

(West Windsor, NJ) – Rep. Rush Holt (NJ-12), Chair of the House Select Intelligence Oversight Panel, sent the following letter to the National Academy of Sciences regarding their pending review of the scientific methods used by the Federal Bureau of Investigation during its investigation of the 2001 anthrax letter attacks.

Dr. Fran Sharples
Director
Board on Life Sciences

Dr. Anne-Marie Mazza
Director
Science, Technology and Law Policy and Global Affairs Division

National Academy of Sciences
500 5th Street, N.W.
Washington, D.C. 20001

Dear Drs. Sharples and Mazza,

I am pleased that the National Research Council may be looking at the technological issues surrounding the anthrax attack investigation. In the September 15, 2008 letter sent to you by Dr. Vahid Majidi, the Assistant Director of the Weapons of Mass Destruction Directorate at the Federal Bureau of Investigation, Dr. Majidi said that the Bureau was requesting that the Academy conduct “an independent review of the scientific approach used during the investigation of the 2001 Bacillus anthracis mailings.” I am concerned that the questions posed by Dr. Majidi are narrowly focused and do not truly test the FBI’s conclusions in the case. In order to give the public the greatest possible confidence in the conclusion, I hope that your panel will look at the full range of scientific evidence and the methods the FBI used to reach its scientific conclusions in this case.

Accordingly, in my capacity as Chairman of the House Select Intelligence Oversight Panel of the House Committee on Appropriations, and as a Representative whose constituents were directly affected by the anthrax attacks, I am requesting that the Academy also answer the following questions should it elect to undertake an independent review of the Bureau’s scientific methods and conclusions in the Amerithrax case:

Are any of the FBI's scientific findings inconsistent with the FBI's conclusions?

Are there any scientific tests that the FBI has not done that might refute their conclusions?

Did the FBI follow all accepted evidence-gathering, chain of possession, and scientific analytical methods? Is it possible that any failure to do so could have affected the FBI's conclusions?

Is it scientifically possible to exclude multiple actors or accessories?

How likely is it that a single scientist working alone could complete the postulated actions? What would be the required time and equipment needed?

Regarding the FBI's question #2, is it scientifically possible to determine the stability of the combination of mutations in the RMR-1029 strain? Is it scientifically possible to determine how long this combination was in the flask in Dr. Ivins' custody? Is it scientifically possible to distinguish a sample taken from Dr. Ivins' flask from one taken from one of its daughter flasks in another lab? How many passages or how long is this mutation combination likely to remain?

Is it scientifically possible to rule out the possibility that there are other stocks (including daughters of Dr. Ivins' flask) that share the RMR-1029's mutation combination for which the FBI has not accounted?

Regarding the FBI's question #5, are the FBI's explanations for the presence of silicon in the spores recovered from the mailed letters?

If the spores for the attacks were grown in Dr. Ivins' lab as the FBI has postulated, are there scientifically credible reasons for the FBI's inability to produce spores with the identical signatures of those used in the attacks if they used the same stocks, media, and conditions that were present in Dr. Ivins' lab?

Given the revelations of the extreme ease of environmental contamination noted by the FBI's Dr. Douglas Beecher in his August 2006 article in Applied and Environmental Microbiology, how likely is it that no environmental contamination would be found in the vehicle, house, or personal effects of the accused?

In summary, has the FBI taken every opportunity to invalidate components of their hypothesis rather than pursuing reasoning and collection of evidence intended to confirm their hypothesis?

If not, what challenges have been made to the FBI investigation's reasoning? Could any of those challenges be undertaken still, or has the passage of time or loss of evidence made that impossible? It would be most useful if any panel you convene were to answer scientific or technical questions that may refute the FBI's conclusions.

I look forward to seeing the results of the Academy's work on this critical project.

Sincerely,

RUSH HOLT
Chairman
House Select Intelligence Oversight Panel