

March 4, 2009

This week, I reintroduced the Anthrax Attacks Investigation Act, H.R. 1248. Since the attacks occurred, I have pressed for a full investigation into this insidious biowarfare attack on our country.

My bill's purpose is simple: to examine and to report on how the attacks occurred and on how we can prevent similar episodes in the future. Numerous experts and advisory committees say that biological attacks or emerging epidemics are our greatest public risks.

As you may know, the anthrax attacks in 2001 originated from a postal box, evidently, in the Twelfth Congressional District in New Jersey. They disrupted the lives of people throughout the region and the country. For months, Americans lived in fear of a future attack and of 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 and others here in Washington were shut down after it was found to be contaminated with anthrax. These attacks raised the fear of terrorism to a fevered pitch.

Since the Department of Justice and the Federal Bureau of Investigation announced in early August of last year that Dr. Bruce Ivins was their prime suspect before his suicide a month earlier, I've spoken with FBI Director Mueller about the case. He readily has admitted that the case against Dr. Ivins is and was circumstantial and that the FBI has no direct physical evidence tying him to the attack. No anthrax spores were found in his car or his home, and the FBI has no evidence that Ivins actually mailed the letters in New Jersey. Nevertheless, the FBI and the DOJ are closing the case because they believe the available circumstantial evidence against Dr. Ivins is overwhelming and because no evidence has surfaced to suggest that he had any accomplices.

A number of important questions about this case remain unanswered: How did the perpetrator or perpetrators manage to pull off these attacks that were somewhat complicated in the first place? Why did the FBI pursue the wrong suspect for so long? Is the science behind the case sound? Should the case be closed? Have we learned the right lessons, and have we implemented the right changes in our defenses to make another such attack less likely? Why are investigators so certain that Ivins acted alone?

Indeed, last month in Baltimore, at the conference of the American Society for Microbiology, FBI

scientist Jason Bannan told the press something I had not previously heard from the FBI officials, something that only raises more questions about the FBI investigation.

Dr. Bannan noted during the investigation that the FBI collected at least 60 water samples from communities where government laboratories work with anthrax. The purpose of collecting the samples was to see if there was any unique chemical signature in one of the water samples that would match with the water that was used to grow the anthrax spores that were mailed. According to the New York Times, Bannan said, ``The water research ultimately was inconclusive about where the anthrax was grown."

Despite this, the FBI remains adamant that the anthrax could only have come from that site in Maryland that Dr. Ivins used even though the Bureau has never been able to replicate the chemical signature of the material in the attacks.

This is just one question.

As has so often been the case, each new revelation by the FBI seems only to raise more questions about the conduct and conclusions of the investigation underscoring why an independent review of the investigation is needed badly. In addition, there are important policy and public safety questions that our government has yet to answer satisfactorily.

In December 2008, the Commission on the Prevention of Weapons of Mass Destruction, Proliferation and Terrorism--itself an outgrowth of the 9/11 Commission and its recommendations--issued a report. It used alarming language to prod our government to act. It affirmed something that was demonstrated with the deadly anthrax attacks: Terrorists will likely use weapons of mass destruction attacks on America which feature biological weapons.

However, examining the 2001 anthrax attacks was not an explicit mandate of that Commission. This was in contrast to the 9/11 Commission which was specifically charged with looking at how the September 2001 attacks happened, why the Federal Government failed to prevent the attacks and what remedial measures were necessary to prevent a similar catastrophe in the future. The question is, have we implemented the lessons learned from those attacks in the fall of 2001?

The Commission that I am proposing here is similar to this 9/11 Commission that should look at the incident, why it was not prevented, and what we can do to prevent such things in the future. Just as the 9/11 Commission looked not only at the attacks that morning but also recommended changes in the structure of government agencies, screening methods and government oversight, so should an anthrax commission look not only at the specific crime but also at measures for prevention, detention, and investigation of future bioterrorism.