

- Regarding the planned bombing of the New York City subway system, the NSA has determined that in early September of 2009, while monitoring the activities of Al Qaeda terrorists in Pakistan, NSA noted contact from an individual in the U.S. that the FBI subsequently identified as Colorado-based Najibullah Zazi. The U.S. Intelligence Community, including the FBI and NSA, worked in concert to determine his relationship with Al Qaeda, as well as identify any foreign or domestic terrorist links. The FBI tracked Zazi as he traveled to New York to meet with co-conspirators, where they were planning to conduct a terrorist attack using hydrogen peroxide bombs placed in backpacks. Zazi and his co-conspirators were subsequently arrested. Zazi eventually pleaded guilty to conspiring to bomb the NYC subway system.

- Regarding terrorist David Headley, he was also involved in the planning and reconnaissance of the 2008 terrorist attacks in Mumbai, India that killed 166 people, including six Americans. According to NSA, in October 2009, Headley, a Chicago businessman and dual U.S. and Pakistani citizen, was arrested by the FBI as he tried to depart from Chicago O'Hare airport on a trip to Europe. Headley was charged with material support to terrorism based on his involvement in the planning and reconnaissance of the hotel attack in Mumbai 2008. At the time of his arrest, Headley and his colleagues were plotting to attack the Danish newspaper that published the unflattering cartoons of the Prophet Mohammed, at the behest of Al Qaeda.

Not only has Congress been briefed on these programs, but laws passed and enacted since 9/11 specifically authorize them. The surveillance programs are authorized by the Foreign Intelligence Surveillance Act (FISA), which itself was enacted by Congress in 1978 to establish the legal structure to carry out these programs, but also to prevent government abuses, such as surveillance of Americans without approval from the federal courts. The Act authorizes the government to gather communications and other information for foreign intelligence purposes. It also establishes privacy protections, oversight mechanisms (including court review), and other restrictions to protect privacy rights of Americans.

The laws that have established and reauthorized these programs since 9/11 have passed by mostly overwhelming margins. For example, the phone call business record program was reauthorized most recently on May 26, 2011 by a vote of 72-23 in the Senate and 250-153 in the House. The internet communications program was reauthorized most recently on December 30, 2012 by a vote of 73-22 in the Senate and 301-118 in the House.

Attached to this letter is a brief summary of the two intelligence surveillance programs that were recently disclosed in media articles. While I very much regret the disclosure of classified information in a way that will damage our ability to identify and stop terrorist activity, I believe it is important to ensure that the public record now available on these programs is accurate and provided with the proper context.

Again, thank you for contacting me with your concerns and comments. I appreciate knowing your views and hope you continue to inform me of issues that matter to you. If you have any additional questions or concerns, please do not hesitate to contact my office in Washington, D.C. at [\(202\) 224-3841](tel:202-224-3841).

Sincerely yours,

Dianne Feinstein  
United States Senator

Further information about my position on issues of concern to California and the nation are available at my website, [Feinstein.senate.gov](http://Feinstein.senate.gov). You can also receive electronic e-mail updates by subscribing to my e-mail list. [Click here to sign up](#). And please visit my [YouTube](#), [Facebook](#) and [Twitter](#) for more ways to communicate with me.