

FBI'S ROBERT MUELLER STILL ENGAGING IN AN ANTHRAX COVER-UP



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Steven Aftergood has just published Robert Mueller's responses to questions for the record he received from the Senate Judiciary Committee this spring. Chuck Grassley asked Mueller several questions about the anthrax investigation. (The questions start on page 42 of these QFRs.) Mueller's answers make it clear the FBI was—and is still—trying to cover up details about its investigation of the anthrax attack.

Delaying the Exoneration of Stephen Hatfill

Grassley starts by asking why it took the FBI two years to publicly clear Stephen Hatfill after it had eliminated him as a suspect.

[In a reply to an earlier inquiry I made] the Justice Department said that Dr. Stephen Hatfill was conclusively eliminated as a potential suspect in the Spring of 2006. That's four years after the government publicly branded him a "person of interest" and instructed his federally funded employer to fire him in 2002. Yet, two more years passed after the FBI knew he was innocent before anyone bothered to inform Dr. Hatfill in 2008 that he had been cleared.

After Mueller basically concedes the point, Grassley asks whether the delay had anything to

do with Hatfill's lawsuit. Mueller indirectly concedes that the FBI did not inform Hatfill because they were still litigating Hatfill's Privacy Act suit.

Grassley: Is it a coincidence that Dr. Hatfill's lawyer was informed of the FBI's findings only after he had settled the case against the government for nearly \$6 million?

Mueller: The settlement of *Hatfill v. Mukasey, et al.* (DDC), resolved complex litigation that had been pending since 2003. The lawsuit included constitutional tort claims against Federal officials in their personal capacity and Privacy Act claims against DOJ and the FBI. The constitutional tort claims were dismissed in 2005 (including the claim against former AG Ashcroft based on his having publicly referred to Dr. Hatfill as a "person of interest"). The Privacy Act claims (which alleged improper leaks, among other things) remained pending at the time of the settlement.

Mueller's non-answer basically confirms that the FBI let Hatfill hang out there, virtually unemployable, for two years so that they could settle his suit before admitting to him they had already confirmed he wasn't the anthrax killer.

Refusing to Investigate FBI's "Detective Work"

Grassley then goes on to ask about the National Academy of Sciences review of the FBI's scientific analysis of the FBI's anthrax case. After Mueller reviews that, Grassley asks whether the FBI would be willing to have an independent review of its "detective work" in the case. Mueller basically says, "no."

Grassley: Are you opposed to an independent review of the FBI's detective work, in addition to a review of the scientific evidence?

Mueller: Because of the importance of science to this particular case, investigative steps were often taken to address leads developed by newly evolved science. In addition, the significance of information or evidence we acquired often took on new or enhanced meaning as scientific advances were made. Consequently, a review of the scientific aspect of this case would be the logical first step. There is also ongoing criminal and civil litigation concerning the Amerithrax investigation and information derived therefrom, and an independent review of the FBI's "detective work" at this time could adversely affect those proceedings.

What an astoundingly bullshit answer!

First, obviously the "detective work" needs to be investigated, if only to explain why the FBI ignored evidence pointing to Bruce Ivins and invented a case against Hatfill. Second, if ongoing litigation (including criminal?!?!?) wouldn't be hindered by the scientific review, why would it be hindered by a review of the "detective work"? What Muller is more likely saying is just what he admitted with regards to Hatfill: until any civil suits are settled, the FBI doesn't want to admit to the full extent of its incompetence.

As we have discussed at length, there are reasons to doubt the FBI's conclusions that Bruce Ivins acted alone (more here, here, here, here, here, here, and here). Indeed, all the FBI has claimed it proved with its nifty new scientific analysis (and Mueller states this) is that Ivins made the strain used in the attack (I'll leave it to the scientists to address Mueller's certainty on that front). They certainly have not proven that Ivins mailed the anthrax. Which means, quite simply, they haven't solved the case.

But Robert Mueller doesn't want to show the

FBI's work.

Now maybe the FBI realizes they haven't solved this case, and that's why they can't start investigating their own detective work. But if that's the case, don't you think they ought to tell the American people that there's an American bioterrorist running around on the loose?