

Anthrax investigators tail scientist '24/7'

Some question 10-month pressure on Hatfill, who hasn't been charged

By Toni Locy
USA TODAY

WASHINGTON — For 10 months, Steven Hatfill hasn't been able to go to the store, take a walk or be interviewed for a job without being tailed by the FBI.

Hatfill, 48, the only person identified publicly by the Justice Department as a "person of interest" in the investigation into the anthrax attacks two years ago, has been kept under "24/7" surveillance by FBI agents who haven't been subtle. They routinely follow Hatfill in several cars and trucks, and they take pictures of him wherever he goes.

Earlier this month, Hatfill and his watchers clashed on a street in Washington's Georgetown section. Hatfill says an FBI employee, driving one of the tail vehicles, ran over his foot. Washington police gave Hatfill a ticket for "walking to create a hazard."

The FBI's tactics appear to be designed to put pressure on Hatfill, a former researcher at the U.S. Army Medical Research Institute of Infectious Diseases at Fort Detrick in Frederick, Md. But four law enforcement sources familiar with the anthrax probe say the real reason for the round-the-clock surveillance is rooted in the FBI's new mission of preventing terrorism. FBI officials believe they can't risk the embarrassment of losing track of Hatfill, even for a few hours, and then being confronted with more anthrax attacks.

He has not been charged, so the FBI has no basis to seize his passport — another reason why agents continue to tail him.

The sources, who requested anonymity because the anthrax probe is active, say the focus on Hatfill stems from the belief by many investigators — but not all of them — that he was behind the mail attacks that killed five people, sickened 17 others and forced thousands to take antibiotics. But two of the sources say evidence gathered against Hatfill by nearly 80 FBI and Postal Inspection Service agents is largely circumstantial.

The FBI used similar surveillance tactics in 1996, when agents tailed former security guard Richard Jewell for 88 days after the bombing at the Olympics in Atlanta, says Lin Wood, Jewell's attorney. "This gives the public the appearance that the FBI has some information that points to Dr. Hatfill that is sufficient to justify this incredible expenditure of resources," Wood says. "But it could be designed for nothing more than appearances, for (public relations) for the FBI."

Jewell was cleared, marking one of the most humbling chapters in FBI history.

"It's an investigative approach that is doomed to fail 99 out of 100 cases," says Wood, the attorney.

The Olympics bomber has not been found. Hatfill's name surfaced in the anthrax probe last summer, when FBI agents searched his former apartment in Frederick and Attorney General John Ashcroft called him "a person of interest" in the probe. The designation has no legal significance.

Hatfill's lawyer, Tom Connolly, declined to comment. Hatfill has said he wasn't involved in the attacks, and he has complained about the FBI's tactics.

His friends say no one will hire him as long as he is linked, however vaguely, with the investigation into the nation's first biological attacks. Last fall, the attention cost him a job at Louisiana State University. "Charge him or clear him," says Pat Clawson, a Hatfill friend and spokesman. "It's that simple."

But the four law enforcement sources say that nothing about the anthrax probe is simple. They say investigators have not been able to prove Hatfill did it, or rule him out.

The FBI's suspicions center on what investigators say is Hatfill's penchant for exaggerating his credentials on résumés and in statements to other scientists.

Hatfill is among dozens of scientists who have taken polygraphs at the FBI's request. An FBI analysis suggested he was "evasive" when asked a question about the attacks, a fifth source close to the investigation says. Most states ban polygraph results from court because the tests are considered unreliable.

At various times, Hatfill has claimed he was a member of special operations troops in the U.S. military. He wasn't. He has claimed to be an expert at conducting underwater medicine. He's actually trained to treat people with "the bends," a condition that develops after prolonged exposure to pressure.

In February 1999, Hatfill and another scientist commissioned a study of a hypothetical anthrax attack as part of their work for a defense contractor.

Beyond that, one of the four law enforcement sources says, "there's just nothing to hang our hats on."

Investigators have been unable to rebut Hatfill's claims that he has never been to Trenton or Princeton, N.J., where the anthrax letters were mailed. Nor have they found any



By Mike Theiler, Agence France-Press

"Person of interest": Law enforcement sources say FBI officials believe they can't risk the embarrassment of losing track of Steven Hatfill and then being faced with more anthrax attacks.

traces of anthrax in Hatfill's apartment, his girlfriend's home, his cars, a Dumpster near his home or several places he visited.

Some investigators thought they had a break in the case when divers searched a pond in Frederick, near Hatfill's former home, in December and January.

The divers found an airtight plastic box and a rope, among other things. Initial tests showed traces of anthrax on the rope, leading some investigators to speculate that the attacker might have put the box in the water and then loaded anthrax powder into the five envelopes that were sent to the media and two U.S. senators. The rope, some investigators thought, could have been used to anchor the box in the pond.

But the initial tests on the rope soon proved to be wrong, which one of the law enforcement sources blamed on poor lab work. The rope, box and other equipment found in the pond are undergoing more sophisticated tests, the four sources say. Depending on the

results, they say, the FBI will decide whether to drain the pond to seek more evidence.

Since Oct. 4, 2001, when Florida photo editor Bob Stevens was diagnosed with the inhalation anthrax that would kill him, the FBI and many top U.S. scientists have worked together to try to solve the case. The FBI is relying on microbiologists and others to invent techniques for identifying anthrax that could be used to present evidence in court.

It's an uneasy alliance because investigators wonder whether the killer could be one of the scientists working on the probe. Hatfill was one of 30 to 40 U.S. scientists the FBI believes had access to anthrax and the expertise to work with it.

One of the law enforcement sources says investigators sometimes wonder whether they focused on Hatfill too soon and ignored someone who deserved more attention.

So much has gone into investigating Hatfill, the source says, that abandoning the focus on him "would be like starting all over."

Chain of events in ongoing inquiry

Sept. 18, 2001: Anthrax-tainted letters postmarked in Trenton, N.J., are sent to the *New York Post* and NBC anchor Tom Brokaw.

Oct. 5: Bob Stevens, a photo editor at American Media Inc. in Boca Raton, Fla., dies of inhalation anthrax.

Oct. 9: Anthrax-laden letters to U.S. Sens. Tom Daschle and Patrick Leahy are postmarked in Trenton.

Oct. 15-20: Daschle letter tests positive. Congress shuts down two days for testing. The Hart Senate Office Building is closed.

Oct. 21-27: Washington postal workers Thomas Morris Jr. and Joseph Curseen die of inhalation anthrax. The Brentwood mail center closes. It remains closed.

Oct. 31: Kathy Nguyen, a New York City hospital worker, dies of inhalation anthrax.

Nov. 16: FBI recovers Leahy letter before it is opened. Contamination is similar to the Daschle letter.

Nov. 21: Ottilie Lundgren, 94, dies of inhalation anthrax in Oxford, Conn.

Jan. 17, 2002: Hart Senate Office Building reopens.

June 25: FBI searches apartment of Steven Hatfill, a former researcher at the U.S. Army Medical Research Institute of Infectious Diseases in Frederick, Md.

Aug. 6: Attorney General John Ashcroft calls Hatfill "a person of interest" in the investigation.

Aug. 11: Hatfill denies involvement in the attacks.

Sept. 3: Louisiana State University terminates Hatfill's job as associate director of its National Center for Biomedical Research and Training.

December 2002-January 2003: Divers find an airtight plastic box, rope and other equipment in a pond near Hatfill's former home in Frederick. Initial tests incorrectly indicate traces of anthrax on the rope.

May: More tests are being done on the items from the pond.

Source: USA TODAY research

Air Force may punish chiefs at academy

The Associated Press

AIR FORCE ACADEMY, Colo. — U.S. Air Force Academy commanders who were reassigned because of a sex scandal could be punished if it is shown they mishandled cadets' complaints, Air Force Secretary James Roche said Wednesday.

The decision will be made after Roche and the Air Force chief of staff, Gen. John Jumper, review an investigative report on the scandal.

The two will look at whether the commanders should have noticed problems and whether they did anything to make it more difficult for female cadets to report assaults. "We are judging commanders. We do that all the time," Roche said.

Roche and Jumper addressed the cadets during their graduation ceremony Wednesday but did not mention the sex scandal. "We've said everything we have to say to the corps of cadets," Roche said. "There is no reason to continue to berate them."

The *Gazette* of Colorado Springs reported over the weekend that parents had warned against criticism of cadets at graduation, saying they might boo or turn their backs. Roche said Wednesday that he had received e-mail from several hundred parents.

Dozens of current and former female cadets have said they were ostracized or reprimanded after they reported being raped or sexually abused at the academy near Colorado Springs.

Shannon Moran, of Buffalo, was among the 138 women and 836 men who were getting their commissions as second lieutenants.

"It doesn't dampen the day at all," she said of the scandal. "It feels awesome."

Roche announced in March that Air Force Superintendent Lt. Gen. John Dallager, Commandant Brig. Gen. S. Taco

Gilbert and three other leaders would be reassigned. But Roche said at the time that a climate that had festered for years was to blame for the academy's problems, not the generals.

Sen. John McCain, R-Ariz., a leading critic of the academy's handling of the rape allegations, said then that Roche was shirking his responsibility to hold leaders accountable.

An Air Force review found 57 reported incidents of sexual misconduct since 1990. Forty male cadets had been punished in those cases, that report said. Three military reviews have been launched and an independent panel has been formed to investigate the allegations. Roche said the first of the reports has yet to be completed.

Amy McCarthy, a commercial pilot and 1982 academy graduate, was named to the panel investigating the assaults. She said Wednesday that she questioned the truth of some of the rape allegations brought by the female cadets.

"Due to the fact that many of the women making the allegations were involved with drinking, partying, strip poker, what I call high-risk behaviors, my personal opinion is that a number of these allegations or the veracity of these allegations may be suspect," McCarthy told AP Radio.

McCarthy said she will set aside her concerns and be objective when considering the evidence.

Wilderness policy takes U-turn

Interior Dept. says 2.6 million acres can be opened for development, mining, drilling

By Tom Kenworthy
USA TODAY

SAN RAFAEL SWELL, Utah — From atop a cliff in an area of southeastern Utah known as the San Rafael Swell, Scott Groene looks out over thousands of acres of public land that the federal government once concluded deserved the greatest legal protection from development that the land could get.

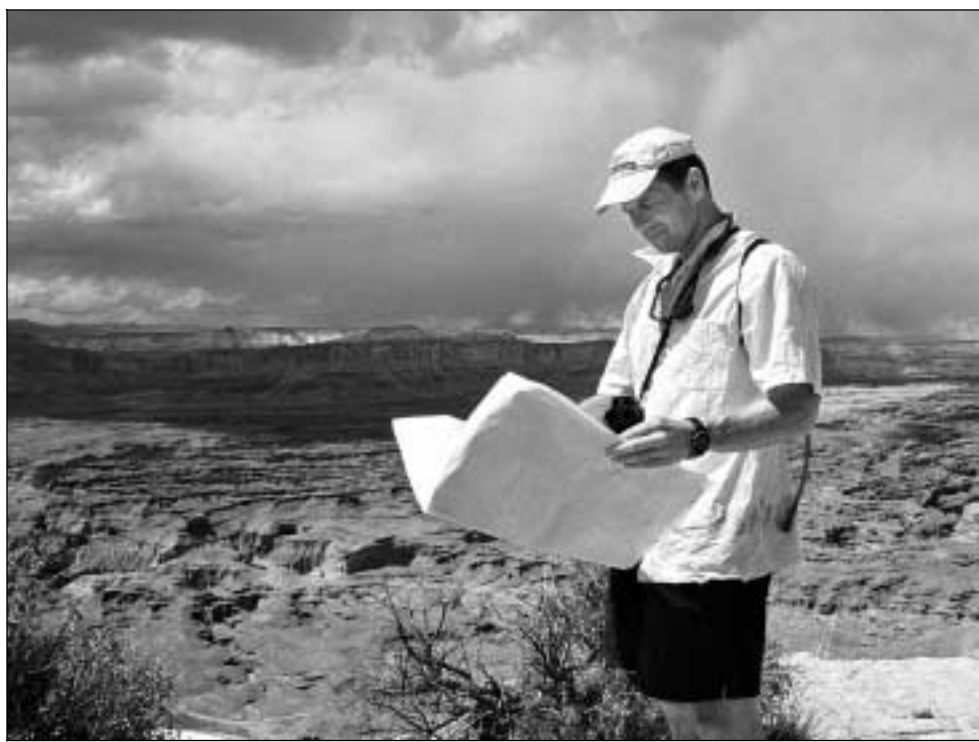
At all points of the compass, the swell flaunts its gaudy geology: soaring rock castles, multihued sandstone cliffs, deep canyons, all shaped by a volcanic upheaval during the Jurassic Period.

Prodded by activists such as Groene, who works for the Southern Utah Wilderness Alliance, the Clinton administration spent several years in the 1990s reassessing potential wilderness areas like this one from among federal Bureau of Land Management (BLM) holdings in Utah.

The bureau decided that vast areas — 2.6 million acres, including much of the swell — had mistakenly been overlooked and should receive interim protection from development pending a decision by Congress on whether they should be added to the national wilderness system.

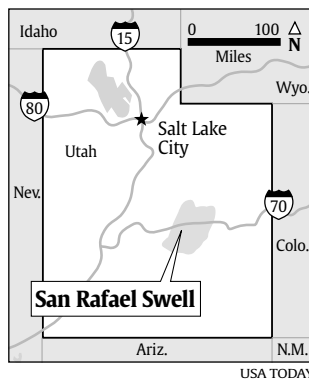
But last month, with a few strokes of the pen, Interior Secretary Gale Norton removed the protection. In doing so, she opened the land to development, including oil and gas wells, mining and off-road vehicle trails. She also declared that the BLM will no longer continue to assess whether more than 200 million acres it manages in the West and Alaska should be wilderness shielded from development.

Norton's action, which she took April 11 in quietly settling a lawsuit and in letters to Republican lawmakers, is the latest move the Bush administration has made to open public land to energy development, mining, logging and motor vehicles. In earlier directives,



By Tom Kenworthy, USA TODAY

Unprotected: Scott Groene, an activist with the Southern Utah Wilderness Alliance, surveys land that will no longer be managed as wilderness because of actions taken by the Bush administration.



USA TODAY

Norton and her department invited local and state officials in the West to claim thousands of road rights of way across federal lands. That policy shift could open even more pristine areas — possibly even national parks and wildlife refuges — to traffic and development.

Taken together, these initiatives represent far-reaching change in federal land management. The initiatives also are a dramatic departure from the direction taken by the Clinton administration and from the path that began in 1964 when Congress established the wilderness system.

Environmentalists are aghast at the latest move. Outdoor industry leaders are threatening to take their annual \$24 million trade show out of Utah to punish Gov. Mike Leavitt, a Republican, for his supporting role in Norton's efforts.

"It's a breathtaking step backwards," says Dave Alberswerth, a public lands analyst at The Wilderness Society. "This initiative is more extreme than anything undertaken by the Reagan administration."

Norton's actions also make it harder for future administrations to reverse the policy. Once land has had roads built on it and developed, it is unlikely to be seen as sufficiently pristine to qualify as wilderness. "You can't put the genie back in the bottle," says Heidi McIntosh, conservation director for the Southern Utah Wilderness Alliance.

Interior Department officials say they are just complying with the law and returning balance to federal land policy.

Advocates of opening the land to greater commercial use and motorized activity salute the changes. They say too much land has been locked up in violation of laws that say federal land should be available for "multiple use."

"A good move, and a legal move," says Drew Sitterud, a county commissioner for the region that includes the San Rafael Swell. "We want to see the land used, but not abused. We can manage the land through managing people and not just locking it up."

Norton's shift on wilderness policy, taken while the nation was consumed with the war in

Iraq, received little attention at first. It came in the context of settling a lawsuit that was brought by the state of Utah against the Clinton administration's taking a new inventory of land suitable for wilderness designation.

A federal appeals court had ruled against Utah on all but one count of the complaint, and the issue had been essentially moribund since 1998. But in March, Utah amended its complaint, which gave the Bush administration an opening to settle.

To some extent, Norton's reversal reflects changing attitudes in the West on the issue of wilderness.

Defined by a pioneering act of Congress in 1964, wilderness areas are 5,000 acres and larger that offer "outstanding opportunities" for solitude and primitive recreation. They can be used by people to hike, camp, fish, hunt, ride horses and even graze livestock. But motorized transportation and man-made structures are prohibited, which rules out industrial activity and use by off-road vehicles.

The law was passed with one dissenting vote, which was cast in the House of Representatives. Since then, Congress has added about 106 million acres to the national wilderness system, about half of it in Alaska.

But elected officials in the West have grown increasingly hostile to creating more wilderness. They complain that it limits opportunities for economic development and keeps out those who want to use off-road vehicles.

To side with wilderness opponents, Norton used a strict interpretation of the 1976 law that governs management of BLM lands, which total 262 million acres.

That law gave the executive branch a one-time opportunity, until 1993, to recommend wilderness areas to Congress. Until Congress added them to the wilderness system or released them for other use, the areas would be protected as wilderness study areas. Congress eventually designated 6.5 million BLM acres as wilderness, and the executive branch protected 15.5 million more acres as wilderness study areas.

A second section of the law sets no deadline and gives the BLM discretion through its regular process of land management planning to conduct inventories of its land and recommend interim wilderness protection to the Interior secretary.

The Bush administration is saying essentially that the first section of the law takes precedence and that no more wilderness study areas can be created under the second section.

"What we are trying to do is bring BLM practice into conformity with the law," Assistant Interior Secretary Lynne Scarlett says.

Interior officials note that if Congress wants new wilderness areas, it still has the authority to create them from BLM holdings. They also say the BLM can protect some land and make it like wilderness areas through its regular procedures for determining how land is used.

But environmentalists and conservationists such as Groene characterize it as a raid on some of the West's most precious land for the benefit of the administration's commercial allies. They have filed suit to challenge Norton's wilderness action.

"We are looking at the wilderness future of the West squarely in the cross hairs of a road-building, oil and gas-drilling juggernaut," says Ted Zukoski, an attorney with Earthjustice, the environmental movement's legal arm.