

Holes in the Anthrax Case?

Saturday, August 9, 2008

ON WEDNESDAY, the federal government made public much of its case against accused anthrax killer Bruce E. Ivins. On Thursday and yesterday, scientists, reporters and others poked holes and raised questions about the FBI's case. On Monday, the attorney general should order an independent review of the FBI's investigation and its conclusion. Such a review would serve the interests of the country and of the FBI itself.

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The mailing of anthrax spores in 2001 to offices in Congress and elsewhere killed five people, injured 17 and traumatized a nation reeling from the Sept. 11, 2001, attacks. After a long and winding inquiry, the FBI says it is now certain that Mr. Ivins, a scientist at Fort Detrick, was solely responsible for the attacks. The case it put forward Wednesday was compelling, both as to Mr. Ivins's mental instability and his access to anthrax spores; computers seized from a public library in Frederick and materials from the Ivins house may yield more evidence. But the FBI's conclusions will never be tested in court because Mr. Ivins died July 29 of a Tylenol overdose in what has been ruled a suicide. The case is admittedly circumstantial, and questions have been raised about the reliability of the FBI's scientific evidence, the inability to tie Mr. Ivins to the handwritten notes included with the mailed anthrax, the process by which the FBI excluded as suspects others who had access to the anthrax, and more.

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"There are a lot of armchair detectives and instant experts out there formulating opinions not based on a full set of the facts," an FBI official objected on Thursday. True enough -- and all the more reason to give a full set of the facts to someone who can get out of the armchair. But to whom?

Congress definitely has a role to play. Investigative hearings could shed light on Fort Detrick's security policies and on how Mr. Ivins managed to hold on to his clearance. They could look at policy issues, such as whether the expansion of bioterrorism research has perversely increased the risk of an accident or attack. They could examine FBI methods in the agency's investigation of both Mr. Ivins and Steven J. Hatfill, another scientist who came under FBI suspicion and who eventually won a \$5.8 million settlement from the government.

But Congress may not be best positioned to review the scientific and forensic details of the FBI investigation. An independent inquiry that can work painstakingly outside the limelight is called for. The Justice Department's office of inspector general, although overworked already, has shown under Glenn A. Fine that it can conduct such sensitive probes with thoroughness and fairness. Alternatively, a retired judge could be appointed to lead a commission, which could in turn draw on the National Academy of Sciences and other experts. In either case such an inquiry, if it found holes in the investigation, could document them without taint of politics. If it validated the FBI's work, it would reassure the nation that no killers were still at large and put conspiracy theories to rest.

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