

GET YOUR SATELLITE OUT OF MY BACKYARD

This will be interesting. The Dems are trying to prevent Chertoff from implementing his big brother satellite domestic spying program on October 1.

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.

I say it's interesting because it's unclear whether this letter will have the legal umph to achieve its intent—preventing Chertoff from implementing his system. As I have pointed out before, Chertoff did not use the civil rights and privacy professionals in DHS to vet this system. And since those positions are statutory, presumably the failure to do so would predispose a court to rule Chertoff's program illegal. And this letter, clearly states a legislative intent to prohibit the government from implementing the system. With all the Fourth Amendment concerns raised by this program, that, too, may be enough to prevent DHS from implementing it.

But that begs the question: are the Congressional Dems prepared to pass actual legislation preventing Chertoff from implementing this program? Of course, Kagro will probably be here in about 45 seconds to remind us that, unless Congress is willing to take real steps to make sure the Administration follows the law, any law would be moot anyway.