

THE EVIDENCE AGAINST ZAZI

As I reported earlier, during the hearing on the reauthorization of the PATRIOT Act today, DiFi said that the investigation against Najibullah Zazi is the biggest investigation since 9/11. She connected changes she had made in the proposed bill's language about Section 215 Orders (which allow investigators to get any tangible thing from a third party, but which is generally used for business records) with that investigation. I will review the language she's advocating tomorrow—it is actually worse than the existing language (here's a good post on DiFi's changes that'll give you an idea of where I'm going). But the main point is she's insisting that investigators be able to use Section 215 even to get information on people with no known tie to terrorism.

In an effort to understand what authorities the FBI is using for this investigation—particularly how it is using Section 215—I thought I'd list all the evidence included in Zazi's detention motion, along with any comments made about how that evidence was collected. As you can see from the list below, a lot of this investigation relied on information that could be collected via a Section 215 order—particularly the purchase information on Triacetone Triperoxide (TATP) ingredients, but also the hotel records. Perhaps most interesting is the discussion of the three people "associated with Zazi" who bought TATP ingredients bolded in the list below; the source of this evidence is not disclosed.

Details on a August 28, 2008 flight from Newark Airport to Peshawar, Pakistan on Qatar Airlines, evidence collected from Custom and Border Protection

Email account 1, Email account 2, Email account 3

A jpeg of 9 pages of handwritten notes containing instructions on making explosives, including TATP, mailed in December 2008, collected via a "consent search"

Details on a January 15, 2009 flight from Peshawar to JFK on Qatar Airlines

Evidence Zazi transferred and/or accessed the notes on the instructions to make TATP on his laptop in June and July 2009, collected via a "lawfully-authorized search" of the laptop (apparently conducted in September in NY)

Evidence of internet searches for hydrochloric acid in summer 2009 and bookmarks (in two browsers) for a site on "Lab Safety for Hydrochloric Acid," collected via that "lawfully-authorized search" of the laptop

Evidence Zazi searched "a beauty salon website" for hydrocide and peroxide (the source of this is not specified but it appears in the same paragraph as the discussion of the "lawfully authorized search")

Surveillance videos and receipts showing Zazi purchase six bottles of "Liquid Developer Clairoxide" and 12 32-oz bottles of "Ms. K Liquid 40 volume" from a beauty supply store in Aurora, CO

Records showing Zazi checked into a suite with a stove in a near-by hotel on August 28, 2009

Evidence that "individuals associated with Zazi purchased unusual quantities of hydrogen and acetone products in July, August, and September 2009 from three different beauty supply stores in and around Aurora;" these purchases include:

- ***Person one: a one-gallon container of a product containing 20% hydrogen peroxide and an 8-oz bottle of acetone***
- ***Person two: an acetone product***
- ***Person three: 32-oz bottles of Ion Sensitive Scalp Developer three different times***

(The source of this evidence is not disclosed.)

Surveillance video of Zazi checking into the same Aurora hotel on August 6

Acetone residue collected from the vent above the stove in the suite Zazi occupied

Records of communication (type not specified) with "another individual" seeking advice on the mix of the explosive

Evidence Zazi searched the internet for a home improvement store in Flushing, Queens, collected via lawfully-authorized search of his laptop

Evidence Zazi searched that home improvement store for muriatic acid, collected via lawfully-authorized search of his laptop

Auto rental contract showing pickup in Denver September 9 and return in New York on September 14, 2009

Cell phone contacts showing Zazi became aware of law enforcement suspicion, collected via lawfully-authorized

intercepts

Airline ticket returning to Denver on
September 12 (no details given)

An electronic scale bearing Zazi's
fingerprints, found during warranted
search of residence in Queens at which
Zazi stayed in NY on September 10

The removal of the hard drive from
Zazi's laptop, discovered during
warranted search in Aurora after Zazi
returned from NY