

By Rep. Rush Holt

Ten years ago, America was a nation shaken by grief and terror. Nearly 3,000 people had perished in the attacks on the World Trade Center and the Pentagon and in the thwarted attack on the Capitol. Federal authorities were warning the public that additional al-Qaida “sleeper cells” still might be at large in the United States. We were living through a national nightmare.

Less than a week later, the nightmare deepened.

Sometime on Sept. 17 or Sept. 18, someone deposited five envelopes — four addressed to media outlets in New York, and one addressed to the National Enquirer in Florida — in a central New Jersey mailbox. Later, two more letters would be mailed to members of the U.S. Senate. Each contained a highly refined dry powder containing spores of *Bacillus anthracis*, which can cause deadly anthrax infection in humans.

Unlike the attacks of Sept. 11, which erupted over a few terrible hours, the anthrax attacks unfolded in slow motion over several weeks. First, news reports surfaced that a Florida man had died after entering the hospital with an unknown respiratory illness. Then, the public learned he had contracted anthrax, an infection that occurs naturally but has long been explored as a biological weapon.

It was possible, at first, to believe that the Florida infection was just a freak accident, much as it was possible early on Sept. 11 to believe that the first plane crash in New York was simply a catastrophic mistake.

But soon, a second person fell ill, and then a third, and eventually 22, far more than could be explained by anything other than a deliberate attack. Five victims died, and America was jolted with the realization that less than a month after one of the most tragic days in its history, it was under assault again.

It seemed there might be no safety from terrorists. Was there a cell in every state? In every town? Was even your mailbox dangerous? No scheme of attack seemed too outlandish. And then, without explanation, the attacks stopped — even as the investigation was just beginning. The FBI tested every office on Capitol Hill for anthrax, and they discovered spores in my office and three others in the U.S. House of Representatives. Investigators closed an entire wing of the Hart Senate Office Building.

This was the moment when I became a firsthand witness to the anthrax investigation. It was also the moment when I first grew concerned about the processes and professionalism of government investigators. Their practices for taking evidence, I saw, were sloppy and even illogical.

If the bungling had been limited to poor practices in one office building, it would have been troubling but perhaps understandable in the context of a complex, urgent investigation. But the problems continued.

One of the FBI's first steps, for instance, should have been to examine immediately all of the mailboxes that fed into the Trenton mail facility where the letters were known to have been processed.

Yet nine months passed before the FBI swabbed public mailboxes and identified a contaminated public mailbox on Nassau Street in Princeton as the apparent source of the letter. Only then did the FBI begin asking passers-by whether they remembered anything unusual happening at that box the previous fall.

For years, the FBI investigation focused myopically on Steven Hatfill, a bioweapons expert, even after it became clear that Hatfill lacked access to the strain of anthrax used in the attacks. Hatfill later sued the Department of Justice, and he settled for \$5.8 million. The FBI's bungling of the case not only destroyed the reputation of an innocent man, but it squandered five years of investigative time while the real culprit or culprits remained at large.

Finally, after the better part of a decade of false leads and vague public statements, the FBI announced in August 2008 that it had identified a suspect: Dr. Bruce Ivins, a vaccine specialist who worked at Fort Detrick and who days earlier had committed suicide.

As FBI Director Robert Mueller ultimately acknowledged to me, the case against Ivins was almost entirely circumstantial. Ivins had access to the strain of bacteria used in the attack. He allegedly worked longer hours around the time of the anthrax attacks than he ever had before or ever would again, and he could not explain this behavior. He allegedly attempted to mislead investigators, including pointing the finger at other colleagues.

Ivins suffered from mental health problems that he concealed from his co-workers and managers, and investigators found a bulletproof vest, body armor and hundreds of rounds of ammunition at his home. On the basis of this and other evidence, the FBI declared that Ivins was the culprit, that he had acted alone and that the investigation into the anthrax attacks was considered closed.

Yet the FBI has said that it does not have any direct, physical evidence tying Ivins to the attack. Further investigations, including a report from the National Research Council, have cast questions on whether the FBI conclusively demonstrated that the anthrax used in the attack originated in Ivins' lab. Indeed, as the NRC report noted, multiple individuals had access to the flask that allegedly contained the attack material. And Ivins had no experience in making, nor the proper equipment to produce, the kind of refined, easily aerosolized spores that were used in the attacks.

As such, the story of the anthrax mailings ends on a troubling and inconclusive note. Because of Ivins' suicide, he will never be tried or convicted — yet the need remains for the public to know that the FBI has finally built a strong, credible case. The American people also deserve to understand how the FBI could have pursued the wrong leads and the wrong perpetrator for so long. In addition, and more importantly, the American people need to know if the government response to another bioterrorism attack will be better organized, better equipped and more effective than the last. Is the government prepared to protect the people?

In Congress, I have introduced legislation that would create a special committee, modeled after the 9/11 Commission, to investigate the anthrax attacks, including our pre-attack preparations, the incidents, the public health response, the forensic response and the subsequent improvements made. Such an investigation would help us understand what really happened, why and whether America has grown better prepared to deter biological attacks.

A congressional inquiry would provide the starting point in the preparation for any future attacks. Many of the tools used in the FBI's anthrax investigation, including the technology to identify particular strains of anthrax, were invented for this specific case. Shouldn't the public and the FBI know whether these tools are effective and credible enough to use in a future investigation?

Perhaps most importantly, a congressional inquiry could help to place the anthrax attacks in their proper historical perspective as one of the most crucial, least recognized pivot points in U.S. history. As horrific as the 9/11 attacks were, they had a clear perpetrator: al-Qaida. The atmosphere of terror they provoked, although widespread and palpable, could perhaps have been focused on one small group of ideological extremists.

Yet after the anthrax attacks, the nation's fear was far less focused, and people were far more terrified. I believe that many of America's most dangerous overreactions in the War on Terror — particularly the invasion of Iraq, which Bush administration officials at first tried to link to the anthrax attacks — can be traced directly to the panic induced by the anthrax mailings. Our sense that terrorists were everywhere, that even an action as innocent as opening the mail could be fatal, set the United States on a path that will haunt us for years.

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