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Domestic use of spy satellites to widen

Law enforcement getting new access to secret imagery

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The [Bush administration](#) has approved a plan to expand domestic access to some of the most powerful tools of 21st-century spycraft, giving law enforcement officials and others the ability to view data obtained from satellite and aircraft sensors that can see through cloud cover and even penetrate buildings and underground bunkers.

A program approved by the Office of the Director of National Intelligence and the [Department of Homeland Security](#) will allow broader domestic use of secret overhead imagery beginning as early as this fall, with the expectation that state and local law enforcement officials will eventually be able to tap into technology once largely restricted to foreign surveillance.

Administration officials say the program will give domestic security and emergency preparedness agencies new capabilities in dealing with a range of threats, from illegal immigration and terrorism to hurricanes and forest fires. But the program, described yesterday by the [Wall Street Journal](#), quickly provoked opposition from civil liberties advocates, who said the government is crossing a well-established line against the use of military assets in domestic law enforcement.

Although the federal government has long permitted the use of spy-satellite imagery for certain scientific functions -- such as creating topographic maps or monitoring volcanic activity -- the administration's decision would provide domestic authorities with unprecedented access to high-resolution, real-time satellite photos.

'More robust access'

They could also have access to much more. A statement issued yesterday by the [Department of Homeland Security](#) said that officials envision "more robust access" not only to imagery but also to "the collection, analysis and production skills and capabilities of the intelligence community."

The beneficiaries may include "federal, state, local and tribal elements" involved in emergency preparedness and response or "enforcement of criminal and civil laws." The "tribal" reference was to Native Americans who conduct semiautonomous law enforcement operations on reservations.

"These systems are already used to help us respond to crises," Charles Allen, the chief intelligence officer for the Department of [Homeland Security](#), said in a

telephone interview. "We anticipate that we can also use it to protect Americans by preventing the entry of dangerous people and goods into the country, and by helping us examine critical infrastructure for vulnerabilities."

Domestic security officials already have access to commercial satellite imagery, including the high-definition photographs available from [Google](#) and other private vendors. But spy satellites offer much greater resolution and provide images in real time, said Jeffrey T. Richelson, an expert on space-based surveillance and a senior fellow with the National Security Archive in Washington.

"You also can get more coverage more often," Richelson said. "These satellites will cover during the course of their orbits the entire United States. They will be operating 24 hours a day and using infrared cameras at night."

Other nonvisual capabilities can be provided by aircraft-based sensors, which include ground-penetrating radar and highly sensitive detectors that can sense electromagnetic activity, radioactivity or traces of chemicals, military experts said. Such radar can be used to find objects hidden in buildings or bunkers.

One possible use of the technology would be to spot staging areas along smuggling routes used to transport narcotics or illegal immigrants, officials said. In a handful of cases, security officials have requested -- and obtained -- similar help, but only on a case-by-case basis.

Allen said the agreement with the DNI grew out of the general impetus for wider intelligence-sharing in the aftermath of the Sept. 11, 2001, terrorist attacks, when administration and intelligence officials began examining the possibility of increasing officials' access to secret data as a means of strengthening the nation's defenses.

The program was formally authorized in May in a memo by Director of National Intelligence [Mike McConnell](#) to Homeland Security Secretary [Michael Chertoff](#). The two officials have been coordinating for months, as recommended in a 2005 study headed by Keith Hall, then the director of the National Reconnaissance Office.

Hall's group cited an "urgent need" for expanding sharing of remote sensing data to domestic groups other than scientific researchers. "Opportunities to better protect the nation are being missed," the report said.

Under the new program, the DHS will create a subordinate agency to be known as the National Applications Office. The new office, which has gained the backing of congressional intelligence and appropriations committees, is responsible for coordinating requests for access to intelligence by civilian agencies. Previously, an agency known as the Civilian Applications Committee facilitated access to satellite imagery for geologic study.

'Big Brother in the sky'

Oversight of the department's use of the overhead imagery data would come from officials in the Department of Homeland Security and from the Office of the Director of National Intelligence and would consist of reviews by agency inspectors general, lawyers and privacy officers. "We can give total assurance" that Americans' civil liberties will be protected, Allen said. "Americans shouldn't have any concerns about it."

But civil liberties groups quickly condemned the move, which Kate Martin, director of the Center for National Security Studies, a nonprofit activist group, likened to "Big Brother in the sky." "They want to turn these enormous spy capabilities, built to be used against overseas enemies, onto Americans," Martin said. "They are laying the bricks one at a time for a police state."

Steven Aftergood, director of the Project on Government Secrecy for the Federation of American Scientists, said that the data could be useful but that oversight for the program was woefully inadequate. Enhanced access "shouldn't be adopted at all costs because it comes with risk to privacy and to the integrity of our political institutions," he said.

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