



## Privacy and the Public Interest Part B: The Case Against Ivins

City Editor Rob Walters and Assistant City Editor David Simon opted not to send a reporter to attend the August 6 service. Simon did dispatch a reporter to stand outside the Ivins' home in case family members were willing to talk upon returning. But the big story for the *News-Post* lay elsewhere that day. At 2 p.m., after the service had concluded, the FBI released hundreds of pages of its evidence against Ivins.

Among other things, the FBI had emails in which Ivins had admitted to a colleague that he suffered from paranoid delusions and worried that he might not be able to control his own behavior.<sup>1</sup> The Bureau also had documentation that showed Ivins had logged unusually long hours on nights and weekends near the time of the attacks. Meanwhile, investigators had employed a newly developed method of genetic fingerprinting to identify the precise strain of anthrax used in the attacks—a strain of Ivins' own invention. But when he was under investigation, Ivins had apparently submitted false samples from his lab. The Bureau inferred that he was trying to throw them off his trail. Ivins also had several strange habits—he maintained a mailbox under a pseudonym, sent anonymous packages, and took long drives by himself.

As for motive, the FBI ventured that Ivins was simply trying to draw attention to the possibility of bioterrorism and the need for precautions. Ivins had developed and patented an anthrax vaccine, and the Food and Drug Administration (FDA) had blocked its production in 2001, before the attacks took place. The fact that the notes accompanying the anthrax directed their recipients to take antibiotics suggested that perhaps Ivins had not intended to kill anyone, but only to frighten the public.

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<sup>1</sup> Eric Lipton, "In Email, hints of delusions," *New York Times*, August 7, 2008.  
Available:  
<http://www.nytimes.com/2008/08/07/washington/07ivins.html?scp=1&sq=in%20email,%20hints%20of%20delusions%20bruce%20ivins&st=cse>

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Still, the FBI had only circumstantial evidence tying Ivins to the attacks. Searches had turned up no spores in Ivins' car, house, or clothing. There was no proof that he had been at Princeton, New Jersey mailbox from which the letters had been sent—about a 3 ½-hour drive from his Frederick house—on the days the letters were mailed.<sup>2</sup> FBI spokesman John Miller explained the Bureau's rationale for finally making its case public. "We had an obligation to disclose to the victims and to their families the information we had," he said.

To do so, though, we had to make certain documents public. Once that happened, there's also a larger public that still suffers from anxiety, and they needed to be reassured. And, thirdly, Congress was actually a target of the attacks and has always had a strong interest in where the case was.<sup>3</sup>

The *News-Post* devoted over 2,000 words and much of its August 7 front page to summarizing each of the 16 points on which the FBI's case rested.<sup>4</sup> At the conclusion of the article, the paper noted that Ivins' memorial had taken place. Though the *News-Post* had no quotes from inside the service, an Ivins neighbor told the paper that Ivins would never have harmed anyone. The paper also published excerpts of the emails the FBI had released, in which Ivins described to a friend his feelings of paranoia.<sup>5</sup>

## Scooped Again

Simon did not find out until the day after the first memorial service that the *Washington Post* had decided to cover it, sneaking reporter Anne Hull into the service itself. Her account appeared in the *Post's* August 7 edition. She wrote:

The tone of the service was one of unmitigated support and loyalty for the researcher, and there was no mention of the accusations against him or the darkness that enveloped the final months of his life before he died on July 29.<sup>6</sup>

It might have been anyone's memorial—a celebration of the life of the departed. Colleagues recounted how Ivins left a bag of M&Ms on his boss's desk during a stressful period,

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<sup>2</sup> David Willman, "Apparent suicide in anthrax case," *Los Angeles Times*, August 1, 2008. Available: <http://www.latimes.com/news/nationworld/nation/la-na-anthrax1-2008aug01.0.2864223.story?page=1>

<sup>3</sup> Bob Garfield, "The file next time," *On the Media*, NPR, August 8, 2008. Available: <http://www.onthemedial.org/transcripts/2008/08/08/02>

<sup>4</sup> Staff Reports, "Ivins alone responsible for attacks, Feds claim," *News-Post*, August 7, 2008. Available: [http://www.fredericknewspost.com/sections/archives/display\\_detail.htm?StoryID=85740](http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=85740)

<sup>5</sup> Staff Reports, "Excerpts from e-mails Bruce Ivins sent to a friend," *News-Post*, August 7, 2008. Available: [http://www.fredericknewspost.com/sections/archives/display\\_detail.htm?StoryID=85746](http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=85746)

<sup>6</sup> Anne Hull, "Coworkers praise Ivins as top researcher, mentor to young scientists," *Washington Post*, August 7 2008. Available: <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/06/AR2008080602875.html>

and praised him as “a top-notch researcher and a generous mentor to younger scientists, always full of questions,” Hull wrote.<sup>7</sup> She described Ivins’ long career at Fort Detrick:

Ivins came to USAMRIID in 1980, specializing in the genetics and immunology of *Bacillus anthracis*. He was a recipient of the Defense Department's highest honor given to a civilian. But at the service he was remembered for the joy he brought others: his juggling; teaching another scientist's son how to ride a unicycle; and giving Patricia Worsham, the deputy chief of the bacteriology division, a purple T-shirt that said, “The Queen Is Not Amused.” Mourners laughed as Worsham held up the T-shirt.

Many soldiers and Ivins's fellow researchers filled the pews, including those who found the allegations against him inconceivable. “I’m so angry,” one of them said to another, waiting for the service to begin. “I’m so angry.” A statement issued later in the day by Ivins's attorneys concluded: “No one who attended [the] service could believe that Dr. Ivins committed any crime.”<sup>8</sup>

Along with this account, the *Washington Post* ran its own detailed summary of the FBI’s evidence, as well as an editorial discussing the case against Ivins. “It is easy to understand why the government believes it had a prime suspect in Bruce Ivins,” it said.

But as compelling as the allegations contained in the affidavits are, they have not been subjected to the rigors of a criminal trial, where Mr. Ivins might have called witnesses, explained seemingly bizarre behavior, questioned scientific methods used to identify the anthrax strain and attempted to impeach government witnesses.<sup>9</sup>

*Second service.* *News-Post* staffers were surprised to learn of the *Washington Post*’s presence at the memorial. An irate Fort Detrick public relations officer contacted the *News-Post* newsroom to say that reporter Anne Hull had not been authorized to enter the base, and to commend the local paper’s decision to stay away.<sup>10</sup>

Meanwhile, there was the private family memorial scheduled for August 9. The family had requested that the media stay away from this service as well. For the second time in a week, City Editor Walters and Assistant City Editor Simon had to make a tough call. This time, they felt

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> *Washington Post*, “The case against Bruce Ivins,” August 7, 2008.  
Available: <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/06/AR2008080602794.html>

<sup>10</sup> Source: David Simon in-class teleconference with Professor Ruth Padawer and students, on November 17, 2008, in New York City.

even greater pressure than before. The case against Ivins was now public, and seemed at least convincing if not conclusive. One could argue that it was the job of the media to be at the funeral service. Maybe this story was bigger than one family's grief. Was the choice now different from the one Simon had made August 6? Had the privacy considerations changed when the evidence became public? Finally, might the *Washington Post* again send a reporter? If so, the *News-Post* could find itself scooped a third time on the same story.

## Appendix

### Co-Workers Praise Ivins as Top Researcher, Mentor to Young Scientists

By Anne Hull, Washington Post Staff Writer

Thursday, August 7, 2008; A17

Bruce E. Ivins was the type of colleague who would leave a package of M&Ms on the desk of his frazzled boss. He was a "Survivor" junkie who loved deconstructing the latest episode at work. He was known for his groundbreaking development of new-generation vaccines for anthrax but he also kept a flatulence machine in his office that he mischievously operated by remote control with unsuspecting co-workers.

On the same day the FBI released hundreds of pages of chilling investigative documents to support its conclusion that Ivins was responsible for the anthrax attacks in 2001 that killed five people, a starkly different version of the scientist was remembered and celebrated yesterday at a private memorial service at Fort Detrick, the Army base in Frederick where he worked.

More than 200 mourners filled a small chapel not far from the lab Ivins used for nearly three decades. The tone of the service was one of unmitigated support and loyalty for the researcher, and there was no mention of the accusations against him or the darkness that enveloped the final months of his life before he died on July 29. Many in the chapel wept as a singer stood at a piano next to the altar and sang "Somewhere Over the Rainbow."

Five eulogists, all of whom worked closely with Ivins, praised him as a scientist and friend. Col. John Skvorak, the commander of the U.S. Army Medical Research Institute of Infectious Diseases, said that Ivins was a top-notch researcher and generous mentor to younger scientists, always full of questions. Lt. Col. Bret Purcell, another Army scientist, struggled to maintain composure as he spoke of Ivins's unyielding dedication to the lab where he worked and the people who worked with him.

Ivins's wife, Diane, and their two children, Amanda and Andrew, both 24, sat in the front row and were greeted by Maj. Gen. George W. Weightman, the commander of Fort Detrick. The family was presented with a dozen red roses by a tearful lab technician who worked alongside Ivins.

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scientist's son how to ride a unicycle; and giving Patricia Worsham, the deputy chief of the bacteriology division, a purple T-shirt that said, "The Queen Is Not Amused." Mourners laughed as Worsham held up the T-shirt.

Many soldiers and Ivins's fellow researchers filled the pews, including those who found the allegations against him inconceivable. "I'm so angry," one of them said to another, waiting for the service to begin. "I'm so angry." A statement issued later in the day by Ivins's attorneys concluded: "No one who attended [the] service could believe that Dr. Ivins committed any crime."

According to the program, "Ivins mentored a number of young scientists during his career. He was known for his patience and enthusiasm for science." He also ate strange concoctions for lunch at his desk, a memory that brought laughter at the service, as did the mention of the time he wore military camouflage and went to a Halloween party as a member of the Village People. But a quiet sadness ended the funeral as those gathered softly sang "Amazing Grace."

Leaving the sanctuary, mourners passed a photo collage of Ivins, posing with his fellow researchers or playfully wearing a sombrero. In almost every picture, he was smiling and surrounded by people.<sup>11</sup>

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<sup>11</sup> Anne Hull, "Coworkers praise Ivins as top researcher, mentor to young scientists," *Washington Post*, August 7 2008. Available: <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/06/AR2008080602875.html>