

# DOJ WANTS TO HAVE ITS CULPRIT AND WITHHOLD SOME MATERIALS, TOO

News reports say something is going to happen today with the anthrax case. But it's not sure what. NPR reports that DOJ is going to declare its case solved—even while it doesn't close the case.

Officials close to the anthrax investigation have told NPR that the FBI will declare the case of the 2001 anthrax letters solved Wednesday, but that the case will remain open so agents can follow up on some recent leads.

FBI Director Robert Mueller is expected to brief victims of the attacks, which killed five people and sickened 15, Wednesday morning. The bureau is expected to have a press conference Wednesday as well, though officials have yet to formally announce it.

Forgive me for my skepticism. But when even the traditional media is catching up to Glenn in discovering the circumstantial nature of the case against Ivins, I find this "solved but not really" status really dubious. Here's the AP on the three gaping holes that at least appear to remain in the government's case:

The key to the investigation was an advanced DNA analysis that matched the anthrax that killed five people to a specific batch controlled by Ivins. It is unclear, however, how the FBI eliminated as suspects others in the lab who had access to the anthrax.

And then there's the question of motive. Authorities believe the attacks may have been a twisted effort to test a cure for the toxin. Ivins complained of the

limitations of animal testing and shared in a patent for an anthrax vaccine. But for now, it's not clear what, if any, evidence bolsters that theory.

Investigators also can't place Ivins in Princeton, N.J., when the letters were mailed from a mailbox there. And the only explanation for why the married father of two might have made the seven-hour round trip is bizarre.

No motive, no way to place Ivins at the scene of the crime, and no apparent way to eliminate the other people (Fox cited four suspects in March based on an email the FBI also has) who could have committed the crime. So, at least from what we've seen, just circumstantial evidence and a breakdown after badgering from the FBI. I guess the way we solve crimes in this country is to confront people in shopping malls to see if the person in question commits suicide as a result.

Now, NPR says DOJ may do a document dump, as soon as today.

The Justice Department is expected to ask a federal judge to unseal most of the case documents so they can explain why they think Ivins is their man.

But of course, since they aren't closing the investigation, the documents will be selective, meaning we still don't get to assess the larger case.

I understand DOJ's desire to bring closure to this issue, and it may be that Ivins really was the terrorist and really did act alone. But this prosecution by press conference still feels really fishy.