

SJC TO CONSIDER RE- CONFIRMATION OF GUY WHO LET MAJOR DOMESTIC TERROR ATTACK GO UNSOLVED

At 10, the Senate Judiciary Committee will consider the extension of Robert Mueller's term at FBI by two more years. You'll no doubt hear Ranking Member Chuck Grassley make all sorts of complaints about FBI in his wonderful grouchy Iowa voice. You'll hear Jim Comey recount the dramatic hospital confrontation from 2004.

But you're unlikely to hear Chairman Patrick Leahy ask Mueller why he has let Leahy's own attempted murder in the 2001 anthrax attack go unsolved.

Oh sure, the FBI claimed they had solved the anthrax attack last year when they closed the investigation. But as I first reported in 2008, Leahy doesn't (or at least didn't) believe that accused anthrax killer Bruce Ivins acted alone.

The FBI's case against Ivins started eroding right after his death, as Ivins' own will made it clear that the motive the FBI had attributed to him made no sense. Then it became more and more clear that FBI claims about the record and anthrax keeping standards at USAMRIID were overly optimistic, meaning their assertion that Ivins had control of a flask of anthrax couldn't be trusted. But the real blow for the FBI's claims about the anthrax came after—having spent three years waving the shiny object of the cool science they used to “solve” the case—the National Academy of Science poked a bunch more holes in their case. Not only were the FBI's claims about Ivins' flask not as certain as the FBI claimed they were, but the FBI had never answered lingering problems about the chemicals involved in the anthrax, which made the FBI's

failure to talk about how Ivins could have made the anthrax all the more problematic, not to mention made one of FBI's most compelling pieces of evidence against Ivins—his time in his lab—meaningless.

Pretty much what the FBI is left with are a few suspicious incidents and Ivins' weird obsession about a probably unrelated sorority, which a bunch of self-interested shrinks have helpfully sensationalized.

And the failure to really solve the anthrax case comes on top of the earlier failure in targeting Steven Hatfill for several years.

Now, I wouldn't necessarily hold the FBI's failure to solve the most serious terrorist attack in the US since 9/11 **against** Mueller—it is a tougher case to solve, after all, than 9/11 itself.

But rather than allow Congressional overseers to examine the FBI's work to both see what went wrong and what leads they may have ignored, Mueller has been refusing such oversight. He (and the FBI generally) have stonewalled and lied when members of Congress asked questions about the weak points in the FBI case against Ivins. More galling still, to me, is that he out and out lied to Chuck Grassley in 2009, telling Grassley that an independent review of the investigation would be detrimental to ongoing litigation. What Mueller didn't tell Grassley is that he had already secretly engaged the Shrinks-4-Hire to do their own purportedly independent review of the investigation, a report apparently designed to rebut the obvious weaknesses the NAS would find.

Mueller was fine to do an "independent" review, apparently, so long as the FBI could game the outcome.

Mind you, Mueller's refusal to accept any real oversight on this case has been assisted by President Obama, who used a veto threat to discourage a true congressional inquiry.

In short, under Mueller's leadership, the FBI badly fucked up the anthrax investigation. And rather than review why the FBI fucked up so badly, Mueller has been obfuscating to prevent any real review of the that fuck up.

Mueller's single biggest job as FBI Director in the last decade has been to make sure the FBI is able to investigate terrorism. And yet his FBI has badly screwed up the second biggest terrorist attack in the US—and he doesn't think Congress should know why.

And yet SJC will no doubt vote to reconfirm Robert Mueller for another two years today.