

(Washington, D.C.) – U.S. Rep. Rush Holt (NJ-12), Chair of the Select Intelligence Oversight Panel and a member of the House Permanent Select Committee on Intelligence, today responded to the Obama Administration’s concerns about two provisions he included in the 2010 Intelligence Authorization Bill that passed the House. One provision would require the Inspector General of the Intelligence Community to examine the possibility of a foreign connection to the 2001 anthrax attacks. Another provision would require the videorecording of all pertinent interactions between CIA officers and detainees arrested in Iraq, Afghanistan and elsewhere.

“I am not surprised at the FBI’s opposition to [a Congressional investigation], given the fact that they have stonewalled every House and Senate member who has sought information on this investigation over last decade,” Holt wrote. “What surprises me is that an Administration that has pledged to be transparent and accountable would seek to block any review of the investigation in this matter.”

A copy of Holt’s letter to Peter Orszag, Director of the Office of Management and Budget is below:

March 18, 2010

Peter Orszag
Director
Office of Management and Budget
Eisenhower Executive Office Building
Washington, D.C. 20503

Dear. Mr. Orszag,

I am in receipt of your letter of March 15 to Chairman Reyes regarding the Administration’s concerns over two provisions I included in the Fiscal Year 2010 Intelligence Authorization Act (H.R. 2701). Let me begin by addressing the Federal Bureau of Investigation’s claims regarding my provision on the “Amerithrax” investigation.

As you may know, the 2001 anthrax attacks evidently originated from a postal box in my

Congressional district, and they disrupted the lives of people throughout the region and the country. For months, Central New Jersey residents lived in fear of a future attack and the possibility of receiving cross-contaminated mail. Mail service was delayed and people wondered whether there was a murderer at large in their midst. Further, my own Congressional office in Washington, D.C. was shut down after it was found to be contaminated with anthrax. Therefore I have followed closely the case and the investigation.

In the wake of the attacks and at a number of points thereafter, a number of media reports—citing government officials, usually anonymously—suggested a possible link between the attacks and foreign entities. Most of these stories attempted to link Iraq to the attacks, but questions have also been raised about whether the strain of anthrax used in the attacks had been supplied to foreign laboratories. My provision in H.R. 2701 is designed to have the DNI IG address those issues, to determine whether, in fact, all available intelligence on this topic was supplied to investigators. The provision itself is unremarkable in its scope and does not, contrary to the Bureau's assertion, constitute Congress directing the Inspector General of the intelligence community to "replicate" a criminal investigation. However, I am not surprised at the FBI's opposition to it, given the fact that they have stonewalled every House and Senate member who has sought information on this investigation over last decade. What surprises me is that an Administration that has pledged to be transparent and accountable would seek to block any review of the investigation in this matter.

The Bureau has asserted repeatedly and with confidence that the "Amerithrax" investigation is the most thorough they have ever conducted—claims they made even as they were erroneously pursuing Dr. Steven Hatfill. Instructing the DNI IG to ensure that all intelligence information was in fact passed to the FBI would not "undermine public confidence" in the investigation. Many critical questions in this case remain unanswered, and there are many reasons why there is not, nor ever has been, public confidence in the investigation or the FBI's conclusions, precisely because it was botched at multiple points over more than eight years. Indeed, opposing an independent examination of any aspect of the investigation will only fuel the public's belief that the FBI's case could not hold up in court, and that in fact the real killer may still be at large. However, that is not the primary purpose of this provision in H.R. 2701. It is appropriate that the Intelligence Community contemplate whether it did consider this case and would consider a similar case properly to protect Americans from bioterrorist attacks. The people of central New Jersey, the Congress, and the Administration need to know that every lead—foreign and domestic—was supplied to the FBI and investigated thoroughly. My provision in H.R. 2701 would help ensure this goal is achieved, and I urge the Administration to support this provision.

Regarding my detainee videorecording requirement in H.R. 2701, I would remind you that comparable opposing arguments were offered last year for an extremely similar (and yet more stringent) video recording provision in the FY10 National Defense Authorization Act. I note that

the President did not object to that provision, which is now law and which the Defense Department is implementing without difficulty. Indeed, that provision contains a waiver mechanism that the Secretary of Defense can exercise, provided he informs Congress of the reasons for suspending the videorecording sessions. I am happy to work with the Administration on crafting a similar waiver provision, provided that it does not compromise effective Congressional oversight of detainee interrogation policy.

Our police officers and prosecutors know well the value of recording custodial interrogations, which is one reason why then-State Senator Obama championed the use of custodial videorecording when he served in the Illinois state legislature. The intelligence community also clearly understands the value of it, as General Keith Alexander acknowledged to the House Permanent Select Committee on Intelligence in July 2004 regarding detainee interrogation videorecording conducted at Guantanamo, as revealed in documents made public through Freedom of Information Act litigation earlier this year.

Given the tremendous value that the recording of detainee interrogations provides to our intelligence community—and the protection it helps afford both the detainee and the interrogators—I trust the Administration will work with me and the committee to resolve this issue.

Thank you for your distinguished service to our nation.

Sincerely,

RUSH HOLT
Member of Congress