

WEDNESDAY, MARCH 7, 2007 WEATHER: PARTLY SUNNY, HIGH 27, LOW 3 > Weather, B-5

# GREEN BAY PRESS-GAZETTE

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## PRESSURE TIME FOR PHOENIX

UWGB women's basketball team may need to keep winning to make the NCAA Tournament. > C-1, C-2



Coach Kevin Barnhart

### INSIDE TODAY



**Libby ruled guilty in CIA leak case**  
■ U.S. District Judge "Scooter" Libby, Vice President Cheney's former chief of staff, was convicted Tuesday of leaking information that compromised CIA agent Valerie Plame. > B-3



**Disputing the idea of planted blood**  
■ Mark Ledebus, an FBI chemical analysis expert, spent another day on the stand Tuesday in the Steven Avery murder trial. He again testified, this time before the jury, that he doubted samples of Avery's blood found in Teresa Halbach's SUV were planted. > A-2

**Spring ahead and cause glitches**  
■ Daylight-saving time goes into ahead this weekend, three weeks earlier than usual. That has caused computer software issues that could affect everything from businesses to home electronics. > A-3, B-1

### PIC OF THE DAY Looking good



Junior Emily Gidemick, left, helps senior Tiffany Hubbard get ready for West De Pere High School's third annual fashion show, "So Delicious." John Tuscany/Dé Peré Journal.

➤ See more photos in this week's De Pere Journal.

INDEX

|                    |         |            |     |
|--------------------|---------|------------|-----|
| Aver's Million 2-2 | Letters | A-4        |     |
| Business           | 1-1     | Movies     | B-4 |
| Classified         | 1-1     | Noteworthy | B-3 |
| Comics             | 1-1     | Outtakes   | B-4 |
| Connect            | 1-1     | Opinion    | A-1 |
| Crypticnote        | 1-4     | Sports     | B-1 |
| Message            | 1-2     | Teleside   | A-2 |
| Jumble             | 1-1     | TV page    | B-4 |

### PRESS-GAZETTE FOCUS: FOX RIVER CLEANUP



An ice fisherman sets up Tuesday on the Fox River across from Sonoco-U.S. Mills in De Pere, the staging site for the PCB cleanup. Photo by H. Marc Larson/Press-Gazette

## Toxic sludge will head to Mich. for disposal

Trucking from river hot spot will begin in May

BY PAUL BRINKMANN

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DE PERE — Toxic waste from a pollution hot spot in the Fox River will be trucked to the Detroit area for final disposal, companies involved in the cleanup announced Tuesday.

Dredging at the hot spot along the river's western shoreline north of the De Pere Dam is set to begin in May. Trucks will carry the waste through De Pere and Ashwaubenon to reach Wisconsin 172 and eventually Interstate 41.

"The material that is considered toxic waste will be sent to the Environmental Quality Company landfill in Michigan," John Horvath, spokesman for NCR Corp., said Tuesday.

The disposal location first controversy last year when Georgia Pacific Corp. proposed putting the 30,000 cubic yards of toxic waste into their landfill behind the Onondaga Bluffs & Casino. The company responded that idea after neighbors expressed considerable public opposition.

Horvath and officials with the U.S. Environmental Protection Agency said there's little reason for concern about trucks carrying the PCBs (poly-

chlorinated biphenyls).

"The trucks will be sealed and washed before leaving the site," said Jim Hahnberg, EPA remedial project manager.

"Even if it spilled on the ground, it would just be a matter of picking it up again. It's just contaminated mud. It's not explosive or anything like that."

Trucks carrying the waste will leave the U.S. Paper Mills plant 301 Park Road, Ave. and travel north. They will jog left at Parkway Road and head north on Ashland Avenue. After making a left on Vanderveer Way they will head to the entrance ramp to Wisconsin 172. Then it's on to southbound I-41 Milwaukee and I-94 through Chicago to the Detroit area.

The destination landfill is called the Wayne Disposal Inc. Landfill in a suburb of Detroit. It is the only landfill in the Midwest permitted under the Toxic Substances Control Act to accept toxic waste.

The dredging operation is expected to continue through most of the summer.

### More online

For archived coverage, go to [www.greenbaypressgazette.com/burseries](http://www.greenbaypressgazette.com/burseries).

PCB pollution from the Fox River in De Pere will be transported on the route starting in May. The route starts at the U.S. Paper Mills facility at 301 Park Road, Ave. on the western shore of the river.

After continuing east on Wisconsin 172, the route goes south on Interstate 41 into Milwaukee, bypassing Interstate 94 through Chicago and ends in the Detroit area.

U.S. Paper Mills facility, 301 Park Road, Ave. in De Pere.

Tanya Goern/Press-Gazette

➤ Dredging is first part of action plan. A-2

➤ Robert F. Kennedy II calls for action to protect air and water. A-8

## Warden cites 'strong-arming' for prison's long lockdown

He says some inmates also planned work strike

BY PAUL SRUBAS

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Inmates at the Green Bay Correctional Institution were circulating a petition with several demands and were planning a sit-down work stoppage if those demands weren't met, Warden William Pollard said Tuesday.

"Those and other infractions were brought to light in an ongoing investigation at the Alton prison, which has been in lockdown status since Feb. 9.

Prison staff are also investigating a different planned disturbance that Pollard said he couldn't elaborate on.

Inmates have access to TV, radio and newspapers, so revealing information about the investigation could compromise it, Pollard said.

"There were inmates encouraging more disruptive behavior than just a sit-down strike," he said. "I don't feel free to talk about it because we keep getting new information every day."

And the investigation revealed several inmates had been "strong-arming" other inmates.

"There was strong-arming being done by some inmates — for common items, things like that," Pollard said. "There are individuals who are being very aggressive and exerting influence over other inmates, to incite action against the staff and the institution."

The petition dealt mainly with conditions of confinement at the 1,100-inmate prison, Pollard said.

"For example, there were complaints about there being no cable TV that we don't allow smoking, the money for medical care and inmate wages," he said. "We have a formal complaint process — we do take inmate concerns seriously — but we have a system in place for them to air their grievances."

"What they did in this case, they listed a bunch of demands and were planning a sit-down work stoppage, which would be a major disruption for the whole institution, and that kind of disruption compromises our ability to maintain a safe environment for inmates, staff and the public."

Prison staff learned about the petition the first week of February, when a correctional sergeant spotted an inmate passing paperwork to a neighboring cell, Pollard said. The sergeant investigated and discovered the paperwork was the petition.

Prison staff had been conducting a number of investigations already in January based on suspicious activity that they've told about earlier.

Although Pollard wouldn't identify specifically what those suspicions were, he said staff members learned of the strong-arming episodes and the petition as the investigations proceeded.

"From what was originally started in January, it kind of ballooned into this," he said.

➤ See Prison, A-2

## 1 of 3 in alleged East High plot says he has alibi

Information included in defense motions

BY CHRISTINA MCCOY

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A 19-year-old Green Bay man accused of plotting a Columbine-style attack on East High School in September says he has an alibi for the days in which he allegedly planned the attack with two students.

Bradley Netzel, 18, who was arrested along with William Cornell, 17, and Shawn Sturtz, 18, on charges of conspiracy to commit first-degree intentional homicide and conspiracy to commit damage to property by use of explosives, says he was in Eagle River with his grandparents between Sept. 12 and 13.

Netzel and Cornell allegedly discussed carrying out the plot, according to court documents filed recently. A classroom told school offi-



Green Bay police removed a box of guns in September from the South Van Buren Street home of William Cornell. File/Press-Gazette.

cial in September that the cops planned to enter the school, shoot people and set off explosives to block the exits. Cornell and Sturtz, were seniors at the school. Netzel, 18, graduated in 2006.

No plans were executed, but police found a cache of explosives and weapons at Cornell's South Van Buren Street home. Motions filed by Christopher

Freelich, Netzel's attorney, include requests seeking: ■ That the weapons discovered at Cornell's home and evidence from Sturtz's home be excluded from the trial. ■ To suppress statements Netzel made to police Sept. 15. ■ To dismiss the charges based on selective or discriminatory prosecution, because another

student, who admitted knowing about the plot and did not notify police, could have been involved, but was not charged. ■ To reduce the \$500,000 cash bond. ■ To reduce the \$500,000 cash bond. ■ To reduce the \$500,000 cash bond.

Freelich's filing also states there is not enough evidence to prosecute Netzel. Julie Bachler filed four motions on behalf of Sturtz,

including requests: ■ To allow video testimony from witnesses and testimony from out-of-state witnesses. ■ To prohibit any mention in court of incidents involving school violence. ■ To exclude alleged criminal misconduct before and after the alleged incident. ■ That the filing also states there was not enough evidence for Sturtz's case to go to trial and that there was no proof the weapons confiscated from Cornell's home were intended for the alleged plot.

A motion to exclude explosive evidence in the case was presented on behalf of Cornell.

Attorney Shane Brabant filed the motion because officers destroyed the items, which could have made a difference in the case, the motion said.

Brown County Circuit Judge J.D. McCoy will hear the motions on March 16.

The teens are scheduled to stand trial in April.

A-2 • Wednesday, March 7, 2007 Green Bay Press-Gazette • www.greenbaypressgazette.com

Local/State

# Avery jury hears blood planting unlikely

## FBI expert spends another day on stand

BY ANNE NELEZEN  
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CHILTON — Tuesday at the Steven Avery homicide trial was LeBeau redux.

Mary LeBeau, head of the FBI's chemical analysis section, testified that the forensic chemical preservation—EDTA—in a vial of Avery's blood that had been drawn in the 2000 to Avery sought to overturn a 1983 rape conviction.

LeBeau said analyses of three bloodstains found inside Avery's 1976 Toyota Tercel sport utility vehicle, shown to the jury, showed they were not EDTA. His lawyers say the blood came from the victim, Courtney Voth, whose one-diameter tetraacetic acid. "It is my opinion that the blood stains that were collected from the Tercel could not have come from the EDTA tube

More online  
The Steven Avery trial  
that includes stories, photos, streaming video of the trial and daily video clips. go to [www.greenbaypressgazette.com/avery](http://www.greenbaypressgazette.com/avery)

the jury LeBeau spent Monday answering similar questions in an evidentiary hearing at which Manitowish County Circuit Judge Patrick Williams decided that the blood test results could be heard.

LeBeau testified on Tuesday that his lab's testing proved to a reasonable degree of scientific certainty that the blood in Halbach's car wasn't planted using the blood from the client.

"We were not able to identify any presence of EDTA on the control swabs, any control swabs from the Ray-4," LeBeau testified. "We were not able to identify any indications of EDTA... in any of the results that were submitted to our laboratory that contained blood and were reported to have been collected from the Ray-4."

LeBeau said the vial of blood from the district attorney's office—"the purple stoppered vial"—contained "significant amounts of EDTA."

LeBeau said EDTA is a relatively stable chemical found in various products including

shampoo and laundry detergent. Some scientists think that EDTA has become so prevalent that it is becoming an environmental concern in part because it does not biodegrade easily.

"It's not a fragile chemical, and a fragile chemical at all," LeBeau said. "It can withstand temperatures of up to 300 degrees Fahrenheit before it will break apart."

LeBeau answered prosecutor's questions for about two hours and spent the rest of the day defending his testing and his lab during cross-examination.

Defense attorney Jerome Husting attacked LeBeau's findings on several fronts. That the testing protocol was hastily designed and unproven and that one outside the FBI reviewed the testing.

Avery's attorneys also reviewed the vial of blood in July 2006. When the subject of testing the blood—to compare it to Avery's blood found in the Ray-4—was first discussed, it

was thought there was no credible testing available presently and the FBI equipment would not be online for the tests for several months, not soon enough for the trial.

Prosecutors, however, with help from the FBI's field office in Green Bay, were able to get the testing pushed through once it was learned that Avery's attorneys were claiming the vial was the source of the alleged planting.

LeBeau said that lab technicians worked on the project Jan. 15, 2007—before they had the evidence in hand—and confirmed the testing protocol about Feb. 15. They then ran the tests on the Avery evidence and sent the results to prosecutors Feb. 26.

Husting noted that the last time the FBI's chemical analysis lab tested blood for EDTA was for the 1996 O.J. Simpson case.

"Have you ever been testified in a court of law as an expert who is giving an opinion about interpretation of EDTA in bloodstains?" Husting asked. LeBeau said he hadn't.

"One reason is this: This is the case you've ever been asked to test for EDTA in bloodstains, isn't it?" Husting asked.

"In the last 10 years, nobody has come to your lab and asked for your lab to give to the best of your knowledge and your ability to test for EDTA in bloodstains, isn't that right?" Husting asked.

"I haven't happened to me personally or in any knowledge," LeBeau said.

"That might be because your lab screwed up in the O.J. Simpson case," Husting said. "No, we did not screw up, as you say, in the O.J. Simpson case," LeBeau responded.

Husting pointed out that FBI tests found EDTA in a blood stain on a sock and the defense used that evidence to help acquit Simpson of charges that he killed his ex-wife, Nicole Brown Simpson, and her friend, Ron Goldman.

"I didn't do the testing in the O.J. case and I'm not fully aware of all the first findings in that particular case," LeBeau said.

# Dredging is first part of long-range PCB cleanup

## More plans for the Fox River expected in May

BY PAUL DRONAMANN  
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Plans to clean up PCB pollution in the Fox River have been developing for more than 10 years, and this spring will see a couple of major developments.

First, plans are still on course to begin dredging the De Pere hot spot in May, which contains 10 percent to 15 percent of the PCBs (polychlorinated biphenyls) in the lower part of the river.

Second, the U.S. Environmental Protection Agency continues to evaluate more than 800 comments it received on the larger cleanup project for the remainder of the pollution. The comments are aimed at proposal to change the original cleanup plan and remove polluted sediment capped with sand and gravel in the river. The EPA is expected to evaluate public comment and make a decision by May, according to Jim Halzbrunberg, the agency's

## De Pere Dam pollution hot spot

LeBeau, PCBs polychlorinated biphenyls, believed to cause cancer and human debilitation.

**Amount:** 130,000 cubic yards of contaminated sediment, a small percentage of the total river cleanup.

**Toxic waste:** 28,000 cubic yards is considered toxic waste and has the average concentration of PCBs in the top 10 feet is 140 parts per million; the highest sample was 3,000 ppm; the EPA considers 100 parts per million to be toxic.

**Removal project:** Begins May 2007 and ends in the fall.

**Cost:** \$20 million to \$30 million, part of the half-billion-dollar Fox River cleanup.

**Disposal:** Lantieri & Menzies are being considered for the toxic waste disposal by KCI Corp. and U.S. Paper Mills Corp.

**Contractor:** Sevenson Environmental Services Inc. of Waupesa Falls, N.Y.

remedial project manager.

"We have a large volume of comments from the general public and we are looking at every comment we received," Halzbrunberg said. "We haven't made any decisions yet, at all. We wouldn't be able to do that until we look at everything. But it's not uncommon that there would be modifications."

The cleanup of polychlorinated biphenyls is governed by the lengthy process of the federal Superfund program, although it is never designated an official Superfund site. The Superfund program is "Basis of Design," which lays

—as little as nine years compared with 14 to 20 years or more.

A public comment period on the proposed Basis of Design ended in January. Comments during the period ran about 2 to 1 against capping more sediment in the river.

A local group of scientists filed a detailed comment letter on the proposed changes at the end of the period. Called the Science and Technical Advisory Committee, it was part of the early stage of cleanup plan development.

One member of the group is John Kennedy, environmental programs manager at Green Bay Metropolitan Sewerage.

"We certainly said the whole idea of capping more PCBs in the river is viable, but it shouldn't be done on the basis of, well, we can save money," Kennedy said.

The committee's comments will be seen online at [www.foxriverwatch.com/STA\\_C\\_2007\\_comments.html](http://www.foxriverwatch.com/STA_C_2007_comments.html).

For the government's online site, go to [www.epa.gov/region-05](http://www.epa.gov/region-05).

The EPA considers PCBs as a possible carcinogen. They are implicated in a range of health problems in humans including development prob-

## About PCBs

Polychlorinated biphenyls were released into the Fox River by seven area paper mills from about 1954 to 1971. PCBs are implicated in a range of health problems in humans, including development problems in children, miscarriages and birth defects.

The U.S. Environmental Protection Agency lists PCBs as a probable human carcinogen. PCBs also have been linked to reproduction failure and deformities in wildlife. The multistep dredging is linked mostly by the local paper industry which is considered the source of "responsible" for the majority of PCB pollution.

Jobs in children, miscarriages and birth defects.

The De Pere hot spot is not affected by the plan for more capping on the rest of the project. She is eager to see the work begin this spring and has no concerns about the truck traffic that will be carrying contaminated soil past her home.

"I want to see all that mud gone," she said. "It's better than sitting there in the river."

# Prison/Weapons were among items found during the search

► From A-1

After Pullard ordered the lockdown, staff searched such of the more than 800 cells, the detainees, the 193 segregation cells and all the prison buildings over the following weeks.

In those searches, they found so-called "insurance contracts"—items that inmates aren't allowed to have, such as photographs or cassette tapes that they have stockpiled some of the more serious items they aren't supposed to possess, such as cigarettes and money, and, most seriously of all, they found homemade weapons.

The weapons were "designed to puncture or stab," Pullard said. He wasn't able to state how many of those or the other items were confiscated, but he said staff filed at least 300 written reports on minor contraband confiscated in the lockdowns. He didn't know which if any of the items were directly related to inmates plotting the distributions of weapons involved in strong-arming incidents.

Through the course of the lockdown and investigations, 18 inmates have been transferred to other prisons, and others could be moved later, Pullard said. Reasons for moving them are varied.

"Not all of them were directly involved with this," he said. "Some of that was to minimize to our segregation unit. Key players are being held in segregation and are awaiting possible disciplinary action or

30 days and took place as a result of an escape attempt. The other, which lasted about a week, took place in October 2006; that one was done as a matter of routine, to search the facility.

"This one is better because more information helps safeguard all the time," Wisconsin Department of Corrections spokesman John Dupka said.

The prison's investigators still have plenty of work ahead of them, he said. The lockdown, though related somewhat since it first was imposed, remains in effect.

"It could go on another month," Pullard said. "I have to speculate. This is not over. Without a doubt, it won't be done next week."

In a lockdown, inmates are required to remain in their cells or dormitories, and prison programming is halted. Although the warden can end all visits from the public, he chose not to in this case.

By late last month, the prison was allowing a little more inmate movement. Programming has not yet resumed, but inmates are being allowed to shower more often and are participating in limited recreation activities. Some are being let into small groups to perform various work assignments, such as food service or maintenance, though they are still closer supervised than normal.

This has been by far the longest lockdown at the prison since Pullard took over as warden two years ago, he said. On February 2006 lasted about

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