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April 22, 2010

Colleague Disputes Case Against Anthrax Suspect

By **SCOTT SHANE**

WASHINGTON — A former [Army](#) microbiologist who worked for years with [Bruce E. Ivins](#), whom the [F.B.I.](#) has blamed for the anthrax letter attacks that killed five people in 2001, told a [National Academy of Sciences](#) panel on Thursday that he believed it was impossible that the deadly spores had been produced undetected in Dr. Ivins's laboratory, as the [F.B.I.](#) asserts.

Asked by reporters after his testimony whether he believed that there was any chance that Dr. Ivins, who committed suicide in 2008, had carried out the attacks, the microbiologist, Henry S. Heine, replied, "Absolutely not." At the Army's biodefense laboratory in Maryland, where Dr. Ivins and Dr. Heine worked, he said, "among the senior scientists, no one believes it."

Dr. Heine told the 16-member panel, which is reviewing the [F.B.I.](#)'s scientific work on the investigation, that producing the quantity of spores in the letters would have taken at least a year of intensive work using the equipment at the army lab. Such an effort would not have escaped colleagues' notice, he added later, and lab technicians who worked closely with Dr. Ivins have told him they saw no such work.

He told the panel that biological containment measures where Dr. Ivins worked were inadequate to prevent the spores from floating out of the laboratory into animal cages and offices. "You'd have had dead animals or dead people," he said.

The public remarks from Dr. Heine, two months after the Justice Department [officially closed the case](#), represent a major public challenge to its conclusion in one of the largest, most politically delicate and scientifically complex cases in [F.B.I.](#) history.

The [F.B.I.](#) declined to comment on Dr. Heine's remarks on Thursday. In its written summation of the case in February, the bureau said Dr. Ivins's lab technicians grew anthrax spores that the technicians incorrectly believed were added to Dr. Ivins's main supply flask. But the summary said the spores were never added to the flask, suggesting that surplus spores might have been diverted by Dr. Ivins for the letters.

Some scientists and members of Congress protested in February when the Justice Department closed the case, saying it should have waited for the academy panel's conclusions. The [F.B.I.](#) asked

the panel last year to review the bureau's scientific work on the case, though not its conclusion on the perpetrator's identity.

Members of the panel, whose chairwoman is Alice P. Gast, a chemical engineer and president of Lehigh University, declined to comment on Dr. Heine's testimony or his remarks to reporters. The panel is expected to complete its report this fall.

Since shortly after Dr. Ivins [took a lethal dose of Tylenol in July 2008](#) and the Justice Department first named him as the anthrax mailer, some former colleagues have rejected the F.B.I.'s conclusion and said they thought he was innocent. They have acknowledged, as Dr. Heine did on Thursday, that they wanted to clear the name of their friend and defend their laboratory, the [United States Army Medical Research Institute of Infectious Diseases](#). Dr. Heine said he had been treated as a suspect himself at one point and understood the pressure Dr. Ivins was under.

Asked why he was speaking out now, Dr. Heine noted that Army officials had prohibited comment on the case, silencing him until he left the government laboratory in late February. He now works for Ordway Research Institute in Albany.

Dr. Heine said he did not dispute that there was a genetic link between the spores in the letters and the anthrax in Dr. Ivins's flask — a link that led the F.B.I. to conclude that Dr. Ivins had grown the spores from a sample taken from the flask. But samples from the flask were widely shared, Dr. Heine said. Accusing Dr. Ivins of the attacks, he said, was like tracing a murder to the clerk at the sporting goods shop who sold the bullets.

"Whoever did this is still running around out there," Dr. Heine said. "I truly believe that."