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Congress of the United States

March 2, 2007

Committee on Education
and the Workforce

Permanent Select Committee
on Intelligence
Ranking Member
Subcommittee on Intelligence Policy

Co-Chair
Children's Environmental Health Caucus
Member
Congressional Arts Caucus
Internet Caucus
Law Enforcement Caucus
Historic Preservation Caucus

The Honorable Silvestre Reyes
Chairman
Permanent Select Committee on Intelligence
H - 405
Washington, D.C. 20515

Dear Chairman Reyes:

I am writing respectfully to request that the Permanent Select Committee on Intelligence hold hearings to investigate the 2001 anthrax attacks that paralyzed our nation. These bioterror attacks, the largest in our nation's history, remain unsolved. The Department of Justice and Federal Bureau of Investigation (FBI) have openly asserted their belief that Congress should be kept in the dark on this vital national security issue. Mr. Chairman, I ask for your help in determining why we have been unable to bring the perpetrators of this heinous act to justice. It is time for Congress to provide effective oversight of the Department of Justice and the FBI.

Over the last few months, I have attempted both individually and collectively (with Senator Charles Grassley and others) to secure a briefing on the progress the FBI has made in investigating these terrorist attacks. Yet, the FBI has stonewalled each request for additional briefings or information.

Despite conducting an investigation that FBI openly acknowledges is "one of the largest and most complex in the history of law enforcement"¹ with 17 full-time investigators and 10 postal inspectors who have conducted 9,100 interviews, 67 searches, and issued 6,000 grand jury subpoenas, the FBI seems to believe that they are outside the scope of Congressional oversight.

The FBI's refusal to brief Members of Congress raises serious concerns about the status of this investigation and whether it is a true priority of the FBI, which appears to be no closer to solving this act of bioterrorism than they were five years ago.

It is time for the relevant Congressional committees to conduct oversight on this bioterror attack and its succeeding investigation.

In response to my September 27, 2006, initial request for a classified briefing on the current status of the investigation, the FBI wrote that "after sensitive information about

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On December 11, 2006, thirty-two bipartisan members of the House and Senate joined Senator Grassley and me in requesting that Attorney General Gonzales “direct the FBI to provide Congress with a comprehensive briefing on the status of the five-year-old anthrax investigation.”³ The letter noted that such information is essential for Congress to fulfill “its Constitutional responsibility to conduct oversight of the Executive Branch.”

However, citing the FBI’s “long-standing policy against disclosing non-public information about pending matters,”⁴ the Department of Justice again denied our request for a briefing in a February 8, 2006 letter. I question the validity of this newly discovered policy as, by the FBI’s own admission in its letter to me from September 28, 2006, the FBI provided me with briefings about the anthrax investigation on June 5, 2002, August 1, 2002, and April 1, 2003. Thus, the FBI’s continued refusal to brief me and other concerned members of Congress is unacceptable, particularly given the scope and progress that the FBI reports have been made.

As an editorial in *Roll Call* stated, “it is simply unacceptable...that the FBI is not informing Congress of its progress, or lack of it, in tracking down those who killed five people with anthrax in 2001 and, but for luck, may have killed many more on Capitol Hill.”⁵ As Chairman of the Permanent Select Committee on Intelligence, you have the ability to provide much needed oversight of the FBI’s investigation into these terrorist attacks.

As you may know, my interest in this matter is both professional and deeply personal. The attacks originated from a postal box in my Central New Jersey congressional district and they disrupted the lives and livelihood of my constituents. 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 businesses in my district lost millions. Further, my own Congressional office in Washington, D.C. was shut down after it was found to be contaminated with anthrax.

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I have enclosed copies of each of my letters on this subject and their replies. If I can provide any additional information or background please do not hesitate to ask.

Again, I respectfully request that you hold hearings in the Permanent Select Committee on Intelligence to get to the bottom of these deadly terrorist attacks. The importance of this matter goes far beyond this particular case. It goes to the very heart of the FBI's ability to protect America from terrorism.

Sincerely,

A handwritten signature in black ink that reads "Rush Holt". The signature is written in a cursive, slightly slanted style.

RUSH HOLT
Member of Congress

Cc: Sen. Charles E Grassley

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The Honorable John Conyers, Jr.
Chairman
Judiciary Committee
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Conyers:

I am writing respectfully to request that the Judiciary Committee hold hearings to investigate the 2001 anthrax attacks that paralyzed our nation. These bioterror attacks, the largest in our nation's history, remain unsolved. The Department of Justice and Federal Bureau of Investigation (FBI) have openly asserted their belief that Congress should be kept in the dark on this vital national security issue. Mr. Chairman, I ask for your help in determining why we have been unable to bring the perpetrators of this heinous act to justice. It is time for Congress to provide effective oversight of the Department of Justice and the FBI.

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As an editorial in *Roll Call* stated, “it is simply unacceptable...that the FBI is not informing Congress of its progress, or lack of it, in tracking down those who killed five people with anthrax in 2001 and, but for luck, may have killed many more on Capitol Hill.”⁵ As Chairman of the Judiciary Committee, you have the ability to provide much needed oversight of the FBI’s investigation into these terrorist attacks.

As you may know, my interest in this matter is both professional and deeply personal. The attacks originated from a postal box in my Central New Jersey congressional district and they disrupted the lives and livelihood of my constituents. 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 businesses in my district lost millions. Further, my own Congressional office in Washington, D.C. was shut down after it was found to be contaminated with anthrax.

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Again, I respectfully request that you hold hearings in the Judiciary Committee to get to the bottom of these deadly terrorist attacks. The importance of this matter goes far beyond this particular case. It goes to the very heart of the FBI's ability to protect America from terrorism.

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Member of Congress

Cc: Sen. Charles E Grassley

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Historic Preservation Caucus

The Honorable John F. Tierney
Chairman
National Security and Foreign Affairs Subcommittee
Oversight and Government Reform Committee
B-371 C Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Tierney:

I am writing respectfully to request that the National Security and Foreign Affairs Subcommittee hold hearings to investigate the 2001 anthrax attacks that paralyzed our nation. These bioterror attacks, the largest in our nation's history, remain unsolved. The Department of Justice and Federal Bureau of Investigation (FBI) have openly asserted their belief that Congress should be kept in the dark on this vital national security issue. Mr. Chairman, I ask for your help in determining why we have been unable to bring the perpetrators of this heinous act to justice. It is time for Congress to provide effective oversight of the Department of Justice and the FBI.

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The FBI's refusal to brief me raises serious concerns about the status of this investigation and whether it is a true priority of the FBI, which appears to be no closer to solving this act of bioterrorism than they were five years ago.

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RUSH HOLT
Member of Congress

Cc: Sen. Charles E Grassley
Chairman Henry A. Waxman

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The Honorable Henry A. Waxman
Chairman
Oversight and Government Reform Committee
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman:

I am writing respectfully to request that the Oversight and Government Reform Committee hold hearings to investigate the 2001 anthrax attacks that paralyzed our nation. These bioterror attacks, the largest in our nation's history, remain unsolved. The Department of Justice and Federal Bureau of Investigation (FBI) have openly asserted their belief that Congress should be kept in the dark on this vital national security issue. Mr. Chairman, I ask for your help in determining why we have been unable to bring the perpetrators of this heinous act to justice. It is time for Congress to provide effective oversight of the Department of Justice and the FBI.

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Member of Congress

Cc: Sen. Charles E Grassley
Representative John F. Tierney

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The Honorable Bennie G. Thompson
Chairman
Homeland Security Committee
Washington, D.C. 20515

Dear Chairman Thompson:

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cc: Sen. Charles E. Grassley