

THE CASE AGAINST IVINS, SEARCH WARRANT ONE

As many of you have noted, the Ivins documents are here.

I've just gotten through the first attachment to a search warrant (for a November 1, 2007 search), and here's the evidence as summarized:

Ivins Was Inexplicably Working Late Just Before the Two Attacks

This is the most compelling evidence, IMO. It shows that Ivins was alone in his lab for two hours each on September 14, 15, and 16—just before the "media" letters were sent on September 17 or 18. And then he was alone in his lab every night from September 28 through October 5, leading up to the October 9 postmark on the "senate" letters (note, there was a weekend and a holiday in this window). Ivins' explanation for those sessions was not very convincing.

Ivins Turned Over Incorrect Samples to Investigators

When Ivins first submitted samples of the anthrax he was working on in February 2002, the samples were unusable because he didn't follow protocol. He submitted a second sample in April 2002. In April 2004, an FBI Agent went into his lab and identified a bunch of samples he had not turned over. There is a dispute between FBI and Ivins over whether Ivins admitted his anthrax matched that used in the attack or not.

Crazy Talk from 2000 to 2001

The FBI submitted a bunch of email messages from 2000 to 2001, which they claim correlate with the Al Qaeda-related messages on the letters. I find this less compelling, partly because of the timing involved.

Anthrax

The FBI talks about Bruce Ivins' stress about problems with the anthrax vaccine in 2000. But that doesn't come off as all that obsessive—aside from normal work stress.

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.

The Sorority

Yes, Ivins did have an obsession with the KKG sorority—which the FBI uses to argue he mailed the anthrax from a mailbox not far from a KKG office. This is a stretch, IMO.

Greendale School, 4th Grade

The FBI presents an interesting argument for the Greendale School reference, which I'll cite in full:

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, MA, 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," [redacted] Frederick, Maryland 21702, was active until March 2005.

So the FBI is pinning the anthrax terrorism on Ivins' donations to the AFA.

Leahy and Daschle

The FBI then goes on to provide a relatively weak explanation for why Ivins targeted Leahy and Daschle—because they are pro-choice Catholics who opposed (particularly Leahy) PATRIOT. The FBI bases that on an Ivins comment similar to the kind a bunch of wingnuts were uttering in September 2001.

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. . . ."

So I guess the FBI now considers an affiliation with the AFA and a dislike of the ACLU to be probably cause that a person is a terrorist?

Well, that's the probable cause behind the first search warrant. I'll grant that the laboratory-specific stuff is pretty damning. But the stuff that goes to motive? We'd have to indict half of Michelle Malkin's readers if that stuff amounted to probable cause.

And, given what I said in my last post, I'll repeat that if an obsession about anthrax vaccines amounts to probable cause, Scooter Libby is as likely a culprit as Bruce Ivins.