



## ‘Merchant of death’ trial to open in New York

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 9:52 AM October 11, 2011

CNN on October 11, 2011 released the following:

“By Mick B. Krever, CNN New York (CNN) — After evading international authorities for nearly two decades, alleged international arms and drug smuggler Viktor Bout, widely dubbed the “merchant of death” by his accusers, will go on trial in New York Tuesday.

The Russian businessman is charged with a wide range of counts, including conspiracy to kill Americans, attempting to sell arms to undercover federal agents, wire fraud and violating U.N. Security Council sanctions. Bout pleaded not guilty to all charges last year.

“I’m very confident that the trial will make it transparent that Viktor Bout did not intend to sell arms to anyone,” Bout’s lawyer, Albert Y. Dayan, said during pretrial hearings.

International security experts say that the charges encompass only a small fraction of what they believe Bout is responsible for.

Kathi Lynn Austin, an arms researcher, called Bout “the quintessential war profiteer” in an interview with CNN. By providing larger and more-powerful arms than rebels would otherwise have had access to, Austin said, Bout “has actually

initiated wars in countries such as Liberia and Sierra Leone.”

“He unquestionably made some of the worst wars of the 20th century, early 21st century, much worse than they would have been,” said Douglas Farah, a national security consultant who co-wrote a book about Bout.

The 2005 movie “Lord of War,” starring Nicholas Cage, was inspired by Bout’s life.

The heart of the charges against Bout stem from a 2008 sting operation in Thailand by the Drug Enforcement Agency. According to a 2008 federal indictment, undercover agents, posing as rebels from the Revolutionary Armed Forces of Colombia, or FARC, attempted to buy large caches of weapons from Bout.

Agents attempted to buy 700 to 800 surface-to-air missiles, thousands of AK-47s, and landmines, according to the indictment. They told Bout that they wanted the arms “to kill Americans,” to which Bout said that he “was going to prepare everything the FARC needed.” “It’s like getting Capone for a single homicide or a single jug of whiskey,” Farah said. “It’s actually what he was doing, but on a much smaller scale.” Al Capone was a powerful Chicago gangster of the 1920s who was sent to prison on tax evasion charges.

The DEA struggled to draw Bout out of

his Russian homeland, which had long sheltered and defended him. Undercover agents met with Bout’s associates the world over, from Curacao to Copenhagen, in an attempt to set up a meeting with their target, according to the indictment. “He wanted to close the deals himself, he liked to shake hands with the person he was selling the weapons to,” Farah said. “Ultimately, that was his undoing in Bangkok, because he wanted to fly in and close the deal himself.”

Bout has maintained that he was simply in the business of shipping, and has never been involved in arms sales.

“I’m not afraid. I don’t do anything in my life I should be afraid,” Bout told CNN’s Jill Dougherty in a 2002 interview in Moscow. “This whole story looks to me like a witch hunt.”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN Sanctions Removal.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at [mcnabb@mcnabbassociates.com](mailto:mcnabb@mcnabbassociates.com) or at one of the offices listed above.

## FBI Arrests Dozens in Arkansas

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 1:36 PM October 11, 2011

CBS News on October 11, 2011 released the following:

“(CBS/AP) LITTLE ROCK, Ark. – The FBI plans to announce dozens of arrests, including of five police officers, stemming from a major four-year investigation into corruption in eastern Arkansas, law enforcement sources said Tuesday.

Authorities have called a 2 p.m. press conference in Helena to announce the results of the investigation.

An FBI official tells CBS News that 49 of the 63 people indicted have been arrested, including five law enforcement officers. One agent was grazed in the leg in a

shooting at one of the arrests.

A U.S. law enforcement source tells CBS News the arrests were related to drug trafficking. Agents from the ATF, DEA and state and local police assisted with the sweep, which is still ongoing.

Those indicted in the investigation are expected to appear in federal court in Little Rock on Thursday.

The five officers are from Helena-West Helena, about 70 miles southwest of Memphis. Helena-West Helena Police Chief Uless Wallace, in an interview Tuesday morning, said the arrests were “a good thing.”

“I’m not going to stand for corruption,” said Wallace, who became police chief Sept. 1. “Everybody was duly warned

when I took office.”

Wallace said the department had problems long before he arrived and that he was “still cleaning up.”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN Sanctions Removal.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at [mcnabb@mcnabbassociates.com](mailto:mcnabb@mcnabbassociates.com) or at one of the offices listed above.



# Scientists' Analysis Disputes F.B.I. Closing of Anthrax Case

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 9:18 AM October 11, 2011

The New York Times on October 10, 2011 released the following in print: "By WILLIAM J. BROAD and SCOTT SHANE

A decade after wisps of anthrax sent through the mail killed 5 people, sickened 17 others and terrorized the nation, biologists and chemists still disagree on whether federal investigators got the right man and whether the F.B.I.'s long inquiry brushed aside important clues.

Now, three scientists argue that distinctive chemicals found in the dried anthrax spores — including the unexpected presence of tin — point to a high degree of manufacturing skill, contrary to federal reassurances that the attack germs were unsophisticated. The scientists make their case in a coming issue of the *Journal of Bioterrorism & Biodefense*.

F.B.I. documents reviewed by The New York Times show that bureau scientists focused on tin early in their eight-year investigation, calling it an "element of interest" and a potentially critical clue to the criminal case. They later dropped their lengthy inquiry, never mentioned tin publicly and never offered any detailed account of how they thought the powder had been made.

The new paper raises the prospect — for the first time in a serious scientific forum — that the Army biodefense expert identified by the F.B.I. as the perpetrator, Bruce E. Ivins, had help in obtaining his germ weapons or conceivably was innocent of the crime.

Both the chairwoman of a National Academy of Science panel that spent a year and a half reviewing the F.B.I.'s scientific work and the director of a new review by the Government Accountability Office said the paper raised important questions that should be addressed.

Alice P. Gast, president of Lehigh University and the head of the academy panel, said that the paper "points out connections that deserve further consideration."

Dr. Gast, a chemical engineer, said the "chemical signatures" in the mailed anthrax and their potential value to the criminal investigation had not been fully explored. "It just wasn't pursued as vigorously as the microbiology," she said, alluding to the analysis of microorganisms. She also noted that the academy panel suggested a full review of classified government research on

anthrax, which her panel never saw.

In interviews, the three authors said their analysis suggested that the F.B.I. might have pursued the wrong suspect and that the case should be reopened. Their position may embolden calls for a national commission to investigate the first major bioterrorist attack in American history.

But other scientists who reviewed the paper said they thought the tin might be a random contaminant, not a clue to complex processing. And the Justice Department has not altered its conclusion that the deadly letters were mailed by Dr. Ivins, an Army anthrax specialist who worked at Fort Detrick, Md., and killed himself in 2008 as prosecutors prepared to charge him.

Dean Boyd, a Justice Department spokesman, said the paper provided "no evidence whatsoever that the spores used in the mailings were produced" at a location other than Fort Detrick. He said investigators believe Dr. Ivins grew and dried the anthrax spores himself. "Speculation regarding certain characteristics of the spores is just that — speculation," Mr. Boyd said. "We stand by our conclusion."

The tin is surprising because it kills microorganisms and is used in antibacterial products. The authors of the paper say its presence in the mailed anthrax suggests that the germs, after cultivation and drying, got a specialized silicon coating, with tin as a chemical catalyst. Such coatings, known in industry as microencapsulants, are common in the manufacture of drugs and other products. "It indicates a very special processing, and expertise," said Martin E. Hugh-Jones, lead author of the paper and a world authority on anthrax at Louisiana State University. The deadly germs sent through the mail to news organizations and two United States senators, he added, were "far more sophisticated than needed."

In addition to Dr. Hugh-Jones, the authors of the new paper are Barbara Hatch Rosenberg, a biologist, and Stuart Jacobsen, a chemist; both have speculated publicly about the case and criticized the F.B.I. for years.

In 2008, days after Dr. Ivins's suicide, the bureau made public a sweeping but circumstantial case against him. Last year, the bureau formally closed the case, acknowledging that some scientific questions were unanswered but asserting that the evidence against Dr. Ivins was overwhelming.

Investigators found that the microbiologist had worked unusual late-

night hours in his lab in the days before each of the two known anthrax mailings in September and October 2001; that he often mailed letters and packages under assumed names; that he had a history of homicidal threats and spoke of "Crazy Bruce" as a personality that did things he later could not remember.

Dr. Ivins had hidden from family and friends an obsession with a sorority — Kappa Kappa Gamma — with an office near the Princeton, N.J., mailbox where the letters were mailed. The F.B.I. recorded Dr. Ivins's speaking ambiguously to a friend that he did "not have any recollection" of mailing the letters, that he was "not a killer at heart" and that "I, in my right mind, wouldn't do it."

Yet no evidence directly tied Dr. Ivins to the crime. Some of the scientist's former colleagues have argued that he could not have made the anthrax and that investigators hounded a troubled man to death. They noted that the F.B.I. pursued several other suspects, most notoriously another former Army scientist, Dr. Steven J. Hatfill, whom the bureau eventually exonerated and paid a \$4.6 million legal settlement.

In its report last February, the National Academy of Sciences panel sharply criticized some of the F.B.I.'s scientific work, saying the genetic link between the attack anthrax and a supply in Dr. Ivins's lab was "not as conclusive" as the bureau asserted.

If the authors of the new paper are correct about the silicon-tin coating, it appears likely that Dr. Ivins could not have made the anthrax powder alone with the equipment he possessed, as the F.B.I. maintains. That would mean either that he got the powder from elsewhere or that he was not the perpetrator.

If Dr. Ivins did not make the powder, one conceivable source might be classified government research on anthrax, carried out for years by the military and the Central Intelligence Agency. Dr. Ivins had ties to several researchers who did such secret work.

The Government Accountability Office, the investigative arm of Congress, is conducting its own review of the anthrax evidence. Nancy Kingsbury, the official overseeing the project, said the agency had spoken with the paper's authors and judged that "their questions are reasonable."

Beyond the world of forensics, tin is a

## SCIENTISTS'

continued from page 2

humdrum additive used to kill micro-organisms in products like paint, wood preservatives and even toothpaste. By microbiologists say that the nutrients and additives used to grow *Bacillus anthracis*, the anthrax bacteria, are typically free of tin.

So in late 2002, when the F.B.I. found significant quantities of tin in the mailed powders, it set out to find its source. By 2003, the bureau was calling tin "an element of interest" — echoing its terminology for human suspects — according to disclosures culled from 9,600 pages of F.B.I. documents by The Times.

Over the years, the bureau performed hundreds of tests to explore tin's use in microbiology and significance in the attack germs. It also hunted for clues to how the spores had become laced with silicon, which the United States had used decades ago as a coating in germ weapons. In 2005, scientists at an internal F.B.I. symposium called tin a possible fingerprint of the attack germs.

After that, the forensic clue disappeared from public discussion, except for a passing mention in a 2009 press release. "Although the chemical fingerprint of the spores is interesting," the release said, "it

was not relevant to the investigation."

In the end, the F.B.I. — without alluding to its private tin labors — declared publicly that the attack germs had no special coating, saying that conclusion supported its finding that Dr. Ivins had grown and dried the spores alone, using standard equipment in his lab at Fort Detrick.

Several anthrax scientists who reviewed the new paper at the request of The Times said they believed it neglected the possibility that the tin and silicon were meaningless contaminants rather than sophisticated additives.

Johnathan L. Kiel, a retired Air Force scientist who worked on anthrax for many years, said that the spores "pick up everything" and that the silicon might be residue of a commercial product used on laboratory glassware to keep spores from sticking. He said tin might even be picked up from metal lab containers, though he has not tested that idea.

"It doesn't have to be some super-secret process," Dr. Kiel said. Other experts suggested that the tin might have come from anti-foam products, disinfectants or water.

The trouble with such conjecture is that

the F.B.I. spent years testing for tin in microbiology lab supplies — and reported none, according to bureau documents.

Dr. Gast, the head of the National Academy of Sciences panel, noted that her group strongly recommended that future investigations of the attacks examine the government's classified work on anthrax.

She called access to secret records "an important aspect of providing more clarity on what we know and what we don't know."

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN Sanctions Removal.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at [mcnabb@mcnabbassociates.com](mailto:mcnabb@mcnabbassociates.com) or at one of the offices listed above.

## 2 arrested in alleged plot to kill ambassador

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 1:41 PM October 11, 2011

The Associated Press (AP) on October 11, 2011 released the following:

"NEW YORK (AP) — Two people have been accused of conspiracy to kill the Saudi ambassador to the United States.

A federal criminal complaint in New York says the two also are charged with conspiring to use a weapon of mass destruction.

It says the ambassador was in the United States when the death plot was supposed to occur.

The suspects are identified as Manssor Arbabsiar and Gholam Shakuri.

According to a criminal complaint,

### Two Men Charged in Alleged Plot to Assassinate Saudi Arabian Ambassador to the United States

(USDOJ: Justice News)

Submitted at 1:39 PM October 11, 2011

Two individuals have been charged in New York for their alleged participation in a plot directed by elements of the

Arbabsiar is a naturalized U.S. citizen who holds both a U.S. and an Iranian passport."

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN Sanctions Removal.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at [mcnabb@mcnabbassociates.com](mailto:mcnabb@mcnabbassociates.com) or at one of the offices listed above.

### Attorney General Holder Holds National Security Enforcement Press Conference

(USDOJ: Justice News)

Submitted at 2:40 PM October 11, 2011

"Today, the Department of Justice is announcing charges against two people who allegedly attempted to carry out a deadly plot that was directed by factions of the Iranian government to assassinate a foreign ambassador here in the United States," said Attorney General Holder.

Iranian government to murder the Saudi Ambassador to the United States with explosives while the Ambassador was in the United States.