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Congress of the United States

September 27, 2006

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

Robert S. Mueller, III
Director, Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Director Mueller:

I am writing to express my deep concern and apprehension about the lack of progress made by the Federal Bureau of Investigation (FBI) in solving the 2001 anthrax bioterrorism attacks. I was very upset to learn that the FBI came to the conclusion only recently that the anthrax used in the attacks was far less sophisticated than initially believed. This case has been mishandled from the very beginning, and I have lost confidence in your ability to find and bring to justice the guilty party or parties.

As you know, it has now been five years since the anthrax attacks of 2001 killed five people, paralyzed the nation and the workings of the Congress, resulted in the closure of a number of Congressional offices (including my own), severely interrupted mail service to my Central New Jersey constituents and millions across the country, and cost businesses in New Jersey millions. Yet, this bioterrorism case remains unsolved.

As *The Washington Post* reported this week, the FBI now acknowledges that the anthrax used in the 2001 attacks was commonly available and not weaponized, contrary to previous reports that the anthrax was specially processed and could have come only from a small number of people with special training. This error meant that resources were diverted and countless agents wasted their time investigating a small pool of suspects, instead of the broader search we now know was needed. *The Washington Post* article also makes clear that despite having assigned 17 full-time investigators and 10 postal inspectors who have conducted 9,100 interviews and issued 6,000 subpoenas, the FBI is no closer to solving this act of bioterrorism than you were five years ago.

As a scientist, it is clear to me that this investigation was botched from the start. Nothing else can explain why it took the FBI so long to come to the basic determination that the anthrax used in the attacks was far less sophisticated than initially reported. As you know, Douglas J. Beecher, a scientist in the FBI's Hazardous Materials Response Unit, recently wrote an article in the journal *Applied and Environmental Microbiology*. In the article Mr. Beecher writes that "**a widely circulated misconception** [emphasis added] is that the spores were produced using additives and sophisticated engineering supposedly akin to military weapons production."

The FBI should have been able to determine within days of the attack that the anthrax used was not weaponized. Because of this initial failure, investigators wrongly focused their attention on a small group of suspects. From what news reports indicate, only recently have you broadened the investigation to look at potential suspects who have been ignored for past five years. We can only hope that the trail is not so cold as to make capturing the culprit or culprits impossible.

This not the first mistake that the FBI has committed during its investigation of this bioterrorist attack. As I wrote you before, it was not until August of 2002, months after the October 2001 bioterrorism attacks, that FBI agents identified a mailbox on Nassau Street in Princeton as being contaminated with anthrax. This is astonishing in light of the fact that the FBI knew the contaminated letters were mailed from Mercer County, New Jersey. Only then, almost 10 months later, did FBI authorities begin interviewing potential witnesses in Princeton. It will never be known what this unconscionable delay cost the investigation.

Today, I demand that you provide me with a classified briefing about the current status of this investigation. I also demand that you make Douglas J. Beecher available to the House Permanent Select Committee on Intelligence. His understanding and insight about the anthrax used in the 2001 attack will be vital for the Committee to determine the status of the investigation, the science behind it, and the errors that have plagued it.

In the past, I have been denied such briefings despite being the only member of Congress from New Jersey to serve on the Intelligence Committee, the representative of the area from which the attacks were launched, and an unintended (and unharmed) victim of the attack. As a committee member, this information is essential for me to provide oversight of the FBI and its investigation into the largest bioterrorism attack in United States history. I appreciate that this is an ongoing criminal investigation and understand that the answers to these questions cannot be aired publicly. That is why it is essential that a classified briefing be provided to the Intelligence Committee immediately. I expect to hear from you about scheduling a classified briefing about the anthrax investigation with top FBI officials, including Dr. Beecher, in a timely manner.

I am sorry to say that this investigation of major national significance, which has been bungled repeatedly while under your direction, has shaken my confidence in your ability to lead the FBI. I hope that the upcoming briefings can restore my sense that answers will be found and the culprits brought to justice. The importance of this matter goes far beyond this particular case. It goes to the very best 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