

Bush administration settles Hatfill suit, buries anthrax investigation

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3 July 2008

The Bush administration agreed June 27 to pay nearly \$6 million to biological-weapons expert Steven J. Hatfill in return for ending a lawsuit against the Justice Department. Hatfill filed the suit after top government officials named him a “person of interest” in the FBI investigation into the anthrax attacks that killed five people and spread panic in the wake of the terrorist attacks of September 11, 2001.

The agreement does not free the scientist of suspicion, although it makes it highly unlikely that he could ever be prosecuted if he actually had any connection to the attacks. The Department of Justice admitted no liability in relation to Hatfill, and a spokesman said that the settlement was agreed “in the best interests of the United States.”

Hatfill was the subject of intense media attention for more than a year, and was fired from a job at Louisiana State University because of FBI pressure. He will receive a lump-sum payment of \$2.825 million, as well as an annuity that will pay him another \$3 million, or \$150,000 a year over the next 20 years.

One consequence of the deal is that the ongoing federal case against former *USA Today* journalist Toni Locy is likely to be quashed. Locy was subpoenaed by Hatfill’s attorneys, who demanded to know the sources for several articles she had written about the case. Locy refused to comply, citing journalistic confidentiality, but was facing \$5,000 per day fines imposed by US District Judge Reggie Walton. The fines were stayed while Locy’s appeal worked its way through the courts.

Hatfill also sued the *New York Times* and columnist Nicholas Kristof, who wrote extensively on the case in 2002 and was the first to report Hatfill’s identity, but that case was thrown out by the courts last year.

Judge Walton has been increasingly critical of the government case against Hatfill, declaring at a hearing earlier this year, after he had reviewed still-secret internal FBI memos about the anthrax investigation, “There is not a scintilla of evidence that would indicate that Dr. Hatfill had anything to do with this.”

One of Hatfill’s lawyers, Mark Grannis, told the press, “The good news is that we still live in a country where a guy who’s been horribly abused can go to a judge and say ‘I need your help,’ and maybe it takes a while, but he gets justice.”

Actually, the United States is not such a country. The cash windfall for the former “person of interest” is in sharp contrast to the treatment the Bush administration routinely deals out to terrorism suspects who are not, like Hatfill, veterans of Green Beret training with ultra-right political associations and reported connections to US intelligence services.

If Hatfill had been a Muslim or an immigrant from the Middle East, he would have been arrested, imprisoned in solitary confinement, and denied access to a lawyer or to the media. Instead, he walks away with one of the biggest financial awards ever issued for government misconduct.

The US government has not paid a dime in compensation to innocent victims of the CIA’s rendition program, like Khaled al-Masri, a German citizen of Kuwaiti descent who was kidnapped by the CIA while on vacation in Macedonia, shipped to Afghanistan, abused for five months, then released when the agency realized it had seized the wrong man. Nor has anything been paid to Maher Arar, a Canadian citizen of Syrian origin, grabbed at Kennedy International Airport while changing planes, transported to Syria and tortured there for months, also eventually released without any charges against him.

Instead of paying them millions of dollars, the Bush administration invoked the “state secrets” privilege to bar either victim from suing in US courts over their kidnapping, illegal imprisonment and torture.

Then there is the example of Ali Marri, a Qatari national and US resident, studying at Bradley University in Peoria, Illinois, where he lived with his wife and five children. Marri has been held in a Navy brig in Charleston, South Carolina since 2003 on unspecified terrorism charges. The Bush administration maintains that it has the power to seize an immigrant living legally in the United States, and hold him indefinitely in a military prison without any legal recourse whatsoever.

All three cases have one thing in common: there is far less evidence against any of the prisoners, one still held by the US government, than there was against Hatfill, who was never arrested and has not spent a single day behind bars.

The anthrax investigation is reputedly one of the largest and most wide-ranging ever conducted by the FBI, with thousands of interviews and inquiries, dozens of searches, and zero progress. The dead end is all the more remarkable because

independent scientific experts have maintained that the anthrax used in the deadly mailings in the fall of 2001 could only have been obtained by someone with biological warfare expertise and access to US biological weapons testing facilities, particularly the lab at Ft. Detrick, Maryland, where Hatfill once worked. The universe of possible suspects has been estimated at between 20 and 250 people.

Hatfill came to the attention of the Justice Department, and ultimately of the media, because of several curious facts in his career. After US military service, he attended the University of Zimbabwe when the country was still under white minority rule, taking a medical degree.

Kristof raised some logical questions in his *New York Times* column in 2002, where he referred to Hatfill as “Mr. Z.” He wrote (in the form of questions to the government investigators): “Have you examined whether Mr. Z. has connections to the biggest anthrax outbreak among humans ever recorded, the one that sickened more than 10,000 black farmers in Zimbabwe in 1978-80? There is evidence that the anthrax was released by the white Rhodesian Army fighting against black guerrillas, and Mr. Z. has claimed that he participated in the white army’s much-feared Selous Scouts. Could rogue elements of the American military have backed the Rhodesian Army in anthrax and cholera attacks against blacks? Mr. Z’s resume also claims involvement in the former South African Defense Force; all else aside, who knew that the US Defense Department would pick an American who had served in the armed forces of two white-racist regimes to work in the American biodefense program with some of the world’s deadliest germs?”

While in Zimbabwe, moreover, Hatfill had lived near a Greendale School, the fake return address used in the anthrax mailings to Congress. He had a grievance against the government because the Pentagon had revoked his security clearance on August 23, 2001, and he was later fired from his job at a defense contractor as a result. Investigators also discovered that Hatfill had penned an unpublished novel that centers on a lone terrorist attacking Congress using plague bacteria. These may just be strange coincidences, but they are many.

Even more significant is the evident right-wing political motivation behind the anthrax attacks. They served two purposes: in general, to spread fear and panic after the terrorist attacks of September 11, 2001; and in particular, to intimidate the leadership of the Democratic Party in Congress, and sections of media demonized by the far-right as “liberal,” such as NBC News.

The mailings went to the offices of Senate Majority Leader Tom Daschle and Senate Judiciary Committee Chairman Patrick Leahy, as well as to the office of NBC anchorman Tom Brokaw, and to the company that owns the *National Enquirer* tabloid. As the WSWs wrote at the time, after the source of the anthrax was positively identified: “The Democratic Party

leadership was targeted for assassination using weapons produced by (or stolen from) the American military itself. The whole affair exudes the stench of an attempted political coup.”

Sections of the ultra-right media, particularly the *Wall Street Journal*, sought to dismiss the significance of the targeting of congressional Democrats, claiming that the FBI was mistaken in concluding that the attack was of domestic origins and suggesting that Al Qaeda or Saddam Hussein were responsible. The *Journal* continues to take this line today, depicting the payoff to Hatfill as a vindication of its initial criticism.

The *Journal* makes no mention of another curious fact, uncovered by the right-wing Judicial Watch group, in the course of a Freedom of Information Act suit against the Bush administration: the White House staff were all issued tablets of Cipro, which protects against anthrax, on September 11, 2001—more than three weeks before the first mailings arrived in Florida and on Capitol Hill. Larry Klayman of Judicial Watch declared, in a press statement, “We believe that the White House knew or had reason to know that an anthrax attack was imminent or underway.”

Not only the investigation into the anthrax attacks, but the settlement with Hatfill itself has a politically compromised character. Besides ensuring that the former military bioweapons expert has an incentive to keep silent on whatever he may know about the 2001 events, the payoff may be an effort to dispose of the case before a change of administration in Washington.

Former senator Daschle, one of the main targets of the anthrax mailings, is a leading figure in the Obama campaign, and many of his former staffers, including those who were in the office the day the anthrax letter arrived, could take key positions in an Obama administration.

Despite the spineless response of the Democratic leadership on the entire range of political issues summed up in the label “war on terror,” there are undoubtedly those in the Bush White House who are nervous about allowing the anthrax case to carry over to a new administration in which former targets of the attacks play a significant role.



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