

Media Leaks Facts and Context (Short Version)

Background

- The events that led up to 9/11/2001 show how terrorists operated inside our borders and used our communications networks to connect to planners and financiers overseas. They executed the largest attack on U.S. soil in the 20th Century.
- Our nation determined that our intelligence agencies must do better to “connect the dots,” particularly between terrorists overseas and their operatives in the United States.
- The Administration, Congress, and the Court developed programs and capabilities to **address this issue**, keep the nation safe and protect the privacy and civil liberties of U.S. citizens. **Section 215 Authority or “Business Records FISA”** helps the Intelligence Community connect the dots between foreign terrorists and domestic operatives. **Section 702 Authority** focuses on foreign intelligence targets overseas and contributes significantly to our global counterterrorism mission.
- These capabilities have contributed to the disruption of 54 terrorist attacks and activities in the U.S. homeland and abroad.
- Virtually all developed countries have laws requiring their communications providers to provide data supporting counterterrorism or foreign intelligence investigations. The U.S. government stands out for the rigor of its oversight framework of these activities
- **Section 215 Authority, Business Records FISA**
 - BR FISA is used in a narrow and focused way. In 2012, less than three hundred numbers were queried. All these numbers met a legal standard of being associated with specific foreign terrorist organizations.
 - Under BR FISA, NSA obtains the date and time of call, the calling number (from address) and the called number (to address); and the duration of the call.
 - NSA *does not* obtain the content of calls, names or subscriber information, or locational information. There is no data-mining or indiscriminate sifting through the data; every single query conducted is auditable.

Section 702 Authority

- FAA/702 collection is a Court-approved program that concerns targeting of **non-U.S. persons abroad for foreign intelligence purposes** such as counterterrorism and weapons proliferation.
- This program cannot be and is not used to intentionally target any U.S. person.
- The Senate Select Committee on Intelligence conducted its own investigation between 2008 and 2012 and found, “Through four years of oversight, the Committee has not identified a single case in which a government official engaged in willful effort to circumvent or violate the law.”

How these programs defend the nation and protect civil liberties and privacy

- Foreign terrorists sometimes communicate with persons in the U.S. or Americans overseas. In targeting terrorists overseas, NSA may get both sides of a communication. If that communication involves a U.S. person, NSA must follow Attorney General approved “minimization procedures” to ensure we protect the privacy of U.S. persons.
- This was the case with Najibullah Zazi.
 - While monitoring the activities of Al Qaeda terrorists, NSA intercepted an email about a recipe for explosives from a terrorist located in Pakistan communicating with an individual who they believed to be in the US.
 - NSA immediately tipped FBI of this communication, who subsequently identified the individual as Colorado-based Najibullah Zazi and provided NSA with Zazi’s telephone number.
 - On the basis of Zazi’s connection with al-Qa’ida, NSA ran his number against the telephony metadata collected under section 215, passing lead information back to the FBI.
 - One lead revealed a previously unknown number for U.S.-based co-conspirator Adis Medunjanin.
- The FBI tracked Zazi as he traveled to New York, where they were planning to conduct a terrorist attack. Zazi and Medunjanin, as well as additional co-conspirators were subsequently arrested and convicted for conspiring to bomb the NYC subway system.