America Online, Inc.
2200 AOL Way, Dulles, VA 20166

in the Eastern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property
to be searched)
all information pertaining to this account, including stored data, IP addresses, and electronic mail,
described more fully in Attachment A.

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
Mario Arredondo, Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence

Date

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

Name and Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

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 Microsoft 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]at@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:

goldenphoenix111[at]hotmail[dot]com

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) Otilie 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]

[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 its 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] 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."

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. [REDACTED] 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."

~14

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 the [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 is the name of [REDACTED]. [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 to [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 meeting [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.abovetopsecret.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] information 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 [REDACTED] opens e-mail from jimmyflathead@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 Mimic [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] information from Yahoo! Inc. listed an alternate e-mail address as "goldenphoenix111@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. [REDACTED] 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: [REDACTED]
Alternate E-mail Address: goldenphoenix111@hotmail.com
Name: [REDACTED]
Address: [REDACTED]
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 led 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]

[REDACTED] Dr. Ivins anonymously left [REDACTED]

In a series of e-mails beginning on October 21, 2002, Dr. Ivins denied responsibility for the [REDACTED]

However, as described in the following e-mails, Dr. Ivins admitted responsibility for the gift after approximately six months 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 [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] trip 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] as 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 Wikipedia, 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.

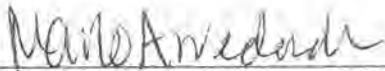
Large e-mail providers allow customers to store their communications on their servers for as long as they wish. Dr. Ivins's keepsake of hundreds of hand-written or typed letters shows his affinity to keep his writings. Additionally, the thousands of e-mails collected from various computers of people 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.

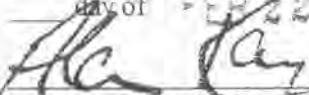
The vast amount of collected e-mails and letters show Dr. Ivins is predisposed to communicate to others, revealing his innermost thoughts and feelings. Additionally, various evidence also suggests that Ivins is taking steps to conceal his identity when he communicates and possibly mimics the identity 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 ARREDONDO
Special Agent
Federal Bureau of Investigation

Sworn to before me this
day of FEB 22 2008

U.S. MAGISTRATE JUDGE
United States District Court
for the District of Columbia
ALAN KAY
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!, AOL, and MSN Hotmail 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 
AOL:	kingbadger7[at]aol[dot]com
MSN Hotmail:	goldenphoenix111[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;

AC 93 Rev. 5/95 Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account kingbadger7@aol.com,
controlled by America Online, Inc., 2200 AOL Way, Dulles,
VA 20166

SEARCH WARRANT

CASE NUMBER: 08-124-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in accounts kingbadger7@aol.com, controlled by America Online, Inc., 2200 AOL
Way, Dulles, VA 20166

in the Eastern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property)

all information pertaining to this account, including stored data, IP addresses, and electronic mail, described
more fully in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the issuance
of this warrant.

MAR 03 2008

YOU ARE HEREBY COMMANDED to search on or before _____
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and
making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable
cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and
receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly
return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

FEB 27 2008 14

at Washington, D.C.

Date and Time Issued, pursuant to the domestic
terrorism search warrant provisions of Rule 41(b)(3)

Ala Kay

Name and Title of Judicial Officer

Signature of Judicial Officer

AO 109 (2/90) Seizure Warrant ⁰⁸ ~~124~~-124-M-01

RETURN

DATE WARRANT RECEIVED 2/23/08	DATE AND TIME WARRANT EXECUTED 2/25/08	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH ADL
----------------------------------	---	--

INVENTORY MADE IN THE PRESENCE OF ADL personnel are providing data ~~at~~ w/in reasonable time.

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT

All electronic data currently stored on AOL's server. ~~FBI~~ ^{MA} re: target. Bruce June
ADL personnel are permitted to collect the data and provided it to the FBI.

→ One (1) CD containing electronic data

CERTIFICATION

I swear that this inventory is a true and detailed account of the property seized by me on the warrant.

Mario Amador

FILED

APR - 3 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Subscribed, sworn to, and returned before me this date.

[Signature]
U.S. Judge or U.S. Magistrate Judge

4/3/08
Date

AO 106 (Rev. 5/85) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account goldenphoenix111 [at]hotmail[dot]com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

APPLICATION AND AFFIDAVIT SEARCH WARRANT

CASE NUMBER: 08-125-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 goldenphoenix111@hotmail.com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

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

Sworn to before me, and subscribed in my presence

Date

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

Name and Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

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 Microsoft 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]@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:

goldenphoenix111[at]hotmail[dot]com

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 MSN Hotmail

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) Otilie 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]

[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:

<u>Day</u>	<u>Date</u>	<u>Time in Building 1425</u>	<u>Total Time in B3</u>
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:

<u>Day</u>	<u>Date</u>	<u>Time in Building 1425</u>	<u>Total Time in B3</u>
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. Dr. Ivins was adamant in his response that there had been no omission 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 its employees. In addition to Dr. Ivins's name being present in the e-mail address, further investigation has shown that Dr. Ivins, referenced throughout 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] 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."

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" [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 is the name of [REDACTED]. [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 to [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 meeting [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.abovetopsecret.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] information 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 [REDACTED] opens e-mail from jimmyflathead@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 Mimic [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] information from Yahoo! Inc. listed an alternate e-mail address as "goldenphoenix111@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. [REDACTED] 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: [REDACTED]
Alternate E-mail Address: goldenphoenix111@hotmail.com
Name: [REDACTED]
Address: [REDACTED]
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] In a series of e-mails beginning on October 21, 2002, Dr. Ivins denied responsibility for the [REDACTED] However, as described in the following e-mails, Dr. Ivins admitted responsibility for the gift after approximately six months 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] trip 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] as 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.

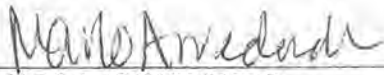
Large e-mail providers allow customers to store their communications on their servers for as long as they wish. Dr. Ivins's keepsake of hundreds of hand-written or typed letters shows his affinity to keep his writings. Additionally, the thousands of e-mails collected from various computers of people 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 ARREDONDO
Special Agent
Federal Bureau of Investigation

Sworn to before me this
day of FEB 22 2008

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

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!, AOL, and MSN Hotmail 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: goldenphoenix111[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;

41749 Rev. 8/11/00 Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account goldenphoenix111[at]hotmail
[dot]com, controlled by MSN Hotmail Microsoft Corp., 1065
La Avenida, Building 4, Mountainview, CA 94043

SEARCH WARRANT

CASE NUMBER: 08-125-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in account goldenphoenix111[at]hotmail[dot]com, controlled by MSN Hotmail Microsoft
Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property)

electronic mail between Bruce Ivins and other individuals

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the issuance
of this warrant.

YOU ARE HEREBY COMMANDED to search on or before March 3, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and
making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable
cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and
receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly
return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

2008 03 03 2:30 pm

Date and Time Issued, pursuant to the domestic
terrorism search warrant provisions of Rule 41(b)(3)
MAGISTRATE JUDGE

Name and Title of Judicial Officer

at Washington, D.C.

Signature of Judicial Officer

AO 109 (2/90) Seizure Warrant 08-125-M01

RETURN

DATE WARRANT RECEIVED 2/27/08	DATE AND TIME WARRANT EXECUTED 2/25/08 9:40 AM	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH MSN Custodian of Records
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INVENTORY MADE IN THE PRESENCE OF MSN Personnel identify data to be searched/seized

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT

electronic data stored on MSN's servers. ^{NA} Information is to be provided to FBI in a timely manner

MSN responded on 3/4/08 that different verbiage was needed to search their system; specifically a complete user name would be needed, the email account was not sufficient.

CERTIFICATION

I swear that this inventory is a true and detailed account of the property seized by me on the warrant.

Marlo Arredondo

FILED

APR - 3 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Subscribed, sworn to, and returned before me this date.

[Signature]
U.S. Judge or U.S. Magistrate Judge

4/3/08
Date

AO 106 (Rev. 5-8-81) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account goldenphoenix111@hotmail.com, controlled by MSN Hotmail
Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

APPLICATION AND AFFIDAVIT
SEARCH WARRANT

CASE NUMBER: 08-160-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 goldenphoenix111@hotmail.com, created on October 1, 2006, under the name Golden Phoenix, address: Maryland 21702, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or property to be searched)
all information pertaining to this account, including stored data, IP addresses, and electronic mail, described more fully in Attachment A.

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

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

Sworn to before me, and subscribed in my presence

2008
JOHN M. SACCHOL
JUDGE
Name and Title of Judicial Officer

at Washington, D.C., Pursuant to the domestic terrorism search
Warrant provisions of Rule 611.
Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

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 Microsoft 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]at[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:

goldenphoenix111[at]hotmail[dot]com

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) Otilie 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]

[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:

<u>Day</u>	<u>Date</u>	<u>Time in Building 1425</u>	<u>Total Time in B3</u>
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:

<u>Day</u>	<u>Date</u>	<u>Time in Building 1425</u>	<u>Total Time in B3</u>
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 its 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] 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."

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" [REDACTED]

[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 is the name of [REDACTED]. [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 to [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 meeting [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.abovetopsecret.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] information 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 [REDACTED] opens e-mail from jimmyflathead@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 Mimic [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] information from Yahoo! Inc. listed an alternate e-mail address as "goldenphoenix111@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. [REDACTED] 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: [REDACTED]
Alternate E-mail Address: goldenphoenix111@hotmail.com
Name: [REDACTED]
Address: [REDACTED]
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]

[REDACTED] Dr. Ivins anonymously left [REDACTED]

In a series of e-mails beginning on October 21, 2002, Dr. Ivins denied responsibility for the [REDACTED]

However, as described in the following e-mails, Dr. Ivins admitted responsibility for the gift after approximately six months 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 [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] trip 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] as 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.

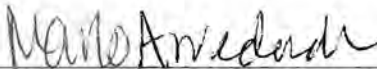
Large e-mail providers allow customers to store their communications on their servers for as long as they wish. Dr. Ivins's keepsake of hundreds of hand-written or typed letters shows his affinity to keep his writings. Additionally, the thousands of e-mails collected from various computers of people 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.

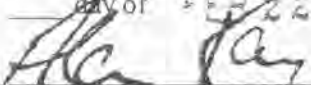
The vast amount of collected e-mails and letters show Dr. Ivins is predisposed to communicate to others, revealing his innermost thoughts and feelings. Additionally, various evidence also suggests that Ivins is taking steps to conceal his identity when he communicates and possibly mimics the identity 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 ARREDONDO
Special Agent
Federal Bureau of Investigation

Sworn to before me this
day of FEB 22 2008

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

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!, AOL, and MSN Hotmail 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



AOL: kingbadger7[at]aol[dot]com

MSN Hotmail: goldenphoenix111[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;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

III. Information to be Further Copied by Law Enforcement Personnel

a. All stored electronic communications and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage

b. Existing printouts from original storage of those items described in Section III(a) above; and

c. All of the records and information described in Sections II(c), (d), and (e).

AO93/Rev. 08/85 Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account goldenphoenix111@hotmail.com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

SEARCH WARRANT

CASE NUMBER: 08-160-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in account goldenphoenix111@hotmail.com, created on October 1, 2006, under name Golden Phoenix, address: Maryland 21702, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or property)

all information pertaining to this account, including stored data, IP addresses, and electronic mail, described more fully in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before March 14, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

MAR 04 2008

at Washington, D.C.

Date and Time Issued, pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3)

JOHN M. FACCIOLA
U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

John M. Facciola
Signature of Judicial Officer

- 101-01

RETURN

DATE WARRANT RECEIVED 3/4/08	DATE AND TIME WARRANT EXECUTED 3/4/08 4:39 PM	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WI. Alexander Yap
---------------------------------	--	---

INVENTORY MADE IN THE PRESENCE OF N personnel

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT
One (1) CD containing snapshots of the requested e-mail account

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

Marlo Arredondo

FILED

APR - 3 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Subscribed, sworn to, and returned before me this date.

[Signature]
U.S. Judge or U.S. Magistrate Judge

4/3/08
Date

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

Residence at [redacted],
Frederick, Maryland,
owned by Bruce Edwards Ivins,
DOB [redacted], SSN [redacted]

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER: 08-430

I Charles B. Wickersham being duly sworn depose and say:

I am a(n) Postal Inspector with the U.S. Postal Inspection Service and have reason to believe
(Official Title)

that [] on the person of or [x] on the property or premises known as (name, description and or location)

Single Family Residence at [redacted] Frederick, Maryland, backyard of property, and large white shed
on rear of property, owned by Bruce Edwards Ivins, DOB [redacted], SSN [redacted]

in the District of Maryland, there is now concealed a certain person or property, namely
firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill
witnesses or names of intended victims, or any other relevant documents, notes and records in various formats,
including computer files and other electronic media, as more fully described in Attachment A.

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, and threats to
witnesses involved in, and obstruction of, that investigation,
in violation of Title 18 United States Code, Section(s) 2332a, 1114, and 1512(a)(2). 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
U.S. Attorney's Office, Washington, DC
(202) 353-8055

[Signature]
Signature of Affiant
Charles B. Wickersham, Postal Inspector
United States Postal Inspection Service

Sworn to before me, and subscribed in my presence

Date 08/11/08

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

Deborah A. Robinson
United States Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

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

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

Shepherd-Pratt Health Systems, Room TE-225
6501 North Charles Street
Towson, Maryland,
Occupied by Bruce Edwards Ivins,
DOB [redacted] SSN [redacted]
And personal effects maintained therein

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER:

I Charles B. Wickersham being duly sworn depose and say:

I am a(n) Postal Inspector with the United States Postal Inspection Service and have reason to believe that [] on the person of or [x] on the property or premises known as (name, description and or location)

Room TE-225 at Sheppard-Pratt Health Systems, 6501 North Charles Street, Baltimore, occupied by Bruce Edwards Ivins, DOB [redacted] SSN [redacted], and personal effects maintained therein.

in the District of Maryland, there is now concealed a certain person or property, namely any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes and records in various formats, including computer files and other electronic media.

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, and threats to witnesses involved in, and obstruction of, that investigation, in violation of Title 18 United States Code, Section(s) 2332a, 1114, and 1512(a)(2). 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
U.S. Attorney's Office, Washington, DC
(202) 353-8055

[Signature]
Signature of Affiant
Charles B. Wickersham, Postal Inspector
United States Postal Inspection Service

Sworn to before me, and subscribed in my presence

7/12/07
search Date

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

RICHARD W. ROBERTS, U.S. DISTRICT JUDGE
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Charles B. Wickersham, being duly sworn, depose and say:

I have been a Postal Inspector of the United States Postal Inspection Service (USPIS) for approximately twenty months. I am authorized to investigate crimes involving violations of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a)(2).

This affidavit is respectfully submitted in support of an application for warrants to search the following premises and vehicles, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves threats to witnesses in, and obstruction of, a domestic terrorism investigation, pending in the District of Columbia.

Sheppard-Pratt Hospital, Room TE-225, 6501 North Pratt Street, Towson, Maryland, occupied by Bruce Edwards Ivins, DOB: [REDACTED], SSN: [REDACTED] and any personal effects of Bruce Edwards Ivins in that room.

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, and into tampering with a witness or informant in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

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 (hereinafter "USAMRIID"), 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 a friend [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.”

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns and tasers. Finally, in recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

His most recent statement regarding the attacks came three days ago on Wednesday, July 9, 2008. While at a group therapy session in Frederick, Maryland, he revealed to the Licensed Clinical Social Worker and other members of the group that he was a suspect in this investigation. He stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Yesterday, on July 11, 2008, he was transferred to Sheppard-Pratt Hospital, 6501 North Charles Street, Towson, Maryland, for further forensic evaluation.

The Social Worker further related that in addition to the threats articulated at the group session on July 9, 2008, Bruce Edwards Ivins had in the recent past articulated a plan to kill himself, specifically that he intended to use a combination of pills and alcohol to effectuate this plan. She related that he plans everything in careful detail, something consistent with reports from other sources in this investigation, that Bruce Edwards Ivins plans everything very carefully. The Social Worker noted that with respect to the suicide plan, he produced to her a paper from his wallet which contained a precise recipe of pills and alcohol, based on his body weight, to ensure death.

When Bruce Edwards Ivins was admitted to Sheppard-Pratt Hospital yesterday, his personal effects were inventoried. Among the items he brought with him to the hospital was his wallet, which contained a number of pieces of paper.

The Task Force submits that a search Subject Room and personal effects may reveal physical or documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, and obstruction of that investigation. The search is for any

writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes, photographs, and records in various formats, including computer files and other electronic media.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject Room and personal effects may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject Room and Wallet may reveal writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents.

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 a Postal Inspector. 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.



CHARLES B. WICKERSHAM
Postal Inspector
U.S. Postal Inspection Service

Sworn to before me this
12th day of July, 2008



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

AO93(Rev.5/85)Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

Sheppard-Pratt Health Systems, Room TE-225
6501 North Charles Street
Towson, Maryland
Occupied by Bruce Edwards Ivins,
DOB [REDACTED], SSN [REDACTED]
And personal effects maintained therein

SEARCH WARRANT

CASE NUMBER: 08-443-M-01

TO: Postal Inspector Charles B. Wickersham and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Charles B. Wickersham who has reason to believe that on the person or on the premises known as (name, description and or location) Room TE-225 at Sheppard-Pratt Health Systems, 6501 North Charles Street, Baltimore, occupied by Bruce Edwards Ivins, DOB [REDACTED], SSN [REDACTED], and personal effects maintained therein.

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

any writings identifying a plan to kill witnesses or names of intended victims, or any ^{items} other relevant ^{there to, such as} documents, notes and records in various formats, including computer files and other electronic media.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before July 22, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge as required by law.

July 12, 2006, 10:45 a.m.
Date and Time issued in Washington, DC pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3)

Deborah Robinson

RICHARD W. ROBERTS, U.S. DISTRICT JUDGE
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

TOTAL P.03

SA 109 (Rev. 12/03) Seizure Warrant

RETURN

DATE WARRANT RECEIVED <i>7-12-2008</i>	DATE AND TIME WARRANT EXECUTED <i>7-12-2008 1145</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH <i>Bruce Ivins</i>
---	---	---

INVENTORY MADE IN THE PRESENCE OF

Charles Adams

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT

No items seized.

FILED

JUL 18 2008

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

CERTIFICATION

I swear that this inventory is a true and detailed account of the property seized by me on the warrant.

Charles S. Adams

Subscribed, sworn to, and returned before me this date.

[Signature]
_____ Judge

7/18/08
_____ Date

AO106(Rev 5/85) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account stanfordhawker@
yahoo.com, controlled by Yahoo! Inc.,
701 First Avenue, Building D,
Sunnyvale, CA 94089

APPLICATION AND AFFIDAVIT
SEARCH WARRANT

CASE NUMBER: 08-489-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 on the property or premises known as email account stanfordhawker@yahoo.com, controlled by Yahoo! Inc.,
701 First Avenue, Building D, Sunnyvale, CA 94089

in the Northern District of California, there is now concealed a certain person or property, namely all information pertaining to this account, including stored data, IP addresses, and electronic mail,
described more fully in Attachment A.

which is 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, and threats to witnesses to that investigation.

concerning a violation of Title 18 United States Code United States Code, Section(s) 2332a, 1114, and
1512(a)(2). 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

Sworn to before me, and subscribed in my presence

AUG 07 2008
LAMBERTH, C.J. RCL

at Washington, DC. (Pursuant to the domestic terrorism Search
Warrant provisions of Rule 41(b))

JUDGE ROYCE C. LAMBERTH
Signature of Judicial Officer
LAMBERTH, C.J. RCL

Name and Title of Judicial Officer
AO93(Rev. 5/85) Search Warrant

08-489-M-01

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately three years. As a Special Agent of the FBI, I am investigating a crime involving the dissemination of a Weapon of Mass Destruction (anthrax) in violation of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following e-mail accounts, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves a domestic terrorism investigation, pending in the District of Columbia.

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 Microsoft Corp. (MSN Hotmail), 1065 La Avenida, Building 4, Mountain View, California 94043. The accounts to be searched at Yahoo! are:

jimmyflathead@yahoo.com

bruceiv@yahoo.com

stanfordhawker@yahoo.com

The account to be searched at AOL is:

kingbadger7@aol.com

The accounts to be searched at MSN Hotmail is:

goldenphoenix111@hotmail.com

Kathrynpricefan@hotmail.com

These accounts are further described in the following paragraphs and in Attachment A. As set forth herein, there is probable cause to believe that a search of the aforementioned accounts 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, and into potential additional threats to witnesses in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

Overview

The Federal Bureau of Investigation and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Maryland (hereinafter "USAMRIID"), 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 a friend [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."

Factual Background

Over the course of the past few years, Dr. Ivins had become aware that the Task Force considered him a person who warranted further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, and three times in 2008 alone, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks. On July 12, 2008, in response to the threats Dr. Ivins had made (described further in this affidavit), a search of Dr. Ivins' house, cars, office, and wallet was conducted. Recovered in that search were numerous rounds of ammunition, a bullet proof vest, a homemade body armor plate, computers, and other case related items.

Over the course of the investigation, Ivins has been known to use at least eight email addresses, including the six that are the subject of this affidavit. Based on pen register data and other sources, investigators know that email is his most common method of communication, sending numerous email messages each week. Investigation has further revealed that the anthrax investigation is a common topic of his email messages.

In January 2008, Dr. Ivins admitted to the FBI that he has used the following e-mail address names: kingbadger7, jimmyflathead, and goldenphoenix111. Ivins did not mention [REDACTED]. The use of this account was first discovered in a review of Ivins's finances. Ivins listed this account on an order he placed. Subpoenaed information from Yahoo! revealed the following user identification for the e-mail address:

Login Name:	[REDACTED]
Alternate E-mail Address:	goldenphoenix111@hotmail.com
Name:	[REDACTED]
Address:	[REDACTED]
Account Created:	November 01, 2006

Goldenphoenix111@hotmail.com is a known e-mail address for Dr. Ivins, however, the name [REDACTED] was listed in the account information. It should be noted that [REDACTED] account [REDACTED]

In February and March of 2008, search warrants were served on all four of the above e-mail accounts. [REDACTED] had one e-mail that was not "junk" mail; it read as follows:

"Subject: Finally! I know Who mailed the anthrax!
From: KingBadger7@aol.com <KingBadger7@aol.com>
Date: Fri, 7 Sep 2007 17:49:01 EDT
To: [REDACTED]

Hi, [REDACTED]

Yes! Yes! Yes!!!!!! I finally know who mailed the anthrax letters in the fall of 2001. I've pieced it together! Now we can finally get all of this over and done with. I have to check a couple of things to make sure...absolutely sure...and then I can turn over info. I'll probably turn it over to my lawyer, and then he'll turn the info over to the authorities. I'm not looking forward to everybody getting dragged through the mud, but at least it will all be over. Finally! I should have it TOTALLY nailed down within the month. I should have been a private eye!!!!

-bruce"

This e-mail is to/from himself. Pen registers have revealed that Ivins frequently sends e-mails to himself. In addition, Ivins has sent at least one other email to himself that details his opinion of who may have been the anthrax mailer. The investigation has further revealed that Ivins routinely uses the names and identifiers of other individuals in order to disguise his identity.

Most recently, investigators recovered from his trash a piece of paper in Dr. Ivins's handwriting containing two previously unknown email addresses: stanfordhawker@yahoo.com and bruceiv@yahoo.com, along with their passwords. Subscriber information for stanfordhawker@yahoo.com is Mr. Stanford Hawker, with a zipcode of 21702. Subscriber information for bruceiv@yahoo.com is Mr. Bruce I, zipcode 21702, alternate email address kingbadger7@aol.com, a known email address of Dr. Ivins.

In addition, the investigation has revealed Ivins's use of the name "bruceivi." An internet search of "bruceivi" revealed postings on You Tube with the screen name, "bruceivi." The dialogue was in reference to the reality TV show, The Mole, Season 1, Episode 7, part 4, referencing Kathryn Price, the winner of that season. Ms. Price attended college at the University of Kansas – mascot the Jayhawks – and law school at Stanford University, the likely source of "StanfordHawker." This was discovered on July 15, 2008, and all the postings had the time frame of "1 week ago." They are as follows:

"bruceivi (1 week ago)

Steve had a great chance to Kill Kathryn that would go down as the primo moment in reality TV. After the fake fainting he'd say, 'Kathryn, do you know what a mole is? It's a blind useless animal that humans hate. And do you know what we do to moles? We kill them!'

bruceivi (1 week ago)

With that he should have taken the hatchet and brought it down hard and sharply across her neck, severing her carotid artery and jugular vein. Then when she hits the ground, he completes the task on the other side of the neck, severing her trachea as well. The 'Blind' mole is dead and Steve is a hero among heroes! I personally would have paid big money to have doe it myself.

bruceivi (1 week ago)

Maybe something really dreadful will happen to Kathryn Price. If so, she will richly deserve it! The least someone could do would be to take a sharp ballpoint pin or letter opener and put her eyes out, to complete the task of making her a true mole!"

On July 9, 2008, approximately the same time as the above posting, Ivins attended a group therapy session in Frederick, Maryland, hosted by a licensed Clinical Social Worker, where he was later described as agitated, angry, and hostile. Ivins stated that he had been walking around the "ghetto" areas of Frederick late at night hoping that someone would try to hurt him so that he could stab them with a sharp writing pen, similar to his Youtube posting. Ivins had the pen with him and made the social worker feel it.

Most importantly, at this same meeting, Ivins stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm [REDACTED] within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt Health Systems in Towson, Maryland, for further evaluation, where he remained until on or about Thursday, July 24, 2008, when he was released.

Upon his release from Sheppard Pratt Health Systems, Ivins went to the Frederick Public Library in Frederick, Maryland, where he was observed using a stand-alone computer terminal. He visited the web-site www.anthraxinvestigation.com, a web site dedicated to the investigation of the Fall 2001 anthrax attacks. He also utilized email on that terminal. Ivins left the library, and went home in the evening of Thursday, July 24, 2008, and wasn't seen again, [REDACTED]. At approximately 1:15 a.m., on Sunday, July 26, 2008, paramedics were summoned to the Ivins residence, located at [REDACTED], Frederick, Maryland, because he was unconscious. He was taken to Frederick Memorial Hospital, where he remained in critical condition due to an overdose of Tylenol and Valium, until he died on Tuesday, July 29, 2008.

In the early morning hours of July 31, 2008, investigators conducted a search of the trash outside the Ivins residence. Among other items of interest, they recovered a hand-written list in Ivins's handwriting, with the following information: letters@washingtonpost.com, letters@baltimoresun.com, www.cardin.senate.gov, www.mikulski.senate.gov, and www.bartlett.house.gov. They also recovered notes Ivins had made while at Sheppard Pratt in Towson, Maryland, in which he detailed various stressors in his life, including that he was facing possible incarceration. Finally, they recovered a note in Ivins's handwriting with a previously-unknown email address: kathrynpricefan@hotmail.com, along with the password to that account [REDACTED] and the following information: "[REDACTED]" (Ivins's address). Agents logged into that account and saw an email from Ivins to Kathryn Price, dated July 8, 2008, in which he stated:

Dear Ms. Price, I am very sorry to bother you, but I wanted to ask you if you are the same Kathryn Price that starred in the Mole reality TV series. I've been a fan of yours/hers since then, and I wondered if you are going to have any public appearances where people could meet you [possibly a book signing?] and get your autograph. If you are a different Kathryn Price, I sincerely apologize. I look forward to a reply of some kind. Thank you very much!!!! Cindy Wood

The Task Force submits that a search of the Subject e-mail accounts may reveal documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, including any plans that Dr. Ivins may have set in motion prior to his death. It bears emphasis that there was a nearly one-month gap between the time that the anthrax letters were mailed and the first letter was discovered. In addition, a search of the subject email accounts may reveal statements by Dr. Ivins concerning the anthrax attacks which would further the investigation into those attacks. The search is for any writings identifying a plan to kill witnesses or names of intended victims, any statements regarding the anthrax attacks, or any other relevant documents and/or notes, as more fully described in the Attachment to this affidavit.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject e-mail accounts may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject e-mail accounts as described in the Attachment to this affidavit, may reveal writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents, along with statements regarding the anthrax attacks themselves..

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

ATTACHMENT A

I. Search Procedure

a. These search warrants will be presented to Yahoo! personnel by law enforcement agents. Yahoo! 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! 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! 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;

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:

jimmyflathead@yahoo.com

[REDACTED]

bruceiv@yahoo.com

stanfordhawker@yahoo.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, IP addresses, dial-ups, and/or locations;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

f. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account stanfordhawker@yahoo.com,
controlled by Yahoo! Inc., 701 First Avenue, Building D,
Sunnyvale, CA 94089

SEARCH WARRANT

CASE NUMBER: 08-489-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in email account stanfordhawker@yahoo.com, controlled by Yahoo! Inc., 701 First
Avenue, Building D, Sunnyvale, CA 94089

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property)

all information pertaining to this account, including stored data, IP addresses, and electronic mail, described
more fully in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the
issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant
and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find
reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of
this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property
seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

at Washington, D.C.

Date and Time Issued, pursuant to the domestic
terrorism search warrant provisions of Rule 41(b)(3)

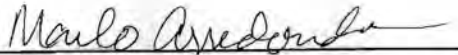
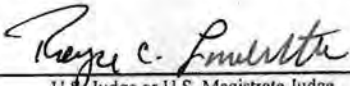
LAMBERTH, C.J. RCL

Name and Title of Judicial Officer

Roger C. Lamberth

Signature of Judicial Officer

LAMBERTH, C.J. RCL

RETURN 08-489-M-01		
DATE WARRANT RECEIVED 8/7/2008	DATE AND TIME WARRANT EXECUTED 8/8/2008 4:45PM	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH Yahoo! Criminal Compliance Division
INVENTORY MADE IN THE PRESENCE OF Yahoo! Personnel - Darcy Riedell		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT <p>On 8/21/08, one (1) CD was received from Yahoo! containing e-mail account information, to include snapshots, for the e-mail account: stanfordhawker@yahoo.com.</p>		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.		
 _____		
Subscribed, sworn to, and returned before me this date.		
 _____		9/19/08 _____
U.S. Judge or U.S. Magistrate Judge		Date

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account kathrynpricefan@
yahoo.com, controlled by MSN Hotmail
Microsoft Corp., 1065 La Avenida, Building 4,
Mountainview, CA 94043

APPLICATION AND AFFIDAVIT
SEARCH WARRANT

CASE NUMBER: 08-490-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 kathrynpricefan@hotmail.com, controlled by MSN
Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property to be searched)
all information pertaining to this account, including stored data, IP addresses, and electronic mail,
described more fully in Attachment A.

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, and threats to witnesses to that investigation.

concerning a violation of Title 18 United States Code United States Code, Section(s) 2332a, 1114, and
1512(a)(2). 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

Sworn to before me, and subscribed in my presence

AUG 07 2008

Date
LAMBERTH, C.J. RCL
Name and Title of Judicial Officer
AO93(Rev. 5/85) Search Warrant

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

Signature of Judicial Officer
LAMBERTH, C.J. RCL

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT


08-490-M 01

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

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately three years. As a Special Agent of the FBI, I am investigating a crime involving the dissemination of a Weapon of Mass Destruction (anthrax) in violation of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following e-mail accounts, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves a domestic terrorism investigation, pending in the District of Columbia.

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 Microsoft Corp. (MSN Hotmail), 1065 La Avenida, Building 4, Mountain View, California 94043. The accounts to be searched at Yahoo! are:

jimmyflathead@yahoo.com

bruceiv@yahoo.com
stanfordhawker@yahoo.com

The account to be searched at AOL is:

kingbadger7@aol.com

The accounts to be searched at MSN Hotmail is:

goldenphoenix111@hotmail.com
Kathrynpricefan@hotmail.com

These accounts are further described in the following paragraphs and in Attachment A. As set forth herein, there is probable cause to believe that a search of the aforementioned accounts 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, and into potential additional threats to witnesses in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

Overview

The Federal Bureau of Investigation and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Maryland (hereinafter "USAMRIID"), 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 a friend [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."

Factual Background

Over the course of the past few years, Dr. Ivins had become aware that the Task Force considered him a person who warranted further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, and three times in 2008 alone, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks. On July 12, 2008, in response to the threats Dr. Ivins had made (described further in this affidavit), a search of Dr. Ivins' house, cars, office, and wallet was conducted. Recovered in that search were numerous rounds of ammunition, a bullet proof vest, a homemade body armor plate, computers, and other case related items.

Over the course of the investigation, Ivins has been known to use at least eight email addresses, including the six that are the subject of this affidavit. Based on pen register data and other sources, investigators know that email is his most common method of communication, sending numerous email messages each week. Investigation has further revealed that the anthrax investigation is a common topic of his email messages.

In January 2008, Dr. Ivins admitted to the FBI that he has used the following e-mail address names: kingbadger7, jimmyflathead, and goldenphoenix111. Ivins did not mention [REDACTED]. The use of this account was first discovered in a review of Ivins's finances. Ivins listed this account on an order he placed. Subpoenaed information from Yahoo! revealed the following user identification for the e-mail address:

Login Name:	[REDACTED]
Alternate E-mail Address:	goldenphoenix111@hotmail.com
Name:	[REDACTED]
Address:	[REDACTED]
Account Created:	November 01, 2006

Goldenphoenix111@hotmail.com is a known e-mail address for Dr. Ivins, however, the name [REDACTED] was listed in the account information. It should be noted that [REDACTED] account [REDACTED]

In February and March of 2008, search warrants were served on all four of the above e-mail accounts. [REDACTED] had one e-mail that was not "junk" mail; it read as follows:

"Subject: Finally! I know Who mailed the anthrax!
From: KingBadger7@aol.com <KingBadger7@aol.com>
Date: Fri, 7 Sep 2007 17:49:01 EDT
To: [REDACTED]

Hi, [REDACTED]

Yes! Yes! Yes!!!!!! I finally know who mailed the anthrax letters in the fall of 2001. I've pieced it together! Now we can finally get all of this over and done with. I have to check a couple of things to make sure...absolutely sure...and then I can turn over info. I'll probably turn it over to my lawyer, and then he'll turn the info over to the authorities. I'm not looking forward to everybody getting dragged through the mud, but at least it will all be over. Finally! I should have it TOTALLY nailed down within the month. I should have been a private eye!!!!

-bruce"

This e-mail is to/from himself. Pen registers have revealed that Ivins frequently sends e-mails to himself. In addition, Ivins has sent at least one other email to himself that details his opinion of who may have been the anthrax mailer. The investigation has further revealed that Ivins routinely uses the names and identifiers of other individuals in order to disguise his identity.

Most recently, investigators recovered from his trash a piece of paper in Dr. Ivins's handwriting containing two previously unknown email addresses: stanfordhawker@yahoo.com and bruceiv@yahoo.com, along with their passwords. Subscriber information for stanfordhawker@yahoo.com is Mr. Stanford Hawker, with a zipcode of 21702. Subscriber information for bruceiv@yahoo.com is Mr. Bruce I, zipcode 21702, alternate email address kingbadger7@aol.com, a known email address of Dr. Ivins.

In addition, the investigation has revealed Ivins's use of the name "bruceivi." An internet search of "bruceivi" revealed postings on You Tube with the screen name, "bruceivi." The dialogue was in reference to the reality TV show, The Mole, Season 1, Episode 7, part 4, referencing Kathryn Price, the winner of that season. Ms. Price attended college at the University of Kansas – mascot the Jayhawks – and law school at Stanford University, the likely source of "StanfordHawker." This was discovered on July 15, 2008, and all the postings had the time frame of "1 week ago." They are as follows:

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Most importantly, at this same meeting, Ivins stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt Health Systems in Towson, Maryland, for further evaluation, where he remained until on or about Thursday, July 24, 2008, when he was released.

Upon his release from Sheppard Pratt Health Systems, Ivins went to the Frederick Public Library in Frederick, Maryland, where he was observed using a stand-alone computer terminal. He visited the web-site www.anthraxinvestigation.com, a web site dedicated to the investigation of the Fall 2001 anthrax attacks. He also utilized email on that terminal. Ivins left the library, and went home in the evening of Thursday, July 24, 2008, and wasn't seen again, though he was under 24-hour surveillance. At approximately 1:15 a.m., on Sunday, July 26, 2008, paramedics were summoned to the Ivins residence, located at [REDACTED], Frederick, Maryland, because he was unconscious. He was taken to Frederick Memorial Hospital, where he remained in critical condition due to an overdose of Tylenol and Valium, until he died on Tuesday, July 29, 2008.

In the early morning hours of July 31, 2008, investigators conducted a search of the trash outside the Ivins residence. Among other items of interest, they recovered a hand-written list in Ivins's handwriting, with the following information: letters@washingtonpost.com, letters@baltimoresun.com, www.cardin.senate.gov, www.mikulski.senate.gov, and www.bartlett.house.gov. They also recovered notes Ivins had made while at Sheppard Pratt in Towson, Maryland, in which he detailed various stressors in his life, including that he was facing possible incarceration. Finally, they recovered a note in Ivins's handwriting with a previously-unknown email address: kathrynpricefan@hotmail.com, along with the password to that account [REDACTED] and the following information: "[REDACTED] (Ivins's address). Agents logged into that account and saw an email from Ivins to Kathryn Price, dated July 8, 2008, in which he stated:

Dear Ms. Price, I am very sorry to bother you, but I wanted to ask you if you are the same Kathryn Price that starred in the Mole reality TV series. I've been a fan of yours/hers since then, and I wondered if you are going to have any public appearances where people could meet you [possibly a book signing?] and get your autograph. If you are a different Kathryn Price, I sincerely apologize. I look forward to a reply of some kind. Thank you very much!!!! Cindy Wood

The Task Force submits that a search of the Subject e-mail accounts may reveal documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, including any plans that Dr. Ivins may have set in motion prior to his death. It bears emphasis that there was a nearly one-month gap between the time that the anthrax letters were mailed and the first letter was discovered. In addition, a search of the subject email accounts may reveal statements by Dr. Ivins concerning the anthrax attacks which would further the investigation into those attacks. The search is for any writings identifying a plan to kill witnesses or names of intended victims, any statements regarding the anthrax attacks, or any other relevant documents and/or notes, as more fully described in the Attachment to this affidavit.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject e-mail accounts may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject e-mail accounts as described in the Attachment to this affidavit, may reveal writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents, along with statements regarding the anthrax attacks themselves..

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

ATTACHMENT A

I. Search Procedure

a. These search warrants will be presented to MSN Hotmail personnel by law enforcement agents. 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, 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. 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;

II. Files and Accounts to be Copied by MSN Hotmail Employees

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

goldenphoenix111@hotmail.com
kathrynpricefan@hotmail.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, IP addresses, dial-ups, and/or locations;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

f. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account kathrynpricefan@hotmail.com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

SEARCH WARRANT

CASE NUMBER:

08-490-M 01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that (name, description and or location)

Electronic mail stored in account kathrynpricefan@hotmail.com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or property)

all information pertaining to this account, including stored data, IP addresses, and electronic mail, described more fully in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

at Washington, D.C.


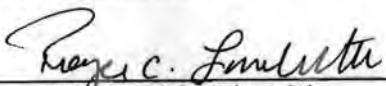
Date and Time Issued, pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3)

LAMBERTH, C.J. RCL

Name and Title of Judicial Officer

Royce C. Lamberth
Signature of Judicial Officer

LAMBERTH, C.J. RCL

RETURN 08-490-M 01		
DATE WARRANT RECEIVED 8/7/2008	DATE AND TIME WARRANT EXECUTED 8/8/2008 4:15 PM ET	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH MSN Custodian of Records
INVENTORY MADE IN THE PRESENCE OF MSN Hotmail personnel - Alexander Yap		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT		
<p>On 8/29/08, one (1) CD containing MSN Hotmail account information for the e-mail account Kathrynpricefan@hotmail.com, and goldenphoenix111@hotmail.com, was received.</p> <p>MSN Hotmail did attempt to provide the information on 08/19/08 and 08/21/08, however, technical issues with the data prevented those reviews.</p>		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.		
 <hr/>		
Subscribed, sworn to, and returned before me this date.		
 <hr/> U.S. Judge or U.S. Magistrate Judge		9/19/08 <hr/> Date

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account goldenphoenix111@
yahoo.com, controlled by MSN Hotmail
Microsoft Corp., 1065 La Avenida, Building 4,
Mountainview, CA 94043

APPLICATION AND AFFIDAVIT
SEARCH WARRANT

CASE NUMBER:

(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 goldenphoenix111@hotmail.com, controlled by MSN
Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

in the Northern District of California, there is now concealed a certain person or property, namely: (describe the person or
property to be searched)

all information pertaining to this account, including stored data, IP addresses, and electronic mail,
described more fully in Attachment A.

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, and threats to witnesses to that investigation.

concerning a violation of Title 18 United States Code United States Code, Section(s) 2332a, 1114, and
1512(a)(2). 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

Sworn to before me, and subscribed in my presence

AUG 07 2008
LAMBERTH, C.J. RCL

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

JUDGE ROYCE C. LAMBERTH
Signature of Judicial Officer

Name and Title of Judicial Officer
AO93(Rev 5/85) Search Warrant

LAMBERTH, C.J. RCL

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

08-492-M 01

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

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately three years. As a Special Agent of the FBI, I am investigating a crime involving the dissemination of a Weapon of Mass Destruction (anthrax) in violation of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following e-mail accounts, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves a domestic terrorism investigation, pending in the District of Columbia.

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 Microsoft Corp. (MSN Hotmail), 1065 La Avenida, Building 4, Mountain View, California 94043. The accounts to be searched at Yahoo! are:

jimmyflathead@yahoo.com

[REDACTED]

bruceiv@yahoo.com

stanfordhawker@yahoo.com

The account to be searched at AOL is:

kingbadger7@aol.com

The accounts to be searched at MSN Hotmail is:

goldenphoenix111@hotmail.com

Kathrynpricefan@hotmail.com

These accounts are further described in the following paragraphs and in Attachment A. As set forth herein, there is probable cause to believe that a search of the aforementioned accounts 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, and into potential additional threats to witnesses in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

Overview

The Federal Bureau of Investigation and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Maryland (hereinafter "USAMRIID"), 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 a friend [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."

Factual Background

Over the course of the past few years, Dr. Ivins had become aware that the Task Force considered him a person who warranted further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, and three times in 2008 alone, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks. On July 12, 2008, in response to the threats Dr. Ivins had made (described further in this affidavit), a search of Dr. Ivins' house, cars, office, and wallet was conducted. Recovered in that search were numerous rounds of ammunition, a bullet proof vest, a homemade body armor plate, computers, and other case related items.

Over the course of the investigation, Ivins has been known to use at least eight email addresses, including the six that are the subject of this affidavit. Based on pen register data and other sources, investigators know that email is his most common method of communication, sending numerous email messages each week. Investigation has further revealed that the anthrax investigation is a common topic of his email messages.

In January 2008, Dr. Ivins admitted to the FBI that he has used the following e-mail address names: kingbadger7, jimmyflathead, and goldenphoenix111. Ivins did not mention [REDACTED]. The use of this account was first discovered in a review of Ivins's finances. Ivins listed this account on an order he placed. Subpoenaed information from Yahoo! revealed the following user identification for the e-mail address:

Login Name:	[REDACTED]
Alternate E-mail Address:	goldenphoenix111@hotmail.com
Name:	[REDACTED]
Address:	[REDACTED]
Account Created:	November 01, 2006

Goldenphoenix111@hotmail.com is a known e-mail address for Dr. Ivins, however, the name [REDACTED] was listed in the account information. It should be noted that [REDACTED] account [REDACTED]

In February and March of 2008, search warrants were served on all four of the above e-mail accounts. [REDACTED] had one e-mail that was not "junk" mail; it read as follows:

"Subject: Finally! I know Who mailed the anthrax!
From: KingBadger7@aol.com <KingBadger7@aol.com>
Date: Fri, 7 Sep 2007 17:49:01 EDT
To: [REDACTED]

Hi, [REDACTED]

Yes! Yes! Yes!!!!!! I finally know who mailed the anthrax letters in the fall of 2001. I've pieced it together! Now we can finally get all of this over and done with. I have to check a couple of things to make sure...absolutely sure...and then I can turn over info. I'll probably turn it over to my lawyer, and then he'll turn the info over to the authorities. I'm not looking forward to everybody getting dragged through the mud, but at least it will all be over. Finally! I should have it TOTALLY nailed down within the month. I should have been a private eye!!!!

-bruce"

This e-mail is to/from himself. Pen registers have revealed that Ivins frequently sends e-mails to himself. In addition, Ivins has sent at least one other email to himself that details his opinion of who may have been the anthrax mailer. The investigation has further revealed that Ivins routinely uses the names and identifiers of other individuals in order to disguise his identity.

Most recently, investigators recovered from his trash a piece of paper in Dr. Ivins's handwriting containing two previously unknown email addresses: stanfordhawker@yahoo.com and bruceiv@yahoo.com, along with their passwords. Subscriber information for stanfordhawker@yahoo.com is Mr. Stanford Hawker, with a zip code of 21702. Subscriber information for bruceiv@yahoo.com is Mr. Bruce I, zip code 21702, alternate email address kingbadger7@aol.com, a known email address of Dr. Ivins.

In addition, the investigation has revealed Ivins's use of the name "bruceivi." An internet search of "bruceivi" revealed postings on YouTube with the screen name, "bruceivi." The dialogue was in reference to the reality TV show, *The Mole*, Season 1, Episode 7, part 4, referencing Kathryn Price, the winner of that season. Ms. Price attended college at the University of Kansas – mascot the Jayhawks – and law school at Stanford University, the likely source of "StanfordHawker." This was discovered on July 15, 2008, and all the postings had the time frame of "1 week ago." They are as follows:

"bruceivi (1 week ago)

Steve had a great chance to Kill Kathryn that would go down as the primo moment in reality TV. After the fake fainting he'd say, 'Kathryn, do you know what a mole is? It's a blind useless animal that humans hate. And do you know what we do to moles? We kill them!'

bruceivi (1 week ago)

With that he should have taken the hatchet and brought it down hard and sharply across her neck, severing her carotid artery and jugular vein. Then when she hits the ground, he completes the task on the other side of the neck, severing her trachea as well. The 'Blind' mole is dead and Steve is a hero among heroes! I personally would have paid big money to have done it myself.

bruceivi (1 week ago)

Maybe something really dreadful will happen to Kathryn Price. If so, she will richly deserve it! The least someone could do would be to take a sharp ballpoint pin or letter opener and put her eyes out, to complete the task of making her a true mole!"

On July 9, 2008, approximately the same time as the above posting, Ivins attended a group therapy session in Frederick, Maryland, hosted by a licensed Clinical Social Worker, where he was later described as agitated, angry, and hostile. Ivins stated that he had been walking around the "ghetto" areas of Frederick late at night hoping that someone would try to hurt him so that he could stab them with a sharp writing pen, similar to his Youtube posting. Ivins had the pen with him and made the social worker feel it.

Most importantly, at this same meeting, Ivins stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt Health Systems in Towson, Maryland, for further evaluation, where he remained until on or about Thursday, July 24, 2008, when he was released.

Upon his release from Sheppard Pratt Health Systems, Ivins went to the Frederick Public Library in Frederick, Maryland, where he was observed using a stand-alone computer terminal. He visited the web-site www.anthraxinvestigation.com, a web site dedicated to the investigation of the Fall 2001 anthrax attacks. He also utilized email on that terminal. Ivins left the library, and went home in the evening of Thursday, July 24, 2008, and wasn't seen again, though he was under 24-hour surveillance. At approximately 1:15 a.m., on Sunday, July 26, 2008, paramedics were summoned to the Ivins residence, located at [REDACTED], Frederick, Maryland, because he was unconscious. He was taken to Frederick Memorial Hospital, where he remained in critical condition due to an overdose of Tylenol and Valium, until he died on Tuesday, July 29, 2008.

In the early morning hours of July 31, 2008, investigators conducted a search of the trash outside the Ivins residence. Among other items of interest, they recovered a hand-written list in Ivins's handwriting, with the following information: letters@washingtonpost.com, letters@baltimoresun.com, www.cardin.senate.gov, www.mikulski.senate.gov, and www.bartlett.house.gov. They also recovered notes Ivins had made while at Sheppard Pratt in Towson, Maryland, in which he detailed various stressors in his life, including that he was facing possible incarceration. Finally, they recovered a note in Ivins's handwriting with a previously-unknown email address: kathrynpricefan@hotmail.com, along with the password to that account [REDACTED], and the following information: [REDACTED] (Ivins's address). Agents logged into that account and saw an email from Ivins to Kathryn Price, dated July 8, 2008, in which he stated:

Dear Ms. Price, I am very sorry to bother you, but I wanted to ask you if you are the same Kathryn Price that starred in the Mole reality TV series. I've been a fan of yours/hers since then, and I wondered if you are going to have any public appearances where people could meet you [possibly a book signing?] and get your autograph. If you are a different Kathryn Price, I sincerely apologize. I look forward to a reply of some kind. Thank you very much!!!! Cindy Wood

The Task Force submits that a search of the Subject e-mail accounts may reveal documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, including any plans that Dr. Ivins may have set in motion prior to his death. It bears emphasis that there was a nearly one-month gap between the time that the anthrax letters were mailed and the first letter was discovered. In addition, a search of the subject email accounts may reveal statements by Dr. Ivins concerning the anthrax attacks which would further the investigation into those attacks. The search is for any writings identifying a plan to kill witnesses or names of intended victims, any statements regarding the anthrax attacks, or any other relevant documents and/or notes, as more fully described in the Attachment to this affidavit.

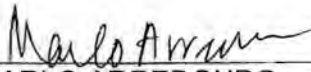
Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject e-mail accounts may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject e-mail accounts as described in the Attachment to this affidavit, may reveal writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents, along with statements regarding the anthrax attacks themselves..

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 a 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 ARREDONDO
Special Agent
Federal Bureau of Investigation

AUG 04 2008

Sworn to before me this
_____ day of _____

CHIEF
JUDGE ROYCE C. LAMBERT
U.S. MAGISTRATE JUDGE
United States District Court
for the District of Columbia
LAMBERTH, C.J. BGL

ATTACHMENT A

I. Search Procedure

a. These search warrants will be presented to MSN Hotmail personnel by law enforcement agents. 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, 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. 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;

II. Files and Accounts to be Copied by MSN Hotmail Employees

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

goldenphoenix111@hotmail.com
kathrynpricefan@hotmail.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, IP addresses, dial-ups, and/or locations;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

f. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account goldenphoenix111@hotmail.com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

SEARCH WARRANT

CASE NUMBER: 08-492-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that (name, description and or location)

Electronic mail stored in account goldenphoenix111@hotmail.com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or property)

all information pertaining to this account, including stored data, IP addresses, and electronic mail, described more fully in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

at Washington, D.C.

Date and Time Issued, pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3)

LAMBERTH, C.J. RCL

C. J. Lambert

Name and Title of Judicial Officer

Signature of Judicial Officer

LAMBERTH, C.J. RCL

RETURN 08-492-M 01		
DATE WARRANT RECEIVED 8/7/2008	DATE AND TIME WARRANT EXECUTED 8/8/2008 4:15 PM ET	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH MSN Custodian of Records
INVENTORY MADE IN THE PRESENCE OF MSN Hotmail Personnel - Alexander Yap		
<p>INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT</p> <p>On 8/29/08, one (1) CD containing MSN Hotmail account information for the e-mail account goldenphoenix11@hotmail.com, and kathrynpricefan@hotmail.com, was received.</p> <p>MSN Hotmail did attempt to provide the information on 8/19/08 and 8/21/08, however, technical issues with the data prevented those reviews.</p>		
CERTIFICATION		
<p>I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.</p> <p style="text-align: center;"><u>Mauro Amelander</u></p> <p>Subscribed, sworn to, and returned before me this date.</p> <p style="text-align: center;"><u>Royce C. Lomelita</u> <u>9/19/08</u> U.S. Judge or U.S. Magistrate Judge Date</p>		

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account kingbadger@
aol.com, controlled by American Online, Inc. ("AOL"),
2200 AOL Way, Dulles, Virginia 20166

APPLICATION AND AFFIDAVIT
SEARCH WARRANT

CASE NUMBER: 08-493-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 kingbadger@aol.com, controlled by American Online,
Inc. ("AOL"), 2200 AOL Way, Dulles, Virginia 20166

in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or
property to be searched)
all information pertaining to this account, including stored data, IP addresses, and electronic mail,
described more fully in Attachment A.

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, and threats to witnesses to that investigation.

concerning a violation of Title 18 United States Code United States Code, Section(s) 2332a, 1114, and
1512(a)(2). 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
Rachel Carlson Lieber, AUSA
US Attorney's Office, Washington, DC
(202)202-353-8055

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

Sworn to before me, and subscribed in my presence

AUG 07 2008
LAMBERTH, C.J. RCL

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

JUDGE ROYCE C. LAMBERTH
Signature of Judicial Officer
LAMBERTH, C.J. RCL

Name and Title of Judicial Officer
AO93(Rev.5/85)Search Warrant

08-493-M-01

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately three years. As a Special Agent of the FBI, I am investigating a crime involving the dissemination of a Weapon of Mass Destruction (anthrax) in violation of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following e-mail accounts, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves a domestic terrorism investigation, pending in the District of Columbia.

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 Microsoft Corp. (MSN Hotmail), 1065 La Avenida, Building 4, Mountain View, California 94043. The accounts to be searched at Yahoo! are:

jimmyflathead@yahoo.com

bruceiv@yahoo.com
stanfordhawker@yahoo.com

The account to be searched at AOL is:

kingbadger7@aol.com

The accounts to be searched at MSN Hotmail is:

goldenphoenix111@hotmail.com
Kathrynpricefan@hotmail.com

These accounts are further described in the following paragraphs and in Attachment A. As set forth herein, there is probable cause to believe that a search of the aforementioned accounts 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, and into potential additional threats to witnesses in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

Overview

The Federal Bureau of Investigation and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Maryland (hereinafter "USAMRIID"), 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 a friend [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."

Factual Background

Over the course of the past few years, Dr. Ivins had become aware that the Task Force considered him a person who warranted further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, and three times in 2008 alone, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks. On July 12, 2008, in response to the threats Dr. Ivins had made (described further in this affidavit), a search of Dr. Ivins' house, cars, office, and wallet was conducted. Recovered in that search were numerous rounds of ammunition, a bullet proof vest, a homemade body armor plate, computers, and other case related items.

Over the course of the investigation, Ivins has been known to use at least eight email addresses, including the six that are the subject of this affidavit. Based on pen register data and other sources, investigators know that email is his most common method of communication, sending numerous email messages each week. Investigation has further revealed that the anthrax investigation is a common topic of his email messages.

In January 2008, Dr. Ivins admitted to the FBI that he has used the following e-mail address names: kingbadger7, jimmyflathead, and goldenphoenix111. Ivins did not mention [REDACTED]. The use of this account was first discovered in a review of Ivins's finances. Ivins listed this account on an order he placed. Subpoenaed information from Yahoo! revealed the following user identification for the e-mail address:

Login Name:	[REDACTED]
Alternate E-mail Address:	goldenphoenix111@hotmail.com
Name:	[REDACTED]
Address:	[REDACTED]
Account Created:	November 01, 2006

Goldenphoenix111@hotmail.com is a known e-mail address for Dr. Ivins, however, the name [REDACTED] was listed in the account information. It should be noted that [REDACTED] account [REDACTED]

In February and March of 2008, search warrants were served on all four of the above e-mail accounts. [REDACTED] had one e-mail that was not "junk" mail; it read as follows:

"Subject: Finally! I know Who mailed the anthrax!
From: KingBadger7@aol.com <KingBadger7@aol.com>
Date: Fri, 7 Sep 2007 17:49:01 EDT
To: [REDACTED]

Hi, [REDACTED]

Yes! Yes! Yes!!!!!! I finally know who mailed the anthrax letters in the fall of 2001. I've pieced it together! Now we can finally get all of this over and done with. I have to check a couple of things to make sure...absolutely sure...and then I can turn over info. I'll probably turn it over to my lawyer, and then he'll turn the info over to the authorities. I'm not looking forward to everybody getting dragged through the mud, but at least it will all be over. Finally! I should have it TOTALLY nailed down within the month. I should have been a private eye!!!!

-bruce"

This e-mail is to/from himself. Pen registers have revealed that Ivins frequently sends e-mails to himself. In addition, Ivins has sent at least one other email to himself that details his opinion of who may have been the anthrax mailer. The investigation has further revealed that Ivins routinely uses the names and identifiers of other individuals in order to disguise his identity.

Most recently, investigators recovered from his trash a piece of paper in Dr. Ivins's handwriting containing two previously unknown email addresses: stanfordhawker@yahoo.com and bruceiv@yahoo.com, along with their passwords. Subscriber information for stanfordhawker@yahoo.com is Mr. Stanford Hawker, with a zip code of 21702. Subscriber information for bruceiv@yahoo.com is Mr. Bruce I, zip code 21702, alternate email address kingbadger7@aol.com, a known email address of Dr. Ivins.

In addition, the investigation has revealed Ivins's use of the name "bruceivi." An internet search of "bruceivi" revealed postings on YouTube with the screen name, "bruceivi." The dialogue was in reference to the reality TV show, The Mole, Season 1, Episode 7, part 4, referencing Kathryn Price, the winner of that season. Ms. Price attended college at the University of Kansas – mascot the Jayhawks – and law school at Stanford University, the likely source of "StanfordHawker." This was discovered on July 15, 2008, and all the postings had the time frame of "1 week ago." They are as follows:

"bruceivi (1 week ago)

Steve had a great chance to Kill Kathryn that would go down as the primo moment in reality TV. After the fake fainting he'd say, 'Kathryn, do you know what a mole is? It's a blind useless animal that humans hate. And do you know what we do to moles? We kill them!'

bruceivi (1 week ago)

With that he should have taken the hatchet and brought it down hard and sharply across her neck, severing her carotid artery and jugular vein. Then when she hits the ground, he completes the task on the other side of the neck, severing her trachea as well. The 'Blind' mole is dead and Steve is a hero among heroes! I personally would have paid big money to have doe it myself.

bruceivi (1 week ago)

Maybe something really dreadful will happen to Kathryn Price. If so, she will richly deserve it! The least someone could do would be to take a sharp ballpoint pin or letter opener and put her eyes out, to complete the task of making her a true mole!"

On July 9, 2008, approximately the same time as the above posting, Ivins attended a group therapy session in Frederick, Maryland, hosted by a licensed Clinical Social Worker, where he was later described as agitated, angry, and hostile. Ivins stated that he had been walking around the "ghetto" areas of Frederick late at night hoping that someone would try to hurt him so that he could stab them with a sharp writing pen, similar to his Youtube posting. Ivins had the pen with him and made the social worker feel it.

Most importantly, at this same meeting, Ivins stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt Health Systems in Towson, Maryland, for further evaluation, where he remained until on or about Thursday, July 24, 2008, when he was released.

Upon his release from Sheppard Pratt Health Systems, Ivins went to the Frederick Public Library in Frederick, Maryland, where he was observed using a stand-alone computer terminal. He visited the web-site www.anthraxinvestigation.com, a web site dedicated to the investigation of the Fall 2001 anthrax attacks. He also utilized email on that terminal. Ivins left the library, and went home in the evening of Thursday, July 24, 2008, and wasn't seen again, though he was under 24-hour surveillance. At approximately 1:15 a.m., on Sunday, July 26, 2008, paramedics were summoned to the Ivins residence, located at [REDACTED], Frederick, Maryland, because he was unconscious. He was taken to Frederick Memorial Hospital, where he remained in critical condition due to an overdose of Tylenol and Valium, until he died on Tuesday, July 29, 2008.

In the early morning hours of July 31, 2008, investigators conducted a search of the trash outside the Ivins residence. Among other items of interest, they recovered a hand-written list in Ivins's handwriting, with the following information: letters@washingtonpost.com, letters@baltimoresun.com, www.cardin.senate.gov, www.mikulski.senate.gov, and www.bartlett.house.gov. They also recovered notes Ivins had made while at Sheppard Pratt in Towson, Maryland, in which he detailed various stressors in his life, including that he was facing possible incarceration. Finally, they recovered a note in Ivins's handwriting with a previously-unknown email address: kathrynpricefan@hotmail.com, along with the password to that account [REDACTED] and the following information: [REDACTED] (Ivins's address). Agents logged into that account and saw an email from Ivins to Kathryn Price, dated July 8, 2008, in which he stated:

Dear Ms. Price, I am very sorry to bother you, but I wanted to ask you if you are the same Kathryn Price that starred in the Mole reality TV series. I've been a fan of yours/hers since then, and I wondered if you are going to have any public appearances where people could meet you [possibly a book signing?] and get your autograph. If you are a different Kathryn Price, I sincerely apologize. I look forward to a reply of some kind. Thank you very much!!!! Cindy Wood

The Task Force submits that a search of the Subject e-mail accounts may reveal documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, including any plans that Dr. Ivins may have set in motion prior to his death. It bears emphasis that there was a nearly one-month gap between the time that the anthrax letters were mailed and the first letter was discovered. In addition, a search of the subject email accounts may reveal statements by Dr. Ivins concerning the anthrax attacks which would further the investigation into those attacks. The search is for any writings identifying a plan to kill witnesses or names of intended victims, any statements regarding the anthrax attacks, or any other relevant documents and/or notes, as more fully described in the Attachment to this affidavit.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject e-mail accounts may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject e-mail accounts as described in the Attachment to this affidavit, may reveal writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents, along with statements regarding the anthrax attacks themselves..

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 a 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 Arredondo
MARLO ARREDONDO
Special Agent
Federal Bureau of Investigation

AUG 07 2008

Sworn to before me this
____ day of _____

CHIEF
EDGE ROYCE C. LAMBERT
U.S. MAGISTRATE JUDGE
United States District Court
for the District of Columbia
LAMBERTH, C.J. ROL

ATTACHMENT A

I. Search Procedure

a. These search warrants will be presented to AOL personnel by law enforcement agents. AOL 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, AOL 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. AOL 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;

II. Files and Accounts to be Copied by AOL Employees

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

kingbadger7@aol.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, IP addresses, dial-ups, and/or locations;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

f. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account kingbadger@aol.com,
controlled by American Online, Inc. ("AOL"),
2200 AOL Way, Dulles, VA 20166

SEARCH WARRANT

CASE NUMBER: 08-493-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in account kingbadger@aol.com, controlled by American Online, Inc. ("AOL"), 2200
AOL Way, Dulles, Virginia 20166

in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or
property)

all information pertaining to this account, including stored data, IP addresses, and electronic mail, described
more fully in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the
issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008
(date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant
and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find
reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of
this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property
seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

at Washington, D.C.

Date and Time Issued, pursuant to the domestic
terrorism search warrant provisions of Rule 41(b)(3)


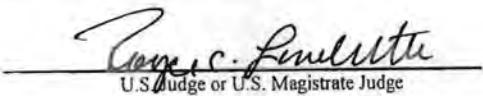
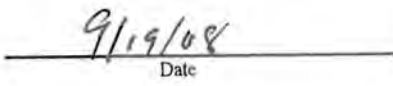
LAMBERTH, C.J. RCL

Robert C. Lambert

Name and Title of Judicial Officer

Signature of Judicial Officer

LAMBERTH, C.J. RCL

RETURN 08-493-M 01		
DATE WARRANT RECEIVED 8/7/2008	DATE AND TIME WARRANT EXECUTED 8/11/2008 11:17AM	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH AOL a/n: Karen Vukson
INVENTORY MADE IN THE PRESENCE OF AOL Personnel		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT <p>On 8/14/2008, one (1) CD containing AOL account information for Bruce Vins was received, to include e-mail snapshot data for Kingbadger7@aol.com and brucevins1@aol.com.</p>		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.		
 <hr/>		
Subscribed, sworn to, and returned before me this date.		
 <hr/> U.S. Judge or U.S. Magistrate Judge		 <hr/> Date

AO106(Rev 5/85) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account jimmyflathead@
yahoo.com, controlled by Yahoo! Inc.,
701 First Avenue, Building D,
Sunnyvale, CA 94089

APPLICATION AND AFFIDAVIT
SEARCH WARRANT

CASE NUMBER:

08-494 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@yahoo.com, controlled by Yahoo! Inc.,
701 First Avenue, Building D, Sunnyvale, CA 94089

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property to be searched)
all information pertaining to this account, including stored data, IP addresses, and electronic mail,
described more fully in Attachment A.

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, and threats to witnesses to that investigation.

concerning a violation of Title 18 United States Code United States Code, Section(s) 2332a, 1114, and
1512(a)(2). 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

Sworn to before me, and subscribed in my presence

AUG 07 2008

Date
LAMBERTH, C.J. RCL

Name and Title of Judicial Officer
AO93(Rev.5/85)Search Warrant

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

CHIEF
JUDGE ROYCE C. LAMBERTH
LAMBERTH, C.J. RCL

03-494-W-01

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately three years. As a Special Agent of the FBI, I am investigating a crime involving the dissemination of a Weapon of Mass Destruction (anthrax) in violation of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following e-mail accounts, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves a domestic terrorism investigation, pending in the District of Columbia.

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 Microsoft Corp. (MSN Hotmail), 1065 La Avenida, Building 4, Mountain View, California 94043. The accounts to be searched at Yahoo! are:

jimmyflathead@yahoo.com

bruceiv@yahoo.com

stanfordhawker@yahoo.com

The account to be searched at AOL is:

kingbadger7@aol.com

The accounts to be searched at MSN Hotmail is:

goldenphoenix111@hotmail.com

Kathrynpricfan@hotmail.com

These accounts are further described in the following paragraphs and in Attachment A. As set forth herein, there is probable cause to believe that a search of the aforementioned accounts 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, and into potential additional threats to witnesses in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

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Factual Background

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Over the course of the investigation, Ivins has been known to use at least eight email addresses, including the six that are the subject of this affidavit. Based on pen register data and other sources, investigators know that email is his most common method of communication, sending numerous email messages each week. Investigation has further revealed that the anthrax investigation is a common topic of his email messages.

In January 2008, Dr. Ivins admitted to the FBI that he has used the following e-mail address names: kingbadger7, jimmyflathead, and goldenphoenix111. Ivins did not mention [REDACTED]. The use of this account was first discovered in a review of Ivins's finances. Ivins listed this account on an order he placed. Subpoenaed information from Yahoo! revealed the following user identification for the e-mail address:

Login Name:	[REDACTED]
Alternate E-mail Address:	goldenphoenix111@hotmail.com
Name:	[REDACTED]
Address:	[REDACTED]
Account Created:	November 01, 2006

Goldenphoenix111@hotmail.com is a known e-mail address for Dr. Ivins, however, the name [REDACTED] was listed in the account information. It should be noted that [REDACTED] account [REDACTED]

In February and March of 2008, search warrants were served on all four of the above e-mail accounts. [REDACTED] had one e-mail that was not "junk" mail; it read as follows:

"Subject: Finally! I know Who mailed the anthrax!
From: KingBadger7@aol.com <KingBadger7@aol.com>
Date: Fri, 7 Sep 2007 17:49:01 EDT
To: [REDACTED]

Hi, [REDACTED]

Yes! Yes! Yes!!!!!! I finally know who mailed the anthrax letters in the fall of 2001. I've pieced it together! Now we can finally get all of this over and done with. I have to check a couple of things to make sure...absolutely sure...and then I can turn over info. I'll probably turn it over to my lawyer, and then he'll turn the info over to the authorities. I'm not looking forward to everybody getting dragged through the mud, but at least it will all be over. Finally! I should have it TOTALLY nailed down within the month. I should have been a private eye!!!!

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This e-mail is to/from himself. Pen registers have revealed that Ivins frequently sends e-mails to himself. In addition, Ivins has sent at least one other email to himself that details his opinion of who may have been the anthrax mailer. The investigation has further revealed that Ivins routinely uses the names and identifiers of other individuals in order to disguise his identity.

Most recently, investigators recovered from his trash a piece of paper in Dr. Ivins's handwriting containing two previously unknown email addresses: stanfordhawker@yahoo.com and bruceiv@yahoo.com, along with their passwords. Subscriber information for stanfordhawker@yahoo.com is Mr. Stanford Hawker, with a zipcode of 21702. Subscriber information for bruceiv@yahoo.com is Mr. Bruce I, zipcode 21702, alternate email address kingbadger7@aol.com, a known email address of Dr. Ivins.

In addition, the investigation has revealed Ivins's use of the name "bruceivi." An internet search of "bruceivi" revealed postings on You Tube with the screen name, "bruceivi." The dialogue was in reference to the reality TV show, The Mole, Season 1, Episode 7, part 4, referencing Kathryn Price, the winner of that season. Ms. Price attended college at the University of Kansas – mascot the Jayhawks – and law school at Stanford University, the likely source of "StanfordHawker." This was discovered on July 15, 2008, and all the postings had the time frame of "1 week ago." They are as follows:

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Maybe something really dreadful will happen to Kathryn Price. If so, she will richly deserve it! The least someone could do would be to take a sharp ballpoint pin or letter opener and put her eyes out, to complete the task of making her a true mole!"

On July 9, 2008, approximately the same time as the above posting, Ivins attended a group therapy session in Frederick, Maryland, hosted by a licensed Clinical Social Worker, where he was later described as agitated, angry, and hostile. Ivins stated that he had been walking around the "ghetto" areas of Frederick late at night hoping that someone would try to hurt him so that he could stab them with a sharp writing pen, similar to his Youtube posting. Ivins had the pen with him and made the social worker feel it.

Most importantly, at this same meeting, Ivins stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt Health Systems in Towson, Maryland, for further evaluation, where he remained until on or about Thursday, July 24, 2008, when he was released.

Upon his release from Sheppard Pratt Health Systems, Ivins went to the Frederick Public Library in Frederick, Maryland, where he was observed using a stand-alone computer terminal. He visited the web-site www.anthraxinvestigation.com, a web site dedicated to the investigation of the Fall 2001 anthrax attacks. He also utilized email on that terminal. Ivins left the library, and went home in the evening of Thursday, July 24, 2008, and wasn't seen again, though he was under 24-hour surveillance. At approximately 1:15 a.m., on Sunday, July 26, 2008, paramedics were summoned to the Ivins residence, located at [REDACTED], Frederick, Maryland, because he was unconscious. He was taken to Frederick Memorial Hospital, where he remained in critical condition due to an overdose of Tylenol and Valium, until he died on Tuesday, July 29, 2008.

In the early morning hours of July 31, 2008, investigators conducted a search of the trash outside the Ivins residence. Among other items of interest, they recovered a hand-written list in Ivins's handwriting, with the following information: letters@washingtonpost.com, letters@baltimoresun.com, www.cardin.senate.gov, www.mikulski.senate.gov, and www.bartlett.house.gov. They also recovered notes Ivins had made while at Sheppard Pratt in Towson, Maryland, in which he detailed various stressors in his life, including that he was facing possible incarceration. Finally, they recovered a note in Ivins's handwriting with a previously-unknown email address: kathrynpricefan@hotmail.com, along with the password to that account [REDACTED] and the following information: [REDACTED] (Ivins's address). Agents logged into that account and saw an email from Ivins to Kathryn Price, dated July 8, 2008, in which he stated:

Dear Ms. Price, I am very sorry to bother you, but I wanted to ask you if you are the same Kathryn Price that starred in the Mole reality TV series. I've been a fan of yours/hers since then, and I wondered if you are going to have any public appearances where people could meet you [possibly a book signing?] and get your autograph. If you are a different Kathryn Price, I sincerely apologize. I look forward to a reply of some kind. Thank you very much!!!! Cindy Wood

The Task Force submits that a search of the Subject e-mail accounts may reveal documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, including any plans that Dr. Ivins may have set in motion prior to his death. It bears emphasis that there was a nearly one-month gap between the time that the anthrax letters were mailed and the first letter was discovered. In addition, a search of the subject email accounts may reveal statements by Dr. Ivins concerning the anthrax attacks which would further the investigation into those attacks. The search is for any writings identifying a plan to kill witnesses or names of intended victims, any statements regarding the anthrax attacks, or any other relevant documents and/or notes, as more fully described in the Attachment to this affidavit.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject e-mail accounts may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject e-mail accounts as described in the Attachment to this affidavit, may reveal writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents, along with statements regarding the anthrax attacks themselves..

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 a 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 Arredondo
MARLO ARREDONDO
Special Agent
Federal Bureau of Investigation

AUG 25 2008

Sworn to before me this
____ day of _____

CHIEF
JUDGE ROYCE C. LAMBERTE
U.S. MAGISTRATE JUDGE
United States District Court
for the District of Columbia

LAMBERTE, C.J. RCL

ATTACHMENT A

I. Search Procedure

a. These search warrants will be presented to Yahoo! personnel by law enforcement agents. Yahoo! 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! 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! 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;

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:

jimmyflathead@yahoo.com

bruceiv@yahoo.com

stanfordhawker@yahoo.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, IP addresses, dial-ups, and/or locations;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

f. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account jimmyflathead@yahoo.com,
controlled by Yahoo! Inc., 701 First Avenue, Building D,
Sunnyvale, CA 94089

SEARCH WARRANT

CASE NUMBER: 08-494-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in email account jimmyflathead@yahoo.com, controlled by Yahoo! Inc., 701 First
Avenue, Building D, Sunnyvale, CA 94089

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property)

all information pertaining to this account, including stored data, IP addresses, and electronic mail, described
more fully in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the
issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant
and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find
reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of
this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property
seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

at Washington, D.C.

Date and Time Issued, pursuant to the domestic

terrorism search provisions of Rule 41(b)(3)
LAMBERTH, C.J. RCL

Name and Title of Judicial Officer

Roger C. Lamberth
Signature of Judicial Officer

LAMBERTH, C.J. RCL

RETURN			08-494-M-01
DATE WARRANT RECEIVED 8/7/2008	DATE AND TIME WARRANT EXECUTED 8/8/2008 4:45 PM	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH Yahoo! Criminal Compliance Division	
INVENTORY MADE IN THE PRESENCE OF Yahoo! Personnel - Daray Riedell			
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT On 8/21/08, one (1) CD was received from Yahoo!, containing e-mail account information, to include snapshots, for the e-mail account: jimmyflathead@yahoo.com.			
CERTIFICATION			
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.			
<u>Manolo Arredondo</u>			
Subscribed, sworn to, and returned before me this date.			
<u>Royce C. Lovell</u> U.S. Judge or U.S. Magistrate Judge		<u>9/19/08</u> Date	

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account [redacted]
controlled by Yahoo! Inc.,
701 First Avenue, Building D,
Sunnyvale, CA 94089

APPLICATION AND AFFIDAVIT
SEARCH WARRANT

CASE NUMBER: 07-495-W-117

(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 [redacted], controlled by Yahoo! Inc., 701
First Avenue, Building D, Sunnyvale, CA 94089

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property to be searched)
all information pertaining to this account, including stored data, IP addresses, and electronic mail,
described more fully in Attachment A.

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, and threats to witnesses to that investigation.

concerning a violation of Title 18 United States Code United States Code, Section(s) 2332a, 1114, and
1512(a)(2). 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

Sworn to before me, and subscribed in my presence

AUG 07 2008
Date
Name and Title of Judicial Officer

at Washington, D.C. (Pursuant to the domestic terrorism search
Warrant provisions of Rule 41(h)(3))
Signature of Judicial Officer
JUDGE ROYCE C. LAMBERT

08-495-M-01


AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately three years. As a Special Agent of the FBI, I am investigating a crime involving the dissemination of a Weapon of Mass Destruction (anthrax) in violation of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following e-mail accounts, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves a domestic terrorism investigation, pending in the District of Columbia.

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 Microsoft Corp. (MSN Hotmail), 1065 La Avenida, Building 4, Mountain View, California 94043. The accounts to be searched at Yahoo! are:

jimmyflathead@yahoo.com


bruceiv@yahoo.com

stanfordhawker@yahoo.com

The account to be searched at AOL is:

kingbadger7@aol.com

The accounts to be searched at MSN Hotmail is:

goldenphoenix111@hotmail.com

Kathrynpricefan@hotmail.com

These accounts are further described in the following paragraphs and in Attachment A. As set forth herein, there is probable cause to believe that a search of the aforementioned accounts 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, and into potential additional threats to witnesses in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

Overview

The Federal Bureau of Investigation and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Maryland (hereinafter "USAMRIID"), 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 a friend [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."

Factual Background

Over the course of the past few years, Dr. Ivins had become aware that the Task Force considered him a person who warranted further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, and three times in 2008 alone, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks. On July 12, 2008, in response to the threats Dr. Ivins had made (described further in this affidavit), a search of Dr. Ivins' house, cars, office, and wallet was conducted. Recovered in that search were numerous rounds of ammunition, a bullet proof vest, a homemade body armor plate, computers, and other case related items.

Over the course of the investigation, Ivins has been known to use at least eight email addresses, including the six that are the subject of this affidavit. Based on pen register data and other sources, investigators know that email is his most common method of communication, sending numerous email messages each week. Investigation has further revealed that the anthrax investigation is a common topic of his email messages.

In January 2008, Dr. Ivins admitted to the FBI that he has used the following e-mail address names: kingbadger7, jimmyflathead, and goldenphoenix111. Ivins did not mention [REDACTED]. The use of this account was first discovered in a review of Ivins's finances. Ivins listed this account on an order he placed. Subpoenaed information from Yahoo! revealed the following user identification for the e-mail address:

Login Name:	[REDACTED]
Alternate E-mail Address:	goldenphoenix111@hotmail.com
Name:	[REDACTED]
Address:	[REDACTED]
Account Created:	November 01, 2006

Goldenphoenix111@hotmail.com is a known e-mail address for Dr. Ivins, however, the name [REDACTED] was listed in the account information. It should be noted that [REDACTED] account [REDACTED]

In February and March of 2008, search warrants were served on all four of the above e-mail accounts. [REDACTED] had one e-mail that was not "junk" mail; it read as follows:

"Subject: Finally! I know Who mailed the anthrax!
From: KingBadger7@aol.com <KingBadger7@aol.com>
Date: Fri, 7 Sep 2007 17:49:01 EDT
To: [REDACTED]

Hi, [REDACTED]

Yes! Yes! Yes!!!!!! I finally know who mailed the anthrax letters in the fall of 2001. I've pieced it together! Now we can finally get all of this over and done with. I have to check a couple of things to make sure...absolutely sure...and then I can turn over info. I'll probably turn it over to my lawyer, and then he'll turn the info over to the authorities. I'm not looking forward to everybody getting dragged through the mud, but at least it will all be over. Finally! I should have it TOTALLY nailed down within the month. I should have been a private eye!!!!

-bruce"

This e-mail is to/from himself. Pen registers have revealed that Ivins frequently sends e-mails to himself. In addition, Ivins has sent at least one other email to himself that details his opinion of who may have been the anthrax mailer. The investigation has further revealed that Ivins routinely uses the names and identifiers of other individuals in order to disguise his identity.

Most recently, investigators recovered from his trash a piece of paper in Dr. Ivins's handwriting containing two previously unknown email addresses: stanfordhawker@yahoo.com and bruceiv@yahoo.com, along with their passwords. Subscriber information for stanfordhawker@yahoo.com is Mr. Stanford Hawker, with a zip code of 21702. Subscriber information for bruceiv@yahoo.com is Mr. Bruce I, zip code 21702, alternate email address kingbadger7@aol.com, a known email address of Dr. Ivins.

In addition, the investigation has revealed Ivins's use of the name "bruceivi." An internet search of "bruceivi" revealed postings on You Tube with the screen name, "bruceivi." The dialogue was in reference to the reality TV show, The Mole, Season 1, Episode 7, part 4, referencing Kathryn Price, the winner of that season. Ms. Price attended college at the University of Kansas – mascot the Jayhawks – and law school at Stanford University, the likely source of "StanfordHawker." This was discovered on July 15, 2008, and all the postings had the time frame of "1 week ago." They are as follows:

"bruceivi (1 week ago)

Steve had a great chance to Kill Kathryn that would go down as the primo moment in reality TV. After the fake fainting he'd say, 'Kathryn, do you know what a mole is? It's a blind useless animal that humans hate. And do you know what we do to moles? We kill them!'

bruceivi (1 week ago)

With that he should have taken the hatchet and brought it down hard and sharply across her neck, severing her carotid artery and jugular vein. Then when she hits the ground, he completes the task on the other side of the neck, severing her trachea as well. The 'Blind' mole is dead and Steve is a hero among heroes! I personally would have paid big money to have doe it myself.

bruceivi (1 week ago)

Maybe something really dreadful will happen to Kathryn Price. If so, she will richly deserve it! The least someone could do would be to take a sharp ballpoint pin or letter opener and put her eyes out, to complete the task of making her a true mole!"

On July 9, 2008, approximately the same time as the above posting, Ivins attended a group therapy session in Frederick, Maryland, hosted by a licensed Clinical Social Worker, where he was later described as agitated, angry, and hostile. Ivins stated that he had been walking around the "ghetto" areas of Frederick late at night hoping that someone would try to hurt him so that he could stab them with a sharp writing pen, similar to his Youtube posting. Ivins had the pen with him and made the social worker feel it.

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Conclusion

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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

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c. Yahoo! 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;

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

jimmyflathead@yahoo.com

[REDACTED]

bruceiv@yahoo.com

stanfordhawker@yahoo.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, IP addresses, dial-ups, and/or locations;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

f. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account [redacted]
controlled by Yahoo! Inc., 701 First Avenue, Building D,
Sunnyvale, CA 94089

SEARCH WARRANT

CASE NUMBER:

08-495-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in email account [redacted] controlled by Yahoo! Inc., 701 First
Avenue, Building D, Sunnyvale, CA 94089

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property)

all information pertaining to this account, including stored data, IP addresses, and electronic mail, described
more fully in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the
issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant
and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find
reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of
this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property
seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

Date and Time Issued, pursuant to the domestic
terrorism search warrant provisions of Rule 41(b)(2)

LAMBERTH, C.J. RCL

Name and Title of Judicial Officer

at Washington, D.C.

C. J. RCL

Signature of Judicial Officer

LAMBERTH, C.J. RCL

RETURN 08-495-M-01		
DATE WARRANT RECEIVED 8/7/2008	DATE AND TIME WARRANT EXECUTED 8/8/2008 4:45 PM	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH Yahoo! Criminal Compliance Division
INVENTORY MADE IN THE PRESENCE OF Yahoo! Personnel - Darcy Riedell		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT On 8/21/08 one (1) CD was received from Yahoo!, containing e-mail account information, to include snapshots for the requested e-mail account.		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.		
<u>Marlo Arredondo</u>		
Subscribed, sworn to, and returned before me this date.		
<u>Roger C. Smulista</u> U.S. Judge or U.S. Magistrate Judge		<u>9/19/08</u> Date

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

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FILED

AUG - 7 2008

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

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

Gateway E Series Computer MFG Code 0033161568, formerly located at Station 54, C. Burr Artz Library 110 East Patrick Street, Frederick, Maryland 21701 Currently located at 9325 Discovery Blvd, Manassas, VA

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 08-496-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) Gateway E Series Computer, MFG Code 0033161568, formerly located at Station 54, C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland, 21701, currently located at 9325 Discovery Blvd, Manassas, VA

in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property to be searched) electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters, or any other relevant electronic data.

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

Sworn to before me, and subscribed in my presence AUG 07 2008

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

LAMBERTH, C.J. RCL Name and Title of Judicial Officer

Signature of Judicial Officer LAMBERTH, C.J. RCL

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

08-496-M 01

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

I have been a Special Agent of the Federal Bureau of Investigation (FBI) for approximately three 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 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following computers, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves threats to witnesses in, and obstruction of, a domestic terrorism investigation, pending in the District of Columbia.

I make this affidavit in support of an application for a search warrant for two desktop computers currently in the FBI's possession, however, previously located on the second floor of the C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland 21701. The first computer is identified as Station 54: a Gateway E Series, MFG Code 0033161568. The Gateway computer tower has a sticker on the front bearing the identifier, Station 54. The second computer is identified as Station 41: a Dell Optiplex 320, Bar Code 41YPBC1. The Dell computer tower has a sticker on top bearing the library's property identification number 00531.

As discussed below, there is probable cause to believe that a search of the aforementioned computers 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, and into tampering with a witness or informant in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2). The FBI and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks has led to the identification of Dr. Bruce Edwards Ivins as a person necessitating further investigation for the reasons set forth in this affidavit.

Overview

The Task Force investigation of the anthrax attacks has led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Maryland (hereinafter "USAMRIID"), 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 paranoia, 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 a friend a few days before the anthrax attacks warning her 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."

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

On July 9, 2008, Ivins attended a group therapy session in Frederick, Maryland, hosted by a licensed Clinical Social Worker, where he was later described as agitated, angry, and hostile. Ivins stated that he had been walking around the "ghetto" areas of Frederick late at night hoping that someone would try to hurt him so that he could stab them with a sharp writing pen. Ivins had the pen with him and made the social worker feel it.

Most importantly, at this same meeting, Ivins stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers,

and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt in Baltimore, Maryland, for further evaluation, where he remained until Thursday, July 24, 2008, when he was released.

On July 12, 2008, in response to the threats Dr. Ivins had made, a search of Dr. Ivins' house, cars, office, and wallet was conducted. Recovered in that search were several items of ammunition, a bullet proof vest, a homemade body armor plate, computers, and other case related items.

On July 24, 2008, between the hours of 7:00pm and 8:30pm, while conducting a surveillance operation on Dr. Bruce Edwards Ivins, Special Agents of the FBI observed Dr. Ivins enter the C. Burr Artz Library in Frederick, Maryland. Dr. Ivins utilized the computer located at Station 54. A short time later Dr. Ivins left Station 54 and utilized the computer located at Station 41. While utilizing the computers, Special Agents of the FBI observed Dr. Ivins reviewing a website dedicated to the Anthrax Investigation and examining email accounts.

On Sunday, July 27, 2008 at approximately 1:15 am, Frederick County Emergency Services responded to 622 Military Road, Frederick, Maryland following a 911 call for an unconscious male. Dr. Ivins was transported to Frederick Memorial Hospital where he remained until his death on Tuesday, July 29, 2008. Dr. Ivins' death was ruled a suicide due to an overdose of Tylenol (acetaminophen).

On July 31, 2008, both of the above referenced computers, Station 41 and 54, were obtained from C. Burr Artz Library. The computer towers are presently in FBI possession until they can be searched.

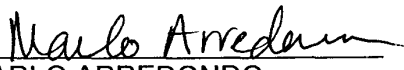
The Task Force submits that a search of the computers may reveal documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, and obstruction of that investigation. The search is for any indication of electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters or any other relevant electronic data.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the aforementioned computers may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the computers may reveal electronic data identifying a plan to kill witnesses, names of intended victims, photographs, suicide letters and other relevant information.

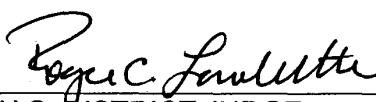
Because this affidavit is part of an ongoing investigation that would be jeopardized by premature disclosure of information, I further request that this Affidavit, the accompanying Order, and other related documents be filed under seal until further order of the Court.

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 a 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 ARREDONDO
Special Agent
Federal Bureau of Investigation

AUG 07 2008

Sworn to before me this
____ day of _____


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

LAMBERTH, C.J. RCL

AO93(Rev.5/85)Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Gateway Series E Computer
MFG Code 0033161568, formerly located
at Station 54, C. Burr Artz Library
110 East Patrick Street, Frederick, Maryland 21701
Currently located at 9325 Discovery Blvd, Manassas, VA

SEARCH WARRANT

CASE NUMBER: 08-496-M 01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Gateway E Series Computer, MFG Code 0033161568, formerly located at Station 54, C. Burr Artz Library, 110
East Patrick Street, Frederick, Maryland, 21701, currently located at 9325 Discovery Blvd, Manassas, VA

in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or
property)

electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill
witnesses or names of intended victims, suicide letters, or any other relevant electronic data.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the issuance
of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and
making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable
cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and
receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly
return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

at Washington, D.C.

Date and Time Issued, pursuant to the domestic
terrorism search warrant provisions of Rule 41(b)(3)

LAMBERTH, C.J. RCL

Name and Title of Judicial Officer

Signature of Judicial Officer
C. J. Lambirth

LAMBERTH, C.J. RCL

RETURN

DATE WARRANT RECEIVED

8/7/08

DATE AND TIME WARRANT EXECUTED

8/11/08 10:50 AM

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

DANIEL BATSON

INVENTORY MADE IN THE PRESENCE OF

SA JAMES A. GRIFFIN, JR.

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

(1) GATEWAY E SERIES COMPUTER TOWER
MFG CODE 0033161568

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

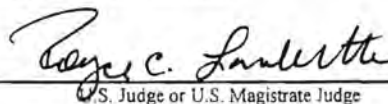


FILED

AUG 12 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Subscribed, sworn to, and returned before me this date.


U.S. Judge or U.S. Magistrate Judge

8/12/08
Date

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG - 7 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

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

Dell Optiplex 320 Computer, Bar code 41YPBC1
property ID number 00531, formerly located
at Station 41, C. Burr Artz Library
110 East Patrick Street, Frederick, Maryland 21701
Currently located at 9325 Discovery Blvd, Manassas, VA

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER: 08-497-M 01

(Further described below)

I Marlo Arredondo being duly sworn depose and say:

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(Official Title)

that (name, description and or location)

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in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property to be searched)

electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters, or any other relevant electronic data.

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. YES NO

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

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

Sworn to before me, and subscribed in my presence

AUG 07 2008

LAMBERTH, C.J. RCL
Name and Title of Judicial Officer

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

Page C. Lamberth
Signature of Judicial Officer

LAMBERTH, C.J. RCL

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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08-497-M-01

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Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the aforementioned computers may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the computers may reveal electronic data identifying a plan to kill witnesses, names of intended victims, photographs, suicide letters and other relevant information.

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 a 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 ARREDONDO
Special Agent
Federal Bureau of Investigation

AUG 07 2008

Sworn to before me this
____ day of _____



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

LAMBERTH, C.J. RCL

AO93 (Rev. 5/85) Search Warrant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

Dell Optiplex 320 computer, Bar Code 41YPBC1, property ID number 00531, formerly located at Station 41, C. Burr Artz Library 110 East Patrick Street, Frederick, Maryland 21701 Currently located at 9325 Discovery Blvd, Manassas, VA

SEARCH WARRANT

CASE NUMBER 08-497-M 01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that (name, description and or location)

Dell Optiplex 320 computer, Bar Code 41YPBC1, property ID number 00531, formerly located at Station 41, C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland, 21701, currently located at 9325 Discovery Blvd, Manassas, VA

in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property)

electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters, or any other relevant electronic data.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

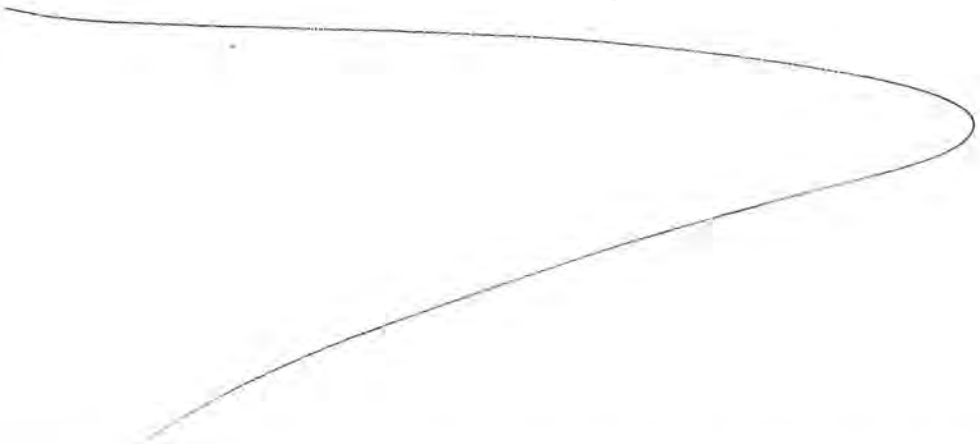


at Washington, D.C.

Date and Time Issued, pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3)

LAMBERTH, C.J. RCL Name and Title of Judicial Officer

Signature of Judicial Officer (Handwritten signature)

LAMBERTH, C.J. RCL

RETURN		
DATE WARRANT RECEIVED <u>8/7/08</u>	DATE AND TIME WARRANT EXECUTED <u>8/11/08 10:50AM</u>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH <u>DARRELL BATSON</u>
INVENTORY MADE IN THE PRESENCE OF <u>SA JAMES A. GRIFFIN, TX.</u>		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT <u>(1) DELL OPTIPLEX 320 COMPUTER TOWER</u> <u>BAR CODE 41Y PBC1 , PROPERTY ID# 00531</u>		
		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.		
		FILED AUG 12 2008 NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT
Subscribed, sworn to, and returned before me this date.		
 U.S. Judge or U.S. Magistrate Judge		<u>8/12/08</u> Date

AO106(Rev 5/85) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account bruceiv@
yahoo.com, controlled by Yahoo! Inc.,
701 First Avenue, Building D,
Sunnyvale, CA 94089

APPLICATION AND AFFIDAVIT
SEARCH WARRANT

CASE NUMBER: 08-491-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 bruceiv@yahoo.com, controlled by Yahoo! Inc., 701
First Avenue, Building D, Sunnyvale, CA 94089

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property to be searched)
all information pertaining to this account, including stored data, IP addresses, and electronic mail,
described more fully in Attachment A.

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, and threats to witnesses to that investigation.

concerning a violation of Title 18 United States Code, United States Code, Section(s) 2332a, 1114, and
1512(a)(2). 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

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

Sworn to before me, and subscribed in my presence

AUG 27 2008
DAN LAMBERTH, C.J. RCL

at Washington, D.C. (Pursuant to the domestic terrorism search
Warrant (Rule 41(c)))
JUDGE ROYCE C. LAMBERTH

Name and Title of Judicial Officer
AO93(Rev. 5/85) Search Warrant

Signature of Judicial Officer
LAMBERTH, C.J. RCL

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Marlo Arredondo, being first duly sworn, hereby depose and state as follows: 08-491-M-01

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately three years. As a Special Agent of the FBI, I am investigating a crime involving the dissemination of a Weapon of Mass Destruction (anthrax) in violation of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following e-mail accounts, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves a domestic terrorism investigation, pending in the District of Columbia.

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 Microsoft Corp. (MSN Hotmail), 1065 La Avenida, Building 4, Mountain View, California 94043. The accounts to be searched at Yahoo! are:

jimmyflathead@yahoo.com
[REDACTED]
bruceiv@yahoo.com
stanfordhawker@yahoo.com

The account to be searched at AOL is:

kingbadger7@aol.com

The accounts to be searched at MSN Hotmail is:

goldenphoenix111@hotmail.com
Kathrynpricefan@hotmail.com

These accounts are further described in the following paragraphs and in Attachment A. As set forth herein, there is probable cause to believe that a search of the aforementioned accounts 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, and into potential additional threats to witnesses in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

Overview

The Federal Bureau of Investigation and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Maryland (hereinafter "USAMRIID"), 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 a friend [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."

Factual Background

Over the course of the past few years, Dr. Ivins had become aware that the Task Force considered him a person who warranted further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, and three times in 2008 alone, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks. On July 12, 2008, in response to the threats Dr. Ivins had made (described further in this affidavit), a search of Dr. Ivins' house, cars, office, and wallet was conducted. Recovered in that search were numerous rounds of ammunition, a bullet proof vest, a homemade body armor plate, computers, and other case related items.

Over the course of the investigation, Ivins has been known to use at least eight email addresses, including the six that are the subject of this affidavit. Based on pen register data and other sources, investigators know that email is his most common method of communication, sending numerous email messages each week. Investigation has further revealed that the anthrax investigation is a common topic of his email messages.

In January 2008, Dr. Ivins admitted to the FBI that he has used the following e-mail address names: kingbadger7, jimmyflathead, and goldenphoenix111. Ivins did not mention [REDACTED]. The use of this account was first discovered in a review of Ivins's finances. Ivins listed this account on an order he placed. Subpoenaed information from Yahoo! revealed the following user identification for the e-mail address:

Login Name:	[REDACTED]
Alternate E-mail Address:	goldenphoenix111@hotmail.com
Name:	[REDACTED]
Address:	[REDACTED]
Account Created:	November 01, 2006

Goldenphoenix111@hotmail.com is a known e-mail address for Dr. Ivins, however, the name [REDACTED] was listed in the account information. It should be noted that [REDACTED] account [REDACTED]

In February and March of 2008, search warrants were served on all four of the above e-mail accounts. [REDACTED] had one e-mail that was not "junk" mail; it read as follows:

"Subject: Finally! I know Who mailed the anthrax!
From: KingBadger7@aol.com <KingBadger7@aol.com>
Date: Fri, 7 Sep 2007 17:49:01 EDT
To: [REDACTED]

Hi, [REDACTED]

Yes! Yes! Yes!!!!!! I finally know who mailed the anthrax letters in the fall of 2001. I've pieced it together! Now we can finally get all of this over and done with. I have to check a couple of things to make sure...absolutely sure...and then I can turn over info. I'll probably turn it over to my lawyer, and then he'll turn the info over to the authorities. I'm not looking forward to everybody getting dragged through the mud, but at least it will all be over. Finally! I should have it TOTALLY nailed down within the month. I should have been a private eye!!!!

-bruce"

This e-mail is to/from himself. Pen registers have revealed that Ivins frequently sends e-mails to himself. In addition, Ivins has sent at least one other email to himself that details his opinion of who may have been the anthrax mailer. The investigation has further revealed that Ivins routinely uses the names and identifiers of other individuals in order to disguise his identity.

Most recently, investigators recovered from his trash a piece of paper in Dr. Ivins's handwriting containing two previously unknown email addresses: stanfordhawker@yahoo.com and bruceiv@yahoo.com, along with their passwords. Subscriber information for stanfordhawker@yahoo.com is Mr. Stanford Hawker, with a zip code of 21702. Subscriber information for bruceiv@yahoo.com is Mr. Bruce I, zip code 21702, alternate email address kingbadger7@aol.com, a known email address of Dr. Ivins.

In addition, the investigation has revealed Ivins's use of the name "bruceivi." An internet search of "bruceivi" revealed postings on You Tube with the screen name, "bruceivi." The dialogue was in reference to the reality TV show, The Mole, Season 1, Episode 7, part 4, referencing Kathryn Price, the winner of that season. Ms. Price attended college at the University of Kansas – mascot the Jayhawks – and law school at Stanford University, the likely source of "StanfordHawker." This was discovered on July 15, 2008, and all the postings had the time frame of "1 week ago." They are as follows:

"bruceivi (1 week ago)

Steve had a great chance to Kill Kathryn that would go down as the primo moment in reality TV. After the fake fainting he'd say, 'Kathryn, do you know what a mole is? It's a blind useless animal that humans hate. And do you know what we do to moles? We kill them!'

bruceivi (1 week ago)

With that he should have taken the hatchet and brought it down hard and sharply across her neck, severing her carotid artery and jugular vein. Then when she hits the ground, he completes the task on the other side of the neck, severing her trachea as well. The 'Blind' mole is dead and Steve is a hero among heroes! I personally would have paid big money to have doe it myself.

bruceivi (1 week ago)

Maybe something really dreadful will happen to Kathryn Price. If so, she will richly deserve it! The least someone could do would be to take a sharp ballpoint pin or letter opener and put her eyes out, to complete the task of making her a true mole!"

On July 9, 2008, approximately the same time as the above posting, Ivins attended a group therapy session in Frederick, Maryland, hosted by a licensed Clinical Social Worker, where he was later described as agitated, angry, and hostile. Ivins stated that he had been walking around the "ghetto" areas of Frederick late at night hoping that someone would try to hurt him so that he could stab them with a sharp writing pen, similar to his Youtube posting. Ivins had the pen with him and made the social worker feel it.

Most importantly, at this same meeting, Ivins stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt Health Systems in Towson, Maryland, for further evaluation, where he remained until on or about Thursday, July 24, 2008, when he was released.

Upon his release from Sheppard Pratt Health Systems, Ivins went to the Frederick Public Library in Frederick, Maryland, where he was observed using a stand-alone computer terminal. He visited the web-site www.anthraxinvestigation.com, a web site dedicated to the investigation of the Fall 2001 anthrax attacks. He also utilized email on that terminal. Ivins left the library, and went home in the evening of Thursday, July 24, 2008, and wasn't seen again, though he was under 24-hour surveillance. At approximately 1:15 a.m., on Sunday, July 26, 2008, paramedics were summoned to the Ivins residence, located at [REDACTED], Frederick, Maryland, because he was unconscious. He was taken to Frederick Memorial Hospital, where he remained in critical condition due to an overdose of Tylenol and Valium, until he died on Tuesday, July 29, 2008.

In the early morning hours of July 31, 2008, investigators conducted a search of the trash outside the Ivins residence. Among other items of interest, they recovered a hand-written list in Ivins's handwriting, with the following information: letters@washingtonpost.com, letters@baltimoresun.com, www.cardin.senate.gov, www.mikulski.senate.gov, and www.bartlett.house.gov. They also recovered notes Ivins had made while at Sheppard Pratt in Towson, Maryland, in which he detailed various stressors in his life, including that he was facing possible incarceration. Finally, they recovered a note in Ivins's handwriting with a previously-unknown email address: kathrynpricefan@hotmail.com, along with the password to that account [REDACTED] and the following information: "[REDACTED]" (Ivins's address). Agents logged into that account and saw an email from Ivins to Kathryn Price, dated July 8, 2008, in which he stated:

Dear Ms. Price, I am very sorry to bother you, but I wanted to ask you if you are the same Kathryn Price that starred in the Mole reality TV series. I've been a fan of yours/hers since then, and I wondered if you are going to have any public appearances where people could meet you [possibly a book signing?] and get your autograph. If you are a different Kathryn Price, I sincerely apologize. I look forward to a reply of some kind. Thank you very much!!!! Cindy Wood

The Task Force submits that a search of the Subject e-mail accounts may reveal documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, including any plans that Dr. Ivins may have set in motion prior to his death. It bears emphasis that there was a nearly one-month gap between the time that the anthrax letters were mailed and the first letter was discovered. In addition, a search of the subject email accounts may reveal statements by Dr. Ivins concerning the anthrax attacks which would further the investigation into those attacks. The search is for any writings identifying a plan to kill witnesses or names of intended victims, any statements regarding the anthrax attacks, or any other relevant documents and/or notes, as more fully described in the Attachment to this affidavit.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject e-mail accounts may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject e-mail accounts as described in the Attachment to this affidavit, may reveal writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents, along with statements regarding the anthrax attacks themselves..

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 a 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 Arredondo
MARLO ARREDONDO
Special Agent
Federal Bureau of Investigation

AUG 04 2008

Sworn to before me this
_____ day of _____

CHIEF
JUDGE ROYCE G. LAMBERTE
U.S. MAGISTRATE JUDGE
United States District Court
for the District of Columbia

LAMBERTH, C.J. RCL

ATTACHMENT A

I. Search Procedure

a. These search warrants will be presented to Yahoo! personnel by law enforcement agents. Yahoo! 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! 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! 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;

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:

jimmyflathead@yahoo.com


bruceiv@yahoo.com

stanfordhawker@yahoo.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, IP addresses, dial-ups, and/or locations;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

f. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account bruceiv@yahoo.com,
controlled by Yahoo! Inc., 701 First Avenue, Building D,
Sunnyvale, CA 94089

SEARCH WARRANT

08-491-M 01

CASE NUMBER:

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in email account bruceiv@yahoo.com, controlled by Yahoo! Inc., 701 First Avenue,
Building D, Sunnyvale, CA 94089

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property)

all information pertaining to this account, including stored data, IP addresses, and electronic mail, described
more fully in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the
issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant
and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find
reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of
this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property
seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008

at Washington, D.C.

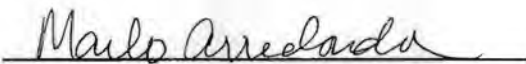
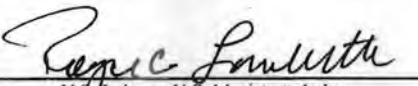
Date and Time Issued, pursuant to the domestic
terrorism search warrant provisions of Rule 41(h)(3)

LAMBERTH, C.J. RCL

Roger C. Lamberth
Signature of Judicial Officer

Name and Title of Judicial Officer

LAMBERTH, C.J. RCL

RETURN 08-491-M 01		
DATE WARRANT RECEIVED 8/7/2008	DATE AND TIME WARRANT EXECUTED 8/8/2008 4:45pm	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH Yahoo! Criminal Compliance Division
INVENTORY MADE IN THE PRESENCE OF Yahoo! Personnel - Darcy Riedell		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT <p>On 8/21/08, one (1) CD was received from Yahoo! containing e-mail account information, to include snapshots, for the e-mail account: bruceiv@yahoo.com.</p>		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.		
 _____		
Subscribed, sworn to, and returned before me this date.		
 _____		9/19/08 _____
U.S. Judge or U.S. Magistrate Judge		Date

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

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FILED

OCT 31 2007

In the Matter of the Search of

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

Residence at [redacted] Frederick, Maryland, owned by Bruce Edwards Ivins, DOB [redacted] SSN [redacted]

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 07-524-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 and have reason to believe

that [] on the person of or [x] on the property or premises known as (name, description and/or location)

Single Family Residence at [redacted] Frederick, Maryland, and large white shed on rear of property, owned by Bruce Edwards Ivins, DOB [redacted], SSN [redacted]

United States District Court For the District of Columbia TRUE COPY NANCY MAYER WHITTINGTON, Clerk By [Signature] 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. [x] YES [] NO

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

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

Sworn to before me, and subscribed in my presence

Date OCT 31 2007

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

DEBORAH A. ROBINSON U.S. MAGISTRATE JUDGE

[Signature] Signature of Judicial Officer

Name and Title of Judicial Officer

DEBORAH A. ROBINSON U.S. MAGISTRATE JUDGE

AO93 (Rev. 5/85) Search Warrant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

Residence at [redacted] Frederick, Maryland, owned by Bruce Edwards Ivins, DOB [redacted], SSN [redacted]

SEARCH WARRANT

CASE NUMBER: 07-524M-01

TO: Postal Inspector Thomas F. Dellafera and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Thomas F. Dellafera who has reason to believe that [] on the person or [x] on the premises known as (name, description and or location)

Single Family Residence at [redacted] Frederick, Maryland, and large white shed on rear of property, owned by Bruce Edwards Ivins, DOB [redacted] SSN [redacted]

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

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.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before November 9, 2007 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search [] (in the daytime - 6:00 A.M. to 10:00 P.M.) [x] (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

OCT 31 2007 @ 5:08 PM Date and Time Issued in Washington, DC 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] Signature of Judicial Officer

DEBORAH A. ROBINSON U.S. MAGISTRATE JUDGE

United States District Court For the District of Columbia A TRUE COPY NANCY MAYOR WHITTINGTON, Clerk By [Signature] Deputy Clerk

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

07-524-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 [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] 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) Otilie 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]

[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 ¼" 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 ¼" 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.

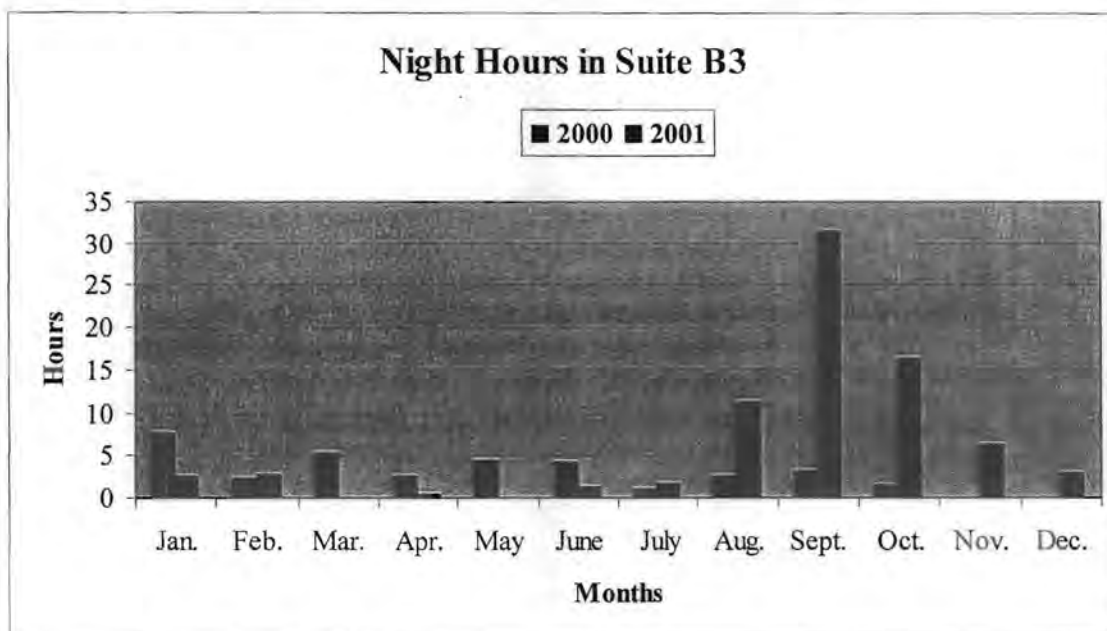
Unexplained late night laboratory access

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, then 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

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 its sorority, (KKG).

[REDACTED]

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]. [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 Gaithersburg 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] [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 [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]. This is 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.abovetopsecret.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.

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 subtilis* 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 *subtilis* 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. For length 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.

(TP)
10/31/07

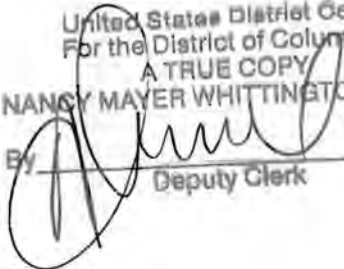
The statements contained in this Affidavit are based in part on information provided by FBI Special Agents and U.S. Postal Inspectors, on observations made by law enforcement agents, and on my experience and background as an FBI Special Agent. I have not included each and every fact known to me concerning 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.

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

07-524-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) 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 [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] 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) Otilie 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.

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]

[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 3/4" 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 3/4" 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.

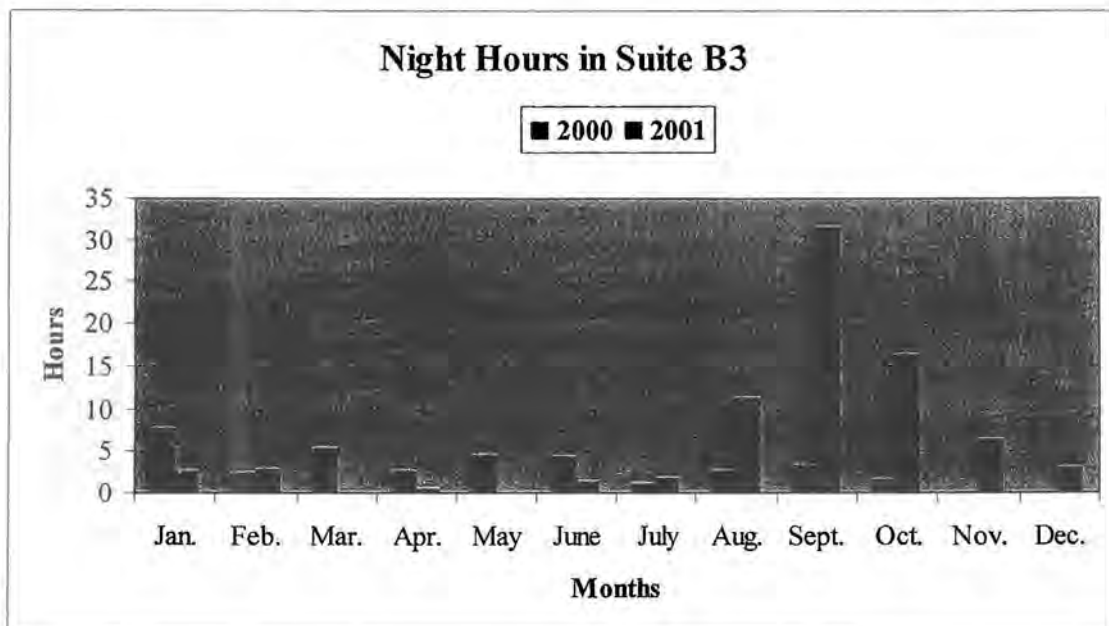
Unexplained late night laboratory access

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.

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, then 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, ██████ identified four communications that it had previously received from Dr. Ivins. ██████ does not personally know Dr. Ivins but has repeatedly corresponded with him by mail]. In Dr. Ivins's first letter to ██████ 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

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).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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]. [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 Gaithersburg 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] [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 [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]. This is 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]

[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.abovetopsecret.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.

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 subtilis* 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 *subtilis* 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-anthrax *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 warrant at any time, day or night.*

(TP)
10/31/07

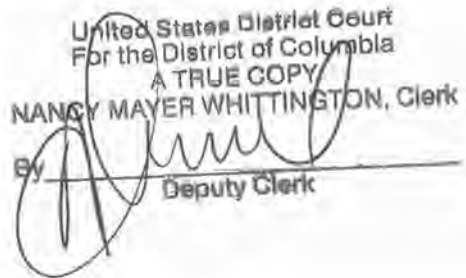
The statements contained in this Affidavit are based in part on information provided by FBI Special Agents and U.S. Postal Inspectors, on observations made by law enforcement agents, and on my experience and background as an FBI Special Agent. I have not included each and every fact known to me concerning 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.

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

07-524-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) 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 [REDACTED] [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] 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) Otilie 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.

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 3/4 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]

[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.

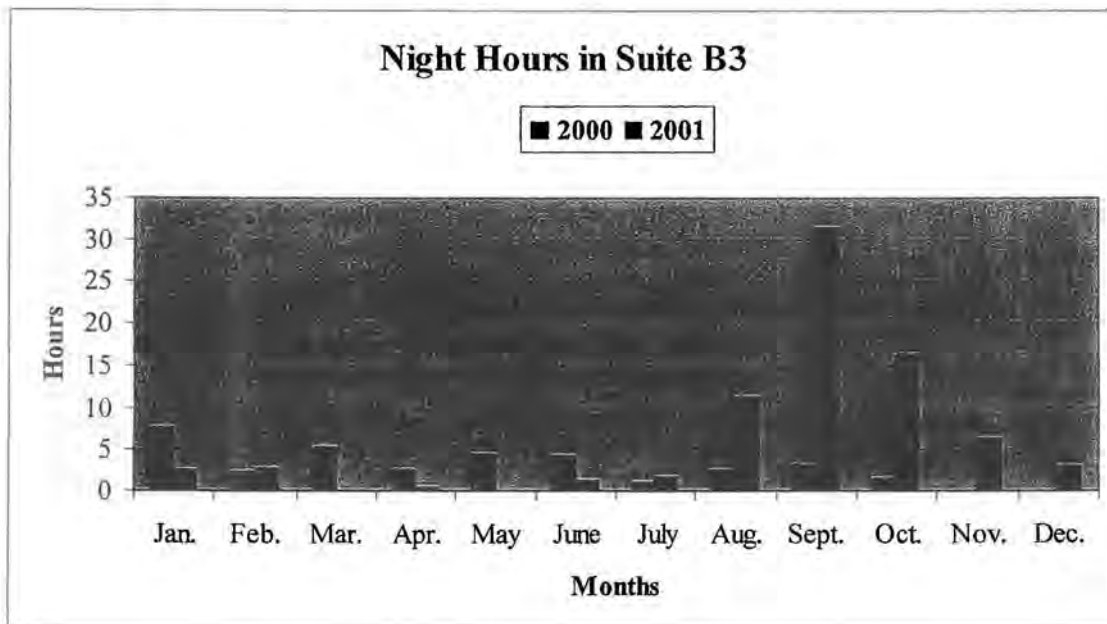
Unexplained late night laboratory access

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

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, then 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

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).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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]. [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]. [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 Gaithersburg 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] [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 [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] This is 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.abovetopsecret.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 subtilis* 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 *subtilis* 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-anthrax *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. *For* *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*.

TP
10/31/07

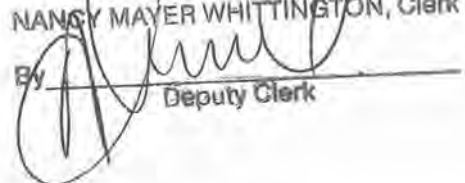
The statements contained in this Affidavit are based in part on information provided by FBI Special Agents and U.S. Postal Inspectors, on observations made by law enforcement agents, and on my experience and background as an FBI Special Agent. I have not included each and every fact known to me concerning 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.

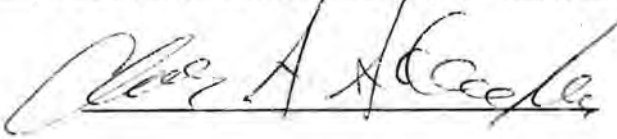

11. Keys, records, or other information pertaining to storage facilities, safety deposit boxes or other locations where assets or contraband may be stored.

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.

AO 109 (2/90) Seizure Warrant

RETURN		
DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH
10/31/2007	11/1/2007 6:45 PM	IN Residence
INVENTORY MADE IN THE PRESENCE OF		
Kellie OBrien		
INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT		
see attached		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the property seized by me on the warrant.		
		FILED NOV 09 2007 NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT
Subscribed, sworn to, and returned before me this date.		
		11-09-07 Date
U.S. Judge or U.S. Magistrate Judge		

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

On (date) _____

At (time) _____

(Name) _____

(Location) _____

Item(s) listed below were:

- Received From
 Returned To
 Released To
 Seized

ITEM#	DESCRIPTION
1	One (1) small cardboard box labeled "Paul Kemp...Attorney client privilege"
2	One (1) small cardboard box labeled "Paul Kemp...Attorney Client Privilege"
3	One (1) small cardboard box labeled "Paul Kemp...Attorney Client Privilage" Contains scientific research documents. RMR-1029
4	Photo copy of hand drawn map; application for guns-found in lock box
5	Spector Pro internet monitoring software
6	two (2) 5x7 cards with writing
7	Check transaction Register
8	Glock 27 stock barrell-G6026
9	5x7 card with writing
10	Handwritten and mapquest directions to 37 Anderson Ave Warwick, RI
11	US Department of State-Bruce Edwards Ivins; Social Security Card Lebanon, OH; Two (2) newspaper articles
12	Counter surveillance package/equipment
13	Five (5) cards from Respect Life Committee
14	Four (4) VHS tapes found in third shelf from the bottom; right side
15	VHS tape found in VCR
16	Eight (8) VHS tapes, bottom shelf, right side
17	Eight (8) VHS tapes found in second shelf from bottom, right side
18	Laboratory supplies
19	Photo negative
20	Business cards, contacts, email addresses
21	Make-up & false hair, costume type

ITEM#	DESCRIPTION
22	notebook detailing firearms training & contacts
23	Misc. documents-mapquest, folder, funeral notice Sara McIntyre
24	Misc. doc-inspection notice, lab supply etc.
25	Anticlis and doc on Christina McAullif-song-Olympic bombings
26	Letters of application;family tree folder
27	Paperback book titled "The Plague" by Albert Camus
28	Bruce Ivins University of Cincinnati transcripts
29	E-mails, grand jury docs
30	E-mails
31	Envelopes containing research; Mikell, Fellow, Ivins
32	E-mails, notes, articles
33	Twelve (12) VHS tapes located on top shelf
34	Seven (7) VHS cassette tapes
35	Small green box containing 3x5 cards with names and addresses
36	Five (5) VHS cassette tapes
37	Cassette tapes from cardboard box on 3rd shelf of cabinet
38	Cassette tapes located in six-drawer cassette tape holder
39	Shoe box of cassette tapes
40	Taser and pepper spray information
41	Family photographs showing lineage
42	WMD documents from the American Red Cross, third shelf from bottom
43	One (1) 8mm tape located on second shelf from bottom
44	Family photographs & lineage documentation
45	Two (2) photo albums and loose photos
46	Financial records in ten brown envelopes and one manila folder. Administrator records of estate on Thomas Randell Ivins
47	Black briefcase containing Glock 34 S/N KKP854; Beretta pistol s/n DAA274445; Glock 27 s/n ERF247

**U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized**

On (date) _____

At (time) _____

(Name) _____

(Location) _____

Item(s) listed below were:

- Received From
 Returned To
 Released To
 Seized

ITEM#	DESCRIPTION
49	Booklet of "Crystal Origin"
50	PI Beta Kappa New member handbook
51	Misc covert sales pubs and user manuals
52	Rth newsletters, UPS Postal Service third class mail prep poster
53	Nokia 918P s/n 219/09866050; nokia 252c s/n 218/07226699
54	Nine (9) VHS tapes
55	Carbon paper-used with handwriting
56	Black briefcase w/ name bricken written on latches; doc, notbook, files inside
57	macintosh Performa 635CD s/n XC4490MY30H
58	Dell Dimension 2400 service type #4537961
59	Fourteen (14) CD-R
61	iPod shuffle (on desk); Nintendo DS s/n UG70028741
62	Beige lockbox containing stunmaster 300s, airtaser, Stunmaster 100s, 2 pepersprays, batteries
63	Documents from lockbox (taken from item 62) including receipts for guns
64	Western digital 2506B hard drive, model #WD2500BB-55RDA0, s/n WCANKH138854, containing image of QWF1.1 (DEWF1_11012007)
65	DEWF2-11012007:Western digital 12068 hard drive, model # WD1200BB-))RDA0, s/n WCANMF425982, containing image oof QWF2_1 and QWF3_1
66	Document with website on it, documents relating to songs for Christa
67	DEWF3_11012007:Mxator 1606B hard drive, model 6Y160Poo42211, s/n Y43X2QSE, containing images of QWF4_1 and QWF4_2 and QWF7_1
67	multiple 3.5 floppy disks

ITEM#	DESCRIPTION
48	Book "The Enneagram" and copied pages from an unknown publication

(END OF LIST)

Total of 48 Item(s) Listed

Received by: _____
(Signature)

Received from: _____
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 279A-WF-222936

H-S-13 Room K - Hallway Area

On (date) NOV 2, 2007

item(s) listed below were:

- Received From
- Returned To
- Released To
- Seized

(Name) DR. BRUCE E. IVINS

(Street Address) [REDACTED]

(City) FREDERICK, MD

Description of Item(s): HOUSE SAMPLES : NEXT LINE

- H-S-1 SAMPLE SWAB RM M
- H-S-2 VACUUM FILTER RM O
- H-S-3 VAC FILTER RM O
- H-S-4 SAMPLE SWAB RM L
- H-S-5 SAMPLE SWAB RM O
- H-S-6 VAC FILTER RML
- H-S-7 VAC FILTER RM M
- H-S-8 SAMPLE SWAB RM O
- H-S-9 RM G BATHROOM
- H-S-10 RM J BEDROOM
- H-S-11 RM I BEDROOM
- H-S-12 RM K HALLWAY
- H-S-14 RM K " STAIRS
- H-S-15 CORNER, VENT, GRATES, RADIATOR SWAB
- H-S-16 FIRST FLOOR BACK RM SWAB
- H-S-17 FIRST FLOOR BACK BEDROOM VAC FILTER
- H-S-18 1ST FLOOR BATHROOM SWAB
- H-S-19 1ST FLOOR BATHROOM AREA RUGS VAC FILTER
- H-S-20 DINING RM - RADIATOR, DOOR WAY SWAB
- H-S-21 LIVING RM - CORNER, FLOOR, RADIATOR SWAB
- H-S-22 LIVING RM AREA RUG VAC FILTER

Received By: [Signature]
(Signature)

Received From: NOT AVAILABLE
(Signature)

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

2002 Saturn SL1, blue, 4 door sedan, bearing VIN [redacted] registered to Bruce Edwards Ivins, at [redacted] Frederick, MD

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 07-525-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 and have reason to believe

that [] on the person of or [x] on the property or premises known as (name, description and or location)

2002 Saturn SL1, blue, 4 door sedan, bearing VIN # [redacted] at [redacted] Frederick, MD

United States District Court for the District of Columbia, A TRUE COPY, NANCY MAYER WHITTINGTON, Clerk, By [Signature] Deputy Clerk

in the District of Maryland, there is now concealed a certain person or property, name [redacted], 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. [x] YES [] NO

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

[Signature] 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] Signature of Judicial Officer DEBORAH A. ROBINSON U.S. MAGISTRATE JUDGE

AO93 (Rev. 5/85) Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

2002 Saturn SL1, blue, 4 door sedan,
bearing VIN # [REDACTED]
registered to Bruce Edwards Ivins,
at [REDACTED] Frederick, MD

SEARCH WARRANT

CASE NUMBER: 07-525-M-01

TO: Postal Inspector Thomas F. Dellafera and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Thomas F. Dellafera who has reason to believe that on the person or on the premises known as (name, description and or location)

2002 Saturn SL1, blue, 4 door sedan, bearing VIN # [REDACTED] registered to Bruce Edwards Ivins, at [REDACTED] Frederick, MD

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

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.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before November 9, 2007
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

OCT 31 2007 5:05 PM

Date and Time Issued in Washington, DC 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

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

BY [Signature]
Deputy Clerk

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

07-525-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 03/06/1990. 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 [REDACTED] Ivins, [REDACTED], Frederick, MD. Diane Betsch Ivins 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 her 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) Otilie 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 ¼ 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]

[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 3/4" 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 3/4" 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.

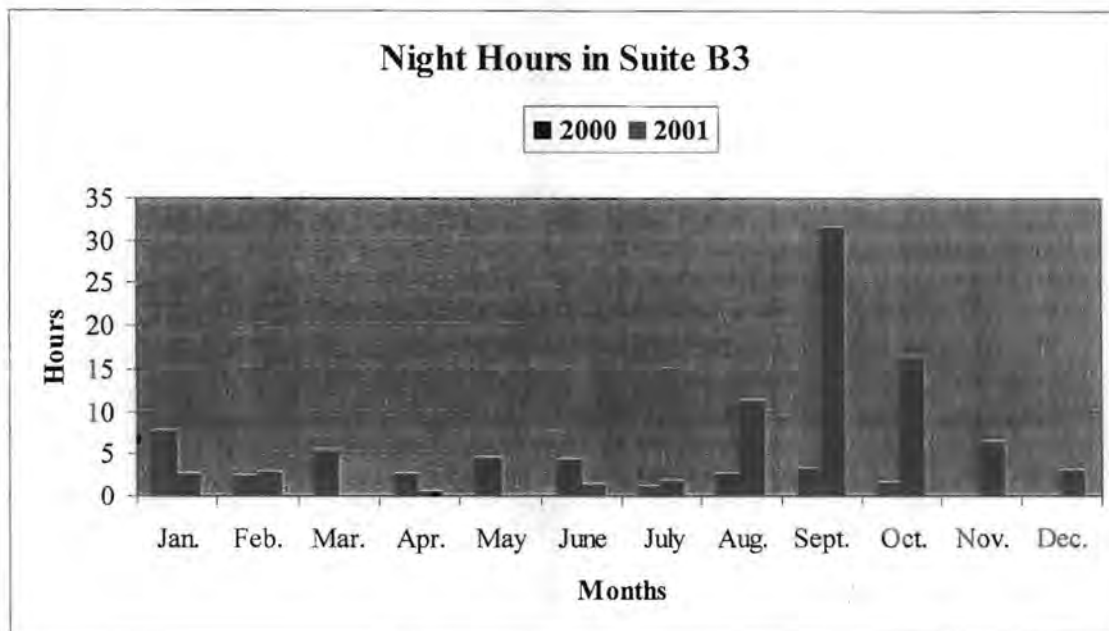
Unexplained late night laboratory access

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 Pat or Steve 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, then 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

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 May 29, 1983, Dr. Ivins enclosed a "letter to the editor" of [REDACTED] dated [REDACTED] justifying the practice of hazing by its sorority, (KKG).

[REDACTED]

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]. [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]. [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] [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 [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]

[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.abovetopsecret.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 subtilis* 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 *subtilis* 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-anthrax *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.*


(TFW)
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

AO 109 (2/90) Seizure Warrant

RETURN		
DATE WARRANT RECEIVED <i>10/31/2007</i>	DATE AND TIME WARRANT EXECUTED <i>11/2/2007 6:00AM</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH <i>Paul Kemp, Atty.</i>
INVENTORY MADE IN THE PRESENCE OF <i>S.A. Darin Steele</i>		
INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT <i>0 No Items Seized</i> <i>0 5 Environmental Samples Taken</i>		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the property seized by me on the warrant.		
<i>[Signature]</i>		FILED NOV 09 2007 NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT <i>11-09-07</i> Date
Subscribed, sworn to, and returned before me this date.		
<i>[Signature]</i>		
U.S. Judge or U.S. Magistrate Judge		

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

1993 Honda Civic four door sedan, bearing VIN # [redacted] registered to Bruce Edwards Ivins, at [redacted] Frederick, MD

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER 07-526-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 and have reason to believe (Official Title)

that [] on the person of or [x] on the property or premises known as (name, description and or location)

1993 Honda Civic four door sedan, blue in color, bearing VIN # [redacted] Edwards Ivins, at [redacted] Frederick, MD

United States District Court A TRUE COPY NANCY MAYER WHITTINGTON, Clerk By [Signature] Deputy Clerk

in the District of Maryland, there is now concealed a certain person or property, name [redacted] 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. [x] YES [] NO

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

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

Sworn to before me, and subscribed in my presence

Date OCT 31 2007

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

DEBORAH A. ROBINSON U.S. MAGISTRATE JUDGE

[Signature] Signature of Judicial Officer

Name and Title of Judicial Officer

DEBORAH A. ROBINSON U.S. MAGISTRATE JUDGE

AO93 (Rev. 5/85) Search Warrant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

1993 Honda Civic four door sedan, bearing VIN # [redacted] registered to Bruce Edwards Ivins, at [redacted] Frederick, MD

SEARCH WARRANT

CASE NUMBER 07-526-M-01

TO: Postal Inspector Thomas F. Dellafera and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Thomas F. Dellafera who has reason to believe that [] on the person or [x] on the premises known as (name, description and or location)

1993 Honda Civic four door sedan, blue in color, bearing VIN # [redacted] registered to Bruce Edwards Ivins, at [redacted] Frederick, MD

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

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.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before November 9, 2007 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search [] (in the daytime - 6:00 A.M. to 10:00 P.M.) [x] (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

OCT 31 2007 @ 5:00 PM

Date and Time Issued in Washington, DC 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

Handwritten signature of Deborah A. Robinson

DEBORAH A. ROBINSON U.S. MAGISTRATE JUDGE

United States District Court For the District of Columbia A TRUE COPY NANCY MAYER WHITTINGTON, Clerk BY [Signature] Deputy Clerk

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

07-526-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 885437M, expiration 07/01/2009, and Vehicle Identification Number 2B4HB15X4TK101213. The vehicle is described as a 1996 Dodge van, red, and is registered to [REDACTED] [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 her 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) Otilie 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]

[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]

[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 3/4" 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 3/4" 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.

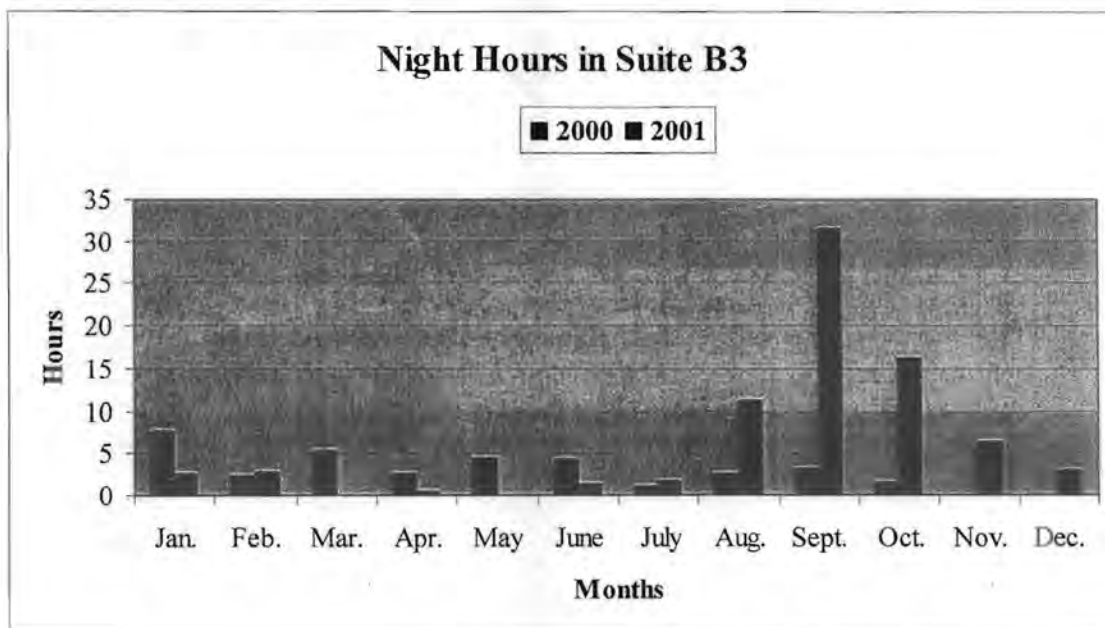
Unexplained late night laboratory access

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, then 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

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] [REDACTED] justifying the practice of hazing by its sorority, (KKG).

[REDACTED]

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]. [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]. [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], [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 its roommate, [REDACTED], was a member of the sorority KKG in North Carolina four (4) years ago.

This incident is significant because Dr. Ivins's [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] is 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.abovetopsecret.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.

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 subtilis* 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 *subtilis* 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-anthrax *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.* (TR) 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

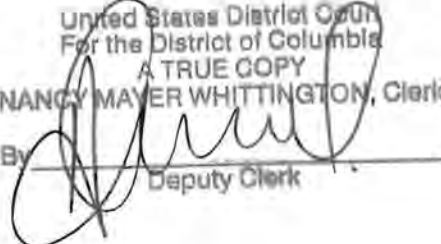
OCT 31 2007

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.

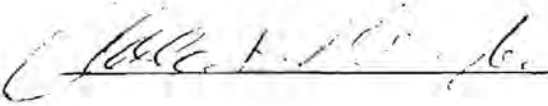
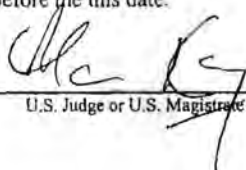
e. Records, documents, and materials, as used above, includes all the forgoing items of evidence in whatever form and by whatever means such records, documents, or material, their drafts, or their modifications may have been created or stored, including, but not limited to, any

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.

AO 109 (2/90) Seizure Warrant

RETURN		
DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH
10/31/2007	11/2/2007 6:00am	Paul Kemp, Atty.
INVENTORY MADE IN THE PRESENCE OF S.A. Paria Steele		
INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT o No Items Taken o 5 environmental samples taken		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the property seized by me on the warrant.		
		FILED NOV 09 2007 NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT
Subscribed, sworn to, and returned before me this date.		
 _____ U.S. Judge or U.S. Magistrate Judge		11-09-07 _____ Date

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

1996 Dodge van, red in color, bearing VIN [redacted] registered to [redacted] at [redacted], Frederick, MD

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 07-527-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 and have reason to believe (Official Title)

that [] on the person of or [x] on the property or premises known as (name, description and or location)

1996 Dodge van, red in color, bearing VIN [redacted], registered at [redacted], Frederick, MD

United States District Court for the District of Columbia A TRUE COPY NANCY MAYER WHITTINGTON, Clerk By [Signature] 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. [x] YES [] NO

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

[Signature] 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

[Signature] Signature of Judicial Officer

Name and Title of Judicial Officer

DEBORAH A. ROBINSON U.S. MAGISTRATE JUDGE SearchWarrant-07-527M-01.pdf

AO93 (Rev. 5/85) Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

1996 Dodge van, red in color,
bearing VIN [REDACTED]
registered to [REDACTED]
at [REDACTED] Frederick, MD

SEARCH WARRANT

CASE NUMBER 07-527-M-01

TO: Postal Inspector Thomas F. Dellafera and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Thomas F. Dellafera who has reason to believe that on the person or on the premises known as (name, description and or location)

1996 Dodge van, red in color, bearing VIN [REDACTED] registered to [REDACTED]
at [REDACTED] Frederick, MD

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

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.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before November 9, 2007
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

OCT 31 2007 @ 4:55 PM

Date and Time Issued in Washington, DC 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

United States District Court
For the District of Columbia
A TRUE COPY
NANCY MAYZER WHITTINGTON, Clerk

[Signature]
Deputy Clerk

DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE

Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

07-527-M-01

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

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 [REDACTED] [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 her 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) Otilie 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]

[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]

[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 ¼" 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 ¼" 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.

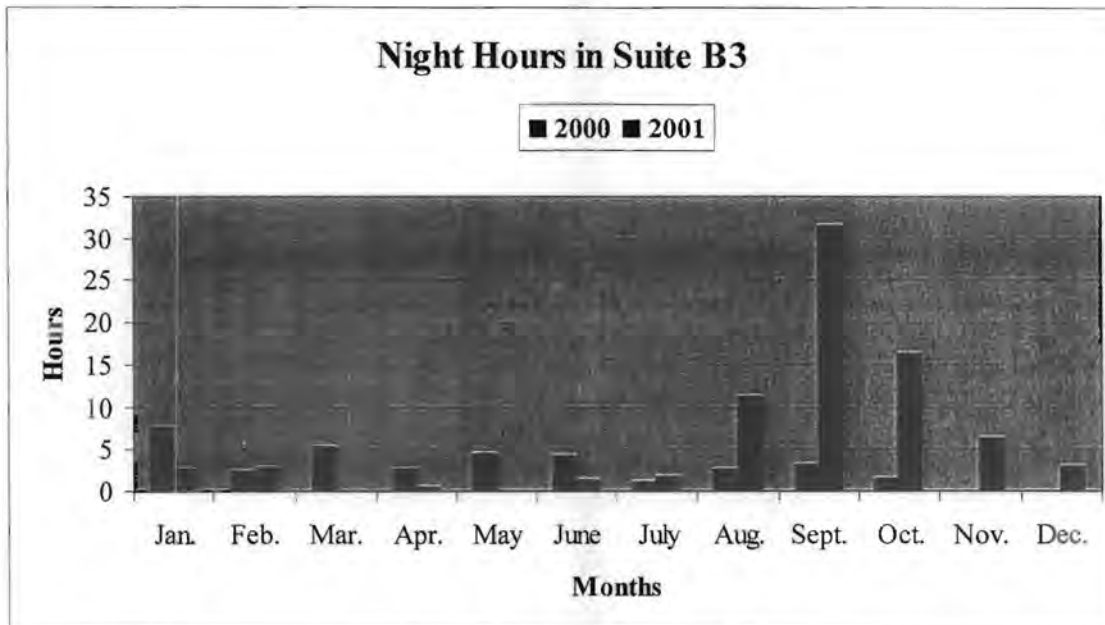
Unexplained late night laboratory access

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]

[REDACTED]

[REDACTED]

[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, then 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

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 its sorority, (KKG).

[REDACTED]

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]. [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]. [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] [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 [REDACTED] was a member of the sorority KKG in North Carolina four (4) years ago.

This incident is significant because Dr. Ivins's [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.abovetopsecret.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.

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 subtilis* 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 *subtilis* 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. *For 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.*

TR
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

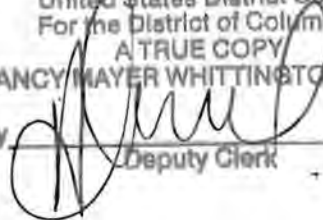
OCT 31 2007

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.

AO 109 (2/90) Seizure Warrant

RETURN

DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH
10/31/2007	11/2/2007 6:00 AM	Paul Kemp, Atty

INVENTORY MADE IN THE PRESENCE OF S/A. Darin Steele

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT
No items were seized. 6 Environmental samples were collected.

CERTIFICATION

I swear that this inventory is a true and detailed account of the property seized by me on the warrant.

[Signature]

Subscribed, sworn to, and returned before me this date.

[Signature]
U.S. Judge or U.S. Magistrate Judge

FILED
NOV 09 2007
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT
11-09-07
Date

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

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FILED

OCT 31 2007

In the Matter of the Search of

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

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 and have reason to believe (Official Title)

that [] on the person of or [x] 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, Maryland, rented by Bruce E. Ivins and [redacted]

United States District Court For the District of Columbia, NANCY MAYER WHITTINGTON, Clerk, 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. [x] 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

Date OCT 31 2007

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

AO93(Rev. 5/85) Search Warrant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

SEARCH WARRANT

CASE NUMBER 07-528-M-01

TO: Postal Inspector Thomas F. Dellafera and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Thomas F. Dellafera who has reason to believe that [] on the person or [x] on the 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

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

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.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before November 9, 2007 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search [] (in the daytime - 6:00 A.M. to 10:00 P.M.) [x] (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

OCT 31 2007 @ 4:30 PM Date and Time Issued in Washington, DC pursuant to the domestic terrorism search warrant provisions of Rule 41 DEBORAH A. ROBINSON U.S. MAGISTRATE JUDGE

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

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) Otilie 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]

[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 ¼ 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]

[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.

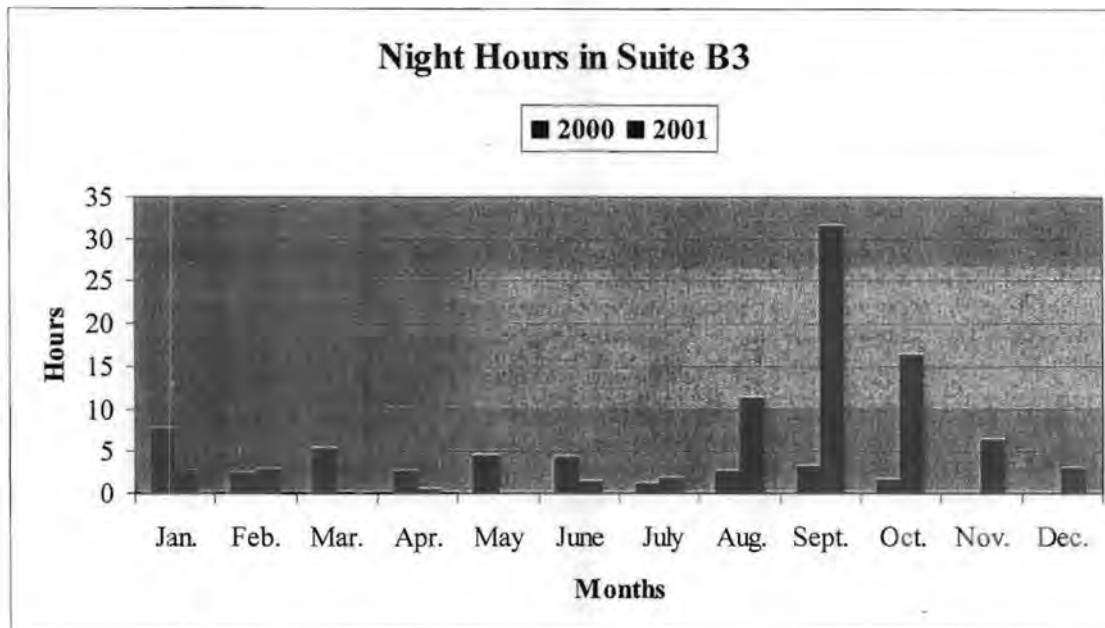
Unexplained late night laboratory access

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, then 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, █████ identified four communications that it had previously received from Dr. Ivins. █████ does not personally know Dr. Ivins but has repeatedly corresponded with him by mail]. In Dr. Ivins's first letter to █████ 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

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 its sorority, (KKG).

[REDACTED]

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]. [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]. [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] [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.abovetopsecret.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.

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 subtilis* 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 *subtilis* 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-anthraxis *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.*


ER
10/21/07

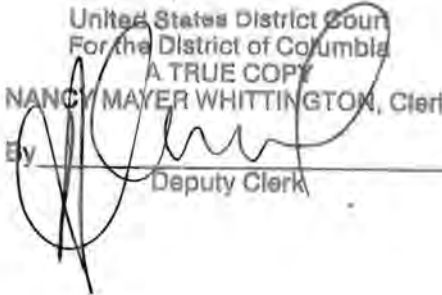
The statements contained in this Affidavit are based in part on information provided by FBI Special Agents and U.S. Postal Inspectors, on observations made by law enforcement agents, and on my experience and background as an FBI Special Agent. I have not included each and every fact known to me concerning 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.


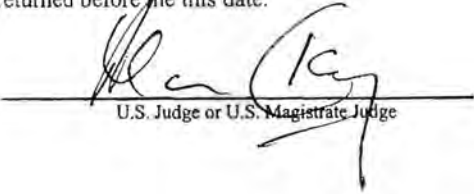
e. Records, documents, and materials, as used above, includes all the forgoing items of evidence in whatever form and by whatever means such records, documents, or material, their drafts, or their modifications may have been created or stored, including, but not limited to, any

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.

AO 109 (2/90) Seizure Warrant

RETURN		
DATE WARRANT RECEIVED <i>10/31/2007</i>	DATE AND TIME WARRANT EXECUTED <i>11/2/2007 10:05 AM</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH <i>IN SAFE DEPOSIT BOX</i>
INVENTORY MADE IN THE PRESENCE OF <i>N/A</i>		
INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT <i>N/A: No Items were Seized.</i>		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the property seized by me on the warrant.		
		FILED NOV 09 2007 NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT
Subscribed, sworn to, and returned before me this date.		
 U.S. Judge or U.S. Magistrate Judge		<i>11-09-07</i> Date

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

Office, Wall Lockers and Laboratory
Space of Bruce Edwards Ivins, inside
Buildings 1412 and 1425 of the U.S. Army
Medical Research Institute of Infectious
Diseases, on Porter Street, Fort Detrick, MD

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER 07-529-M-01

United States District Court
For the District of Columbia

A TRUE COPY

NANCY MAYER WHITTINGTON, Clerk

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)

By [Signature]
Deputy Clerk

that on the person of or on the property or premises known as (name, description and or location)

the office, wall lockers and laboratory space of Bruce Edwards Ivins inside Buildings 1412 and 1425 of the United States Army Medical Research Institute of Infectious Diseases ("USAMRIID"), located on Porter Street, Fort Detrick, Maryland, including (1) wall locker number 55 in Room 127 of Building 1412, (2) wall locker number 10 in Room B301 of Building 1425, (3) office number 19 of Building 1425, and (4) the biocontainment laboratory areas identified as Rooms B303, B313 and B505 located inside Building 1425.

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]
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]
Signature of Judicial Officer
DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE

AO93(Rev.5/85)Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

Office, Wall Lockers and Laboratory
Space of Bruce Edwards Ivins, inside
Buildings 1412 and 1425 of the U.S. Army
Medical Research Institute of Infectious
Diseases, on Porter Street, Fort Detrick, MD

SEARCH WARRANT

CASE NUMBER: 07-529-M-01

TO: Postal Inspector Thomas F. Dellafera and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Thomas F. Dellafera who has reason to believe that on the person or on the premises known as (name, description and or location) the office, wall lockers and laboratory space of Bruce Edwards Ivins inside Buildings 1412 and 1425 of the United States Army Medical Research Institute of Infectious Diseases ("USAMRIID"), located on Porter Street, Fort Detrick, Maryland, including (1) wall locker number 55 in Room 127 of Building 1412, (2) wall locker number 10 in Room B301 of Building 1425, (3) office number 19 of Building 1425, and (4) the biocontainment laboratory areas identified as Rooms B303, B313 and B505 located inside Building 1425.

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

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.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before November 9, 2007 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law

Date and Time Issued in Washington, DC pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(2)

OCT 31 2007 @ 4:37 PM

DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

Signature of Judicial Officer

DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE

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

4

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

07-529-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:

- (1) A warrant to search wall locker number 55, located in Room 127, Building 1412, United States Army Medical Research Institute of Infectious Diseases (USAMRIID), Fort Detrick, Maryland. Wall locker number 55 is labeled "Bruce Ivins", and is secured by a combination lock.
- (2) A warrant to search wall locker number 10, located in Room B301, Building 1425, USAMRIID, Fort Detrick, Maryland. Wall locker number 10 is labeled "Bruce Ivins X34927", and is secured by a combination lock.
- (3) A warrant to search the office area of Dr. Bruce Edwards Ivins, office number 19, located in Building 1425, USAMRIID, Fort Detrick, Maryland.
- (4) A warrant to search Dr. Bruce Edwards Ivins's laboratory space in Room B303, B313 and B505, Building 1425, USAMRIID, Fort Detrick, Maryland.

As discussed below, there is probable cause to believe that a search of the aforementioned locations 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 FBI 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 office and work spaces 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) Otilie 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]

[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 ¼ 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 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 ¼" 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 ¼" 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

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]

[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.

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.

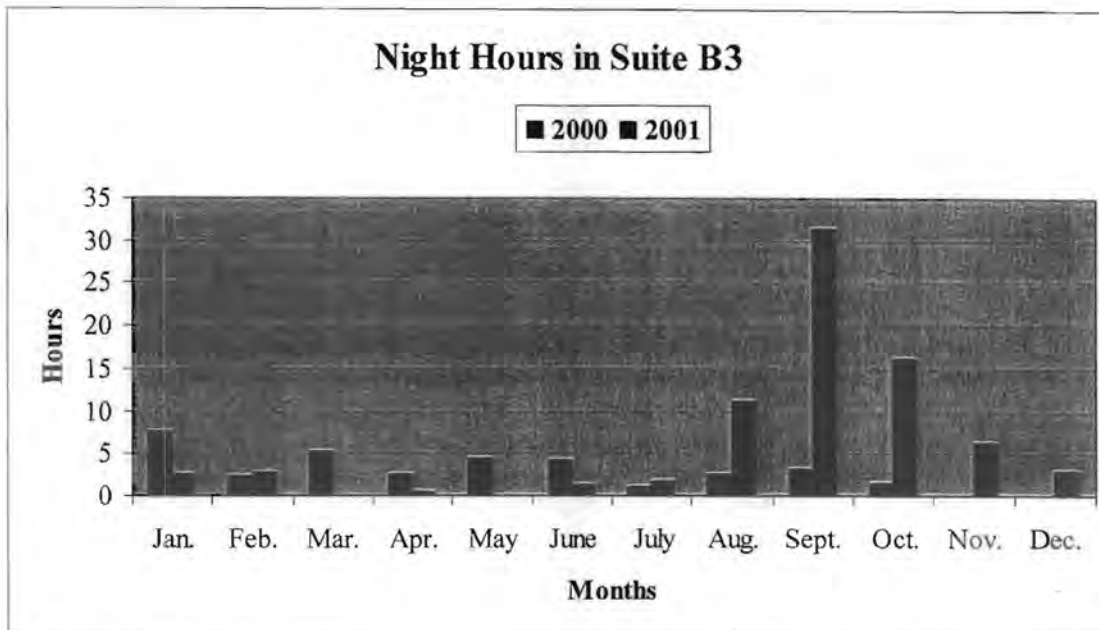
Dr. Ivins's 20 years of working in the laboratories of USAMRIID provided him personal, hands-on laboratory experience in the production of liquid spore preparations of *Bacillus anthracis*. He has used lyophilizers, biological safety cabinets, incubators, and centrifuges in vaccine research. Such devices 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



In response to that subpoena, 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] 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, then 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 May 29, 1983, Dr. Ivins enclosed a "letter to the editor" of the [REDACTED] dated [REDACTED] justifying the practice of hazing by it's sorority, (KKG).

[REDACTED]

[REDACTED]

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]. [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]. [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] 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] [REDACTED] filed a report of vandalism with the [REDACTED] 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 [REDACTED] address, after completing his Post Doctoral Fellowship at the UNC, Chapel Hill in 1978 and prior to moving to Frederick in the 1980s, was [REDACTED] the same town home community that [REDACTED] and [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.abovetopsecret.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 622 Military Road, 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 subtilis* 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 *subtilis* 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 office and work spaces 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 office and work spaces 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 office and work spaces, 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 offices and personal work spaces and leave them on the premises for many years after a crime, failing to recognize their forensic value and incriminating nature.

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 this affidavit, I further request authority to execute this warrant at any time day or night.* *TPA*

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

 THOMAS F. DELLAFERA
 Postal Inspector
 U.S. Postal Inspection Service

OCT 31 2007
 Sworn to before me this _____ day of _____, 2007
[Signature]

 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 *[Signature]*

 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.

AO 109 (2/90) Seizure Warrant

RETURN		
DATE WARRANT RECEIVED <i>10/31/2007</i>	DATE AND TIME WARRANT EXECUTED <i>11/1/2007 8:00</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH <i>Col Korch</i>
INVENTORY MADE IN THE PRESENCE OF <i>AIDAN GARCIA</i>		
INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT <i>See attached.</i>		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the property seized by me on the warrant.		
<i>[Signature]</i>		FILED NOV 09 2007 NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT
Subscribed, sworn to, and returned before me this date.		
<i>[Signature]</i>		<i>11-09-07</i>
U.S. Judge or U.S. Magistrate Judge		Date

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 279A-WF-222936

On (date) November 2, 2007

item(s) listed below were:

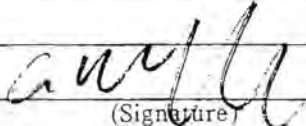
- Received From
- Returned To
- Released To
- Seized

(Name) Bruce Fuins

(Street Address) Room 19, Building 1425, USAMRIID, Ft. Detrick, MD

(City) Frederick, MD

- Description of Item(s):
- 1 Blue Binder Labeled Slides BEE
 - 2 Business Cards
 - Piece of paper with usernames
 - Red Envelope labeled Safe Deposit Box Key
 - 1 8mm Video Cassette labeled "House Contacts"
 - Photo copies of ID cards and Credit Cards
 - 1 Print out from abcnews.com
 - 5 manilla folders with documents
 - 13 optical disks
 - 12 zip disks
 - One Western Digital HDD 120 GB
s/n WMAE5153537 containing DD image of
Floppy Disk, thumb, zip
 - One Western Digital HDD 120 GB
s/n WCANMF428708 containing DD image
of Dell Office PC (80 GB)
 - One 100 MB zip disk labeled "Backup" 07-Feb-07

Received By: 
(Signature)

Received From: Not available for signature
(Signature)

Item #	Box #	Description	Agent Reviewing	Time Taken	Time Returned	Notes
?	4	2003 tax returns found in bottom shelf				
?	6	DEWF3-11012007: Maxtor 160GB hard drive, Model# 6Y160P0042211, Serial# Y43X2QSE, containing images of QWF4-1 and QWF4-2 and QWF7-1				

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

On (date) _____

At (time) _____

(Name) _____

(Location) Suite B3/B4/B5
Building 1425
USAMRIID
Ft. Detrick, MD

Item(s) listed below were:

- Received From
- Returned To
- Released To
- Seized

ITEM#	DESCRIPTION
1	V1-S1 Vacuum Filter of Vehicle 1
2	V1-S2 Vacuum Filter of Vehicle 1
3	V1-S3 Vacuum filter of vehicle 1
4	V1-S4 Vacuum filter of Veh 1
5	V1-S5 Swab of vehicle
6	V1-S6 Swab of Vehicle
7	V2-S1 Vacuum filter of veh 2
8	V2-S2 Swab of Veh 2
9	V2-S3 Swab of Veh 2
10	V2-S4 Vacuum filter of Veh 2
11	V2-S5 Vacuum filter of Veh 2
12	v3-s1 vacuum filtere of vehicle 3
13	v3-s2 vacuum filter of vehicle 3
14	v3-s3 vacuum filter of vehicle 3
15	v3-s4 swab of vehicle 3
16	v3-s5 swab of vehicle 3

(END OF LIST)

Total of 16 Item(s) Listed

Received by: _____
(Signature)

Received from: _____
(Signature)

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

On (date) _____

At (time) _____

(Name) _____

(Location) Suite B3/B4/B5
Building 1425
USAMRIID
Ft. Detrick, MD

Item(s) listed below were:

- Received From
 Returned To
 Released To
 Seized

ITEM#	DESCRIPTION
17	B313-s1
18	B313-s2
19	B313-s3
20	B313-s4
21	B313-s5
22	B313-s6
23	B313-s7
24	B404-s1
25	B404-s2
26	B404-s3
27	B404-s4
28	B404-s5
29	B404-s6
30	B404-s7
31	B404-s8
32	B404-s9
33	B404-s10
34	B403-s1
35	B403-s2
36	B403-s3

ITEM#	DESCRIPTION
37	B403-s4
38	B403-s5
39	B403-s6
40	B403-s7
41	B403-s8
42	B306-s1 interior swab
43	B306-s2 interior swab
44	B306-s3 interior swab of fume hood
45	B306-s4 interior swab of fume hood
46	B306-s5 interior swab
47	B406-s1
48	B406-s2
49	B406-s3
50	B406-s4
51	B406-s5
52	B406-s6
53	B406-s7
54	B406-s8
55	B406-s9
56	B406-s10
57	B406-s11
58	b4H-s1
59	b4H-s2
60	b4H-s3
61	b4H-s4
62	b4H-s5

ITEM#	DESCRIPTION
63	B303-s1
64	B303-s2
65	B405-s1
66	B405-s2
67	I27-s1
68	I27-s2
69	B301-s1
70	B301-s2
71	B309-s1
72	B309-s2
73	B309-s3
74	B309-s4
75	B309-s5
76	B309-s6
77	B309-s7
78	B309-s8
79	19-e1
80	19-e2
81	19-e3
82	19-s1
83	19-s2
84	19-s3
85	19-s4
86	B312-s1
87	B312-s2
88	B312-s3

ITEM#	DESCRIPTION
89	B312-s4
90	B312-s5
91	B312-s6
92	B308/407-s1
93	B308/407-s2
94	B308/407-s3
95	B308/407-s4
96	B311-s1
97	B311-s2
98	B311-s3
99	B311-s4
100	B311-s5
101	B311-s6
102	B311-s7
103	B311-s8
104	B311-s9
105	B311-s10
106	B311-s11
107	B311-s12
108	B311-s13
109	B311-s14
110	B3 Hallway-s1
111	B3 Hallway - S2
112	B3 Hallway - S3
113	B411-s1
114	B411-s2

ITEM#	DESCRIPTION
115	B411-s3
116	B411-s4
117	B411-s5
118	B411-s6
119	B411-s7
120	B411-s8
121	(B304) 1
122	(B304) 2
123	(B304) 3
124	(B304) 4
125	(B304) 5
126	(B304) 6
127	(B304) 7
128	(B304) 8
129	(B304) 9
130	(B304) 10
131	(B304) 11
132	(B304) 12
133	(B304) 13
134	(B304) 14
135	(B304) 15
136	(B304) 16
137	(B304) 17
138	(B304) 18
139	Bacillus Anthracis Ames 7 June 07
140	Ames SA 11600

ITEM#	DESCRIPTION
141	Bacillus Anthracis Ames 1794
142	Irradiated 1749 Ames
143	Ames SA 118866
144	SA 12484
145	SA 12703
146	SA 12469
147	SA 12704
148	Sterne Strain Spores 5A
149	Delta Sterne Spores 8C
150	Sterne Strain Spores 5C
151	Delta Sterne Spores 7C
152	Delta Sterne Spores 9A
153	Delta Sterne Spores 7A
154	Delta Sterne Spores 7B
155	Sterne Strain Spores 5B
156	Delta Sterne Spores 8B
157	Sterne Spores 6B
158	Delta Sterne Spores SBA Purified
159	Delta Sterne Spores Broth Purified Dirty Bottom Layer 6
160	Delta Sterne Spores Broth Purified Clean Top Layer
161	9B Delta Sterne NSM
162	5A Sterne SBA
163	6C Sterne NSM
164	5C Sterne SBA
165	4B Sterne L+D
166	6A Sterne NSM

ITEM#	DESCRIPTION
167	4A Sterne L+D
168	6B Sterne NSM
169	5B Sterne SBA
170	8C Delta Sterne SBA
171	9C Delta Sterne NSM
172	7C Delta Sterne Modified G Media
173	8B Delta Sterne SBA
174	7B Delta Sterne Modified G
175	8A Delta Sterne SBA
176	7A Delta Sterne Modified G
177	9A Delta Sterne NSM
178	Delta Sterne Spores 9C
179	Sterne Strain Spores 4C
180	Sterne Strain Spores 4A
181	Sterne Spores 6C
182	Delta Sterne Spores 8A
183	Sterne Spores 6A
184	Sterne Strain Spores 4B
185	Delta Sterne Spores 9B
186	SA 793
187	Sterne Spores Purified 22 Oct 07
188	Purified Broth Delta Sterne Dirty Bottom Layer C
189	Sterne NSM Pre Purification
190	Delta Sterne Spores SBA E Purified 23 Oct 06
191	Unpurified Delta Sterne F From Plates
192	Clear top layer Delta Sterne Spores G 23 Oct 06

ITEM#	DESCRIPTION
193	Sterne SBA A
194	Unpurified Delta Sterne Spores B Harvest 7 August 06
195	Sterne L+D Purification H
196	Sterne 34 F2 D Purified 14 November 06
197	Ames SA489 Not Purified
198	4C Sterne L+D
199	3C Ames L+D
200	2C Ames NSM
201	1C Ames SBA
202	3B Ames L+D
203	3A Ames L+D
204	2B Ames NSM
205	2A Ames NSM
206	1A Ames SBA
207	1B Ames SBA
208	Swab of sink, B409
209	Swab of drain, B409
210	Swab of vent, B409
211	Swab of vent, B409
212	Swab of drain, B409
213	Swab of drain, B409
214	Swab of vent, B409
215	B310-S1 Sink on Wall
216	B310-S2 Air return on Wall B
217	B305-S1 Swab from air return on Wall C
218	B305-S2 Swab from floor Drain

ITEM#	DESCRIPTION
219	B305 S-3 Swab from Sink on Wall A

(END OF LIST)

Total of 203 Item(s) Listed

Received by: _____
(Signature)

Received from: _____
(Signature)

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

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

SEALED

Electronic mail stored in account goldenphoenix111[at]hotmail[dot]com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

APPLICATION AND AFFIDAVIT SEARCH WARRANT

FILED

FEB 14 2008

CASE NUMBER: 08-082-M-01

(Further described below)

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

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 goldenphoenix111@hotmail.com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

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

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

Sworn to before me, and subscribed in my presence

FEB 14 2008 ALAN KAY U.S. MAGISTRATE JUDGE

at Washington, D.C. (Pursuant to the domestic terrorism search Warrant provisions of Rule 41(b)(6))

Name and Title of Judicial Officer

Signature of Judicial Officer

AO93(Rev.5/85)Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account goldenphoenix111[at]hotmail
[dot]com, controlled by MSN Hotmail Microsoft Corp., 1065
La Avenida, Building 4, Mountainview, CA 94043

SEALED
SEARCH WARRANT

CASE NUMBER 08-082-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in account goldenphoenix111[at]hotmail[dot]com, controlled by MSN Hotmail Microsoft
Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043

in the Northern District of California, there is now concealed a certain person or property, namely (describe the person or
property)

electronic mail between Bruce Ivins and other individuals

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

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the issuance
of this warrant.

YOU ARE HEREBY COMMANDED to search on or before FEB 22 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and
making the search [X] (in the daytime - 6:00 A.M. to 10:00 P.M.) [] (at any time in the day or night as I find reasonable
cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and
receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly
return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

FEB 14 2008 10:25 am

at Washington, D.C.

Date and Time Issued, 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

[Signature of Alan Kay]

SEALED
08-082-M-01

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

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 Microsoft 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]atyahoo[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

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

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

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 a [REDACTED] 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) Otilie 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]

[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 its 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] 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."

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], [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]. [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.abovetopsecret.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] information 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 jimmyflathead@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.

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]. [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] information from Yahoo! Inc. listed an alternate e-mail address as "goldenphoenix111@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. [REDACTED] 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: [REDACTED]
 Alternate E-mail Address: goldenphoenix111@hotmail.com
 Name: [REDACTED]
 Address: [REDACTED]
 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]

[REDACTED] Dr. Ivins anonymously left [REDACTED]

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 months 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] trip 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] as 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 Wikipedia, 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.

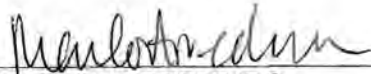
Large e-mail providers allow customers to store their communications on their servers for as long as they wish. Dr. Ivins's keepsake of hundreds of hand-written or typed letters shows his affinity to keep his writings. Additionally, the thousands of e-mails collected from various computers of people 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 ARREDONDO
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



AOL: kingbadger7[at]aol[dot]com

MSN Hotmail: goldenphoenix111[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;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

III. Information to be Further Copied by Law Enforcement Personnel

a. All stored electronic communications and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage

b. Existing printouts from original storage of those items described in Section III(a) above; and

c. All of the records and information described in Sections II(c), (d), and (e).

08-082M-
AO 109 (2/90) Seizure Warrant

RETURN

DATE WARRANT RECEIVED 2/14/08	DATE AND TIME WARRANT EXECUTED 2/24/08 = MSN executed 2/14/08 4:08 pm = taxed	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH Carlos Gil Jr. - Custodian of Records
----------------------------------	---	--

INVENTORY MADE IN THE PRESENCE OF
MSN employees

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT

MSN was unable to determine the user of the email account based on the terms provided, specifically "[at]" instead of "@", and "[dot]", instead of ".".

CERTIFICATION

I swear that this inventory is a true and detailed account of the property seized by me on the warrant.

Mano Arredondo

FILED

APR - 3 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Subscribed, sworn to, and returned before me this date.

[Signature]
U.S. Judge or U.S. Magistrate Judge

4/3/08
Date

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

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 account kingbadger7[at]aol[dot]com, controlled by America Online, Inc., 2200 AOL Way, Dulles, VA 20166

APPLICATION AND AFFIDAVIT SEARCH WARRANT

FILED

FEB 14 2008

CASE NUMBER 08-083-M-01

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

(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 kingbadger7@aol.com, controlled by America Online, Inc, 2200 AOL Way, Dulles, VA 20166

in the Eastern District of Virginia, 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

Sworn to before me, and subscribed in my presence

FEB 14 2008

Date ALAN KAY U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

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

Signature of Judicial Officer

AO93(Rev.5/85)Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Electronic mail stored in account kingbadger7@aol.com,
controlled by America Online, Inc., 2200 AOL Way, Dulles,
VA 20166

SEALED
SEARCH WARRANT

CASE NUMBER 08-083-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in accounts kingbadger7@aol.com, controlled by America Online, Inc., 2200 AOL
Way, Dulles, VA 20166

in the Eastern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property)
electronic mail between Bruce Ivins and other individuals

United States District Court
For the District of Columbia
A TRUE COPY
NANCY MAYER WHITTINGTON, Clerk
BY Nancy Mayer Whittington Deputy Clerk

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the issuance
of this warrant.

FEB 22 2008

YOU ARE HEREBY COMMANDED to search on or before (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and
making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable
cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and
receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly
return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

FFR 14 2008 1022
Date and Time Issued, 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

at Washington, D.C.
Signature of Judicial Officer

SEALED

08-083-M-01

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

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 Microsoft Corp. (MSN Hotmail), 1065 La Avenida, Building 4, Mountain View, California 94043. The accounts to be searched at Yahoo! are:

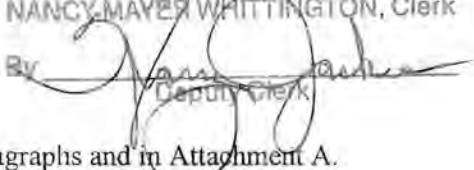
jimmyflathead[at]yahoo[dot]com; and
[REDACTED]at]yahoo[dot]com

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 MAVER 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 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 [REDACTED] 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 MSN Hotmail

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) Otilie 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]

[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 its 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] 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] or [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, [REDACTED]@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, [REDACTED], 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], 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]. [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:

[REDACTED]@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:	[REDACTED]@hotmail.com
Name:	[REDACTED]
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.abovetopsecret.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] information 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.

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

(1) **The E-mail Account: [REDACTED]@yahoo.com**

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]" 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. [REDACTED] 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: [REDACTED]
 Alternate E-mail Address: [REDACTED]@hotmail.com
 Name: Ms P [REDACTED]
 Address: [REDACTED]
 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 led 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]

[REDACTED] Dr. Ivins anonymously left a bottle of wine and Kahuna. 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 months of denials:

E-mail March 28, 2003, from [REDACTED] "He did tell me that he fessed up that he had indeed put the [REDACTED] in 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] trip 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] as 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 Wikipedia, 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.

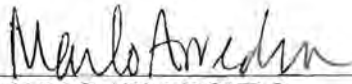
Large e-mail providers allow customers to store their communications on their servers for as long as they wish. Dr. Ivins's keepsake of hundreds of hand-written or typed letters shows his affinity to keep his writings. Additionally, the thousands of e-mails collected from various computers of people 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.

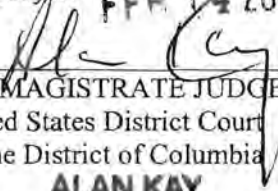
The vast amount of collected e-mails and letters show Dr. Ivins is predisposed to communicate to others, revealing his innermost thoughts and feelings. Additionally, various evidence also suggests that Ivins is taking steps to conceal his identity when he communicates and possibly mimics the identity 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 ARREDONDO
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]at@yahoo[dot]com
AOL:	kingbadger7[at]aol[dot]com
MSN Hotmail:	goldenphoenix111[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;

d. All business records and subscriber information, in any form kept, pertaining to the electronic mail addresses and/or individual accounts described above Section II(a), including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and

e. All records indicating the services available to subscribers of the electronic mail addresses and/or individual accounts described above in Section II(a).

III. Information to be Further Copied by Law Enforcement Personnel

a. All stored electronic communications and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage

b. Existing printouts from original storage of those items described in Section III(a) above; and

c. All of the records and information described in Sections II(c), (d), and (e).



AJ 109 (2/90) Seizure Warrant

RETURN

DATE WARRANT RECEIVED 2/14/2008	DATE AND TIME WARRANT EXECUTED 2/18/2008 9:00A ^{11:30}	COPY OF WARRANT AND RECEIPT FOR ITEMS LISTED WITH Karen Vikson
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INVENTORY MADE IN THE PRESENCE OF AOL personnel

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT

One (1) CD containing snapshots of the requested e-mail account.

CERTIFICATION

I swear that this inventory is a true and detailed account of the property seized by me on the warrant.

[Handwritten Signature]

FILED

APR - 3 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Subscribed, sworn to, and returned before me this date.

[Handwritten Signature]
U.S. Judge or U.S. Magistrate Judge

4/3/08
Date

AO106(Rev 5/85) Affidavit for Search Warrant

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

CASE NUMBER 08-084-M-01

(Further described below)

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

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

United States District Court
For the District of Columbia
Signature of Affiant
Marlo Arredondo, Special Agent
Federal Bureau of Investigation
NANCY MAYER WHITTINGTON, Clerk

Sworn to before me, and subscribed in my presence

FEB 14 2008

Date ALAN KAY
U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

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

Signature of Judicial Officer

AO93(Rev.5/85)Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

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

SEALED

SEARCH WARRANT

CASE NUMBER 08-084-M-01

TO: Marlo Arredondo and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Marlo Arredondo who has reason to believe that
(name, description and or location)

Electronic mail stored in accounts jimmyflathead[at]yahoo[dot]com
and [redacted]at@yahoo[dot]com, controlled by Yahoo! Inc.,
701 Frst 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)

electronic mail between Bruce Ivins and other individuals

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

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the issuance
of this warrant.

YOU ARE HEREBY COMMANDED to search on or before FEB 22 2008

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and
making the search [X] (in the daytime - 6:00 A.M. to 10:00 P.M.) [] (at any time in the day or night as I find reasonable
cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and
receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly
return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

FEB 14 2008 10:24 AM

Date and Time Issued, 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

at Washington, D.C.

Signature of Judicial Officer

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 Microsoft 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]at[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) Otilie 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]

[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 its 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]. [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.abovetopsecret.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] information 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.

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: [REDACTED]
 Alternate E-mail Address: [REDACTED]@hotmail.com
 Name: [REDACTED]
 Address: [REDACTED]
 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 led 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]

[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 months 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] as 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 Wikipedia, 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.

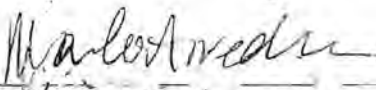
Large e-mail providers allow customers to store their communications on their servers for as long as they wish. Dr. Ivins's keepsake of hundreds of hand-written or typed letters shows his affinity to keep his writings. Additionally, the thousands of e-mails collected from various computers of people 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.



MARCO ARKEDON
Special Agent
Federal Bureau of Investigatio..

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;

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

Office, Wall Lockers and Laboratory
Space of Bruce Edwards Ivins, inside
Buildings 1412 and 1425 of the U.S. Army
Medical Research Institute of Infectious
Diseases, on Porter Street, Fort Detrick, MD

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER: 08-429

I Charles B. Wickersham being duly sworn depose and say:

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

the office, wall lockers and laboratory space of Bruce Edwards Ivins inside Buildings 1412 and 1425 of the United
States Army Medical Research Institute of Infectious Diseases ("USAMRIID"), located on Porter Street, Fort
Detrick, Maryland, including (1) wall locker number 55 in Room 127 of Building 1412, (2) wall locker number
10 in Room B301 of Building 1425, (3) office number 19 of Building 1425, and (4) the biocontainment laboratory
areas identified as Rooms B303, B313 and B505 located inside Building 1425.

in the District of Maryland, there is now concealed a certain person or property, namely
firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill
witnesses or names of intended victims, or any other relevant documents, notes, photograph and records in
various formats, including computer files and other electronic media, as more fully described in the Attachment.

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, and threats to
witnesses involved in, and obstruction of, that investigation.
in violation of Title 18 United States Code, Section(s) 2332a, 1114, and 1512(a)(2). 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

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

Signature of Affiant
Charles B. Wickersham, Postal Inspector
United States Postal Inspection Service

Sworn to before me, and subscribed in my presence

07/14/08
Date

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

Deborah A. Robinson
United States Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

AO93 (Rev. 5/85) Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

Office, Wall Lockers and Laboratory
Space of Bruce Edwards Ivins, inside
Buildings 1412 and 1425 of the U.S. Army
Medical Research Institute of Infectious
Diseases, on Porter Street, Fort Detrick, MD

SEARCH WARRANT

CASE NUMBER: 08-429

TO: Postal Inspector Charles B. Wickersham and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Charles B. Wickersham who has reason to believe that on the person or on the premises known as (name, description and or location) the office, wall lockers and laboratory space of Bruce Edwards Ivins inside Buildings 1412 and 1425 of the United States Army Medical Research Institute of Infectious Diseases ("USAMRIID"), located on Porter Street, Fort Detrick, Maryland, including (1) wall locker number 55 in Room 127 of Building 1412, (2) wall locker number 10 in Room B301 of Building 1425, (3) office number 19 of Building 1425, and (4) the biocontainment laboratory areas identified as Rooms B303, B313 and B505 located inside Building 1425.

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes and records in various formats, including computer files and other electronic media, as more fully described in the Attachment.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before July 21, 2008 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

07/11/08 @ 4:43 PM
Date and Time Issued in Washington, DC pursuant to

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

UNITED STATES DISTRICT COURT

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

07-524-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 [REDACTED] [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] 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) Otilie 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 ¼ 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]

[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 3/4" 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 3/4" 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.

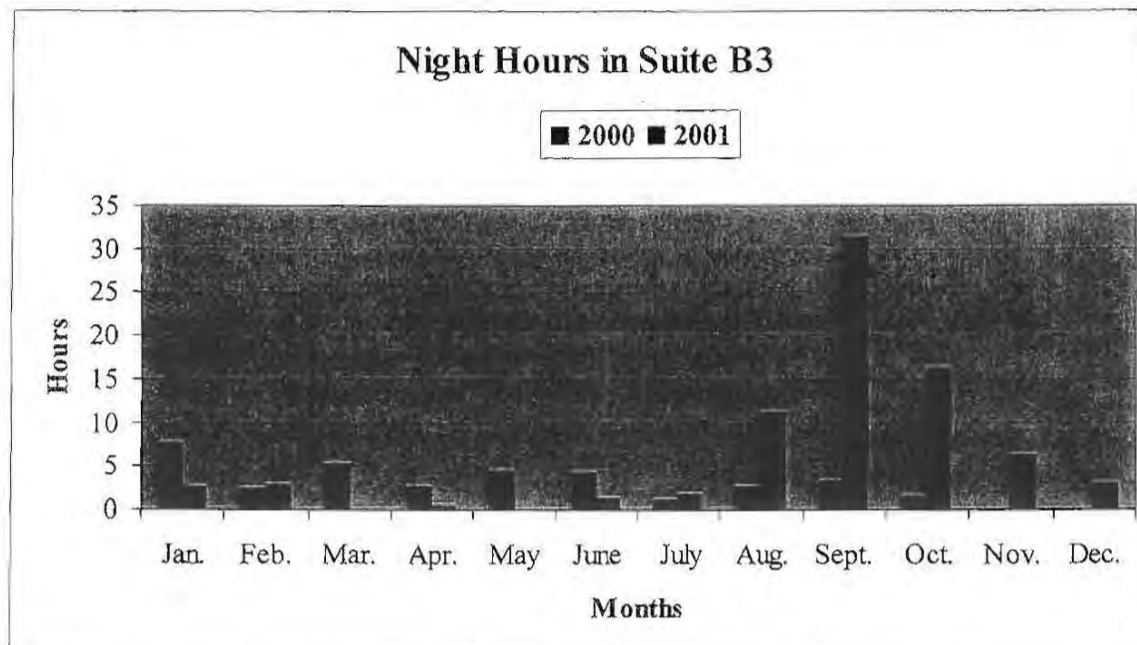
Unexplained late night laboratory access

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

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, then 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

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 its sorority, (KKG).

[REDACTED]

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]. [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]. [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 Gaithersburg 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] [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 [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]. This is 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.abovetopsecret.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.

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 subtilis* 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 *subtilis* 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-anthrax *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.*


TR
10/31/07

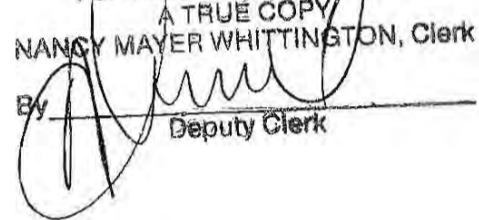
The statements contained in this Affidavit are based in part on information provided by FBI Special Agents and U.S. Postal Inspectors, on observations made by law enforcement agents, and on my experience and background as an FBI Special Agent. I have not included each and every fact known to me concerning 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

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Charles B. Wickersham, being duly sworn, depose and say:

I have been a Postal Inspector of the United States Postal Inspection Service (USPIS) for approximately twenty months. I am authorized to investigate crimes involving violations of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a)(2).

This affidavit is respectfully submitted in support of an application for warrants to search the following premises and vehicles, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves threats to witnesses in, and obstruction of, a domestic terrorism investigation, pending in the District of Columbia.

- (1) A warrant to search wall locker number 55, located in Room 127, Building 1412, United States Army Medical Research Institute of Infectious Diseases (USAMRIID), Fort Detrick, Maryland. Wall locker number 55 is labeled "Bruce Ivins", and is secured by a combination lock.
- (2) A warrant to search wall locker number 10, located in Room B301, Building 1425, USAMRIID, Fort Detrick, Maryland. Wall locker number 10 is labeled "Bruce Ivins X34927", and is secured by a combination lock.
- (3) A warrant to search the office area of Dr. Bruce Edwards Ivins, office number 19, located in Building 1425, USAMRIID, Fort Detrick, Maryland.
- (4) A warrant to search Dr. Bruce Edwards Ivins's laboratory space in Room B303, B313 and B505, Building 1425, USAMRIID, Fort Detrick, Maryland.

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, and into tampering with a witness or informant in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

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 (hereinafter "USAMRIID"), 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 a friend in ██████████ a few days before the anthrax attacks warning her 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." In his affidavit dated October 31, 2007, submitted in support of an initial search of the residence and vehicles of Bruce Edwards Ivins, Supervisory Postal Inspector Thomas F. Delafera described in greater detail information regarding Bruce Edwards Ivins, and his probable connection to the anthrax mailings. I hereby incorporate this affidavit by reference herein. See Exhibit A.

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. Finally, in recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

His most recent statement regarding the attacks came two days ago on Wednesday, July 9, 2008. While at a group therapy session in Frederick, Maryland, he revealed to the Licensed Clinical Social Worker and other members of the group that he was a suspect in this investigation. He stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital, where he remains as of this writing.

Further, with respect to backyard at the residence, at approximately 10:30 p.m., in early June 2008, Bruce Edwards Ivins was observed walking in the rain out into an area of his backyard near his back fence. He was then observed making a raking or digging motion in that area. Subsequent visual scrutiny of that area revealed that it was an untended area of grass and other vegetation.

Finally, with respect to the three vehicles, over the course of the past several months, visual surveillance has been conducted regularly at the residence of Bruce Edwards Ivins at [REDACTED], Frederick, Maryland. Such surveillance has revealed that all three vehicles are regularly parked in front of the Ivins residence or in the driveway on the property.

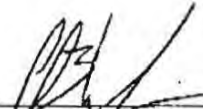
The Task Force submits that a search Subject Residence and Subject Vehicles may reveal physical or documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, and obstruction of that investigation. The search is for firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes, photographs, and records in various formats, including computer files and other electronic media, as more fully described in the Attachment to this affidavit.

Conclusion

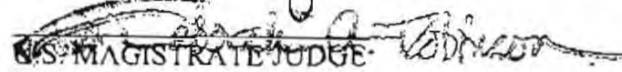
Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject Offices and Wall Lockers may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into the dissemination of a weapon of mass destruction (anthrax) through the U.S. mail system in September and October 2001 in violation of 18 U.S.C., Sections 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject Residence and Subject Vehicles as described in the Attachment to this affidavit, may reveal firearms and other weapons, ballistics vests, and writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents.

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 a Postal Inspector. 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.


CHARLES B. WICKERSHAM
Postal Inspector
U.S. Postal Inspection Service

Sworn to before me this
11 day of July, 2008


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

ATTACHMENT TO AFFIDAVIT

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

1. 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 a plot to harm or kill other individuals, 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, directions, and affiliations and contact points of individuals Bruce Edwards Ivins believes may be involved in the investigation into the anthrax attacks of 2001. 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.

2. Firearms and ammunition, extra magazines, sights, ballistics vests, targets, and any other weapon of any kind, and any and all paperwork referencing purchase, maintenance, transfer and ownership of any weapon.

3. Keys, records, or other information pertaining to storage facilities, safety deposit boxes or other locations where such items set forth in paragraph 1 and 2 may be stored.

4. 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 defined 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.

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.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

Residence at
Frederick, Maryland,
owned by Bruce Edwards Ivins,
DOB

SEARCH WARRANT

CASE NUMBER: 08-430

TO: Postal Inspector Charles B. Wickersham and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Charles B. Wickersham who has reason to believe that on the person or on the premises known as (name, description and or location)

Single Family Residence at y Road, Frederick, Maryland, backyard of property, and large white shed on rear of property, owned by Bruce Edwards Ivins, DOB

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes and records in various formats, including computer files and other electronic media, as more fully described in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before July 21, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

07/11/08 @ 4:46 pm
Date and Time Issued in Washington, DC pursuant to the domestic terrorism search warrant provisions of Rule 41(h)(3)

Deborah A. Robinson
United States Magistrate Judge
Name and Title of Judicial Officer

United States District Court
For the District of Columbia
A TRUE COPY
NANCY MAYER WHITTINGTON, Clerk
By [Signature]
Deputy Clerk
Signature of Judicial Officer

4

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Charles B. Wickersham, being duly sworn, depose and say:

I have been a Postal Inspector of the United States Postal Inspection Service (USPIS) for approximately twenty months. I am authorized to investigate crimes involving violations of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a)(2).

This affidavit is respectfully submitted in support of an application for warrants to search the following premises and vehicles, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves threats to witnesses in, and obstruction of, a domestic terrorism investigation, pending in the District of Columbia.

- (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, along with the backyard. 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 [REDACTED], and Vehicle Identification Number 1G8ZH52882Z112568. 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 [REDACTED] and has been the sole owner, and is the primary user.
- (3) Automobile #2: search a vehicle with Maryland registration [REDACTED], expiration [REDACTED], 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 [REDACTED], and Vehicle Identification Number [REDACTED]. The vehicle is described as a 1996 Dodge van, red, and is registered to [REDACTED], Frederick, MD. [REDACTED] purchased the vehicle [REDACTED] and the vehicle is driven on occasion by Bruce Edwards Ivins.

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, and into tampering with a witness or informant in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

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 (hereinafter "USAMRIID"), 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." In his affidavit dated October 31, 2007, submitted in support of an initial search of the residence and vehicles of Bruce Edwards Ivins, Supervisory Postal Inspector Thomas F. Delafera described in greater detail information regarding Bruce Edwards Ivins, and his probable connection to the anthrax mailings. I hereby incorporate this affidavit by reference herein. See Exhibit A.

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. Finally, in recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

His most recent statement regarding the attacks came two days ago on Wednesday, July 9, 2008. While at a group therapy session in Frederick, Maryland, he revealed to the Licensed Clinical Social Worker and other members of the group that he was a suspect in this investigation. He stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital, where he remains as of this writing.

Further, with respect to backyard at the residence, at approximately 10:30 p.m., in early June 2008, Bruce Edwards Ivins was observed walking in the rain out into an area of his backyard near his back fence. He was then observed making a raking or digging motion in that area. Subsequent visual scrutiny of that area revealed that it was an untended area of grass and other vegetation.

Finally, with respect to the three vehicles, over the course of the past several months, visual surveillance has been conducted regularly at the residence of Bruce Edwards Ivins at [REDACTED] Frederick, Maryland. Such surveillance has revealed that all three vehicles are regularly parked in front of the Ivins residence or in the driveway on the property.

The Task Force submits that a search Subject Residence and Subject Vehicles may reveal physical or documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, and obstruction of that investigation. The search is for firearms and other weapons, ballistic vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes, photographs, and records in various formats, including computer files and other electronic media, as more fully described in the Attachment to this affidavit.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject Residence and Subject Vehicles may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject Residence and Subject Vehicles as described in the Attachment to this affidavit, may reveal firearms and other weapons, ballistic vests, and writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents.


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 a Postal Inspector. 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.



CHARLES B. WICKERSHAM
Postal Inspector
U.S. Postal Inspection Service

Sworn to before me this
11 day of July 2008



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

ATTACHMENT TO AFFIDAVIT

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

1. 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 a plot to harm or kill other individuals, 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, directions, and affiliations and contact points of individuals Bruce Edwards Ivins believes may be involved in the investigation into the anthrax attacks of 2001. 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.

2. Firearms and ammunition, extra magazines, sights, ballistics vests, targets, and any other weapon of any kind, and any and all paperwork referencing purchase, maintenance, transfer and ownership of any weapon.

3. Keys, records, or other information pertaining to storage facilities, safety deposit boxes or other locations where such items set forth in paragraph 1 and 2 may be stored.

4. 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 defined 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.

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

07-524-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 [REDACTED] [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] 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) Otilie 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]

[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 ¼ 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]

[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 3/4" 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 3/4" 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.

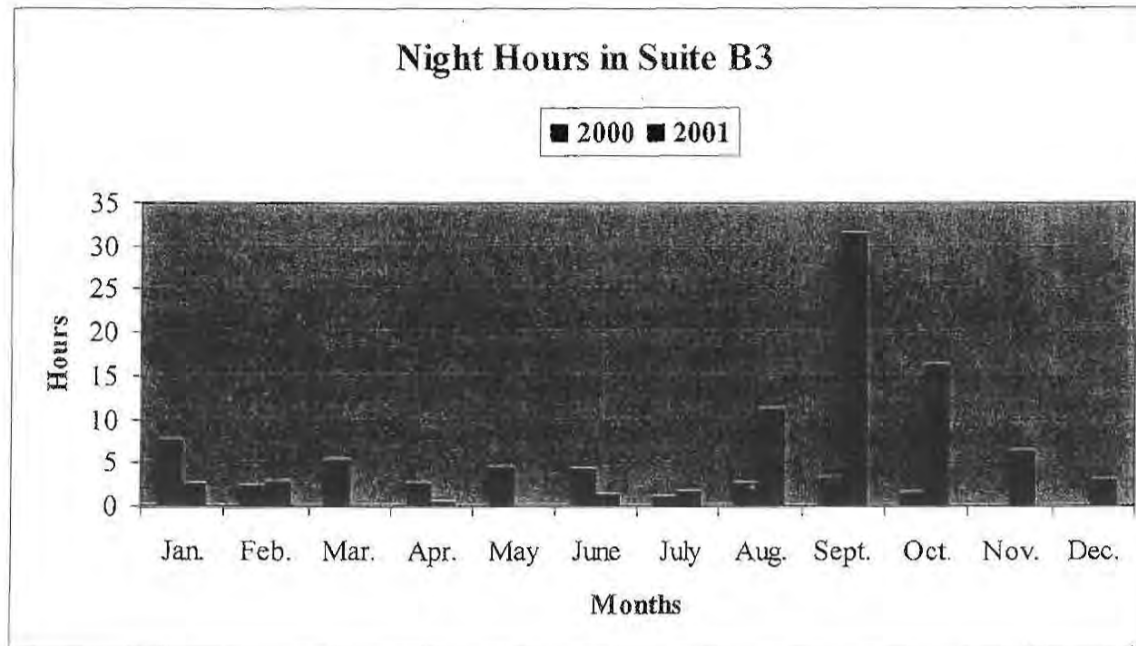
Unexplained late night laboratory access

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, "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. 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 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, then 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

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 its sorority, (KKG).

[REDACTED]

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]. [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]. [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 Gaithersburg 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] [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 [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]. This is 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.abovetopsecret.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.

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 subtilis* 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 *subtilis* 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-anthrax *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.*


TR
10/31/07

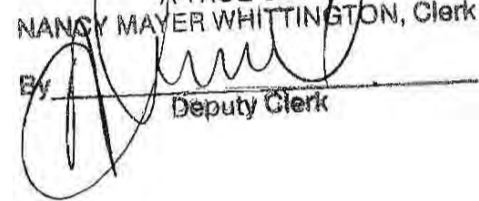
The statements contained in this Affidavit are based in part on information provided by FBI Special Agents and U.S. Postal Inspectors, on observations made by law enforcement agents, and on my experience and background as an FBI Special Agent. I have not included each and every fact known to me concerning 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

AO 109 (Rev. 12/03) Seizure Warrant

RETURN		
DATE WARRANT RECEIVED <i>July 11, 2008</i>	DATE AND TIME WARRANT EXECUTED <i>July 12, 2008, 0600</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH <i>[REDACTED]</i>
INVENTORY MADE IN THE PRESENCE OF <i>Marla Arredondo</i>		
INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT <i>SEE Attached</i>		
FILED JUL 17 2008		
CERTIFICATION		
I swear that this inventory is a true and detailed account of the property seized by me on the warrant. <i>[Signature]</i>		
NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT		
Subscribed, sworn to, and returned before me this date <i>[Signature]</i> Judge		<i>7/17/08</i> Date

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 279A-WF-222936

On (date) July 13, 2008

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) _____

(City) Frederick, Maryland

Description of Item(s): Items: (1) spent bullet; (2) two (2) memorex CDs; (3) gun powder smokeless magnum (4) scrap of paper with telephone number on it; (5) copies of emails and instant messages; (6) 12-gauge shot gun round; (7) Schirmers library of musical classics; (8) 3 1/2 inch floppy disk; (9) .22 cal ammunition; (10) 9 mm round; (11) various documents marked attorney client; (12) possible attorney client information; (13) notebooks & journals; (14) possible attorney client documents; (15) body armor; (16) ballistic vest; (17) HP CPU; (18) Dell CPU; (19) Dell CPU; (20) HP CPU; (21) assorted .40 cal & 9mm ammunition; (22) documents related to rehabilitation; (23) hand written notes; (24) two (2) 9 mm magazines (loaded); (25) hand written notes; (26) notebook with notes about rehabilitation; (27) two (2) .40 cal magazines (loaded) & one .22 cal magazine (loaded); (28) one (1) partially full box of .40 cal ammunition; (29) stamp for attorney client privilege materials; (30) Arrowsmith book; (31) A Madman Dreams of Turing Machines; (32) handwritten note ^{regarding} ~~about~~ ^{of} counsler Jean Dooley.

~~MA 7/12/08~~

Received By: _____
(Signature)

Received From: SA [Signature]
(Signature)

ITEMS SEIZED FROM 7/12/2008 SEARCH OF IVINS RESIDENCE. ROAD

Seizing Agent: SA Marlo Arredondo collected: 7/12/2008 at 1:40 PM

- Item 1: "spent bullet round"
Room J, Andy's room
Hamper of dirty clothes
PI Garcia
- Item 2: "(2) Memorex CDRs
-BMW Films and Ghost Trailer
-Mischief 3000 Part 2 & Turbo Busa"
Room J, upper level bedroom
SA Adams
- Item 3: "Alliant Powder 2400, smokeless magnum handgun powder"
Room K
In closet by entry on floor
SA Borsuk
- Item 4: "scrap paper, white, with telephone #240-388-3013," handwritten
Room N
Table with garden supplies on it, left side of room, on table top
SA Wylie
- Item 5: "(4) emails and IMs (2) between Kingbadger7 & FastCoach, emails dated March 2008"
Room F
top left shelf, left of fridge
SA Alexander
- Item 6: "12 gauge shotgun round"
Room J
2nd dresser drawer by window
SA Arredondo
- Item 7: "Shirmer's Library of Musical Classics; vol. 932; Casorti; The techniques of Bowing"
Room Foyer
Closet on very top shelf in a pile
SA Arredondo
- Item 8: "White Sony 3.5 in. floppy disk with 'Amanda Resume' handwritten in blue pen"
Room N, basement workshop
In floppy drive of HP Pavilion found in room N

SA Smallman

- Item 9: "plastic baggie with (45) .22 caliber rounds"
Room J, upper level bedroom
In plastic baggie on top bunk-bed
SA Adams
- Item 10: "Live 9mm round, Winchester"
Room J
On top of clothes dresser by window
SA Borsuk
- Item 11: "possible attorney client documents"
Room K
In laundry hamper (blue)
SA Rankin
- Item 12: "5 notebooks/journals with entries from 1997-2003"
Room L, Amanda's Room
Top of closet
SA Rankin
- Item 13: "3 pages possible attorney client documents"
Room F
cabinet next to refrigerator, 2nd shelf
SA Rankin
- Item 14: "4 Pages of possible attorney client documents"
Room K
on foot of bed
SA Rankin
- Item 15: "homemade yellow with silver duct tape body armor"
Room K
bedroom closet by entry
SA Borsuk
- Item 16: "black bulletproof / ballistic vest Eagle Eye Personal Body Armor, size Medium"
Room K
Bedroom closet by entry
SA Borsuk
- Item 17: "HP Pavilion 502N, serial # CN223A1321"

- Room N, basement workshop
under pegboard tool wall
SA Smallman
- Item 18: "Dell Dimension ES10 desktop cpu, service tag 9C4QR91
Room B, dining room
under the desk in the corner
SA Smallman
- Item 19: Room P; rear basement room
on the floor in the door way to room O by Mac pointer and monitor
"Dell Dimension L667R, service tag GFB240B"
SA Smallman
- Item 20: "HP pavilion 502N, serial # CN222A2314"
Room J, upstairs front bedroom
on the floor between the desk and the bed, against the wall
SA Smallman
- Item 21: "1 box, 55 rounds .40 cal;
1 box, 50 rounds, .40 cal;
1 box, 50 rounds, 9mm;
1 box, 11 rounds, 9mm, loose"
Room K
under wooden dresser on left in a brown bag next to Glock 27 carrying case
SA Wylie
- Item 22: "stapled papers:
3 pg - Relapse prediction scale
8 pg - Identifying and handling social pressure
4 pg - Seeing that we're all just human
5 pg - Forming stable relationships
6 pg - Identifying high risk situations
7 pg - Relapse prevention group 2
10 pg - Anger check list"
Room K
In laundry basket on floor in front of closet door by entry
SA Borsuk
- Item 23: "handwritten notes ref Cheryl, Bill, and Ann"
Room K
left side, head of bed
PI Garcia

- Item 24: "1 magazine, 16 rounds, 9mm;
1 magazine, 14 rounds, 9mm"
Room K
Under wood dresser on left, in Glock 34 carrying case
SA Wylie
- Item 25: "Notes on submission & Kristi Friend directions to Kristie Friend."
Room K
Left corner of bed
PI Garcia
- Item 26: "blue notebook containing AA notes, notes concerning social workers"
Room K
left corner of bed
PI Garcia
- Item 27: "1 magazine, 8 rounds, .40 cal;
1 magazine, 8 rounds, .40 cal;
1 magazine, 7 rounds, .22 cal"
Room K
under wood dresser on left in lock 27 carrying case
SA Wylie
- Item 28: "1 box containing 17 rounds, .40 cal, hollow points"
Room K
under wood dresser in brown bag next to Glock 27 carrying case
SA Wylie
- Item 29: "1 stamp marked 'Protected by Attorney-Client Privilege Paul F. Kemp 301-217-
5664"
Room K
inside lockbox on top of wood dresser on left side of room
SA Wylie
- Item 30: "Book: Arrowsmith, by Sinclair Lewis"
Room K
first shelf above dresser
SA Alexander
- Item 31: "Book: A Madman Dreams fo Turning Machines, by Janna Levin"
Room K
first shelf above dresser
SA Alexander



Item 32: "handwritten note regarding counselor Jean Dooley"
Room F
on kitchen table
SA Alexander

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, commmeal, 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.

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

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

2002 Saturn SL1, blue, 4 door sedan, bearing VIN # [redacted], registered to Bruce Edwards Ivins, at [redacted], Frederick, MD

FILED

JUL 11 2008

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

CASE NUMBER: 08-431

I Charles B. Wickersham being duly sworn depose and say:

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

2002 Saturn SL1, blue, 4 door sedan, bearing VIN # [redacted], registered to Bruce Edwards Ivins, at [redacted], Frederick, MD

in the District of Maryland, there is now concealed a certain person or property, namely firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes and records in various formats, including computer files and other electronic media, as more fully described in Attachment A.

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, and to threaten witnesses involved in, and obstruct the investigation of, such act of domestic terrorism. in violation of Title 18, United States Code, Section(s) 2332a and 1114 and 1512(a)(2). 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 U.S. Attorney's Office, Washington, DC (202) 353-8055

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

Sworn to before me, and subscribed in my presence

Date 07/11/08 Deborah A. Robinson United States Magistrate Judge

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

Name and Title of Judicial Officer

Signature of Judicial Officer

1

AO93(Rev. 5/85) Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

2002 Saturn SL1, blue, 4 door sedan,
bearing VIN # [REDACTED],
registered to Bruce Edwards Ivins,
at [REDACTED] Road, Frederick, MD

SEARCH WARRANT

CASE NUMBER: 08-431

TO: Postal Inspector Charles B. Wickersham and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Charles B. Wickersham who has reason to believe that on the person or on the premises known as (name, description and or location)

2002 Saturn SL1, blue, 4 door sedan, bearing VIN # [REDACTED], registered to Bruce Edwards Ivins, at [REDACTED] Frederick, MD

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes and records in various formats, including computer files and other electronic media, as more fully described in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before July 21, 2008
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

6/21/08 @ 4:51 PM
Date and Time Issued in Washington, DC pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3)

Deborah A. Robinson
United States Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer
NANCY MAYER WHITTINGTON, Clerk
Deputy Clerk

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

2002 Saturn SL1, blue, 4 door sedan,
bearing VIN # [REDACTED],
registered to Bruce Edwards Ivins,
at [REDACTED] Frederick, MD

SEARCH WARRANT

CASE NUMBER: 07-525-M-01

TO: Postal Inspector Thomas F. Dellafera and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Thomas F. Dellafera who has reason to believe that on the person or on the premises known as (name, description and or location)

2002 Saturn SL1, blue, 4 door sedan, bearing VIN # [REDACTED] registered to Bruce Edwards Ivins, at [REDACTED] Frederick, MD

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

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.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before November 9, 2007
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

OCT 31 2007 @ 5:03 PM

Date and Time Issued in Washington, DC 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]
Signature of Judicial Officer

DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Charles B. Wickersham, being duly sworn, depose and say:

I have been a Postal Inspector of the United States Postal Inspection Service (USPIS) for approximately twenty months. I am authorized to investigate crimes involving violations of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a)(2).

This affidavit is respectfully submitted in support of an application for warrants to search the following premises and vehicles, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves threats to witnesses in, and obstruction of, a domestic terrorism investigation, pending in the District of Columbia.

- (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, along with the backyard. 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 [REDACTED], 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 [REDACTED] and has been the sole owner, and is the primary user.
- (3) Automobile #2: search a vehicle with Maryland registration [REDACTED], expiration [REDACTED], 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 [REDACTED], 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.

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, and into tampering with a witness or informant in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

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 (hereinafter "USAMRIID"), 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 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." In his affidavit dated October 31, 2007, submitted in support of an initial search of the residence and vehicles of Bruce Edwards Ivins, Supervisory Postal Inspector Thomas F. Delafera described in greater detail information regarding Bruce Edwards Ivins, and his probable connection to the anthrax mailings. I hereby incorporate this affidavit by reference herein. See Exhibit A.

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. Finally, in recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

His most recent statement regarding the attacks came two days ago on Wednesday, July 9, 2008. While at a group therapy session in Frederick, Maryland, he revealed to the Licensed Clinical Social Worker and other members of the group that he was a suspect in this investigation. He stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital, where he remains as of this writing.

Further, with respect to backyard at the residence, at approximately 10:30 p.m., in early June 2008, Bruce Edwards Ivins was observed walking in the rain out into an area of his backyard near his back fence. He was then observed making a raking or digging motion in that area. Subsequent visual scrutiny of that area revealed that it was an untended area of grass and other vegetation.

Finally, with respect to the three vehicles, over the course of the past several months, visual surveillance has been conducted regularly at the residence of Bruce Edwards Ivins at ██████████ Frederick, Maryland. Such surveillance has revealed that all three vehicles are regularly parked in front of the Ivins residence or in the driveway on the property.

The Task Force submits that a search Subject Residence and Subject Vehicles may reveal physical or documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, and obstruction of that investigation. The search is for firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes, photographs, and records in various formats, including computer files and other electronic media, as more fully described in the Attachment to this affidavit.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject Residence and Subject Vehicles may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject Residence and Subject Vehicles as described in the Attachment to this affidavit, may reveal firearms and other weapons, ballistics vests, and writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents.

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 a Postal Inspector. 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.



CHARLES B. WICKERSHAM
Postal Inspector
U.S. Postal Inspection Service

Sworn to before me this
14th day of July, 2008

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

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

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

07-524-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 [REDACTED] [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] 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) Otilie 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]

[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 3/4 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]

[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 3/4" 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 3/4" 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.

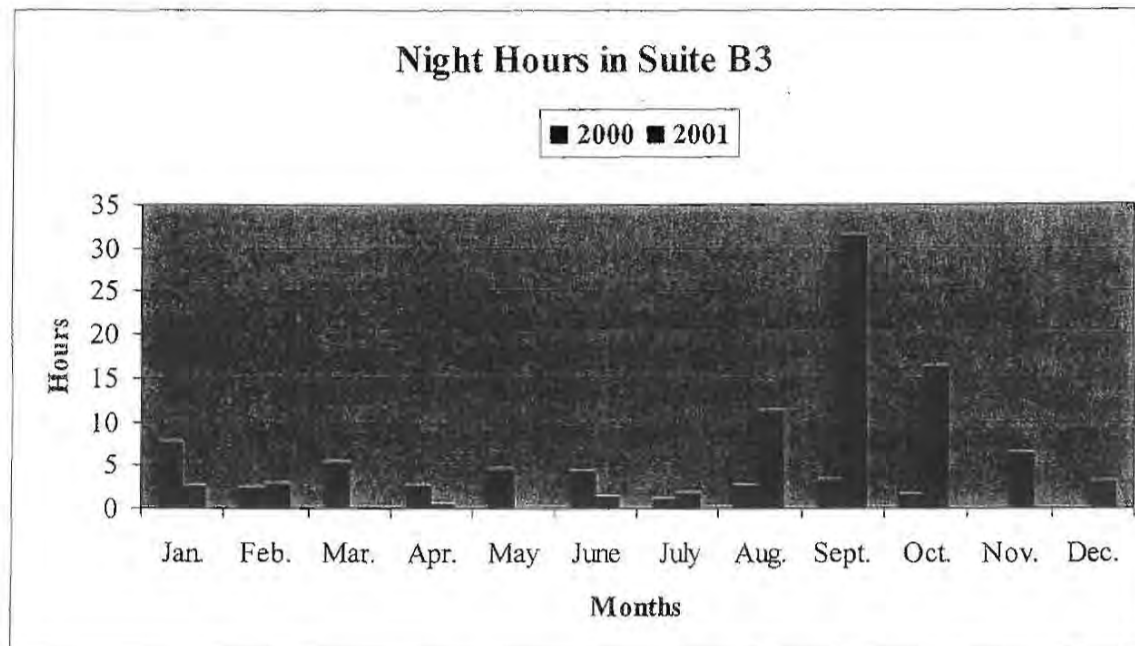
Unexplained late night laboratory access

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, then 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

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 its sorority, (KKG).

[REDACTED]

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]. [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]. [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 Gaithersburg 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] [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 [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]. This is 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]

[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.abovetopsecret.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 subtilis* 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 *subtilis* 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-anthrax *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.*

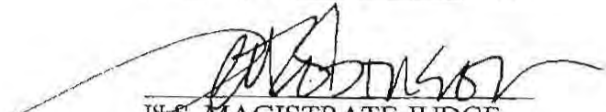
TR
10/31/07

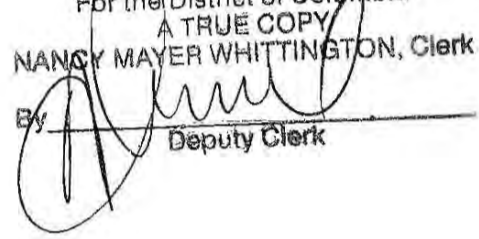
The statements contained in this Affidavit are based in part on information provided by FBI Special Agents and U.S. Postal Inspectors, on observations made by law enforcement agents, and on my experience and background as an FBI Special Agent. I have not included each and every fact known to me concerning 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 for the items mentioned in the text of the search warrant, including more specifically the following:

1. 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 a plot to harm or kill other individuals, 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, directions, and affiliations and contact points of individuals Bruce Edwards Ivins believes may be involved in the investigation into the anthrax attacks of 2001. 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.

2. Firearms and ammunition, extra magazines, sights, ballistics vests, targets, and any other weapon of any kind, and any and all paperwork referencing purchase, maintenance, transfer and ownership of any weapon.

3. Keys, records, or other information pertaining to storage facilities, safety deposit boxes or other locations where such items set forth in paragraph 1 and 2 may be stored.

4. 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

[1]

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 defined 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.

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.

FD-109 (Rev. 12/03) Seizure Warrant

RETURN

DATE WARRANT RECEIVED <i>7-11-2008</i>	DATE AND TIME WARRANT EXECUTED <i>7-12-2008 0615</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH 
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INVENTORY MADE IN THE PRESENCE OF
Colin Spence

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT

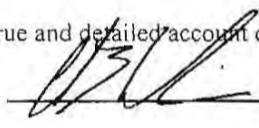
No items seized.

FILED
JUL 17 2008

CERTIFICATION

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

I swear that this inventory is a true and detailed account of the property seized by me on the warrant.



Subscribed, sworn to, and returned before me this date



Judge

7/17/08

Date

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

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

1996 Dodge van, red in color, bearing VIN # 2B4HB15X4TK101213, registered to [redacted] at [redacted] Road, Frederick, MD

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

FILED

JUL 11 2008

CASE NUMBER: 08-432

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

I Charles B. Wickersham being duly sworn depose and say:

I am a(n) Postal Inspector with the U.S. Postal Inspection Service and have reason to believe that [redacted] on the person of or [redacted] on the property or premises known as [redacted]

1996 Dodge van, red in color, bearing VIN # 2B4HB15X4TK101213, registered to [redacted] at [redacted] Road, Frederick, MD

in the District of Maryland, there is now concealed a certain person or property, namely firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes and records in various formats, including computer files and other electronic media, as more fully described in Attachment A.

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, and to threaten witnesses involved in, and obstruct the investigation of, such act of domestic terrorism. in violation of Title 18 United States Code, Section(s) 2332a and 1114 and 1512(a)(2). 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

United States District Court For the District of Columbia A TRUE COPY

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

Signature of Affiant Charles B. Wickersham, Postal Inspector United States Postal Inspection Service

NANCY MAYER WHITTINGTON, Clerk Deputy Clerk

Sworn to before me, and subscribed in my presence

Date 07/11/08

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

Deborah A. Robinson United States Magistrate Judge

Signature of Judicial Officer

Name and Title of Judicial Officer

AO93(Rcv.5/85)Search Warrant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

1996 Dodge van, red in color, bearing VIN # 2B4HB15X4TK101213, registered to [redacted] Road, Frederick, MD

SEARCH WARRANT

CASE NUMBER: 08-432

TO: Postal Inspector Charles B. Wickersham and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Charles B. Wickersham who has reason to believe that [] on the person or [x] on the premises known as (name, description and or location)

1996 Dodge van, red in color, bearing VIN # 2B4HB15X4TK101213, registered to [redacted] Road, Frederick, MD

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes and records in various formats, including computer files and other electronic media, as more fully described in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before July 21, 2008 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search [x] (in the daytime - 6:00 A.M. to 10:00 P.M.) [] (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

07/11/08 @ 4:48pm Date and Time Issued in Washington, DC pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3) Deborah A. Robinson, United States Name and Title of Judicial Officer

United States District Court For the District of Columbia A TRUE COPY NANCY MAYER WHITTINGTON, Clerk [Signature] Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Charles B. Wickersham, being duly sworn, depose and say:

I have been a Postal Inspector of the United States Postal Inspection Service (USPIS) for approximately twenty months. I am authorized to investigate crimes involving violations of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a)(2).

This affidavit is respectfully submitted in support of an application for warrants to search the following premises and vehicles, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves threats to witnesses in, and obstruction of, a domestic terrorism investigation, pending in the District of Columbia.

- (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, along with the backyard. Bruce Edwards Ivins purchased the house 03/06/1990. 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 [REDACTED], Frederick, MD. [REDACTED] purchased the vehicle 10/17/1996, and the vehicle is driven on occasion by Bruce Edwards Ivins.

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, and into tampering with a witness or informant in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

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 (hereinafter "USAMRIID"), 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 a friend [REDACTED] a few days before the anthrax attacks warning her 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." In his affidavit dated October 31, 2007, submitted in support of an initial search of the residence and vehicles of Bruce Edwards Ivins, Supervisory Postal Inspector Thomas F. Delafera described in greater detail information regarding Bruce Edwards Ivins, and his probable connection to the anthrax mailings. I hereby incorporate this affidavit by reference herein. See Exhibit A.

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. Finally, in recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

His most recent statement regarding the attacks came two days ago on Wednesday, July 9, 2008. While at a group therapy session in Frederick, Maryland, he revealed to the Licensed Clinical Social Worker and other members of the group that he was a suspect in this investigation. He stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital, where he remains as of this writing.

Further, with respect to backyard at the residence, at approximately 10:30 p.m., in early June 2008, Bruce Edwards Ivins was observed walking in the rain out into an area of his backyard near his back fence. He was then observed making a raking or digging motion in that area. Subsequent visual scrutiny of that area revealed that it was an untended area of grass and other vegetation.

Finally, with respect to the three vehicles, over the course of the past several months, visual surveillance has been conducted regularly at the residence of Bruce Edwards Ivins at [REDACTED] Frederick, Maryland. Such surveillance has revealed that all three vehicles are regularly parked in front of the Ivins residence or in the driveway on the property.

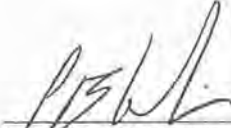
The Task Force submits that a search Subject Residence and Subject Vehicles may reveal physical or documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, and obstruction of that investigation. The search is for firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes, photographs, and records in various formats, including computer files and other electronic media, as more fully described in the Attachment to this affidavit.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject Residence and Subject Vehicles may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject Residence and Subject Vehicles as described in the Attachment to this affidavit, may reveal firearms and other weapons, ballistics vests, and writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents.


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 a Postal Inspector. 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.



CHARLES B. WICKERSHAM
Postal Inspector
U.S. Postal Inspection Service

Sworn to before me this
11 day of July 2008



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

ATTACHMENT TO AFFIDAVIT

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

1. 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 a plot to harm or kill other individuals, 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, directions, and affiliations and contact points of individuals Bruce Edwards Ivins believes may be involved in the investigation into the anthrax attacks of 2001. 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.

2. Firearms and ammunition, extra magazines, sights, ballistics vests, targets, and any other weapon of any kind, and any and all paperwork referencing purchase, maintenance, transfer and ownership of any weapon.

3. Keys, records, or other information pertaining to storage facilities, safety deposit boxes or other locations where such items set forth in paragraph 1 and 2 may be stored.

4. 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

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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 defined 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 as 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.

SAO 109 (Rev. 12/03) Seizure Warrant

RETURN		
DATE WARRANT RECEIVED <i>7-11-2008</i>	DATE AND TIME WARRANT EXECUTED <i>7-12-2008 0615</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH 
INVENTORY MADE IN THE PRESENCE OF <i>Colin Spence</i>		
INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT <i>No items seized.</i>		
CERTIFICATION		FILED
		JUL 17 2008
I swear that this inventory is a true and detailed account of the property seized by me on the warrant of the U.S. DISTRICT COURT		
 _____		NANCY MAYER WHITTINGTON, CLERK
Subscribed, sworn to, and returned before me this date		
 _____		<i>7/17/08</i> _____
Judge		Date

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

1993 Honda Civic four door sedan,
bearing VIN # [redacted]
registered to Bruce Edwards Ivins,
at [redacted] Frederick, MD

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

FILED

JUL 11 2008 CASE NUMBER: 08-433

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

I Charles B. Wickersham being sworn depose and say:

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

1993 Honda Civic four door sedan, blue in color, bearing VIN # [redacted] 2, registered to Bruce
Edwards Ivins, [redacted] Frederick, MD

in the District of Maryland, there is now concealed a certain person or property, namely
firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill
witnesses or names of intended victims, or any other relevant documents, notes and records in various formats,
including computer files and other electronic media, as more fully described in Attachment A.

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, and threats to
witnesses involved in and obstruction of that investigation.
in violation of Title 18 United States Code, Section(s) 2332a and 1114 and 1512(a)(2). 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

Rachel Carlson Lieber, AUSA
U.S. Attorney's Office, Washington, DC
(202) 3538055

Signature of Affiant
Charles B. Wickersham, Postal Inspector
United States Postal Inspection Service

United States District Court
For the District of Columbia
A TRUE COPY
NANCY MAYER WHITTINGTON, CLERK

Sworn to before me, and subscribed in my presence

Date 07/11/08
Deborah A. Robinson
United States Magistrate Judge

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

Signature of Judicial Officer

Name and Title of Judicial Officer

AO93(Rev 5/85)Search Warrant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

1993 Honda Civic four door sedan, bearing VIN # [redacted] registered to Bruce Edwards Ivins, at [redacted], Frederick, MD

SEARCH WARRANT

CASE NUMBER: 08-433

TO: Postal Inspector Charles B. Wickersham and any Authorized Officer of the United States

Affidavit(s) having been made before me by Postal Inspector Charles B. Wickersham who has reason to believe that [redacted] on the person or [redacted] or [redacted] premises known as (name, description and or location)

1993 Honda Civic four door sedan, blue in color, bearing VIN # [redacted] registered to Bruce Edwards Ivins, at [redacted], Frederick, MD

in the District of Maryland there is now concealed a certain person or property, namely (describe the person or property)

firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes and records in various formats, including computer files and other electronic media, as more fully described in Attachment A.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before July 21, 2008 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search [checked] (in the daytime - 6:00 A.M. to 10:00 P.M.) [] (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

7/11/08 @ 4:54 PM Date and Time Issued in Washington, DC pursuant to the domestic terrorism search warrant provisions of Rule 69 Deborah A. Robinson United States Magistrate Judge Name and Title of Judicial Officer

United States District Court For the District of Columbia A TRUE COPY NANCY MAYER WHITTINGTON, Clerk Signature of Judicial Officer [Signature]

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Charles B. Wickersham, being duly sworn, depose and say:

I have been a Postal Inspector of the United States Postal Inspection Service (USPIS) for approximately twenty months. I am authorized to investigate crimes involving violations of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a)(2).

This affidavit is respectfully submitted in support of an application for warrants to search the following premises and vehicles, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves threats to witnesses in, and obstruction of, a domestic terrorism investigation, pending in the District of Columbia.

- (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, along with the backyard. 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 [REDACTED] 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 [REDACTED] and has been the sole owner, and is the primary user.
- (3) Automobile #2: search a vehicle with Maryland registration [REDACTED] expiration [REDACTED] 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 [REDACTED] and Vehicle Identification Number [REDACTED]. The vehicle is described as a 1996 Dodge van, red, and is registered to [REDACTED], Frederick, MD. [REDACTED] purchased the vehicle [REDACTED], and the vehicle is driven on occasion by Bruce Edwards Ivins.

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, and into tampering with a witness or informant in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2).

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 (hereinafter "USAMRIID"), 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." In his affidavit dated October 31, 2007, submitted in support of an initial search of the residence and vehicles of Bruce Edwards Ivins, Supervisory Postal Inspector Thomas F. Delafera described in greater detail information regarding Bruce Edwards Ivins, and his probable connection to the anthrax mailings. I hereby incorporate this affidavit by reference herein. See Exhibit A.

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. Finally, in recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

His most recent statement regarding the attacks came two days ago on Wednesday, July 9, 2008. While at a group therapy session in Frederick, Maryland, he revealed to the Licensed Clinical Social Worker and other members of the group that he was a suspect in this investigation. He stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers, and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital, where he remains as of this writing.

Further, with respect to backyard at the residence, at approximately 10:30 p.m., in early June 2008, Bruce Edwards Ivins was observed walking in the rain out into an area of his backyard near his back fence. He was then observed making a raking or digging motion in that area. Subsequent visual scrutiny of that area revealed that it was an untended area of grass and other vegetation.

Finally, with respect to the three vehicles, over the course of the past several months visual surveillance has been conducted regularly at the residence of Bruce Edwards Ivins at ██████████ Frederick, Maryland. Such surveillance has revealed that all three vehicles are regularly parked in front of the Ivins residence or in the driveway on the property.


The Task Force submits that a search Subject Residence and Subject Vehicles may reveal physical or documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, and obstruction of that investigation. The search is for firearms and other weapons, ballistics vests or other protective gear, and any writings identifying a plan to kill witnesses or names of intended victims, or any other relevant documents, notes, photographs, and records in various formats, including computer files and other electronic media, as more fully described in the Attachment to this affidavit.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the Subject Residence and Subject Vehicles may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into 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 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the Subject Residence and Subject Vehicles as described in the Attachment to this affidavit, may reveal firearms and other weapons, ballistics vests, and writings identifying a plan to kill witnesses, names of intended victims, photographs, and other relevant documents.

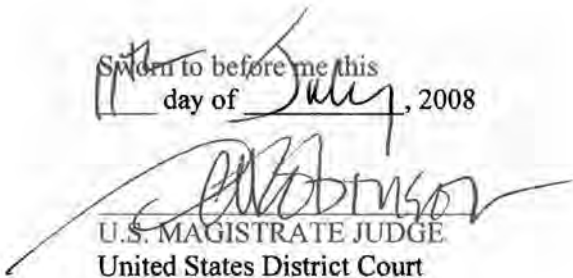
Because this affidavit is part of an ongoing investigation that would be jeopardized by premature disclosure of information, I further request that this Affidavit, the accompanying Order, and other related documents be filed under seal until further order of the Court.

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 a Postal Inspector. 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.



CHARLES B. WICKERSHAM
Postal Inspector
U.S. Postal Inspection Service

Sworn to before me this
day of July, 2008



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

ATTACHMENT TO AFFIDAVIT

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

1. 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 a plot to harm or kill other individuals, 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, directions, and affiliations and contact points of individuals Bruce Edwards Ivins believes may be involved in the investigation into the anthrax attacks of 2001. 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.

2. Firearms and ammunition, extra magazines, sights, ballistics vests, targets, and any other weapon of any kind, and any and all paperwork referencing purchase, maintenance, transfer and ownership of any weapon.

3. Keys, records, or other information pertaining to storage facilities, safety deposit boxes or other locations where such items set forth in paragraph 1 and 2 may be stored.

4. 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 defined 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.

AO 105 (Rev. 12/03) Seizure Warrant

RETURN		
DATE WARRANT RECEIVED <i>7-11-2008</i>	DATE AND TIME WARRANT EXECUTED <i>7-12-2008 0615</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH 
INVENTORY MADE IN THE PRESENCE OF <i>Colin Spence</i>		
INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT <i>No items seized.</i>		
CERTIFICATION		FILED
		JUL 17 2008
I swear that this inventory is a true and detailed account of the property seized by me on the warrant.		NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT
 _____		
Subscribed, sworn to, and returned before me this date		
 _____		<i>7/17/08</i> _____
Judge		Date