

CONFIRMED: OUR GOVERNMENT HAS CRIMINALIZED BEAUTY PRODUCTS

A year and a half ago, I warned that if you bought certain beauty supplies—hydrogen peroxide and acetone—you might be a terrorism suspect.

I'm going to make a wild guess and suggest that the Federal Government is doing a nationwide search to find out everyone who is buying large amounts of certain kinds of beauty products. And those people are likely now under investigation as potential terrorism suspects.

Shortly thereafter, John Kyl basically confirmed that the government had been tracking certain people buying hydrogen peroxide.

Yesterday, FBI Director Robert Mueller did so in even more explicit terms.

Federal Bureau of Investigation Director Robert Mueller appeared to indicate for the first time Wednesday that his agency uses a provision of the PATRIOT Act to obtain information about purchases of hydrogen peroxide—a common household chemical hair bleach and antiseptic that can also be turned into an explosive.

The comment in passing by Mueller during a Senate Intelligence Committee hearing was noteworthy because critics have suggested that the FBI is using a provision in the PATRIOT Act to conduct broad surveillance of sales of lawful products such as hydrogen peroxide and acetone.

"It's been used over 380 times since 2001," Mueller said of the so-called

business records provision, also known as Section 215. “It provides us the ability to get records other than telephone toll records, which we can get through another provision of the statutes. It allows us to get records such as Fedex or UPS records....**or records relating to the purchase of hydrogen peroxide**, or license records—records that we would get automatically with a grand jury subpoena on the criminal side, the [Section] 215 process allows us to get on the national security side.” (Emphasis original)

Emptywheel: where you read today about the civil liberties infringements your government will confirm years from now.

What Mueller didn’t confirm, but what we can pretty much conclude at this point, is that they’ve used the 215 provision to investigate as terrorists perfectly innocent (and possibly Muslim) purchasers of beauty supplies.

Recall how I first figured out the government was using Section 215 to track beauty supplies. After DiFi blabbed that they had used Section 215 in the Najibullah Zazi case, I examined the detention motion on Zazi to see what kind of evidence they used to justify refusing him bail. It included this:

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 federal government argued, in part, that Zazi had to be denied bail because three people “associated with him” bought beauty supplies “in and around Aurora.”

Last February, Zazi accepted a plea agreement and has been cooperating with investigators; the government has twice delayed his sentencing, suggesting he’s still fully cooperating. Since that time, the only people arrested for participating in the actual plot—as opposed to obstructing justice by trying to hide the evidence of Zazi’s bomb-making, with which both Zazi’s father and uncle were charged—are in NY or Pakistan.

That is, it appears that Zazi had no accomplices “in and around Aurora.”

That’s particularly interesting given that Zazi is reported to have had few close ties in the Denver area. He only moved there in January 2009, 8 months before his arrest. And both his employer and the other worshipers at his mosque describe him as keeping to himself.

Unlike most drivers at ABC, who drove eight- or nine-hour shifts, Zazi routinely worked 16-to-18-hour days, often putting in as many as 80 hours a week ferrying passengers to and from DIA. “He was a regular kind of guy, but he worked hard and he wanted money,” says Hicham Semmaml, a Moroccan-born ABC driver. “I would have never suspected any of this.”

[snip]

"He kept to himself pretty much, and he never gave any outward signs of being connected with anybody," Gross said.

[snip]

Zazi would turn up for afternoon prayers each Friday – Islam's holy day – parking the ABC van in the parking lot outside the sprawling brick complex with its black dome and narrow minaret. Other regular worshippers agreed that he never spoke to anyone and usually rushed off immediately once the service ended.

All the currently available evidence suggests that these three Zazi "associates" buying beauty supplies turned out to be completely innocent. That would mean that one of the reasons the government said Zazi should be held without bail (there were plenty of others) basically amounts to innocent people with some attenuated tie to Zazi buying beauty supplies.

But consider what their beauty supply purchase has exposed them to—particularly if the association involved amounts to membership in the same mosque as him. Their purchase of beauty supplies undoubtedly made them a target for further investigation, presumably FBI agents asking questions of their neighbors and employers, probably the use of other PATRIOT provisions to track their calls and emails, and possibly even a wiretap.

So these three people, because they worshiped at the same mosque as Zazi or drove an airport van but presumably in the absence of any evidence of actual friendship with him had their lives unpacked by our government because they bought a couple bottles of beauty supplies.