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## Dakota Resources

### “A personal interest in this matter”: 9/11 and the Anthrax Attacks in the Thomas A. Daschle Career Papers

On 11 September 2001, nineteen terrorists affiliated with al-Qaeda high-jacked four airliners, ultimately crashing them into the World Trade Center in New York City, the Pentagon in Washington, D.C., and a site near Shanksville, Pennsylvania. The following day, the United States Senate issued Senate Joint Resolution 22, which the House of Representatives unanimously approved one day later. This statement not only condemned those who planned and carried out the attacks but also declared that Congress was “certain that the people of the United States will stand united as our Nation begins the process of recovering and rebuilding.”<sup>1</sup> Two days later, the Senate passed Senate Joint Resolution 23 authorizing the use of military force against those responsible for the attacks. Once again, all senators present voted for the measure, and the resolution won approval in the House with no objections.<sup>2</sup> In hindsight, both resolutions appear remarkable for the evident unanimity of their support. Even the shock following the attack on Pearl Harbor in 1941 failed to convince every member of Congress to vote for a declaration of war against Japan—there was one dissenting vote<sup>3</sup>—yet, this apparent political consensus, which was partly achieved due to the majority leadership of Democratic Senator Tom Daschle of South Dakota, encountered serious challenges as America pondered its next course of action under Republican President George W. Bush. The

1. Library of Congress, THOMAS, “Bill Summary & Status, 107th Congress (2001–2002), S. J. Res. 22,” <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SJ00022:@@L&summ2=m&>, accessed 4 Nov. 2013.

2. Library of Congress, THOMAS, “Bill Summary & Status, 107th Congress (2001–2002), S. J. Res. 23,” <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SJ00023:@@L&summ2=m&>, accessed 4 Nov. 2013.

3. *New York Times*, 8 Dec. 1941.

appearance of anthrax-laced letters just a few weeks after the 11 September terrorist attacks, including one sent to the senator's own office, only added to the perceived terror threat. As a newly available collection of archival documents reveals, the targeted nature of these mailings ensured that Daschle would become personally involved in the anthrax case, even as he worked to guide the congressional response to the worst terrorist attack in American history.

The Thomas A. Daschle Career Papers, recently opened to researchers in the archives at South Dakota State University, contain a wealth of information concerning the Democratic Senate leader's evolving responses to these national crises. Born in Aberdeen in 1947, Daschle graduated from South Dakota State University in 1969 with a degree in political science and spent twenty-six years in Congress before donating the enormous compilation of documents to his alma mater. Located in the Special Collections Department of the Hilton M. Briggs Library on the main university campus in Brookings, the Daschle Papers contain approximately two thousand linear feet of documents and other materials. These items include letters and other written documents, as well as audio, video, and photographic records, artwork, and memorabilia, such as the flag that flew over the United States Capitol on 11 September 2001. Moreover, there is considerable digital material, which archivists plan to make accessible in the coming years. Taken together, these documents, which span Daschle's political life from his election to the House of Representatives in 1978 to his service in the United States Senate ending in 2005, constitute a significant new trove for scholars.

There is much concerning 9/11 in the Daschle Papers, but the content related to the anthrax mailings is even more voluminous owing to the senator's special interest in the bio-weapons attacks. One reason for the copious amount of material was the duration and sheer complexity of the government's reaction to both the 9/11 and anthrax attacks. The vast quantity of technical data assembled by investigators compelled Daschle, in one instance, to consult an "Anthrax Chronology" in order to stay abreast of the case, to which he added marginalia that carefully corrected or amplified certain details on the original manuscript.<sup>4</sup>

4. "Anthrax Chronology," 8 Jan. 2002, folder 13, "Brentwood, P.O., 2003," box 524, Thomas A. Daschle Career Papers, South Dakota State University Archives and Special



Tom Daschle, a native of Aberdeen, represented South Dakota in the United States Senate from 1987 to 2005. At the time of the 9/11 terrorist attacks, he was Senate majority leader.

A further cause for the abundance of documents was that the terrorists' actions provoked a massive public response. Incoming mail swamped Daschle's office almost immediately as Americans wrote to offer advice and encouragement. Ned Collins, a staffer who handled much of this correspondence, noted in an email just two days after the attacks that he "pulled out any questionable political letters" and "sorted through the incoming (since 9/11/01)" to create six "piles" of documents. These categories included prayers for those involved, as well as letters on the importance of retaliating against terrorists and the countries harboring them; on how to proceed in the realms of domestic security, foreign policy, military action, and the like; on politically volatile or sensitive issues; on rising gas prices; and on concerns about possible future terrorist targets and terror-related insurance claims.<sup>5</sup>

A picture of the daily operations of Daschle's office at this time emerges in documents produced by staff members, such as the email quoted above, as well as in notes scrawled during meetings with the senator. More formal documents appear in the senator's papers as well, including transcripts of "floor statements" made by Daschle, letters from Senate colleagues, and drafts of congressional resolutions. Finally, there are numerous copies of newspaper articles, which hint at press reports that the senator found interesting, as well as documents marked "restricted," many of which relate to the 9/11 Commission.<sup>6</sup>

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Collections, Hilton M. Briggs Library, South Dakota State University, Brookings (this collection is hereafter cited DCP). *See also* "Chronology," *ibid*.

5. Collins to Laura Petrou, email, 13 Sept. 2001, 2:42 p.m., folder 20, "Post-September 11—Early Days," box 507, DCP. As majority leader of the Senate, Daschle served as one of those selected to appoint members to the bipartisan 9/11 Commission, which was charged with preparing the official report on the events leading up to the attacks of 11 September 2001.

6. *See*, for example, Bob Graham to Tom Daschle, 20 Nov. 2002 [restricted], folder 16, "National Commission for Review of Research and Development Programs of Intelligence Community—Senator Graham and Dr. Paul Kaminski," box 512, DCP. In this letter, Graham observed, "Our Joint Inquiry into the events of September 11, 2001, revealed [that] our Intelligence Community has a number of serious problems that will need to be addressed in the coming months and years. . . . Our key intelligence R&D programs must be evaluated to ensure that they are providing the intelligence agencies the highest level of technological capabilities available today to detect, characterize, assess, and ultimately counter, the full range of threats to our national security." Graham concluded with the following request: "Given my ten years of experience on the Senate

The Daschle Papers contain a great deal of material on daily business in the immediate aftermath of 9/11, illuminating the relationship between Congress and the president, attempts to deter anti-Muslim prejudice, efforts to aid the airlines and victims after the al-Qaeda attacks, and Daschle's initial reactions to the appearance of anthrax in the mail, as well as concerns for the majority leader's personal security. United States Capitol Police files, for instance, reveal that the South Dakota senator had more reason than other members of Congress to fear for his safety. Even before September 2001, his staff collected an unusual number of threatening messages. While none of the other congressional leaders, including House Speaker Dennis Hastert (R-Ill.), Senate Minority Leader Trent Lott (R-Miss.), Senate Majority Whip Harry Reid (D-Nev.), Senate Minority Whip Donald Nickles (R-Okla.), House Majority Leader Dick Armey (R-Tex.), House Minority Leader Dick Gephardt (D-Mo.), and House Majority Whip Tom DeLay (R-Tex.), received any threats, a "Summary of Investigation" compiled by the Capitol Police in May 2001 confirmed that the FBI opened four security checks on behalf of Daschle. These cases addressed three menacing telephone calls made to his offices in Washington, D.C., and Rapid City, South Dakota, along with an email that directly threatened his life.<sup>7</sup> The messages clearly caused sincere concern in these agencies, given that the senator typically eschewed elaborate security details.<sup>8</sup> In response to the potential danger, the FBI and other officials convened a meeting with Daschle's staff on 18 May 2001, which only became more

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Select Committee on Intelligence, the last two in a leadership position, I believe that I could make a valuable contribution to the work of the R&D Commission. I respectfully request that you consider selecting me for the Commission and support my selection as the Democratic co-chair of the Commission."

7. Threat Assessment Section, United States Capitol Police, "Summary of Investigation," 16 May 2001, folder 10, "Threat Assessment-LP, 2001," box 507, DCP.

8. In November 2001, journalist William Welch noted that "bioterrorism has changed Daschle's daily life. He now is followed everywhere by security agents, even on trips to the grocery store. Until the terrorist attacks of Sept. 11, Daschle had declined security protection; in August, he spent several weeks driving around his home state meeting voters alone or with a visiting reporter." Welch quoted Daschle as saying, "When I ran for leader, safety was not one of my concerns. . . . This is not something that I'm still fully adjusted to" (Welch, "Daschle tries not to dwell on being target," *USA Today*, 9 Nov. 2001, folder 251, "FBI: Anthrax (1) 2002," box 524, DCP).



To recognize his leadership during the crisis, the Capitol Police presented Daschle with the flag that flew over the United States Capitol on 11 September 2001.



urgent after he received an additional threat that very week.<sup>9</sup> Subsequently, it became apparent that no connection existed between these threats and the al-Qaeda attacks, but neither the senator, nor those responsible for his safety, possessed any way of knowing this fact on 11 September.

Daschle presented an account of his initial thoughts and reactions to the national-security crisis in his popular memoir *Like No Other Time*, but the manuscripts in the collection at South Dakota State University provide scholars with an unfiltered and highly detailed supplement to this text.<sup>10</sup> A hastily composed “fact sheet” begun at 11:30 on the morning of 11 September recorded that “Senator Daschle was evacuated from the Capitol under the protection of the United States Capitol Police, Sergeant-at-Arms [Al Lenhardt] and Secretary of the Senate [Jeri Thomson] shortly before 10:00 a.m. and brought to a secure” area, where he and Senators Lott, Reid, and Nickles gathered to receive “regular briefings . . . based on information provided by the FBI, CIA and Department of Defense.” The Senate leaders’ earliest public response declared their “outrage at this cowardly attack,” and all resolved “to stand united behind the President as Commander-in-Chief.”<sup>11</sup> One of Daschle’s staff scribbled a secure email address on a “sticky note” so that the assembled senators could remain in contact at their undisclosed location, though the legislators apparently agreed to delay an initial intelligence meeting because the president had not yet been briefed.<sup>12</sup> During this interlude, Daschle actively worked to draft

9. Jeri Thomson to Petrou, email, 18 May 2001, 10:17 a.m., and anonymous to Jeri [Thomson], 15 May 2001, both folder 10, “Threat Assessment-LP, 2001,” box 507, DCP. It is worth pointing out that none of the safety precautions suggested for Daschle prior to 9/11 would have prevented the subsequent release of anthrax in his office.

10. Tom Daschle, with Michael D’Orso, *Like No Other Time: The Two Years That Changed America* (New York: Three Rivers Press, 2003).

11. “Fact Sheet,” 11 Sept. 2001, folder 19, “September 11, 2001—Statements,” box 507, DCP. A note posted on Daschle’s office door read simply: “September 11, Senator Daschle’s Office is closed today” (Anonymous note, 11 Sept. 2001, *ibid*).

12. Both anonymous notes, dated 11 Sept. 2001, are in folder 19, “September 11, 2001—Statements,” box 507, DCP. Another unsigned note written on a page from a legal pad bearing the Capitol watermark contains important contact numbers for Daschle’s staff, including the capitol police headquarters and their own contact numbers at the undisclosed location. Another sheet contains pin numbers for secure telephone lines. A

Senate Joint Resolution 23. This document contained the senator's marginal notation: "I think we may need to separately mention NY: Pentagon." He apparently came to this conclusion after an "*extremely emotional*" call from Senator Charles ("Chuck") Schumer (D.-N.Y.), and he inserted in the draft resolution a pledge "that our nation will emerge from this dark episode united and strong, and remain a beacon of justice and freedom throughout the world."<sup>13</sup>

The deliberately optimistic and reassuring air of these pronouncements notwithstanding, the Daschle Papers demonstrate that the senator struggled with the shifting diplomatic, military, and constitutional implications of congressional actions in the aftermath of the attacks. Daily business at the Capitol changed rapidly after 9/11. A fax message sent at 8:35 a.m. on 12 September announced that the "Senate will immediately turn to consideration of a resolution relating to yesterday's tragic events."<sup>14</sup> In spite of these disruptions, Congress initially echoed and supported the president's call for war against the Taliban in Afghanistan and any other country that offered support or shelter to any terrorist group, a policy later known as the Bush Doctrine.<sup>15</sup> Daschle approved a draft of Joint Resolution 23 stating that "every member of Congress—Democrats and Republicans alike—stands with the President as our Commander-in-Chief," adding that they authorized "the President to use force against the terrorists who attacked our nation and any nation, organization or person who aids or harbors them," and

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coffee stain on the bottom of the page hints at the stressful environment that permeated the secret location during this time. A moving postlude to the day occurred when a large number of assembled senators and representatives who had gathered for a late congressional news conference spontaneously sang "God Bless America."

13. Daschle, marginalia on draft of "Joint Resolution of Congress for September 12, 2001," 11 Sept. 2001, folder 19, "September 11, 2001—Statements," box 507, DCP. Another staff member added, "Pittsburgh too? (only other site)" to the document in reference to the crash of the fourth terrorist-highjacked airliner near Shanksville, Pennsylvania, while Daschle underlined the word "extremely."

14. Anonymous, fax message, 12 Sept. 2001, 8:35 a.m., *ibid.* The message also noted that there were "'State of the Union' street closures around the Capitol." All staff were required to carry identification. The Capitol and Senate office buildings were to remain open, but all tours were suspended.

15. George C. Herring, *From Colony to Superpower: U.S. Foreign Relations since 1776* (New York: Oxford University Press, 2008), pp. 943–44.



vowing to “make whatever material or physical sacrifices are needed to . . . prevent future attacks.”<sup>16</sup>

Despite this apparent political consensus achieved in the immediate aftermath of 9/11, Daschle also determined that Congress’s initial support of President Bush’s aggressive foreign policy should remain strictly conditional. He underlined and bracketed a passage in an email he received on 14 September, which stipulated, “The resolution today clearly puts Congress on record in support of the War Powers Resolution, maintaining [the balance of power] between the Congress and the President. That Resolution plainly maintains that the President cannot act alone.”<sup>17</sup> Success in preventing those who were involved in the attacks on September 11, 2001 from repeating such heinous acts dictates that Congress and the President continue to act together.” The senator appeared especially insistent that the lawmakers’ initial consent for military action did not imply open-ended approval for the balance of the conflict. To make this point explicit, he underlined a subsequent passage: “We will vigilantly demand that the President continue that cooperation through regular consultation with the Congress” emphasizing that such consultation was “vital to ensuring that the two branches continue to work together toward our common goal.”<sup>18</sup> Foreign affairs, however, were not the senator’s only ongoing concern.

As the president and Congress resolved to deploy American forces against al-Qaeda and the Taliban regime in Afghanistan, Daschle also spoke out forcefully against intolerance and bigotry at home. A num-

16. Dennis McDonough, email forwarded to Molly Rowley by Jeff Nussbaum, 14 Sept. 2001, 2:08 p.m., folder 20, “Post-September 11—Early Days,” box 507, DCP.

17. The War Powers Resolution, or War Powers Act of 1973, imposed conditions on the president’s ability to send military troops into action abroad. The measure stipulates that the commander-in-chief can commit troops only by Congressional authorization or if the country is under attack or serious threat. The president must notify Congress within forty-eight hours of committing troops, and troops cannot remain for more than sixty days without a declaration of war. The law was enacted to avoid lengthy entanglements like the Vietnam War, although presidents have consistently viewed it as infringing upon their constitutional powers. Public Law 93-148, 87 Stat. 555.

18. McDonough, email forwarded to Molly Rowley by Jeff Nussbaum, 14 Sept. 2001. See also “Draft of Joint Resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States,” n.d., folder 20, “Post-September 11—Early Days,” box 507, DCP.

ber of isolated but disturbing acts of bias against Muslim, Sikh, and Arab Americans led the senator to proclaim, “We are all horrified by what has happened” but “we cannot allow our grief and anger to trample our ideals.” The senator recalled that the United States once “made the mistake, in the wake of Pearl Harbor, of trampling the basic rights of good and patriotic” Japanese Americans “simply because of their ancestry.” This reaction had left “a shameful scar on our nation’s history,” and Daschle admonished all citizens that the nation “must not repeat that mistake in the wake of the attacks on the World Trade Center and the Pentagon.” Such statements were not merely platitudinous. Daschle appeared genuinely concerned that any acts of religious or ethnic bigotry should be suppressed, and he deliberately rephrased a line in this document so that it would apply to all Muslims, whether they resided in America or lived abroad. The senator’s blue pen traced a line through “our-Muslim(s) brothers and sisters in America” so that the revised sentence read “Just as Americans are united against the monsters who attacked our nation, and their co-conspirators, we must also be united against acts of hate against Arab-Americans and Muslims.”<sup>19</sup>

Documents in the Daschle Papers also suggest that the senator was well aware of financial difficulties suffered by survivors of the attacks, consumers, the airlines, and aid workers. There were, for instance, concerns that some service-station owners were exploiting 9/11 in order to inflate gasoline prices up to five dollars per gallon, and an “urgent” letter to Daschle from Secretary of Energy Spencer Abraham revealed that an investigation by the Energy Information Administration uncovered “no supply disruption to justify such prices.”<sup>20</sup> Far more pressing, however, was the need to offer aid to victims of the attacks. A letter from an association of New York City legal organizations to Senators Ernest Hollings (D.-S.C.) and Judd Gregg (R.-N.H.), who headed the Senate Appropriations Subcommittees on Commerce, Justice, State,

19. “Draft of Statement by Senate Majority Leader Tom Daschle Supporting the Use of Force Against Terrorists, Urging Respect for Innocent Arab and Muslim Americans,” 14 Sept. 2001, folder 20, “Post-September 11—Early Days,” box 507, DCP.

20. Spencer Abraham to Daschle, 12 Sept. 2001, folder 20, “Post-September 11—Early Days,” box 507, DCP. Abraham added, “I would encourage you to inform your constituents who encounter such unjustified prices to seek other stations and to bring it to our attention via the Department of Energy Hotline.”

and the Judiciary, hinted at the dire repercussions of the 9/11 attacks.<sup>21</sup> The attorneys petitioned the senators for federal funding to cover services for “Low-income victims,” including illegal immigrants who needed help with “a variety of urgent legal needs” since nearly 110,000 jobs had been lost in New York “as a direct, indirect or consequential result of the attacks.” The letter also made it clear that most of those who died in the strike on the World Trade Center (an assault largely funded by wealthy donors from oil-rich nations bordering the Persian Gulf) were poor people, including “custodial workers, elevator operators, window washers, messengers, maintenance workers, mail room staff and receptionists” who lacked “personal resources, such as life insurance.” The attorneys also stressed, on “a particularly tragic note,” that “several thousand children lost a parent—in some cases, their only parent—in the attack.”<sup>22</sup> While the needs of victims remained a priority, other urgent concerns for assistance also emerged.

The Daschle Papers contain extensive materials on efforts to prioritize relief efforts for the commercial aviation industry amid urgent calls for aid on behalf of emergency public-safety officers, such as the police and firefighters. At a bipartisan congressional news conference held on 18 September, Daschle announced that while “our first and foremost goal is to help the families and the victims of the tragedy of last week,” one of the “parts of our economy most adversely affected” was the airline industry.<sup>23</sup> Officials with United Airlines and American

21. Daniel Greenberg, Evan Davis, and Joshua Rosenkranz to Ernest Hollings and Judd Gregg, 6 Nov. 2001, folder 20, “Post-September 11—Early Days,” box 507, DCP. Daniel Greenberg was president of the Legal Aid Society of New York, Evan Davis was president of the Association of the Bar of the City of New York, and E. Joshua Rosenkranz was president of the Brennan Center for Justice at New York University Law School. Senators Ernest Hollings and Judd Gregg were the “chair” and “ranking” members, respectively, of the Senate Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary.

22. Ibid. See also Lawrence Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11* (New York: Vintage Books, 2007), p. 374; *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York: W. W. Norton, 2010), p. 170. Al-Qaeda spent nearly a half-million dollars to launch the attack. For a film that examines one of the victims, see *9/11: The Falling Man* (2006), [http://www.snagfilms.com/films/title/9\\_11\\_the\\_falling\\_man](http://www.snagfilms.com/films/title/9_11_the_falling_man).

23. Daschle, “Bipartisan Bicameral Leadership Holds News Conference, September

Airlines, owners of the airplanes that hit the World Trade Center, worried that they would be liable for damages both to the buildings and people on the ground under New York state law. Fearing bankruptcy, these companies sought to exempt themselves “from liability for anything but their normal responsibility for pain and trauma suffered by passengers and crew members.”<sup>24</sup>

A message Daschle received from Senator Mark Dayton (D.-Minn.) likely echoed his own concerns that a weakened aviation industry would unsettle communities like Sioux Falls and Rapid City, which relied on smaller airports. Dayton noted, for instance, that Northwest Airlines “was preparing to pull out of Thief River Falls, Minnesota,” and he advised his colleague that “language should be added to any increased funding provision that disallows a major airline from eliminating service to any community, currently served, for the next 12 months” so that air travel could remain guaranteed.<sup>25</sup> Despite such restrictive language, the airlines themselves also lobbied in favor of protective legislation, and Daschle and Lott eventually introduced “A Bill to preserve the continued viability of the United States air transportation system,” which ultimately became the Air Transportation Safety and System Stabilization Act.<sup>26</sup> Gordon Bethune, chairman of the board and chief executive officer of Continental Airlines, drafted a personal note to Daschle, which he signed simply “Gordon,” thanking the senator for this supportive legislation.<sup>27</sup> Not everyone, however, appeared

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18, 2001,” transcript, 18 Sept. 2001, folder 21, “Airline Stabilization, Post-September 11, 2001,” box 507, DCP.

24. “Clint” and Petrou to Daschle, “Memorandum on Meeting on Airline Industry Bailout,” 17 Sept. 2001, *ibid*.

25. Dayton to Daschle, email, 21 Sept. 2001, 11:43 a.m., folder 21, “Airline Stabilization, Post-September 11, 2001,” box 507, DCP.

26. Daschle and Lott, “A Bill to preserve the continued viability of the United States air transportation system,” 21 Sept. 2001, *ibid*.

27. Bethune to Daschle, 1 Oct. 2001, *ibid*. Bethune and Daschle apparently knew each other quite well. Brody Mullins, in “Airlines Seek Second Bailout,” *Roll Call*, 12 Mar. 2003, *ibid*., states that the senator’s wife worked as “a senior lobbyist for American Airlines with Baker & Hostetler. Daschle says she does not lobby the Senate.” Daschle also received personal “thank you” notes from Douglas Steenland, who was the president of Northwest Airlines. *See* Steenland to Daschle, n.d., folder 21, “Airline Stabilization, Post-September 11, 2001,” box 507, DCP.

as pleased with the high priority that Congress accorded to the airlines' appeals.

While air carriers successfully lobbied Congress for relief, Daschle also received a critical letter from Kevin Gallagher, president of the Uniformed Firefighters' Association of Greater New York. Gallagher charged that "American Airlines and United Airlines had begun soliciting the U.S. Congress to enact for them unprecedented immunity for the horrendous events of September 11, 2001" even "before the dust had settled at the ruins of the World Trade Center." Gallagher's principal desire, it seems, was to prohibit airlines from receiving legal protections against future lawsuits filed by "firefighters, police officers, and emergency medical personnel," or their families.<sup>28</sup> Despite these entreaties, Congress largely sided with the aviation industry. While the Air Transportation Safety and System Stabilization Act created a victim compensation fund for anyone "who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001," it also capped "air carrier liability for September 11th incidents to the maximum of the carrier's liability coverage," thus effectively limiting any potential lawsuits by rescue workers against the airlines.<sup>29</sup> Yet, Daschle was not entirely immune to the ongoing concerns of Gallagher and others in regard to the new legislation. In his talking points on this issue, he attested that while the nation's air transportation system and economy faced a real emergency, "two essential missing pieces" remained unresolved. Congress had accomplished "some good, critical things" by keeping commercial aviation afloat and compensating victims, but the senator still insisted that additional funding was vital for "further, comprehensive safety measures in airports and on aircraft," as well as for the "needs of workers dislocated by this tragedy."<sup>30</sup>

As the Senate worked to address the sometimes-contradictory demands of industries, workers, and private citizens, the Daschle Papers also reveal that a spate of anthrax-filled letters soon induced many to

28. Gallagher to Daschle, Lott, and the Members of the United States Senate, 20 Sept. 2001, folder 11, "Victims," box 524, DCP.

29. "The Air Transportation Safety and System Stabilization Act," n.d., *ibid.*

30. Daschle, "Talking Points on Aviation Assistance and Displaced Workers," 21 Sept. 2001, folder 21, "Airline Stabilization Post-September 11, 2001," box 507, DCP.

suspect that a new round of al-Qaeda attacks was already underway. Just two weeks after 9/11, an envelope containing a white powder arrived at NBC headquarters in New York City. Erin O'Connor, an assistant who opened letters for Tom Brokaw, soon complained of a rash and a fever, but initial FBI tests for anthrax appeared negative. As a result, O'Connor and other Americans remained unaware that lethal amounts of anthrax were circulating in the nation's mail until the first fatality occurred. Robert Stevens, a sixty-three-year-old grandfather who worked as photograph editor for a tabloid based in Boca Raton, Florida, arrived in a local emergency room with severe health problems, including fever and vomiting. While antibiotics tragically failed to save Stevens, physicians identified his highly unusual symptoms as inhalation anthrax and quickly alerted the medical community to their frightening discovery. On the same day, Claire Fletcher, an assistant at CBS News, began taking antibiotics for another suspected exposure. Further tests revealed that she had cutaneous anthrax, and investigators soon found that at least five poisoned letters had been mailed from Trenton, New Jersey, on 18 September, including one to the *New York Post*, and another to ABC News. Although no clear evidence existed to connect the anthrax attacks to 9/11, press reports printed out by Daschle's staff speculated on a possible connection between the two events. A *USA Today* article by Robert Davis observed that the first letters containing anthrax had traveled through the Trenton post office, which was "not far from where six of the 19 hijackers had lived in Paterson, N.J. Nobody knows if the letters have any connection to the hijackers."<sup>31</sup> The arrival of a new anthrax letter in the senator's own office on 15 October, however, prompted him to focus efforts on this newest round of terrorism.

With Daschle and his staff now in the very crosshairs of a terror attack, anthrax became a personal and pivotal issue, and the senator remained dedicated to obtaining justice for all of the victims and their families. The fifteenth of October was a day, he later remarked, that he would "never forget."<sup>32</sup> When the envelope arrived in the office on

31. Robert Davis, "Anthrax outbreak: Disease rapidly outran response," *USA Today*, 25 Oct. 2001, folder 7, "Anthrax Press Clips, 2002," box 524, DCP.

32. Daschle, "The Unsolved Case of Anthrax," *Washington Post*, 15 Oct. 2006.



15 October, Tim Mitrovich, one of the senator's twenty-three aides, recalled being approached by another staff member, who informed him that "someone had just opened a letter with white powder in it." Although Mitrovich initially suspected a hoax, he followed the new protocol the senator's staff had received only three days earlier: "Remain calm. Call the Capitol Police. Don't leave the area. Try to keep others out." Shortly thereafter, a field test revealed the grim news that the powder contained anthrax. All staffers were then "led out into the hallway, given nasal swab tests for exposure and handed their first doses" of Ciprofloxacin, an extremely strong antibiotic popularly known as Cipro. Despite the life-threatening situation, Mitrovich observed that calm, albeit "an anxious calm," prevailed. Nevertheless, he called his wife to reassure her before the news appeared in the media. That evening, Mitrovich went home, showered, and washed his clothes as instructed, though he still worried that he might have unwittingly carried some of the powder back to his family.<sup>33</sup>

Just two days later, twenty people who worked in Daschle's office received word that they had tested positive for anthrax, Mitrovich among them. Under the circumstances, some staff members speculated on the severity of their exposure, based upon their location near air ducts within the office building, as well their proximity to the letter itself. Mitrovich later observed that it was "anybody's guess how much we actually sucked into our lungs." Many of them soon opted to proceed with a "controversial" treatment offered by health officials, who worried about the long-term effects of exposure to anthrax. Because of "significant gaps" in the existing medical knowledge in this area, physicians extended the normal course of Ciprofloxacin to ninety days and offered the victims access to an unlicensed vaccine. Some chose to receive the treatment, despite the possible risks, because, as Mitrovich recalled, they may have been exposed to "thousands, if not hundreds of thousands of spores." He hoped that the vaccine would "be a way to put a seal on it once you've stopped the antibiotics."<sup>34</sup> As all soon dis-

33. Toby Eckert, "S. D. [San Diego] native's exposure to anthrax tale of fear, survival: he was there when coworker opened letter to Sen. Daschle," *Copley News Service*, 31 Dec. 2001, in folder 7, "Anthrax Press Clips, 2002," box 524, DCP.

34. Ibid.

cerned, the medical experts' concerns as to the lethality of the anthrax were well founded.

The senator's papers not only show that the anthrax sent to Daschle was a particularly deadly type but also reveal that, as early as November 2001, many speculated that it originated in Iraq. Researchers discovered to their alarm that the bacterium found in the senator's office was an especially virulent form of anthrax known as the Ames strain, which American scientists had employed since the early 1980s to develop vaccines.<sup>35</sup> Worse still, an investigation by the United States Army Medical Research Institute of Infectious Diseases (USAMRIID) concluded that the silica powder attached to the lethal bacterium in the Daschle letter was "the perfect size to float in the air and lodge in the lungs." Although the highly refined quality of this material revealed that its manufacturer possessed a high level of technical knowledge, experts still reasoned that it could have been manufactured by almost any microbiologist possessing "specialized equipment."<sup>36</sup>

As a result, two rival theories soon circulated about the source of the anthrax attacks. The first postulated that terrorists stole the anthrax from a lab and then weaponized it in a basement or garage with equipment widely available for purchase in the United States. The second, and even more ominous, theory hazarded that a foreign government had launched the attacks. Although it was known that the Soviet Union once produced enormous quantities of the bacterium, most suspicion focused on Iraq, whose government tried to purchase anthrax in the 1980s, as the most likely culprit. Daschle's staff copied an article in *USA Today* that quoted Rutgers University professor Richard H. Ebright, an authority on bioterrorism, who imagined that "one or two biological weapons experts" sent from another country "could have visited New Jersey long before Sept. 11, imparted their rarified knowledge to

35. The bacterium originated in Sarita, Texas, not Iowa, but confusion about its return address led scientists at the United States Army Medical Research Institute of Infectious Diseases to label it the "Ames strain." See U.S., Department of Justice, *Amerithrax Investigative Summary*, 19 Feb. 2010, p. 28n12.

36. "Anthrax source: Was it N. J. basement or Iraq," *USA Today*, 8 Nov. 2001, folder 251, "FBI: Anthrax (1) 2002," box 524, DCP.

a few local operatives then left without ever being noticed.”<sup>37</sup> In late 2001, however, few seemed disposed to believe that the actual source of the anthrax found in the letters was a repository safeguarded by the United States government.

As confusion about the author of the mailings magnified the impact of these attacks, Daschle sought to learn more about the terrible weapon that sickened so many of his own staff.<sup>38</sup> As the senator likely discovered, the United States’ biological warfare program commenced during World War II and expanded at Fort Detrick, Maryland, during the Cold War.<sup>39</sup> Research proceeded there through the late 1960s, until President Richard Nixon ended America’s offensive bio-weapons program unilaterally on 25 November 1969, though work continued on defensive measures.<sup>40</sup> Ironically, the threat of biological weapons only increased after Nixon’s declaration.

37. Ibid. See also Steve Fainaru and Joby Warrick, “Deadly Anthrax Strain Leaves a Muddy Trail,” *Washington Post*, 25 Nov. 2001.

38. The collection contains a proposal by Jeanne Guillemin for a book entitled *Scared Sick: The Bioterrorism Threat*. Originally, this work was to contain separate sections on the attack in Florida, the attack in New York, and an entire chapter to the attack on Daschle. Guillemin, “Book Proposal,” 16 Mar. 2002, folder 8, box 524, DCP. The manuscript, as subsequently published, differed in some regards from this original plan. See Guillemin, *Biological Weapons: From the Invention of State-Sponsored Programs to Contemporary Bioterrorism* (New York: Columbia University Press, 2005).

39. *Bacterium anthracis* is a spore found on every continent, including Antarctica, which infects animals that ingest it while grazing. Humans traditionally encountered the bacterium only rarely, by touching the dried blood or consuming meat from a diseased animal, until Germany pioneered its use as a biological weapon in World War I. A number of nations, including the United States, secretly developed countermeasures during World War II, but Japan developed one of the most advanced programs due to General Ishii Shirō’s notorious Unit 731, which conducted research on offensive biological weapons in Manchuria from 1932 through 1945. As Cold War tensions intensified, the United States discretely shielded Ishii from prosecution for war crimes and whisked him away to serve as a consultant for the expanding American program based in Fort Detrick, Maryland. David M. Gordon, “The China-Japan War, 1931–1945,” *Journal of Military History* 70 (2006): 178; Guillemin, *Biological Weapons*, pp. 75–91.

40. According to Nixon’s speechwriter William Safire, the president reasoned, “We’ll never use the damn germs, so what good is biological warfare as a deterrent? If someone uses germs on us, we’ll nuke ‘em” (David E. Hoffman, *The Dead Hand: The Untold Story of the Cold War Arms Race and Its Dangerous Legacy* [New York: Doubleday, 2009], pp. 124–25). Nixon’s motives in making this announcement were probably both political as

Although the United States and the Soviet Union formally agreed under the Biological and Toxin Weapons Convention to stop producing offensive weapons in 1972, the Soviets secretly expanded their program until the collapse of their regime. By this point, the Soviets possessed vast stockpiles that dwarfed the small amount that America retained for research on antibiotics and other countermeasures. Because each gram of anthrax may comprise a trillion individual spores, however, stores of the bacterium in the United States still constituted a highly dangerous threat.<sup>41</sup>

Press reports copied for the senator indicate that Daschle likely followed revelations of the security lapses at American facilities during this era with more than passing interest, and the news was not good. An article his staff culled from the *Washington Post* divulged that “the nation’s premier biological defense labs failed at least through the mid-1990s to adopt strict safeguards against the theft of lethal viruses and bacteria.” The *Post* quoted one microbiologist who worked at the lab in the 1980s and early 1990s as saying, “It blew me away. . . . I could have lifted vials of anything and they never would have been missed. There was nothing to stop me.” Controls over the inventory of pathogens and toxins at USAMRIID were lax, according to the scientist, who worked with boulinum toxin, one of the deadliest substances on earth. “No one ever came in and asked, ‘Where’s that material you ordered?’” he stated. “Never once did they ask what you did with it. . . . 7-Eleven keeps better inventory than they did.”<sup>42</sup>

Documents in the collection also reveal that Daschle carefully followed the troubled response of the United States Postal Service to revelations that investigators discovered anthrax at some of its branches. An investigation by the General Accounting Office (GAO) concluded

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well as military. He surely saw the declaration as an opportunity to present himself in a more moderate light, even as he expanded the war in Vietnam. In addition, he may well have recognized that the Soviet biological warfare program was substantially ahead of its American counterpart by the late 1960s, so giving up on development of offensive weapons would have little impact on the prevailing balance of power.

41. *Ibid.*, pp. 3, 14, 141, 129, 400.

42. Joby Warrick, “No One Asked Questions,” *Washington Post*, 19 Feb. 2002, folder 251, “FBI: Anthrax (1) 2002,” box 524, DCP. See also Associated Press, “Anthrax Samples, Records Subpoenaed,” *New York Times*, 28 Feb. 2002, *ibid.*

that the postal service “violated federal regulations and undermined management’s credibility when it failed to disclose anthrax test results promptly to workers at a contaminated [Wallingford] Connecticut mail facility.” While early tests came up negative, later tests on a sample from a mail-sorting machine showed dangerous levels of anthrax. Even so, the post office stayed open, and “workers were told only that ‘trace’ amounts had been found and were advised to continue taking antibiotics.”<sup>43</sup>

Fortunately, none of these employees became sick, but when representatives from the American Postal Workers Union learned of the GAO findings, they threatened to file suit against the United States Post Office for reckless endangerment. John Dirzius, who served as the union’s regional president, charged publicly, “We were just outright lied to. . . . We were hailing [postal managers] as heroes . . . and all the while they were making jackasses out of us.” Because postal workers lacked information on the extent of anthrax found in the Wallingford office, they remained unable to make informed decisions about their own health, and some even stopped taking the Cipro antibiotics that physicians prescribed to them.<sup>44</sup> Subsequently, postal directors managed to mollify the union by installing equipment to detect bioterror hazards at distribution centers.<sup>45</sup> By 2008, inspectors from the Occupational Health and Safety Administration awarded “star” status to the Wallingford office after conducting an inspection that included employee interviews and a complete workplace tour. The investigators noted that the “safety and health programs” at Wallingford were finally “consistent with the high quality expected,” though several years had passed since the attacks.<sup>46</sup>

Postal workers in Brentwood, New Jersey, likely suffered even more

43. Christopher Lee, “GAO Criticizes USPS Delay on Anthrax Test,” *New York Times*, 22 Apr. 2003, folder 13, “Brentwood, P.O., 2003,” box 524, DCP.

44. Dan Davison, “Union Readies Lawsuit: USPS Lied about Anthrax,” *Federal Times*, 2 Sept. 2002, *ibid*.

45. “Questions Linger over Connecticut’s 2001 Anthrax Scare,” *Danbury News-Times*, 2 Oct. 2007.

46. Ted Fitzgerald, “U.S. Labor Department’s OSHA Deems Connecticut Post Office Workplace Safety and Health ‘Star,’” Occupational Health and Safety Administration, Regional News Release, 7 May 2008.

acute distress than those in Connecticut, due to the deaths of two colleagues from anthrax, and a considerable number of papers in the collection reveal that Daschle made a personal attempt to respond directly to their needs. With apprehension mounting in the Senate that some Americans would experience psychological distress due to terrorism,<sup>47</sup> Daschle must have felt a special concern for families of those killed in the anthrax attacks. Notes compiled by Laura Petrou during an emotional telephone conversation with a victim's relative probably inspired him to assume an even greater role. The senator's secretary relayed that this family member not only admitted that she was still "angry & hurt" over the entire situation but also confided, "You will never know what this has done to me."<sup>48</sup> As a result, Petrou advised Daschle to compose "hand-written notes" to the widows of two deceased postal workers, adding, "We had flags flown over the Capitol on each of the days for the five people who died" and that the flags would be sent to the families as a remembrance. The senator subsequently dispatched notes to the families, writing, "While I know from personal experience that the pain and deep sense of loss will always be there, I hope you have found comfort over the past months in the expressions of love and sympathy from friends and family, and the memories that will always remain with you." Daschle closed by adding, "Please know that my staff and I are thinking of you especially today."<sup>49</sup>

Other materials in the collection attest to the special connection that Daschle felt for those directly affected by the anthrax mailings, which not only shaped the legislation he sponsored but also led to a meeting between the senator's staff, anthrax survivors, and postal workers' families. An excerpt from the *Congressional Record* preserved in the archives reveals that Daschle pushed for legislation to rename the Brentwood post office after Joseph P. Curseen, Jr., and Thomas L. Morris, Jr., the two workers who died. In addition, he announced to the assembled Senate that he wanted especially to recognize the men's

47. See, for example, William Frist and Edward Kennedy to Daschle, 28 Feb. 2002, folder 20, "Post-September 11—Early Days," box 507, DCP.

48. Petrou, "Notes from a Discussion with [names omitted]," 19 Aug., 4 Sept. 2002, folder 13, "Brentwood, P.O., 2003," box 524, DCP.

49. Petrou to Daschle, 10 Oct. 2002, *ibid.*



widows. He concluded his remarks by assuring those in attendance that “my staff and I feel a special kinship with the postal workers and others affected by these attacks.” While the “uncertainty and horror” of the events as well as “the ensuing months were very real for us, the suffering of those struck by the disease was even greater.”<sup>50</sup> The senator’s profound empathy for the victims incited him to action, and he exhorted authorities to become more aggressive in their search for a culprit while simultaneously pressuring them to enact reforms to prevent attacks in the future.

The more assertive posture adopted by Daschle became apparent on the first anniversary of the appearance of anthrax at the Brentwood post office, when he proposed a number of new measures aimed at preventing attacks. On 21 October 2002, the senator’s staff met with the postal workers and their families at the Basilica of the National Shrine of the Immaculate Conception, where a prepared statement was read. In his remarks, Daschle reiterated that he and his staff “feel a special kinship with the families of those who died and with those who continue to struggle with their health,” adding, “We owe it to the victims and their families to do everything we reasonably can to ensure this doesn’t happen again.” In order to advance these goals, he then issued a challenge to those who worked in the fields of medical research, intelligence, and public safety: “We must be vigilant in our effort to identify and neutralize terrorist cells. We must develop better ways to detect chemical and biological agents in the air, water, and food supplies, and in our work environments. We must develop better vaccines. We must develop better treatments for those who are exposed to deadly viruses, bacteria, and agents. And we must develop better coordination between the various public health, intelligence and other government entities responsible for addressing the bioterrorist threat.”<sup>51</sup>

Daschle went on to denounce the deliberate pace set by investigators charged with locating the source of the contaminated letters. He called for progress in the apprehension of the “person or persons who perpetrated this crime,” and added, “I am disappointed and frustrat-

50. *Congressional Record—Senate*, 5 Sept. 2002, photocopy, *ibid*.

51. Daschle to “Brentwood Postal Employees,” 21 Oct. 2002, *ibid*.

ed that we haven't yet succeeded on this front, and I am monitoring closely the FBI's efforts in this regard."<sup>52</sup> This portion of the speech was especially well received. Dena Briscoe, who served as a representative of the affected postal workers, responded, "Your staff members were quite warm and friendly and we appreciate the hugs and warm wishes they gave. Your letter was read at both sessions, and received standing ovations from the audience." In particular, Briscoe emphasized that the listeners "appreciated your words about the FBI investigation for we . . . would like to have some closure to last fall's events and to feel safe and secure on our jobs again." While she believed that the investigation was not yet a high priority, she trusted that with such "hard working people as yourself in office . . . justice will be served."<sup>53</sup> Although Daschle persistently urged officials to accelerate their investigation, years passed before they resolved the case.

Press reports contained in the Daschle Papers indicate that the senator actively followed the case through 2002, especially after it became increasingly obvious to most observers that confusion plagued the ongoing investigation. FBI Director Robert Mueller defended his organization from public accusations made in February that it "might be 'dragging its feet' in pressing charges" because the suspected anthrax terrorist was "a former government scientist familiar with 'secret activities that the government would not like to see disclosed.'"<sup>54</sup> Mueller, however, discounted these claims as mere speculation in March of 2002 and adamantly absolved the bureau of misconduct, denying that it already knew the identity of the perpetrator.<sup>55</sup> Despite these reassurances, Dale L. Watson, who once served as counterterrorism chief for the FBI, retired in August of 2002. No successor was named, and no conclusive leads developed in the case for two additional years.<sup>56</sup> Still

52. Ibid.

53. Dena Briscoe to Daschle, 31 Oct. 2002, folder 13, "Brentwood, P.O., 2003," box 524, DCP.

54. Joseph Dee, "Expert: Anthrax suspect ID'd," *Trenton Times*, 19 Feb. 2002, folder 251, "FBI: Anthrax (1) 2002," box 524, DCP.

55. Dan Eggen, "FBI Director Defends Pace of Anthrax Investigation," *Washington Post*, 2 Mar. 2002, *ibid*.

56. Philip Shenon, "Antiterror Chief Quits FBI, Which Gets New Deputy," *New York Times*, 16 Aug. 2002, *ibid*. According to the article, "Congressional officials who monitor

worse, officials at the bureau leaked the name of Dr. Steven Hatfill to the press, and he soon lost his job. Subsequent probes eventually exonerated Hatfill as a suspect, and the government later settled with the aggrieved scientist for nearly six million dollars.<sup>57</sup>

Additional papers found in the collection reveal that the senator continued to campaign vigorously for progress in the case, even when the investigation appeared to languish from 2004 through 2006. In October 2004, Daschle, along with Senator Patrick Leahy (D-Vt.), whose office was also the target of an anthrax letter, sent a remarkable letter to Director Mueller and United States Attorney General John Ashcroft. In this scathing document, the senators stated that they remained “baffled by the seemingly endless delays and problems that have been reported about this critical investigation.” Especially troubling was that a judge working on the case “expressed doubt, after reading a sealed affidavit submitted by the head of the FBI investigation,” that investigators were anywhere close to “identifying the person or persons behind the anthrax mailings.” Daschle and Leahy went on to remark, “It has been over a year since you have provided either of us . . . with private briefings about the progress of the investigation despite frequent and urgent requests to do so.” The senators admonished both Mueller and Ashcroft that it was “essential that you demonstrate that the full resources and talents of federal law enforcement are being brought to bear” in light of the “terrible nature of these crimes and the fact that those responsible are still at large three years later.”<sup>58</sup> Even after the South Dakota senator left office following his defeat by John Thune in the 2004 election, he remained dedicated to his promise to the postal workers. In October of 2006, he wrote an article for the *Washington Post* lamenting that the “investigation’s trail has gone cold” and urging the country to “use this fifth anniversary of the attack to re-

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the FBI said that they were surprised by Mr. Watson’s departure at such a critical time, and that his retirement might be part of a larger management shake-up by the bureau’s director, Robert S. Mueller III.”

57. David Willman, “Anthrax Subject Receives Payout,” *Los Angeles Times*, 28 June 2008.

58. Daschle and Leahy to Ashcroft and Mueller, 12 Oct. 2004, folder 14, “Anthrax—FBI, 2004,” box 524, DCP.

dedicate ourselves to solving the crime and ensuring that we are better prepared to confront similar attacks” in the future.<sup>59</sup>

Daschle was not to see a resolution to the anthrax case until the summer of 2008, when the only remaining suspect in the FBI’s inquiry killed himself. The leading subject of the bureau’s inquest at this time was Dr. Bruce Ivins, a microbiologist at Fort Detrick, who committed suicide soon after learning that investigators planned to charge him with the crimes. Ivins’s death obviously precluded a trial, but the government’s case against him appeared extremely strong. Investigators with the FBI found that he was one of only a few people who had access to the extremely rare RMR-1029 anthrax used in the attacks. They also established that Ivins possessed the opportunity to commit the crimes, as he had begun in the weeks before the mailings to work alone in his lab late in the evenings and on weekends.<sup>60</sup>

Increasingly convinced that they now knew the correct identity of the perpetrator, on 1 November 2007, the FBI used search warrants to enter Ivins’s home, where they uncovered numerous pieces of circumstantial evidence. The agents found “a large collection of letters that Dr. Ivins had sent to members of Congress and the news media over the preceding twenty years,” the Justice Department’s report noted, “including one sent to NBC News in 1987 at the same address used on the Brokaw letter.” In addition, the FBI discovered “three handguns, two stun guns, a taser, an electronic detection device, computer snooping software, and evidence that portions of the basement were being used as a firing range.” Despite these intriguing finds, investigators remained reluctant to issue an arrest warrant until they received word from mental-health experts that Ivins’s behavior in group counseling sessions had become alarmingly belligerent. Shortly thereafter, the bureau conducted another search of his home and discovered a “bullet-proof vest, homemade reinforced body armor plate, hundreds of rounds of ammunition, and smokeless handgun powder.” It was at this point—when Ivins received word that he was to be charged in the case—that he deliberately overdosed on sleep medication.<sup>61</sup>

59. Daschle, “The Unsolved Case of Anthrax,” *Washington Post*, 15 Oct. 2006.

60. *Amerithrax Investigative Summary*, 19 Feb. 2010, pp. 6–8.

61. *Ibid.*

## United States Senate

WASHINGTON, DC 20510

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October 12, 2004

The Honorable John Ashcroft  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington D.C. 20530

The Honorable Robert Mueller  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535

Dear Attorney General Ashcroft and Director Mueller:

Last week's *Washington Post* article detailing court proceedings relating to the anthrax investigation that killed five people and sickened 17 others in the fall of 2001 is deeply troubling. Like all Americans, we have a strong desire for you to identify and prosecute the perpetrator or perpetrators of these heinous crimes. At a broader level, we are baffled by the seemingly endless delays and problems that have been reported about this critical investigation of national import.

The *Post* article states that a federal judge expressed outrage and concern about continuing leaks from the Justice Department describing a former Army scientist as a "person of interest" in the investigation of the anthrax attacks. Unfortunately, this is not the first time since September 11, 2001 that the Department has reportedly leaked information or made public statements that have imperiled or adversely impacted an investigation or important government matter.

Even more troubling, however, is the report by the *Post* that the judge also expressed doubt, after reading a sealed affidavit submitted by the head of the FBI investigation, that the FBI is close to identifying the person or persons behind the anthrax mailings. It has been over a year since you have provided either of us or our staffs with private briefings about the progress of the investigation despite frequent and urgent requests to do so. Because two of the anthrax letters were mailed to our government offices, we, of course, have a personal interest in this matter, but we were not the ones who were sickened, killed or lost a loved one to the attacks. The victims of these crimes deserve the very best response our government can provide them.

**In this 2004 letter to Attorney General John Ashcroft and FBI Director Robert Mueller, Daschle underscored his concerns about the pace of investigations into the anthrax attacks.**

Although widely regarded as a critic of the investigation, Daschle eventually accepted its conclusion that the troubled microbiologist was the only person responsible for the attacks. In the immediate wake of Ivins's suicide, the former senator continued to express doubts about the bureau's handling of the affair. He stated that he remained "very skeptical" of the FBI's findings, "given their checkered past" in this area, which included the "bungling of the Hatfill part of the investigation."<sup>62</sup> Daschle's lingering reservations lasted only a few more days, until he received a personal two-hour briefing from Mueller shortly after the Justice Department announced additional details in the case. The former senator emerged from this meeting fully persuaded by the bureau's assertion that DNA analysis traced the anthrax used in the attacks to a flask in Ivins's private possession, which Daschle later conceded was "as close to a smoking gun as I think you're going to get."<sup>63</sup> Most of the additional evidence presented was circumstantial, but, taken together, it amounted to an extremely credible and formidable case. Daschle learned, for instance, that the highly unusual hours Ivins kept shortly before each of the mailings appeared especially incriminating, and he noted that the biochemist could provide no credible explanation for the additional hours he spent in the lab, which were unprecedented for him.<sup>64</sup> While the former senator continued to call for further inquiry into the highly technical evidence by an independent team of experts, he still concluded, with evident satisfaction, that the FBI's investigation was now "complete and persuasive."<sup>65</sup>

62. "Intended Anthrax Target Has Doubts About Probe," 4 Aug. 2008, CNN Justice, <http://www.cnn.com/2008/CRIME/08/04/anthrax.case/index.html?iref=allsearch>, accessed 12 November 2013.

63. Kathy Kiely and Donna Leinwand, "Daschle Buys Ivins As Sole Culprit in 2001 Anthrax Attacks," *USA Today*, 13 Aug. 2008. For full written and audio transcripts of this press conference, see "Transcript: DOJ News Conference on Bruce Ivins," 8 Aug. 2008, NPR, <http://www.npr.org/search/index.php?searchinput=%22DOJ+News+Conference+on+Bruce+Ivins%22>, accessed 12 Nov. 2013.

64. Associated Press, "Daschle Says Anthrax Probe Persuasive, But Former Senator Says Questions Remain To Be Answered," 18 Aug. 2008, NBCNews, [http://www.nbcnews.com/id/26270788/ns/us\\_news-security/t/daschle-says-anthrax-probe-persuasive/](http://www.nbcnews.com/id/26270788/ns/us_news-security/t/daschle-says-anthrax-probe-persuasive/), accessed 12 Nov. 2013; Mike Nizza, "Daschle is Persuaded on the Anthrax Case," *New York Times*, 13 Aug. 2008.

65. Ibid. In 2010, the FBI released new evidence to the public, including a transcript of a



The Thomas A. Daschle Career Papers offer scholars an impressive cache of material on a multiplicity of subjects related to the former senator's life and political service, including campaign records, documents on the impeachment of President Bill Clinton, Agent Orange hearings, the federal government shutdown of 1995–1996, personal correspondence, and South Dakota “trip notes,” which recount data compiled during visits to various constituents throughout the state. Among all of these topics, the archive's resources on 9/11 and the related anthrax case merit particular attention as a valuable repository of sources, often unique, produced from the perspective of one prominent in national affairs. These latter resources reveal both the opportunities and limitations of the senator's prerogatives in surprising ways. In hindsight, it appears ironic that Daschle enjoyed far more success in shaping the variegated federal responses to 9/11 than he gained in pressing for a resolution of the anthrax investigation, despite his personal devotion to the latter case.

Following the 9/11 terror attacks, Daschle divulged that his relationship with the president, as well as other congressional leaders, was “probably the closest that it's ever been,” and he consciously used this accord to help work through the multitude of problems that soon emerged during the expanding crisis.<sup>66</sup> The senator achieved many of his goals as he guided Congress's numerous responses to 9/11. Although there was virtual unanimity shortly after the attacks on the World Trade Center and the Pentagon that the United States should launch counter-strikes against al-Qaeda and the Taliban regime, Daschle performed an

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secretly recorded conversation with Ivins made in 2008 in which the biochemist claimed to be “in my right mind,” but admitted that he worried when “I wake up in the morning and I've got all my clothes and my shoes on, [along with] my car keys” (Joby Warrick, “FBI Investigation of 2001 Anthrax Attacks Concluded; US Releases Details,” *Washington Post*, 20 Feb. 2010). Subsequently, a group of scientists from the National Research Council of the National Academies concluded that the biochemical evidence alone was insufficient to establish “conclusively” that Ivins was responsible for the attacks. This investigation only considered the scientific evidence; it did not, of course, consider the compelling circumstantial details that the FBI had compiled in making its case. See Joe Palca, “FBI Faulted for Overstating Science in Anthrax Case,” 15 Feb. 2011, NPR, <http://www.npr.org/2011/02/15/133775495/fbi-faulted-for-overstating-science-in-anthrax-case>, accessed 12 Nov. 2013.

66. Welch, “Daschle tries not to dwell on being target,” *USA Today*, 9 Nov. 2001.

important and historic role by pressing for the separation of war powers between the legislative and executive branches of government. As Democratic leader in the Senate, he insisted that Congressional support for military intervention be strictly conditional, though most legislators of both parties remained open to the prospect of preemptive war to deter future acts of terror. The senator also successfully pressed for a bill to stabilize the air-transportation industry, though he received criticism for attending to the interests of large corporations before addressing the concerns of individual victims. Subsequently, Daschle oversaw legislation that provided some relief for those harmed in the attacks, and he strove to make additional aid available for those directly affected by the tragedy. In each case, the senator was remarkably successful in achieving his goals. The limits of his power, however, became more apparent after he attempted to respond to the anthrax mailings.

The arrival of the lethal letter in his office marked a turning point in Daschle's career, and he followed the case closely for a decade after its appearance. Daschle challenged President Bush to support additional funding for homeland security, warning that he "may be underestimating the depth of concern people have for their own personal security."<sup>67</sup> The senator also pressed the FBI for a breakthrough in the anthrax investigation, though with little success. In August of 2008, he complained bitterly of having been "completely left out with regard to any understanding of the progress of the investigation," adding that he had not received a briefing since 2003.<sup>68</sup> Despite his frustration, Daschle acknowledged once he received Mueller's briefing that the bureau had identified the culprit correctly, though doing so placed him at odds with remaining skeptics of the case. As the former senator himself explained, when it came to achieving justice for victims of the anthrax attacks, he held "a personal interest in this matter."<sup>69</sup>

67. Ibid.

68. "Intended Anthrax Target Has Doubts About Probe," 4 Aug. 2008.

69. Daschle and Leahy to Ashcroft and Mueller, 12 Oct. 2004.

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*On the covers:* Lyle R. Johnson (front) grew up on a farm near Lake Thompson in Kingsbury County (back, bottom) during the 1930s. In this issue, he provides a year-by-year account of the decade of drought and its effects. Harl A. Dalstrom delves into the life and career of A. M. Jackley (back, top), sometimes called the Saint Patrick of South Dakota for his work to eliminate the rattlesnakes that posed a threat to the state's West River residents.

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