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# Whistleblower Lawyer



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## **FBI's AMERITHRAX Case just unravelled. Ex-FBI agent who directed investigation suing FBI, turns whistleblower!!!**

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*Preface by Washington's Blog: See also [2 U.S. Government Agencies Say FBI's Anthrax Case Is Full of Holes](#), and our [archive of Anthrax articles](#).*

By [Meryl Nass, M.D.](#) Dr. Nass is a board-certified internist and a biological warfare epidemiologist and expert in anthrax. Nass publishes [Anthrax Vaccine](#).

Here is the Complaint, filed on April 2, 2015 alleging gross mishandling of the case on many levels, and concealment of evidence exonerating Bruce Ivins:

<http://www.documentcloud.org/documents/1714250-former-fbi-special-agent-in-charge-richard.html>

Excerpts:

5. This complaint further details how Defendants' derelict failure to perform their mandated legal duties to Plaintiff was driven by Defendants' blinding animus toward Plaintiff for Plaintiff's prior whistleblower reports of FBI and DOJ mismanagement of the FBI's investigation into the anthrax attacks of 2001 (code named "AMERITHRAX").

From pages 23 to 25:

50. In the fall of 2001, following the 9/11 attacks, a series of anthrax mailings occurred which killed five Americans and sickened 17 others. Four anthrax-laden envelopes were recovered which were addressed to two news media outlets in New York City (the New York Post and Tom Brokaw at NBC) and two senators in Washington D.C. (Patrick Leahy and Tom Daschle). The anthrax letters addressed to New York were mailed on September 18, 2001, just seven days after the 9/11 attacks. The letters addressed to the senators were mailed 21 days later on October 9, 2001. A fifth mailing of anthrax is believed to have been directed to American Media, Inc. (AMI) in Boca Raton, Florida based upon the death of one AMI employee from anthrax poisoning and heavy spore contamination in the building.

51. Executive management at FBI Headquarters assigned responsibility for the anthrax investigation (code named "AMERITHRAX") to the Washington Field Office (WFO), dubbing it the single most important case in the FBI at that time.

52. In October 2002, in the wake of surging media criticism, White House impatience with a seeming lack of investigative progress by WFO, and a concerned Congress that was considering revoking the FBI's charter to investigate terrorism cases, Defendant FBI Director Mueller reassigned Plaintiff from the FBI's San Diego Field Office to the Inspection Division at FBI Headquarters and placed Plaintiff in charge of the AMERITHRAX case as an "Inspector." While leading the investigation for the next four years, Plaintiff's efforts to advance the case met with intransigence from WFO's executive management, apathy

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and error from the FBI Laboratory; politically motivated communication embargos from FBI Headquarters, and yet another preceding and equally erroneous legal opinion from Defendant Kelley – all of which greatly obstructed and impeded the investigation.

53. On July 6, 2006, Plaintiff provided a whistleblower report of mismanagement to the FBI's Deputy Director pursuant to Title 5, United States Code, Section 2303. Reports of mismanagement conveyed in writing and orally included: (a) WFO's persistent understaffing of the AMERITHRAX investigation; (b) the threat of WFO's Agent in charge to retaliate if Plaintiff disclosed the understaffing to FBI Headquarters; (c) **WFO's insistence on staffing the AMERITHRAX investigation principally with new Agents recently graduated from the FBI Academy resulting in an average investigative tenure of 18 months with 12 of 20 Agents assigned to the case having no prior investigative experience at all;** (d) WFO's eviction of the AMERITHRAX Task Force from the WFO building in downtown Washington and its relegation to Tysons Corner, Virginia to free up space for Attorney General Ashcroft's new pornography squads; (e) FBI Director's Mueller's mandate to Plaintiff to "compartmentalize" the AMERITHRAX investigation by stove piping the flow of case information and walling off task force members from those aspects of the case not specifically assigned to them – a move intended to stem the tide of anonymous media leaks by government officials regarding details of the investigation. This sequestration edict decimated morale and proved unnecessary in light of subsequent civil litigation which established that the media leaks were attributable to the United States Attorney for the District of Columbia and to a Supervisory Special Agent in the FBI's National Press Office, not to investigators on the AMERITHRAX Task Force; (f) WFO's diversion and transfer of two Ph.D. Microbiologist Special Agents from their key roles in the investigation to fill billets for an 18 month Arabic language training program in Israel; (g) **the FBI Laboratory's deliberate concealment from the Task Force of its discovery of human DNA on the anthrax-laden envelope addressed to Senator Leahy and the Lab's initial refusal to perform comparison testing;** (h) the FBI Laboratory's refusal to provide timely and adequate scientific analyses and forensic examinations in support of the investigation; (i) Defendant Kelley's erroneous and subsequently quashed legal opinion that regulations of the Occupational Safety and Health Administration (OSHA) precluded the Task Force's collection of evidence in overseas venues; (j) the FBI's fingering of Bruce Ivins as the anthrax mailer; and, (k) **the FBI's subsequent efforts to railroad the prosecution of Ivins in the face of daunting exculpatory evidence. Following the announcement of its circumstantial case against Ivins, Defendants DOJ and FBI crafted an elaborate perception management campaign to bolster their assertion of Ivins' guilt. These efforts included press conferences and highly selective evidentiary presentations which were replete with material omissions.** Plaintiff further objected to the FBI's ordering of Plaintiff not to speak with the staff of the CBS television news magazine 60 Minutes or investigative journalist David Willman, after both requested authorization to interview Plaintiff.

54. In April 2008, some of Plaintiff's foregoing whistleblower reports were profiled on the CBS television show 60 Minutes. This 60 Minutes segment was critical of FBI executive management's handling of the AMERITHRAX investigation, resulting in the agency's embarrassment and the introduction of legislative bills calling for the establishment of congressional inquiries and special commissions to examine these issues – a level of scrutiny the FBI's Ivins attribution could not withstand.

55. After leaving the AMERITHRAX investigation in 2006, Plaintiff continued to publicly opine that the quantum of circumstantial evidence against Bruce Ivins was not adequate to satisfy the proof-beyond-a-reasonable doubt threshold required to secure a criminal conviction in federal court. **Plaintiff continued to advocate that while Bruce Ivins may have been the anthrax mailer, there is a wealth of exculpatory evidence to the contrary which the FBI continues to conceal from Congress and the American people.** The FBI vehemently opposes Plaintiff's position.

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