# THE FBI'S EVIDENCE AGAINST THE GENIUS WHO FRAMED ELVIS

The Washington Post has a long article detailing how the FBI held onto their original suspect in the case of letters laced with ricin sent to various political figures long after they knew that he was innocent and had obtained evidence pointing to James Everett Dutschke, who now has been jailed for the crime. The article did a very good job of drawing the parallel of the FBI's arrest and mistreatment of Elvis impersonator Paul Kevin Curtis in this case with the Amerithrax investigation that falsely targeted Steven Hatfill after the anthrax attacks of 2001:

> After keeping Elvis impersonator Paul Kevin Curtis in jail for a week, interrogating him while he was chained to a chair and turning his house upside down, federal authorities had no confession or physical evidence tying him to the ricin-laced letters sent to President Obama and other public officials.
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> "They wanted to keep Mr. Curtis in custody while they built a case," said Hal Neilson, a former FBI agent who is Curtis's attorney. "They knew early on he wasn't the right guy, but they fought to hold on to him anyway."
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> Criminal justice experts say the arrest of Curtis without any physical evidence to tie him to the crime harks back to the investigation of bioweapons expert Steven J. Hatfill, who was falsely accused of the 2001 anthrax-letter attacks that killed five people. Like

> Curtis, Hatfill had an unpublished novel that seemed to tie him to the crime.
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> With Curtis, however, experts said the FBI's leap was larger.
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> "Hatfill had technical qualifications and a background that also led the FBI to zero in on him, but this guy is an Elvis impersonator with an apparent history of mental instability and a Facebook page with some distinctive and curious language on it," said Amy E. Smithson, a senior fellow with the James Martin Center for Nonproliferation Studies who studies biological weapons.

The circumstantial case against Dutschke appears quite strong on its own, given the ongoing feud he was known to have with Curtis. One bit that somewhat supports Dutshcke possibly being capable of acting on his own to produce the ricin found in the letters comes from the widespread knowledge that Dutschke is quite intelligent, although his membership in Mensa was used by Curtis as part of the ongoing feud.

But what is the nature of the evidence that is known at the current time linking Dutschke to the crime? Unlike the Georgia wanna-be ricin terrorists, where the FBI only found the criminals to be in possession of intact castor beans and an unworkable plan, the ricin in this case was actually processed somewhat. From the criminal complaint (pdf):

> An expert at NBFAC who analyzed the threat letters has informed investigators that the ricin was processed in such a manner as to rule out any legitimate use for prophylactic, protective, bona fide research, or other peaceful purpose. The same expert also advised that the extraction process employed in this case appears to have been more involved than merely grinding

> castor beans.

However, the complaint describes only very limited information on how Dutschke could have produced the ricin in his dojo. There is a report from one witness that he had claimed knowledge of how to produce a “poison” and send it in letters in a lethal fashion:

> On April 19, 2013, law enforcement agents involved in the investigation interviewed a witness who described statements DUTSCHKE has made in the past. Specifically, the witness stated that, years ago, DUTSCHKE told the witness that he could manufacture a “poison.” DUTSCHKE stated that he could place the poison in envelopes and send them to elected officials. DUTSCHKE concluded by stating that whoever opened these envelopes containing the poison would die. According to the witness, on or about the same occasion, DUTSCHKE made reference to having “a secret knowledge” for “getting rid of people in office.”

The FBI did find traces of ricin in Dutschke’s dojo and on a dust mask they observed him dropping into a dumpster:

> Additionally, on April 22, 2013, an FBI Mobile Surveillance Team (MST) observed DUTSCHKE enter his former business, Tupelo Taekwondo Plus (a taekwondo “dojo” or martial arts school), located on Rankin Boulevard Ext. in Tupelo, Mississippi. DUTSCHKE informed the property manager he needed to recover a fire extinguisher, a mop, and a bucket he left at the location. DUTSCHKE was observed by surveillance personnel removing items from the location and placing them into a red, 1993 Mercury Villager-Sport Van, Tag No. LEJ099. After departing the former business

> location, DUTSCHKE drove a short distance, approximately 100 yards, and was observed discarding several items through the window ofthe vehicle into a public garbage receptacle. After DUTSCHKE departed the area, personnel from the Jackson Division of the FBI and the Mississippi Office of Homeland Security recovered the items. Observed inside the garbage receptacle were the following items: the box for a Black and Decker Smart Grind coffee grinder, a box containing latex gloves, a dust mask, and an empty bucket of floor adhesive. Based on my training and experience, I know that a coffee bean grinder could be utilized in the process of extracting ricin from castor beans. Furthermore, latex gloves and a dust mask could be utilized as personal protective equipment while the castor beans are being crushed to protect the producer from an accidental exposure.
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> The items that DUTSCHKE threw away were sent to NBF AC for testing. An initial, "presumptive" test on the dust mask that DUTSCHKE threw away was positive for the presence of ricin; a second, "preliminary" test on the mask was also positive for the presence oricin. The final test also confirmed the presence of ricin.

When they searched Dutschke's computer, they found some evidence of ricin searches but the complaint does not cite finding any documents that describe a process for how Dutschke could have produced ricin that is "more involved than merely grinding castor beans". The complaint also doesn't describe finding any of the chemicals that would have been needed in this process. While a coffee grinder (note that the FBI only recovered a coffee grinder box, not the grinder itself) could indeed have been used to grind the castor beans, we are left to wonder if

further steps in the purification were carried out in the empty floor adhesive bucket, although the complaint does not say that the bucket tested positive for ricin. Here is the information from the computer:

> The laptop computer was searched pursuant to a federal warrant. The search revealed that, on the evening of December 31, 2012, someone using the computer downloaded a publication, Standard Operating Procedure for Ricin, which describes safe handling and storage methods for ricin, and approximately two hours later, Immunochromotography Detection of Ricin in Environmental and Biological Samples, which describes a method for detecting ricin.

It certainly can be argued that since Dutschke had bragged earlier that he knew how to make a poison that he might have already had documentation for the purification of ricin in his possession and that downloading information on safe handling procedures made sense once he had decided to proceed with making ricin. The second document he downloaded is harder to justify as making sense on its own. There is an academic publication that Google finds while searching on the words in the complaint, but I have been unable to get the document to load today. My browser warns me of errors related to too many redirects.

The underlying procedure in the second download, immunochromatography, is highly complex and would require a very advanced laboratory to carry out the procedure from scratch. Rapid kits based on this technology are available however, and are in fact used by various government agencies to detect ricin in environmental samples. A kit of this sort could have been used by Dutschke to confirm ricin in the material he produced, but purchase of such a kit undoubtedly would have been recorded. Since the complaint does not mention such a kit, it seems likely

there is no evidence that he purchased or had access to one.

The complaint also goes into detail on paper, envelopes, address labels and printers linked to Dutschke. There are some good fits to the materials that were mailed and some gyrations required by the FBI to obtain fits with others,especially the strange claim that Dutschke trimmed larger address labels to the size used in the mailings.

Note that I said near the top of the post that the ricin in this case was “processed somewhat”. Ricin is a highly toxic substance and very low doses, especially if inhaled, can be lethal. It is noteworthy that in this case, although it appears that multiple people handled the ricin-tainted letters and envelopes, there have been no reports of anyone dying or even becoming ill. That would leave the conclusion that the ricin was still quite crude and/or was not in a form that is easily inhaled. Perhaps the crude mixture was indeed prepared in the back of a dojo by someone following a recipe of some sort but with no other relevant experience in advanced the advanced biochemistry of protein purification.