

**AFFIDAVIT**

I, Richard D. Smith, being duly sworn, hereby state:

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") assigned to the West Covina Resident Agency of the Los Angeles Division. I have been employed with the FBI as a Special Agent since May of 1999. As part of my duties, I have been assigned to investigate national security matters, to include Terrorism matters. In addition to the sixteen-week academy training, I have received numerous hours of training in the investigation of all crimes, including terrorism cases.

2. This affidavit is made in support of an arrest warrant for WILLIAM JENSEN COTTRELL for conspiring to maliciously damage or destroy by means of fire, a building or vehicle used in interstate commerce or any activity affecting interstate commerce, in violation of 18 U.S.C. §§ 844(n), 844(i) and maliciously damaging or destroying by means of fire, a building or vehicle used in interstate commerce or any activity affecting interstate commerce, in violation of 18 U.S.C. § 844(i).

**ARSON AND VANDALISM INCIDENTS OF AUGUST 22, 2003**

3. On August 28, 2003, I reviewed Arcadia Police

Department report, from which I learned the following:

- A. On August 22, 2003, at approximately 2:00 a.m., eight Sport Utility Vehicles ("SUVs") at Rusnak Mercedes, 55 W. Huntington Boulevard, Arcadia, California, were reported to have been vandalized.
  - B. The vehicles were spray painted with statements which were written with red and blue paint which said: "ELF", "TERRORIST", "I ♡ POLLUTION", "FUCK SUV'S", "SUV = TERRORISM", and "KILLER."
4. On August 23, 2003, I reviewed the color video surveillance tape taken during the vandalism at the Rusnak Mercedes dealership. Two thin looking Caucasian male individuals can be observed vandalizing by spray painting numerous vehicles. The males are described and designated as follows:
- A. Male #1 is wearing a white short sleeved shirt, light colored pants, a beanie style hat or headband, and has a dark object in his left rear pocket.
  - B. Male #2 is wearing a long sleeved shirt, possibly green in color, blue jeans, and a two-tone cap (dark and white) with a bill.
5. On August 28, 2003, I reviewed a Monrovia Police

Department report, from which I learned the following:

- A. On August 22, 2003, at approximately 2:20 a.m., a 2002 Toyota Tundra was vandalized at 513 W. Lime Avenue, Monrovia, California 91016. Both driver's side windows were broken out and a blue spray painted "C" was on the driver's side rear window. Two male individuals wearing dark clothing, possibly with shaved heads, were seen running away from the vandalized vehicle and entering a red compact vehicle.
6. On August 28, 2003, I reviewed a Monrovia Police Department report, from which I learned the following:

- A. On August 22, 2003, at approximately 2:50 a.m., three vehicles were vandalized, and one of the three was burned due to the placement of an incendiary device in the vehicle, at private residences in the area of 1408 S. Magnolia Avenue, Monrovia, California 91016.

- i. The first vehicle was a 1998 Ford Expedition. On the hood of the vehicle in blue spray paint was the wording "POLLUTER", and on the drivers side middle window was "ELF". Written in red spray paint on the rear driver's window was a happy face. The middle passenger's side window was broken out and the interior was burned. Recovered

inside the vehicle was a "Molson Golden" beer bottle, containing residual flammable accelerant, which appeared to be part of the "Molotov Cocktail" incendiary device used to start the fire.

ii. The second vehicle was a 1999 Chevrolet Suburban. On the rear driver's side of the vehicle, in red spray paint, were the letters "ELF." On the driver's side of the vehicle, in blue spray paint, was the wording, "GAS GUZZLER."

iii. The third vehicle was a 1996 Honda Passport. On the driver's side window, in red spray paint, were the letters "ELF." On the rear driver's side window, in red spray paint, was the letter "A" with a circle around it. On the passenger's side, in blue spray paint, was the word "POLLUTER."

7. On August 23, 2003, I spoke with Bureau of Alcohol, Tobacco, Firearms, and Explosives ("BATFE") SA Michael Hidalgo who told me the following:

A. At the arson which occurred to one of the three vehicles parked near 1408 S. Magnolia Avenue, Monrovia,

California 91016, the Ford Expedition, a "wick" for the incendiary device was discovered. The "wick" for the incendiary device appeared to be a piece of cloth\_from a torn white t-shirt.

8. On August 28, 2003, I reviewed a Los Angeles Sheriff's Department, Temple station report, from which I learned the following:

A. On August 22, 2003, at approximately 3:30 a.m., twenty-two (22) vehicles were vandalized at Advantage Lincoln, Mercury, Ford dealership (hereafter referred as Advantage Ford), 1031 Central Ave, Duarte, California 91010. Twenty-one (21) of the vandalized vehicles were Sport Utility Vehicles, and one (1) was a large truck. The investigating detectives reviewed the color surveillance video at the dealership. The detectives reported that the video depicts a red vehicle driving by the location at 03:18 a.m. and at 03:24 a.m. Captured on video at 03:35 a.m., the detectives observed possibly as many as three unknown males spray painting vehicles. The following words or symbols were repeatedly spray painted, in either red or blue spray paint, randomly on the vandalized vehicles: "FUCK SUV'S", "POLLUTOR", "☺", "I ♡ POLLUTION", "ELF",

"DESTROYER", "SUV'S SUCK", "SUV'S SUCK HI", "CLEAN", "AIR", "KILLER", "SMOG MACHINE", "GAS GUZZLER, ELF", and "POLLUTER ELF."

B. On August 22, 2003, at approximately 3:30 a.m., twenty-seven (27) vehicles were vandalized at Duarte Mitsubishi, 1125 Central Ave, Duarte, California 91010. Twenty-six (26) of the vandalized vehicles were Sport Utility Vehicles, and one (1) was a Nissan Quest Van. The following words or symbols were repeatedly spray painted, in either red or blue spray paint, randomly on the vandalized vehicles: "SUV = TERRORISM", "☺", "I ♡ POLLUTION", "ELF", "POLLUTION ELF", "NO!", "HI", "POLLUTER", " $e^{i\pi} + 1 = 0$ ", "POLLUTION", "KILLER", and "GAS GUZZLER."

9. On August 22, 2003, I responded to the scene of an arson at Clippinger Hummer at 1900 East Garvey South, West Covina, California 91791, and reviewed reports, spoke to witnesses, viewed evidence, spoke with other investigators and learned the following:

A. On August 22, 2003, at approximately 4:30 a.m., approximately seventy-two (72) vehicles at the Clippinger Hummer dealership located at 1900 East Garvey Avenue South, West Covina, California 91791,

were damaged by a combination of fire and graffiti.

B. West Covina Fire Department and BATFE arson investigators identified eight points of origin for the various vehicular fires. An office building associated with the dealership caught fire as a result of the vehicle fires. The structure and its contents were destroyed.

C. The Arson investigators, including BATFE SA Michael Hidalgo, identified "Molotov" style incendiary devices consisting of a what appeared to be a non-petroleum based flammable accelerant in Corona beer bottles.

D. On August 22, 2003, I spoke with SA Stanley R. Snock, the initial FBI investigator to arrive at the West Covina Hummer dealership, who told me the following:

i. Multiple SUVs at the Clippinger Hummer dealership were marked in a combination of red, blue, and white paint with "ELF."

ii. I subsequently learned from SA Snock that the graffiti markings at the Clippinger dealership were similar, and in many cases

appear to be identical, to the graffiti markings discovered on the vandalized vehicles at the Rusnak dealership, and the Advantage Ford and Mitsubishi dealerships.

10. On September 02, 2003, I received a copy of the West Covina Police Department's crime scene photographs from Clippinger Hummer at 1900 East Garvey Avenue South, West Covina, California 91791. The following words or symbols were repeatedly spray painted, in either red, blue, or white spray paint, randomly on the vandalized vehicles: "SUV = TERRORISM", "I ♡ POLLUTION", "ELF", "I ♡ POLLUTION E.L.F.", "elf", "NO", "MORE", "FAT; LAZY; AMERICANS", "KILLER OF THE EARTH ELF", "YOU FUCK", "FUCK HUMMER", "FUCK SUV", "GREEDY LITTLE PIG", "EARTH MURDER", "POLLUTE LOVER YOU FUCK", "BIGGEST ASHAME", "AMERICAN WASTEFULLNESS", "IS YOUR PENIS REALLY THAT SMALL", "DESTROYER", "NO RESPECT TO EARTH ELF", and "SHAME."

11. On September 02, 2003, SA Alba told me the following, after he spoke with Ziad Alhassen, the owner of Clippinger Hummer:

A. The Clippinger Hummer dealership purchases its vehicles from the General Motors Corporation located at 13200 McKinley Highway, Mishawaka, Indiana and

the cars are shipped interstate to California from Indiana.

B. Clippinger Hummer is engaged exclusively in commercial activities and that the building associated with Clippinger Hummer was used to further those commercial activities.

**EARTH LIBERATION FRONT CLAIM OF RESPONSIBILITY**

12. On August 22, 2003, I spoke to SA Peter A.

Taglioretti who told me the following:

A. On August 22, 2003, at approximately 10:00 a.m., KFWB, a local radio station, reported receiving an e-mail from the Earth Liberation Front ("ELF") stating that the fire and vandalism incidents occurring overnight were ELF acts, but they do not know who was responsible. A copy of the e-mail was forwarded to SA Taglioretti by KFWB. The e-mail from Earth Liberation Front Press Office at e-mail address, elfpress@resist.ca stated, "The Earth Liberation Front is an underground international organization that uses direct action in the form of economic sabotage to stop the destruction of the natural environment." The e-mail also stated, "Since 1997, the ELF in North America

has caused over \$100 million in damages to entities who profit from the destruction of life and the planet."

#### **ELF ORGANIZATION AND COMMUNICATION**

13. On September 10, 2003, I spoke with Federal Bureau of Investigation Intelligence Operations Specialist ("OS") Michael A. Dorn, who told me the following:

A. OS Dorn is assigned to a Domestic Terrorism investigation squad, and routinely provides analysis of terrorism related investigations. As part of his duties, OS Dorn reviews publicly available information on militant, environmental, animal liberation, and anarchist groups that advocate or perpetrate illegal actions. He has been assigned to his position for approximately 16 years.

B. The ELF movement recognizes, supports and publicizes illegal autonomous actions conducted in the name of ELF, through announcements to the [www.earthliberationfront.com](http://www.earthliberationfront.com) web site. In a statement dated August 22, 2003, the web site announced that ELF activists had conducted actions at the following locations: Arcadia, California - Rusnak Mercedes Benz; Duarte, California - Duarte

Mitsubishi; and West Covina, California, at "a GM auto-dealership, destroying and damaging several SUVs including several Hummer H2s."

C. Review of the [www.earthliberationfront.com](http://www.earthliberationfront.com) introductory homepage determined that on or about September 7, 2003, its content was modified to include a photograph depicting a burned Humvee (Hummer) vehicle at Clippinger Hummer in West Covina, California, along with the phrase "Every Night is Earth Night!"

D. ELF routinely posts announcements, activities, and events on their web sites. Because the membership of organizations like ELF tends to be very fluid and has a propensity for moving around, and use of the Internet for information distribution is customary, it can be expected that communication between various ELF associates would also occur via this method, including through e-mail messages.

#### **THE ARREST OF JOSHUA THOMAS CONNOLE**

14. On September 12, 2003, JOSHUA THOMAS CONNOLE was arrested, and subsequently released three days later, by the West Covina Police Department for his role in the ELF vandalism incidents and arson on August 22, 2003.

Connole was arrested because, among other things, an FBI Special Agent formed the opinion, based upon his training and experience, that he resembled the person depicted on the surveillance videotape. In addition, a bloodhound trained in detecting human scents, was presented with a scent pad taken from the lighter found at Clippinger Hummer on August 22, 2003. After sniffing the scent pad from the lighter, the bloodhound alerted to a place where Connole had recently been, and tracked Connole's exact path back to his residence, thus signaling that the two scents matched.

15. On September 12, 2003, SA Stanley R. Snock told me the following after he and West Covina Police Detective Donald R. Preston interviewed CONNOLE subsequent to his arrest:

A. CONNOLE denied involvement in the ELF arson and vandalism incidents of August 22, 2003. CONNOLE denied having ever heard about the Earth Liberation Front or ELF. CONNOLE denied having knowledge of the location, or ever having been to the city of West Covina.

16. On October 07, 2003, I attended an interview with CONNOLE and his attorney. CONNOLE again denied having participated in arson and vandalism incidents of August

22, 2003 and provided specific information as to his location on August 21-22, 2003, which was not provided during his previous interviews.

**USE OF CALTECH EMAIL ACCOUNT**

17. On September 18 and 22, 2003, I spoke with Jay Walters, Senior Systems Administrator for California Institute of Technology (CalTech), who told me the following:

A. All computers at CalTech that have outside Internet connections have their own dedicated IP address. Therefore, any IP address identified coming back to CalTech can be linked to a particular computer.

B. On September 18, 2003, Walters was contacted by Media Relations who stated they had a Los Angeles Times reporter present who was writing a story connected with the recent ELF incidents and an e-mail which had been sent to the Times office on September 16, 2003, from IP address 131.215.225.106. Media then asked Walters to determine if IP address 131.215.225.106 was assigned to a computer at CalTech. Walters confirmed that the computer that IP address was associated with was within the

CalTech library.

C. Walters searched the corresponding computer and identified that it had been used by one generic and nine registered accounts on that day. Walters first looked at the generic account and saw an e-mail document which was still in the "cache memory" addressed to the LA Times reporter Steve Hymon, e-mail address [Steve.Hymon@latimes.com](mailto:Steve.Hymon@latimes.com), from "Tony Marsden," with e-mail account [tonymarsden1234@hotmail.com](mailto:tonymarsden1234@hotmail.com). After reviewing the e-mail document and seeing statements taking responsibility for the ELF arson and vandalism, Walters contacted the CalTech police chief.

18. On September 19, 2003, I received a copy of the above referenced e-mail from Walters, which is summarized as follows:

A. "Hello, thanks for getting back to me so soon. To answer Jessica's question, no the police have not been e-mailed. I would rather [let] them read about it in the newspaper so that they don't have a chance to quietly release Josh without suffering the much warranted embarrassment they deserve." The writer then added, "There have been few arrest[s] (see ELF homepage) but none of the major players have gone

down. As to the Vail or San Diego fires, I'd rather not confirm or deny anything. Each ELF action is completely independent. If I get arrested, I'd rather not be convicted for any more than necessary, and this is most assuredly not a safe connection." The e-mail was signed, "Tony."

19. On September 19, 2003, I again spoke with Jay Walters, Senior Systems Administrator for CalTech, who told me the following:

A. Walters conducted a search of many of the other computers in the library for usage by the same generic login, and discovered five additional computers which the writer had used. On one of these computers, Walters located what appeared to be an earlier letter to the LA Times dated September 15, 2003, @ 03:21 p.m., to the LA Times reporter Steve Hymon, e-mail address [Steve.Hymon@latimes.com](mailto:Steve.Hymon@latimes.com), from "Tony Marsden," with e-mail account [tonymarsden1234@hotmail.com](mailto:tonymarsden1234@hotmail.com).

B. Walters provided me with a copy of this e-mail, and it is summarized as follows:

i. "Hello, The police have the wrong man here  
- I was amongst those responsible for the SUV

attacks. As proof, I'm sure the police will confirm that the equation ' $e^{i\pi} + 1 = 0$ ' was written on one of the SUV's - hence the desire for Josh's math transcripts. Actually, we wrote that just in case something like this happened." With respect to the arrest of Josh Connole the writer stated, "He doesn't even look like the image on the surveillance cameras - I am much better looking, and my hair and beard are much shorter." The e-mail added, "We left plenty of clues, none of them pointing to Josh. The FBI hasn't seemed to pick up on any of them, which makes this whole ordeal rather boring for us, the true culprits." The e-mail is signed, "Tony."

C. The FBI Computer Access and Recovery Team (CART), in the presence of SA Snock, imaged the above identified five computer hard-drives from the Fairchild Library hard-drives. At that time, the FBI did not search the hard-drives.

20. On September 29, 2003, in response to a search warrant approved by the Honorable Fernando M. Olguin, United States Magistrate Judge, Central District of California, Microsoft Network HOTMAIL provided the

following information:

A. The e-mail account [tonymarsden1234@hotmail.com](mailto:tonymarsden1234@hotmail.com) was created on August 25, 2003, at 13:53:49, from IP address 65.54.228.51. The individual identified him/herself as "Tony Marsden" with no address, and a birth year of 1978.

B. An IP History Log was provided which demonstrated usage from both CalTech and Pasadena City College (PCC) computers from the dates of August 25, 2003 (date of account creation) through September 17, 2003. There is one additional entry on September 23, 2003, identified as coming from Berkeley, CA. The IP log for CalTech associated IP addresses is as follows:

- i. 131.215.225.110 on 08/25/2003 @ 13:53:59.
- ii. 131.215.104.4 on 08/25/2003 @ 17:37:26.
- iii. 131.215.225.110 on 08/31/2003 @ 18:44:24.
- iv. 131.215.225.110 on 09/01/2003 @ 13:19:57.
- v. 131.215.226.101 on 09/04/2003 @ 19:49:47.
- vi. 131.215.225.110 on 09/07/2003 @ 19:17:11.
- vii. 131.215.225.110 on 09/15/2003 @ 20:59:46.
- viii. 131.215.225.113 on 09/16/2003

@ 18:04:52.

ix. 131.215.225.106 on 09/17/2003 @ 14:29:59.

x. 131.215.225.106 on 09/17/2003 @ 16:02:02.

xi. 131.215.225.106 on 09/17/2003 @ 17:06:58.

C. E-mail content was provided revealing five separate e-mails sent from "TONY MARSDEN" to the Los Angeles Times. The e-mails are summarized as follows:

i. On September 10, 2003, a response is sent to the [tonymarsden1234@hotmail.com](mailto:tonymarsden1234@hotmail.com) account from salish.resist.ca. The e-mail noted the original arrival time from the requester was received: 10 Sep 2003 08:23:32.0325 (UTC). UTC is Greenwich Mean Time, which is seven hours ahead of Pacific Standard Time. This e-mail stated, "We have received a request from 131.215.104.4 for a subscription of your e-mail address, '[tonymarsden1234@hotmail.com](mailto:tonymarsden1234@hotmail.com)', to the [security-news@lists.resist.ca](mailto:security-news@lists.resist.ca) mailing list."

(Note: The ELF website is

[www.earthliberationfront@resist.ca](http://www.earthliberationfront@resist.ca)).

ii. The first e-mail to the LA Times was previously summarized in paragraph "19",

section "B", sub "I".

iii. The second e-mail was sent September 16, 2003, at 19:16:19.0557 (UTC), from Marsden at [www.tonymarsden1234@hotmail.com](mailto:www.tonymarsden1234@hotmail.com), to Jessica Garrison and Steve Hyman at the LA Times. The e-mail stated: the author had not e-mailed his claim of responsibility to the police, saying, "I would rather [let] them read about it in the paper so that they don't have a chance to quietly release Josh without suffering any of the much warranted embarrassment they deserve." Marsden stated, "I think the FBI is incredibly frustrated, and embarrassed with 7 years of failure. There have been a few arrest (see ELF homepage) but none of the major players have gone down. As to the Vail or San Diego fires, I'd rather not confirm or deny anything." With respect to ELF actions, Marsden stated, "...the more actions like this that take place, the more people I find coming out of the woodwork supporting our cause. Just last week, there were two attacks in New Mexico (one vandalism, and the other bumper stickering), and my cell has just found ten new members, all of whom

seem to be the most nice clean cut Republicans with rich fathers imaginable." With respect to being arrested, "If I get arrested, I'd rather not be convicted for any more than necessary, and this most assuredly is not a safe connection." With respect to his ELF affiliation Marsden states, "We support destruction of property as a means of bringing attention to important issues, and to directly hurt the profits of those who gain wealth at the expense of all others living on this planet." With respect to the choice of Euler's formula, "No particular reason, it's just pretty."

iv. The third e-mail was sent September 17, 2003, at 4:27 p.m., from Marsden at [www.tonymarsden1234@hotmail.com](mailto:www.tonymarsden1234@hotmail.com), to Jessica Garrison at the LA Times. The e-mail stated: "I have a few security request: 1. It would be better to not mention anywhere in particular where I've lived,... 2. Leave out mention of the Nash Embedding Theorem. 3. Please include mention of actions taken in New Mexico over the last few weeks, but I'd rather have any

specifics which I have mentioned removed. For instance, my explanation of the message 'This SUV supports terrorism'." Marsden then provided approximately one page of statistics on the problems with SUVs. In his closing lines Marsden stated, "Go talk to any researcher in the environmental science department at UCLA, USC, CALTECH, or any other decent university and they will agree."

v. The forth e-mail was sent on September 24, 2003, at 01:49:16 GMT, from Marsden at [www.tonymarsden1234@hotmail.com](mailto:www.tonymarsden1234@hotmail.com), to Jessica Garrison at the Los Angeles Times. In this e-mail Marsden stated, "Nice article, although I'd like to have seen some of the stats make it in. I hear that the FBI raided Cal-tech computer systems. . . very predictable. Next e-mail will come from the Vatican. Tony." (The IP address associated with this e-mail, 63.205.91.226, is associated with the Berkeley public library system).

21. On October 03, 2003, the CalTech General Counsel office provided me requested information corresponding to the login history of access to the

www.tonymarsden1234@hotmail.com account, which revealed the following information:

A. On September 04, 2003 at 19:49:47, at IP address 131.215.226.101, which is a computer located in the CalTech Milliken library, a person using WILLIAM COTTRELL's assigned login and password was logged onto the computer. COTTRELL is a graduate student in the Physics department.

B. In order to gain admittance into the Milliken or Fairchild Libraries after hours, a student or faculty member must scan their personally assigned CalTech access card. Based on this, CalTech provided the access card log for COTTRELL. In addition, CalTech informed me that the card swipe data had been lost late on September 15, 2003, through September 17, 2003.

22. On October 03, 2003, I compared the known login times from CalTech library computers to the www.tonymarsden1234@hotmail.com e-mail account. This comparison found that on all of the occasions in which an access card swipe was required to gain access to the libraries (for which data was available (four)), COTTRELL'S personal access card was used to enter the libraries within five to eight minutes before the

www.tonymarsden1234@hotmail.com account was accessed. It was confirmed that COTTRELL had not reported that his access card was lost or stolen.

23. Between the dates of September 18 and October 6, 2003, the FBI received seven surveillance video tapes from Gregg H. Henderson, Chief, Campus Security and Parking Services for California Technical Institute. These tapes correspond with seven of the eight days which the www.tonymarsden1234@hotmail.com account was accessed from the CalTech computers. One tape had been taped over prior to being requested for by the FBI.

24. In multiple conversations between September 18 and October 6, 2003, I spoke with Gregg H. Henderson, Chief, Campus Security and Parking Services for California Technical Institute, who told me the following:

A. The surveillance cameras cover only one of three entrances at the Fairchild library, and none at the Milliken library.

B. The dates on the outer label of the video tape accurately reflect the day of the video tape recording. For example, the tape labeled "Day 17" is used for the 17th day of every month. These tapes are reused on a monthly basis, every month.

C. The dates reflected on the video tape as it is played does not accurately reflect the date of the taping, however the time sequence recorded on the video tape is reflected accurately.

25. On October 08, 2003, I spoke with SA Robert J. Webster who told me the following:

A. SA Webster viewed all of the video tapes around the times of the known logins to the www.tonymarsden1234@hotmail.com account from the CalTech computers, and found that on the video tape identified as "Day 17" an individual who resembles COTTRELL is seen entering a few minutes before logging into his personal telnet account, and logging into the www.tonymarsden1234@hotmail.com account.

26. On October 06, 2003, CalTech Deputy Director of ITS, Bob Logan, provided to the government the personal "telnet" logins for WILLIAM COTTRELL's computer student access into the CalTech system. SA Snock and I compared the telnet logins to the known logins for the www.tonymarsden1234@hotmail.com account and learned the following:

A. On six occasions an individual, using COTTRELL'S

student computer account, was logged onto a CalTech computer within seconds to a few minutes of the same computer being utilized to access the www.tonymarsden1234@hotmail.com account.

B. On five occasions COTTRELL's student account was logged onto at a CalTech computer when the same computer concurrently was being used to access the www.tonymarsden1234@hotmail.com account using the previously identified generic access login name and password.

27. On October 07, 2003, I received an e-mail from Gregg H. Henderson, Chief, Campus Security and Parking Services for California Technical Institute. This e-mail included the following statement from Henderson concerning COTTRELL's CalTech access card, "According to our records, the card is issue number "1" and was issued on 8/2/02. The fact that the card is issue "1" indicates that the card is the original and only card ever issued to the individual. The issue number changes each time the card is replaced and is subsequently documented in the Card Office database."

28. On October 17, 2003, the Honorable Paul Game, Jr., United States Magistrate Judge for the Central District of California, approved a federal search warrant for the

e-mail accounts cottrell@its.caltech.edu and cottrell@caltech.edu, both of which are maintained at CalTech. This warrant was served and the results were obtained on October 20, 2003. A review of these e-mails, incoming and outgoing, revealed the following:

A. On August 02, 2003, a reply e-mail was sent from Jesse Bloom at bloom@its.caltech.edu to cottrell@its.caltech.edu. COTTRELL's original e-mail, written on August 02, 2003, read as follows:

i. "Howdy, Me and some unnamed co-conspirators of mine are trying to round up some money for the purchase of some five thousand bumper stickers which shall read: 'My SUV supports terrorism.' We need about two hundred dollars, but would be happy to take whatever we can get." Later, the email states, "The point is not so much that the gas guzzling obnoxious monstrosities known as SUVs support terrorism by adding to our dependance on oil, and thereby funding terrorist countries, rather that the SUV is a symbol of *American wastefulness* which to a large extent is why terrorist might want to target us." He later adds, "*While innocent life will never be harmed in any action we*

*undertake, where it is necessary, we will no longer hesitate to pick up the gun to implement justice, and provide needed protection for our planet that decades of legal battles, pleading, protest and economic sabotage have failed so drastically to achieve. ELF."* (Note: In the September 16, 2003, e-mail from the [tonymarsden1234@hotmail.com](mailto:tonymarsden1234@hotmail.com) account to the LA Times, Marsden refers to recent ELF acts in New Mexico to include "bumper stickering.").

ii. As a response, [bloom@its.caltech.edu](mailto:bloom@its.caltech.edu) stated, "Small amounts of free bumper stickers, <http://guerillastickers.com>. Websites I found on the topic of bumpering SUVs."

iii. [daven@its.caltech.edu](mailto:daven@its.caltech.edu) responded to the same e-mail from [cottrell@its.caltech.edu](mailto:cottrell@its.caltech.edu). stating, "I'm in, give me 200, how easy will it be to trace the origin of these stickers? Daven."

iv. [feldman@its.caltech.edu](mailto:feldman@its.caltech.edu) responded to the same e-mail from [cottrell@its.caltech.edu](mailto:cottrell@its.caltech.edu). stating, "Nice man .... I could part with some green for that cause. I don't exactly have an

SUV to put a sticker on, but I know of an H2 that's on my running route to the rose bowl. Good Times! Dan Feldman."

B. On August 22, 2003, at 10:27 AM, the day of the ELF vandalism incident, [cottrell@its.caltech.edu](mailto:cottrell@its.caltech.edu) sent an email to [bloom@its.caltech.edu](mailto:bloom@its.caltech.edu), stating, "Hey, at the risk of sounding overly paranoid, please don't tell Janie about this. I don't distrust her, but the fewer who know the better. Also, if anyone asks you, just tell them the stickers never came. Also, erase this e-mail. Billy."

C. On August 22, 2003, [feldman@its.caltech.edu](mailto:feldman@its.caltech.edu), sent COTTRELL an e-mail stating, "Did you read the article about the hummers?" Additional information was then provided on how to log on to a Los Angeles Times web site. Then the email asks if there is an update on the bumper stickers.

D. On August 24, 2003, at 11:49 PM, [cottrell@its.caltech.edu](mailto:cottrell@its.caltech.edu) responded to the above referenced e-mail by stating, "I've been gone the last two days, and I just heard about this a few minutes ago. Personally, I'm a fan but I wouldn't say that too loudly. The stickers got here on

Friday, but maybe we should hold off on placing them for a few weeks. Billy."

E. On September 7, 2003, at 2:40 PM, [cottrell@its.caltech.edu](mailto:cottrell@its.caltech.edu) sent an e-mail to [daven@its.caltech.edu](mailto:daven@its.caltech.edu), [gagnon@caltech.edu](mailto:gagnon@caltech.edu), [feldman@its.caltech.edu](mailto:feldman@its.caltech.edu), [fisher@its.caltech.edu](mailto:fisher@its.caltech.edu), [jacobs@its.caltech.edu](mailto:jacobs@its.caltech.edu), [seah@its.caltech.edu](mailto:seah@its.caltech.edu), [jasper@its.caltech.edu](mailto:jasper@its.caltech.edu), and [mgiron@its.caltech.edu](mailto:mgiron@its.caltech.edu), concerning the subject of "Stickers." The e-mail states "Yo dogs, Come Wed, we be rolling. Who's in, and who's just a big weany . . . (yes Alex, that was for you). I have approximately one thousand stickers that would like to find their way to appropriate SUVs on the night of September 10. I'm sure Daven, Dan and I can make a good dent into this project, but we need help! Email me if your in, and we can discuss more detailed plans Tue or Wed. The basic idea is to drive to some area of high SUV density, for example, anywhere in LA, and pretend to be runners, while leaving our little beacons of wisdom on every SUV we pass. Of course this leaves many details open. Alright, hope to hear from you. Billy."

F. On September 16, 2003, at 12:36 PM,

cottrell@its.caltech.edu sent an e-mail to Sarah Lyon at lyonsv@hotmail.com. The e-mail says "Alright, I gotta go prep for an interview with the LA Times. I'll tell you about it later."

G. On September 16, 2003, at 8:09 PM, Paul Jones at enviro\_friend2000@hotmail.com sent cottrell@its.caltech.edu an e-mail which contained three pages of statistics concerning SUVs.

H. On September 17, 2003, at 5:24 PM, cottrell@its.caltech.edu sent an e-mail to Adeline Seah at seah@caltech.edu. The writer tells her "I just realized that I never swore you to secrecy about all the stuff I told you yesterday (Although I do have some collateral. . .). Anyway, just got out of another interview, she said that it would be in the paper tomorrow." There is a response at 6:18 PM, stating "what collateral? = P."

29. On October 21, 2003, SA Stanley R. Snock reviewed e-mails obtained as part of the search warrant on the cottrell@its.caltech.edu and cottrell@caltech.edu e-mail accounts, and told me the following:

A. On one of the Clippinger Hummer SUV's vandalized on August 22, 2003, there was graffiti stating

"American Wastefulness." These same words were sent by COTTRELL's email account, dated August 02, 2003, referenced above in paragraph "28", section "A", item "i".

B. On August 22, 2003, at the vandalism locations, there were vehicles that were marked with graffiti stating, "SUV = Terrorism." Similar words to this, "My SUV Supports Terrorism", were sent by COTTRELL's email account as the statement to be on the bumper stickers, dated August 02, 2003, referenced above in paragraph "28", section "A", item "i".

C. In an e-mail referenced above in paragraph "28", section "G", [cottrell@its.caltech.edu](mailto:cottrell@its.caltech.edu) received "SUV statistics" from Paul Jones at [enviro\\_friend2000@hotmail.com](mailto:enviro_friend2000@hotmail.com). These statistics, in the same verbatim order as presented in the e-mail from Jones, were contained in the e-mail sent by [tonymarsden1234@hotmail.com](mailto:tonymarsden1234@hotmail.com), on September 17, 2003, at 4:27 PM, to [Jessica.Garrison@latimes.com](mailto:Jessica.Garrison@latimes.com). As listed in the previously listed IP log from Hotmail, this particular e-mail was sent from IP 131.215.225.106, a CalTech computer. This computer was logged onto at 4:00 PM, September 17, 2003, by an individual utilizing the [cottrell@its.caltech.edu](mailto:cottrell@its.caltech.edu)

logon. Additionally, an individual resembling COTTRELL was captured on video surveillance tape entering the Fairchild Engineering Library, which is where the computer associated with IP 131.215.225.106 is located, at 3:58 PM, September 17, 2003.

30. On October 22, 2003, Stanley R. Snock told me the following:

A. Adeline Shu Ping Seah, is a graduate student, majoring in Biology, at the California Institute of Technology (CalTech). Seah is the registered owner of a 2002 black Audi, California license 4YOD716, registered at the address of 330 S. Mentor Avenue, Apartment 108, Pasadena, California 91106. This vehicle has been observed parked adjacent to 93-95 S. Berkeley Avenue, Pasadena, California, which is where COTTRELL's vehicle (a red Toyota Camry, California license 5CAD821) has been located frequently since a tracking device was placed inside of his vehicle. On October 20, 2003, COTTRELL was observed leaving the 93-95 S. Berkeley Avenue duplex at approximately 10:20 AM. Based upon COTTRELL's frequent overnight stays at this location, it was believed, and later confirmed

during interviews conducted on January 23, 2004,  
that Seah is his girlfriend.

31. On October 24, 2003, I was contacted via facsimile  
by Brad Cundick at MSN Hotmail, who told me the  
following:

A. WILLIAM COTTRELL activated a HOTMAIL e-mail  
account on June 24, 2003. His e-mail  
account/address name is cottrell235@hotmail.com.  
COTTRELL reported his state as California, zip code  
of 91107, and date of birth as 1980.

B. Internet Provider access account logs reflect  
usage as recent as October 17, 2003.

32. On October 27, 2003, I spoke with Robert S. Logan,  
CalTech Information Technology Systems (ITS)  
Administrator, who told me the following:

A. Each CalTech student, staff member, postdoctoral  
scholar, and faculty member is assigned an ITS  
account. As part of this account, all users are  
assigned both a username@its.caltech.edu and  
username@caltech.edu accounts. For the ITS account  
each user is assigned an ITS e-mail account which  
will be less than eight characters, and usually  
consisting of their last name as the username (e.g.,

lastname@its.caltech.edu). The other account is defaulted as the same username as in the ITS e-mail account, but can be customized by the user to reflect a different user name (e.g., "first.last@caltech.edu").

33. On October 31, 2003, the Honorable Magistrate Judge Paul Game, Jr., approved an affidavit for twenty-one (21) e-mail accounts at CalTech. The results of these search warrants is as follows:

A. On August 02, 2003, at 15:15:32 -0700 (PDT), in an e-mail from Jesse Bloom at bloom@its.caltech.edu, to Michael Connell at mjconnel@pacbell.net, Bloom wrote, "Hi. I had a legal-type question. Do you know the law, or do you know where one could find the law, about the legality of placing bumper stickers or flyers on somebody else's vehicle? --Jesse". Connell replied, "I don't know the specific law, but I am sure that a person is not entitled to put a bumper sticker on someone else's car. That irrespective of the message".

B. On September 7 - 10, 2003, in a series of reply e-mails following the "bumper stickering" e-mail referred to in paragraph "28", section "E", captured on the e-mail account mgiron@its.caltech.edu,

between Michelle Giron and William J. Cottrell, Cottrell first wrote, "Terrible news my friends. As I pulled out the stickers to admire them before the big night, I realized that terrorism was spelled 'terrriorism'. I'd be embarrassed to place these on anything. I'll have this fixed, and I might call upon your help in the near future. Over and out, Billy". Giron replied, "how could you do that?".

34. On January 22, 2004, the Honorable Magistrate Judge Jeffrey W. Johnson approved search warrants for four computers associated with CalTech students, and for the two vehicles and residences each associated with COTTRELL and SEAH. These warrants were served on January 23, 2004.

A. As a result of the search warrants a total of six computers were recovered. These computers, as well as a Linux operating system hard-drive recovered earlier, from CalTech were sent to an FBI off-site in Maryland, which is operated by the FBI's Electronic Research Facility in Quantico, Virginia. Analysis of these computers was completed, and they confirmed the receipt of the previously described bumper stickering e-mails. No new evidentiary information was recovered.

35. On January 23, 2004, I participated in a joint, non-custodial interview of COTTRELL, who made the following statements:

A. COTTRELL denied having a Hotmail account, denied having contacted any reporters, denied being part of an environmental group, had never given out his e-mail account passwords or let someone else use his CalTech access card, or has ever participated in illegal activities.

B. COTTRELL was subsequently advised of the evidence against him in this matter, and informed he was being "offered" the opportunity to give his side of the story. COTTRELL stated that he did not see that he was being offered anything by the government, and that he may need to "consult someone" before answering more.

C. The agents again explained that he was being offered this opportunity to tell his side of the story, and that if he was truthful and cooperative that the interviewing agents would pass that on to the United States Attorney's Office. However, nothing could be promised. COTTRELL responded that again he was not being offered anything, and that "hypothetically" if he was to take responsibility

for the arsons that he would not divulge who the others were. The agents agreed that he could tell us what he knows concerning his involvement, and at this time COTTRELL stated, "If I am going to make a decision which can have such a great impact on my life I better consult an attorney." At this time the interview was stopped.

36. Subsequent to the interview of COTTRELL, and while departing the Pasadena Police Department where the non-custodial interview had been conducted, COTTRELL made the following spontaneous statements:

A. While at the second floor elevator COTTRELL asked me, "What happens next? Does it go to trial?". COTTRELL expressed that he was worried about how this was going to affect his research. I explained that was why we (the FBI) did not arrest him at this time. He was being offered an opportunity to explain what happened. The agents felt he was a good kid that made a mistake and he was now being given the best opportunity to help himself. COTTRELL appeared confused so I attempted to explain via the following example: If an individual is caught after stealing 20 cars, he confesses to the crime and continues to help law

enforcement, they will often "plea" the charges down to a lesser amount because of his/her acceptance of responsibility and cooperation. COTTRELL responded, "In my case it was only ten." (Note: It was determined by BATFE and FBI investigators that there were nine points of origin for the fires, eight at the Hummer dealership and one private residence, plus there was a single "Molotov" from the Hummer dealership which failed to ignite. Therefore, ten devices had been used, but only nine ignited.)

37. On January 23, 2004, SEAH was interviewed by the FBI and a West Covina Police Detective. SA Alba, who participated in this interview, told me the following:

A. SEAH provided a personally written statement of her knowledge to the interviewers. The written statement is summarized as follows: "I'm Seah Shu Ping Adeline. My date of birth is 9 May 1978. I have voluntarily spoken to members of the FBI and the West Covina Police Department. The questions I have answered pertain to an investigation concerning the arson and graffiti of SUVs. These incidents occurred on August 22, 2003. I had been visiting in Singapore prior to this date. I returned on the 22nd. I have spoken to Billy Cottrell on numerous

occasions and he stated, 'I did it'. He spoke to me at CalTech cafeteria, my apartment at Mentor Ave, in my car & his car & other unrecalled specific occasions. I looked at four photographs shown to me by the FBI. In photograph #1, the person on the right reminds me of Billy. I initialed and dated the bottom of the photograph. I was not personally involved with the incident on August 22, 2003. I have told the truth as best I can recall. In my discussions with Billy, we joked a lot about the incident among other things. I never thought he did it." I am aware that SEAH later said that she believed COTTRELL was joking when he said "I did it."

B. SEAH identified that COTTRELL does have walkie talkies he keeps in his car for climbing.

C. SEAH stated that whoever did the vandalism did a good thing. She added that she wished she had done it. She later denied this statement.

D. SEAH was shown a surveillance photograph from Advantage Ford, depicting an individual wearing a white t-shirt and wrap-around dark sunglasses. SEAH stated words to the effect that it looked like Billy.

38. Based upon the foregoing, I believe that there is probable cause to believe that WILLIAM JENSEN COTTRELL conspired to maliciously damage or destroy by means of fire, a building or vehicle used in interstate commerce or any activity affecting interstate commerce, in violation of 18 U.S.C. §§ 844(n), 844(i) and maliciously damaged or destroyed by means of fire, a building or vehicle used in interstate commerce or any activity affecting interstate commerce, in violation of 18 U.S.C. § 844(i).

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Richard D. Smith  
Special Agent - FBI

Subscribed and sworn to before  
me this \_\_\_\_\_ day of March, 2004.

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UNITED STATES MAGISTRATE JUDGE