



FOR IMMEDIATE RELEASE

Statement of Chairman Bennie G. Thompson

“Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office”

September 6, 2007 (Washington) – Today, Committee on Homeland Security Chairman Bennie G. Thompson (D-MS) delivered the following prepared remarks for the full Committee hearing entitled, “Turning Spy Satellites on the Homeland: the Privacy and Civil Liberties Implications of the National Applications Office”:

“The Department chose Congress’ August recess as the time to announce – with great fanfare – the creation of a new National Applications Office (NAO) to facilitate the use of spy satellites to protect the homeland.

For the first time in our nation’s history, the Department plans to provide satellite imagery to state and local law enforcement officers to help them secure their communities.

While I’m all for information sharing with our first preventers, it has to happen the right way. Whether the NAO is the ‘right way’ remains to be seen. What was perhaps most disturbing about the Department’s ‘announcement’, moreover, is that it wasn’t an announcement at all.

This authorizing Committee did not learn about the NAO from you, Mr. Allen, but from the Wall Street Journal. There was no briefing, no hearing, and no phone call from anyone on your staff to inform any Member of this Committee of why, how, or when satellite imagery would be shared with police and sheriffs’ officers nationwide.

Apparently we weren’t the only ones left in the dark.

Despite my repeated requests that the Department take privacy and civil liberties seriously, the Privacy Officer and Civil Rights and Civil Liberties Officer were not brought into the NAO development process until this spring – more than a year and a half after the NAO started coming together.

This is unacceptable. Rigorous privacy and civil liberties protections must be ‘baked in’ from the beginning, and your Department’s experts on these topics were shut out.

Furthermore, the NAO will be up and running in less than four weeks. How the working group responsible for developing the rules for state and local use of spy satellite imagery will complete their work in time is beyond me. Indeed, they only recently began their work!

We’re here today to help and to ensure that privacy and civil liberties at the Department do not remain the afterthought that they have apparently been. I want to know from our Department witnesses the scope of the program, its legal basis, and specifically how Constitutional protections will be incorporated.

I note, however, that we’ll be doing so with one hand tied behind our back. Last week, we invited the Department’s Office of General Counsel to send an attorney to explain all this.

What we got instead is a letter from Gus Coldebella, the Department’s Acting General Counsel,

stating, 'I do not feel that it would be useful for me to participate as a witness.' I frankly don't need the Acting General Counsel's advice on determining who will be a useful witness and who will not. I had a reason and a purpose for asking Mr. Coldebella to testify, and his absence creates new questions that I will seek to have answered.

I firmly agree that America must use the tools at its disposal to prevent another terrorist attack on our soil – but we must do so within the confines of the law. Sharing spy satellite information with state and local law enforcement simply goes far beyond more non-controversial applications. As Kate Martin of the Center for National Security Studies has so aptly stated, it potentially gives rise to a 'Big Brother in the Sky.' Like Ms. Martin, I am not convinced that the potential impact of all this has been fully considered or that adequate protections are in place.

I look forward to hearing from our witnesses on how the Department plans to address these concerns and from our panel of civil rights and civil liberties experts on the consequences of failure to 'get it right.'"

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