Lawmakers Challenge Plan to Expand Spying

Concerns Focus on Domestic Use of Satellite Technology and How U.S. Will Protect Civil Liberties

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Senior House Democrats called on the Bush administration yesterday to delay a planned Oct. 1 expansion of the use of powerful satellite and aircraft spy technology by local and federal law enforcement agencies, challenging the plan's legality and charging that the administration is failing to safeguard the privacy of Americans.

House Homeland Security Committee Chairman Bennie Thompson (D-Miss.) and two Democratic subcommittee chairmen jointly asked the Department of Homeland Security to provide the legal framework for the domestic use of classified and military spy satellites, and to allow Congress to review privacy and civil liberties protections.

"You let this thing go, it may be another blank check to the executive. It may morph into things that will terrify you if you really understand the capabilities of satellites," said Rep. Jane Harman (Calif.), former ranking Democrat on the House intelligence committee.

Their demand was made in a letter after DHS officials testified about the spying program at a hearing, and signaled that administration officials had not succeeded in quieting Democrats' concerns about the intrusiveness of the satellite technology -- which was created primarily for foreign surveillance -- and the novelty of its proposed use by state and local police officials.

Responding to the request for a delay, DHS spokesman Russ Russick said: "We are working on it and will get back to you."
Knocke said the department will provide "timely responses . . . and with that information we believe the committee will be satisfied."

Invoking the controversy over President Bush's warrantless eavesdropping program, which was kept secret from most lawmakers for years after the Sept. 11, 2001, terrorist attacks, Harman contended that the administration gave incomplete or misleading briefings about that program and disregarded laws passed by Congress.

"Since we've been rolled, I intend not to get rolled again," Harman said, although she acknowledged the potential value of the new program.

The hearing was set after news reports in August said that beginning this fall, intelligence officials and DHS will allow broader domestic use of some of the nation's most secret and advanced spying technology.

Administration officials say the program can help domestic authorities deal with a variety of threats, from illegal immigration and terrorism to hurricanes and forest fires, by providing access to high-resolution, real-time satellite photos. Military sensors can peer through clouds and tree canopies, detect underground bunkers and penetrate buildings.

Charles Allen, Homeland Security's chief intelligence officer, told the committee that overhead satellite imagery has been used legally for decades to support domestic, federal, scientific, law enforcement and security uses. It has been used to create maps, monitor volcanoes and scout sports events.

The new program, he said, does not require additional laws or authority, and would relieve the need for other agencies to rely on ad hoc means of accessing powerful data tools. He said that state and local police requests for access would be approved on a case-by-case basis, using rules to be set by homeland and intelligence officials at a future date he did not specify.

Allen also said officials will use only imagery satellites and will not track individuals or use thermal sensors to peer inside buildings. "I assure you and the American people that the appropriate use of these . . . capabilities will make the nation safer while maintaining the privacy and civil liberties of Americans," Allen said.

Oversight of the data's use would be more layered than it is now, Allen said. It would come from officials at DHS and the Office of the Director of National Intelligence, which authorized the program in May following a 2005 study. The program will be managed by a new DHS office and reviewed by agency inspectors general, lawyers, and privacy and civil liberties officers.

Representatives of several civil liberties groups testified against the move. They said the government appears to be crossing a well-established line against the use of military assets in domestic law enforcement. "They say 'trust us,' " said Barry Steinhardt, director of the American Civil Liberties Union's Technology and Liberty Project. Before such technology is directed at Americans,
he said, "You need to verify that this technology will not be misused."

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