

September 18, 2008

Senator, Target of Anthrax Letter, Challenges F.B.I. Finding

By [SCOTT SHANE](#)

WASHINGTON — Senator [Patrick J. Leahy](#), chairman of the Senate Judiciary Committee and a target of the anthrax letters of 2001, said Wednesday that he did not believe the [F.B.I.](#)'s contention that an Army scientist conducted the attacks alone.

At a hearing of his committee, Mr. Leahy told the F.B.I. director, [Robert S. Mueller III](#), that even if the bureau was right about the involvement of the scientist, [Bruce E. Ivins](#), who killed himself in July before ever being charged, he thought there were accomplices.

"If he is the one who sent the letter, I do not believe in any way, shape or manner that he is the only person involved in this attack on Congress and the American people," said Mr. Leahy, Democrat of Vermont.

"I believe there are others involved, either as accessories before or accessories after the fact," he added. "I believe there are others who can be charged with murder."

Mr. Leahy, who has received special briefings on the investigation because one of the anthrax-laced letters was addressed to him, later declined to elaborate. "Sorry," said an aide, David Carle, "but he said his piece and does not intend to comment further today."

Mr. Leahy was one of several senators at the hearing who raised questions about the bureau's case. But Mr. Mueller said he stood by the conclusion that Dr. Ivins, who worked at the Army biodefense laboratory at Fort Detrick, Md., was solely responsible for the attacks.

Even after the anthrax case is formally closed, a step that officials say is likely in three to six months, "if we receive additional evidence indicating the participation of any additional person, we certainly would pursue that," Mr. Mueller said.

On Tuesday, Mr. Mueller said he had asked the [National Academy of Sciences](#) to convene an expert panel to review the bureau's scientific work on the case.

But Senator [Charles E. Grassley](#), Republican of Iowa, said Wednesday that he did not think that was adequate. Mr. Grassley said the academy "would only be reviewing the science and not the detective work," and added, "I believe we need an independent review of both."

The hearing underscored the challenge the bureau faces in persuading Congress and the public that the case is resolved. In the audience was [Steven J. Hatfill](#), another former Army biodefense scientist, whom the F.B.I. pursued as a suspect for several years before the Justice Department cleared him this summer and paid \$4.6 million to settle a lawsuit he had filed against the government.

Dr. Hatfill did not speak. But Senator Grassley asked Mr. Mueller: "Should not the F.B.I. apologize to Dr. Hatfill? Please explain how chasing an innocent man for four years was not a mistake."

Mr. Mueller replied that investigators had done nothing "inappropriate." The settlement, he said, was not for scrutinizing Dr. Hatfill but for leaking information about him to the news media. "I abhor those leaks," he said.

Mr. Leahy pressed Mr. Mueller to say what laboratories in the United States were capable of producing dry powder anthrax like that used in the attacks, specifically asking about the Dugway Proving Ground, an Army center in Utah, and the Battelle Memorial Institute, a government contractor in Ohio, both of which have made such powder in small quantities in the past.

But Mr. Mueller said he could answer the question only in a closed session because the matter involved classified information. The secrecy appeared likely to fuel rumors, circulating on the Internet and denied by the F.B.I., that the attacks had some link to a secret government bioweapons program.

Mr. Mueller, F.B.I. director since just before the terrorist attacks of Sept. 11, 2001, was criticized at the hearing by Mr. Leahy and others for what they described as his record of failing to answer in a timely manner the committee's questions on a broad range of subjects.

But he was praised for what senators characterized as his courage in resisting some Bush administration counterterrorism tactics, including harsh interrogation methods and elements of the [National Security Agency](#)'s domestic surveillance program.

“Against intense and hostile pressure from the highest offices in the land,” said Senator Sheldon Whitehouse, Democrat of Rhode Island, “you stood for the principle that all public offices have public duties and responsibilities.”