

A Delicate Dance

David Kaczynski couldn't ignore the suspicion his brother might be the Unabomber. Inside the bust.

Michael Isikoff and Daniel Klaidman

1996-04-22

THE CASE AGAINST Ted Kaczynski is "a slam-dunk," one senior official at the Justice Department says. But just to be sure, the FBI is now hauling a mountain of evidence, including parts of Kaczynski's Montana cabin, to Washington for DNA and chemical analysis. The list of damning items already seized includes a completed bomb, a partially finished bomb and 10 three-ring binders full of bomb diagrams. Two manual typewriters thought to have been used to produce the notorious "Unabomber manifesto" turned out to be duds, and lab experts were examining a third that they believe is the right one. And last week the search team hit pay dirt by finding a typed copy of the manifesto itself, along with a carbon copy of a 1995 letter in which the Unabomber offered to "desist from all terrorist activities" in exchange for publication of the 35,000-word screed. "We found evidence on the scene that indisputably identifies him as the Unabomber," another source said.

The inside story of the case, as reconstructed by NEWSWEEK, goes back nine months and involves a delicate and highly unusual dance between Kaczynski's brother and the FBI. Despite the fact that he and Ted had not seen each other in six years, David Kaczynski was tormented by the excruciating decision to turn his brother in. As NEWSWEEK sources told it, David began to suspect that his brother might be the Unabomber as early as July 1995. That was just after the Unabomber created yet another wave of news coverage by threatening to blow up an airliner leaving from Los Angeles International Airport. As David pored over the articles, he was struck by how closely the hometowns of some of the Unabomber's victims coincided with places his brother had visited or lived in at about the same times. Then, when The Washington Post and The New York Times printed the Unabomber manifesto, David was left with what his lawyer called a sense of "considerable unease." David dug up some old letters Ted had sent the family and noticed disturbing similarities to the manifesto. In October, he called private investigator Susan Swanson, an old friend of the family. Swanson is a private eye who works for the Investigative Group, Inc., of Chicago.

Swanson took the case and promised full confidentiality. She read the letters and was troubled by what she saw. In December, she called Clint Van Zandt, a 25-year FBI veteran who had just opened his own consulting firm in Fredericksburg, Va. Van Zandt's specialty is criminal behavior: he had been the FBI's chief negotiator at Waco and, back in the '70s, had worked on the Patty Hearst case. Knowing that any big case has scores of false leads, he was more than skeptical when Swanson asked him to compare the mystery letters with the Unabomber manifesto. Sure, he said, thinking his fledgling firm could use the business.

The documents, when they arrived, were typewritten transcriptions of two handwritten originals. The first, a four-page letter, was 10 years old; the other, about a year old, filled only one page. Van Zandt looked them over; the similarities to the manifesto were obvious. Van Zandt is a hardened professional, but he says he had fears "that we were going to see an airplane blowing up in the sky." He called Swanson to ask more questions. Did she have any other letters? Where had these letters been mailed from – and to whom? He was politely but firmly turned down. Van Zandt called in a

psychiatrist and a linguistics expert. Both agreed that the writer of these letters and the author of the Unabomer manifesto might well be the same person.

By New Year's Day, Van Zandt concluded there was about a 60 percent chance the letters had been written by the Unabomer. He was also well aware that he and Swanson had "profound responsibility" – for even though the Unabomer had been out of the news for months, the killer could strike again at any time. He told NEWSWEEK that he called Swanson to say, "Susan, if your client has any reluctance to go to the FBI, I need to know this. Because if your client is not going to the FBI, I have to." Then he got in touch with former colleagues at the bureau's behavioral-science unit at Quantico, Va., and cryptically told them to let him know if they weren't shown important new evidence on the Unabomer case soon. On Jan. 19, on the basis of further analysis by other experts, Van Zandt raised his estimate that the letters were genuine from 60 to 80 percent.

IN CHICAGO, MEANWHILE, Swanson had told her boss, former New York City police commissioner Raymond Kelly, about "striking similarities" between the letters and the Unabomer manifesto – but without revealing who the mystery client was. Kelly, just as concerned as Van Zandt, also told Swanson on Jan. 19 that it was "time to fish or cut bait." He suggested he and Swanson could meet her client in New York the next Monday to give the letters to the FBI.

Sources close to the case say David was still paralyzed by indecision. What if he was wrong? Ted's life could be wrecked, and he would surely never talk to David again. What if they were right? David and his mother were among the few who knew where Ted lived: if he had gone mad, as now seemed likely, he might retaliate by sending a mail bomb to one of them. His lawyer said David had written to his brother last fall to suggest a meeting that was intended to dispel David's mounting fears – but Ted never wrote back. Still, in the beginning of '96, David stalled on finally naming his brother to the FBI for more than a month.

Faced with Van Zandt's none-too-subtle ultimatum and the pressure from Kelly, David came up with a completely different plan of action. On that Monday, Swanson told Kelly her client had hired a Washington criminal lawyer to handle the matter. The lawyer was Anthony Bisceglie, a law-school classmate of Swanson's. Bisceglie wanted to see the letters and do his own analysis. David refused to meet Bisceglie, and wouldn't even let Swanson give Bisceglie his name. He insisted that Bisceglie contact him only through Swanson, and that when he called Bisceglie back he would identify himself only as "Susan's friend."

At the end of January, Bisceglie called an FBI agent he had known for years. The agent was not a member of the Unabomer task force; Bisceglie, who was trying to avoid setting off any alarms, wanted it that way. Bisceglie gave the agent copies of the letters but, like Swanson, named no names. Then he tried to negotiate conditions. If he brought his client in and named the suspect, would the FBI agree to a "non-intrusive" investigation? The last thing David wanted was to have the FBI barge in on Ted and

disrupt his life – especially if, as David still hoped, they were wrong. In a rare move, the FBI agreed. Those who had seen the letters already knew the lead was powerful; nobody wanted to blow it. Early in February David flew to Washington and met with a group of FBI agents in Bisceglie’s office. ”Well,” Bisceglie said, ”this is either a historic moment or the beginning of a wild goose chase.” Then he named Ted.

In the weeks and months since, sources say, David has never wavered in his determination to do the right thing – nor has his anguish dissipated. Bisceglie insists there was no discussion about collecting the FBI’s \$1 million reward for information about the Unabomber. But if the money comes to David anyway, Bisceglie said, the family is considering the idea of turning it over to the Unabomber’s victims. Bisceglie also said David wants to avoid further publicity at almost any cost. A source said the family had a written agreement from the FBI to protect David’s identity as the informant – and that the almost instantaneous leak of this crucial fact came close to destroying their co-operation with the bureau. FBI Director Louis Freeh dispatched a top aide, Howard Shapiro, to restore relations. The Kaczynski family, Bisceglie said, ”will not be speaking with anyone from the media now or in the future.”

Their 18-year manhunt apparently over, the Feds are pressing to wrap up the case. FBI agents were reportedly trying to trace Kaczynski’s movements to Unabomber attacks in Salt Lake City, Sacramento and Berkeley. Although there were no confirmed leads in Salt Lake City or Sacramento, a law-enforcement source said investigators have established that Kaczynski stayed at the Berkeley Budget Inn, a motel on the commercial strip that leads from Berkeley to Oakland. The bomb that killed Gilbert Murray of the California Forestry Association in April 1995 was mailed from the Oakland post office. An FBI official told NEWSWEEK that agents also collected records from several hotels in downtown Sacramento but failed to find Kaczynski’s name. On the other hand, the source said, ”there’s always the possibility he used an alias we don’t know about.”

BUT THE CABIN YIELDED EVIDENCE that Kaczynski and the Unabomber had very similar tastes in enemies. Investigators found handwritten notes listing more than 70 corporations and individuals, including scientists in Berkeley’s bioengineering program, several members of the math department and timber-industry lobbyists.

There is some indication that the Unabomber may have picked his victims from reading radical environmentalist literature. One such publication, an underground newspaper called Live Wild or Die, named the Timber Association of California on an ”Eco-F–ker Hit List.” Though the group changed its name to the California Forestry Association in 1992, the mail bomb that killed Murray was addressed to the Timber Association of California.

The February/March 1994 issue of Earth First!, published by the environmental group of the same name, included an article criticizing the public-relations firm Burson-Marsteller for helping Exxon ”counter the negative publicity from the Valdez oil spill.” A Unabomber device killed Thomas Mosser, a former Burson-Marsteller executive, in

December 1994. In a letter to The New York Times in 1995, the Unabomber wrote, "We blew up Thomas Mosser last December because he was a Burston-Marsteller executive. Among other misdeeds, Burston-Marsteller helped Exxon clean up its public image after the Exxon Valdez incident." Earth First! disavows any connection to terrorism, and a spokesman said the article had been previously published elsewhere.

In Washington, Attorney General Janet Reno announced that the prosecution team will be headed by Robert Cleary, the number two in the U.S. Attorney's Office in Newark, N.J. That helped fuel speculation that the government will push to put Kaczynski on trial in New Jersey despite pressure from California Gov. Pete Wilson and federal prosecutors in Sacramento. A key issue is the applicability of the federal death penalty in cases of mail-bomb murder. The law, which took effect in 1994, would apply to only two of the Unabomber's attacks – the Murray assassination and Mosser's bombing death, which occurred at his home in North Caldwell, N.J. Justice Department strategists think their chances of getting the death penalty may be better in New Jersey, though no decision will be made until all the evidence is in.

Evaluating that evidence for an indictment is the task of a federal grand jury that will begin meeting in Great Falls, Mont., this week. Sources say David and his lawyer met with representatives of the Federal Public Defender service in Washington last week, perhaps to recruit a lawyer who has experience in death-penalty cases. He will surely need the help – for unless the Feds are utterly overconfident, Ted Kaczynski is in very deep trouble indeed.

A critique of his ideas & actions.



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Archive.org. Newsweek (International, Atlantic Edition) 1996-04-22: Volume 127,

Issue 17.

www.thetedkarchive.com