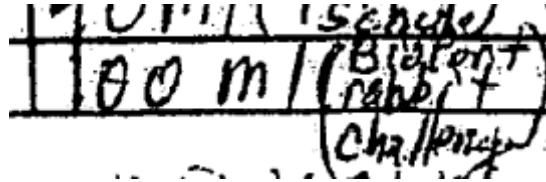


DOJ: THESE AREN'T THE BIOPORT SPORES YOU'RE LOOKING FOR



DOJ just submitted a filing asserting that a number of claims they made in filings last week were erroneous. They're claiming that:

- 1) Their statement of facts supporting their claim asserting that no anthrax disappeared from USAMRIID and therefore Ivins must be the anthrax killer (but an unforeseen one) should have admitted that Ivins did have a lypholizer in his lab, but not in a way he could use.
- 2) Their statement that a scientist who had been vaccinated against anthrax could walk out of USAMRIID with anthrax injected into his body—as opposed to bloodstream—could get anthrax out of the lab.
- 3) Their statements quoting army regulations should match those army regulations.
- 4) The book on lab security was not written until 2007.

In other words, much of the filing is a bid to resubmit their homework. They look like idiots. But whatever.

Except for the central claim to the filing.

Most of their filing tries to reel in their admission that USAMRIID sent anthrax to both Battelle and BioPort labs—the latter is an anthrax vaccine manufacturer that was at risk of losing its contract in 2001. Points 2-7 all try to replace “BioPort and Battelle” with just Battelle.

Now, I'm not sure what their rationale for

retracting the admission that they sent anthrax from Bruce Ivins' anthrax flask to BioPort is. ~~Ivins' description of what he did with the flask in question appears to clearly show he sent 100 ml to BioPort on December 4, 2000 (indeed, one of Ivins' colleagues testified that some anthrax was sent to BioPort).~~ And BioPort would have precisely the same motive for sending out anthrax as the FBI attributed to Ivins: an financial interest in ensuring the government kept producing the anthrax vaccine. Update: This report (h/t Jim White) seems to confirm the Rabbit Challenge took place at USAMRIID.

~~In other words, it appears that USAMRIID actually **did** send anthrax to BioPort, a lab with a clear motive for creating fear about anthrax.~~ And this filing appears to want to claim that USAMRIID didn't send that anthrax—even though Bruce Ivins' records, which the government has relied on to say Ivins had control over the anthrax, says they did.

And this head fake helps the government's claim that Bruce Ivins was the anthrax killer ... how?

Update: A justice department spokesperson explains that BioPort never got any active anthrax spores. "The only RMR-1029 spores which Bioport received were irradiated/dead/non-viable/harmless. Battelle is the only private research facility which received viable RMR-1029 spores."