



**One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515**

September 6, 2007

The Honorable Michael Chertoff
Department of Homeland Security
Washington, D.C. 20528

Mr. Charles Allen
Office of Intelligence and Analysis
Department of Homeland Security
245 Murray Lane
Washington, D.C. 20528

Dear Secretary Chertoff and Assistant Secretary Allen:

As you know, our Committee held a hearing today on "Turning Spy Satellites on the Homeland." The Department's new National Applications Office (NAO), charged with overseeing such a program and scheduled to begin operations on October 1, raises very serious privacy and civil liberties concerns.

We are so concerned that, as the Department's authorizing Committee, we are calling for a moratorium on the program until the many Constitutional, legal and organizational questions it raises are answered.

Today's testimony made clear that there is effectively no legal framework governing the domestic use of satellite imagery for the various purposes envisioned by the Department. Without this legal framework, the Department runs the risk of creating a program that – while well-intended – could be misused and violate Americans' Constitutional rights. The Department's failure to include its Privacy Officer and the Civil Rights and Civil Liberties Officer before this July, almost two years after planning for the NAO began, only heightens our sense of concern. Privacy and civil liberties simply cannot remain an afterthought at the Department.

We ask that you provide the Committee with the written legal framework under which the NAO will operate, the standard operating procedures (SOPs) for the NAO – particularly those SOPs that will be used for requests by State, local, and tribal law enforcement, the privacy and civil liberties safeguards that will accompany any use of satellite imagery, and an analysis of how the program conforms with *Posse Comitatus*.

The use of geospatial information from military intelligence satellites may turn out to be a valuable tool in protecting the homeland. But until the Committee receives those written documents and has had a full opportunity to review them, offer comments, and help shape

September 6, 2007

Page 2

appropriate procedures and protocols, we cannot and will not support the expanded use of satellite imagery by the NAO.

We appreciate your agreement to provide these materials requested above and look forward to working together to assure the American people that their privacy and civil liberties will be protected.

Sincerely,



Bennie G. Thompson
Chairman



Jane Harman
Chair

Subcommittee on Intelligence, Information
Sharing, and Terrorism Risk Assessment



Christopher P. Carney
Chairman
Subcommittee on Management, Investigations,
and Oversight