

Homeland Security's Space-Based Spying Goes Live

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While America's attention has shifted to the economic meltdown and the presidential race between corporate favorites John McCain and Barack Obama, *The Wall Street Journal* [reported](#) Wednesday that the Department of Homeland Security's (DHS) National Applications Office (NAO) "will proceed with the first phase of a controversial satellite-surveillance program, even though an independent review found the department hasn't yet ensured the program will comply with privacy laws."

As I [wrote](#) in June, NAO will coordinate how domestic law enforcement and "disaster relief" agencies such as FEMA use satellite imagery intelligence (IMINT) generated by U.S. spy satellites. Based on available evidence, hard to come by since these programs are classified "above top secret," the technological power of these military assets are truly terrifying.

Unlike commercial satellites that beam TV programs, forecast the weather or provide global positioning services, their military cousins are far more flexible, have greater resolution and therefore, more power to monitor human activity. By utilizing different parts of the light- and infrared spectrum, spy satellites, in addition to taking ultra high-resolution photographs to within a **meter** of their "target," can also track the heat signatures generated by people inside a building. ("Homeland Security's Space-Based Spies," Antifascist Calling, June 4, 2008)

In other words, when combined with illegal NSA and FBI domestic surveillance programs—from data-mining to the massive interception of telephone and internet communications—NAO will furnish DHS and outsourced corporate grifters who actually run the program, with the blanket coverage of American citizens long sought by securocrats. Aside from *The Wall Street Journal* and *The Raw Story*, not a single media outlet has disclosed this vital information to the public.

Despite the absence of rigorous oversight that would determine whether or not NAO complies with what's left of privacy laws, DHS is proceeding full speed ahead. The *Journal* reports,

A new 60-page Government Accountability Office report said the department "lacks assurance that NAO operations will comply with applicable laws and privacy and civil liberties standards," according to a person familiar with the document. The report, which is unclassified but considered sensitive, hasn't been publicly released, but was described and quoted by several people who have read it.

The report cites gaps in privacy safeguards. The department, it found, lacks controls to

prevent improper use of domestic-intelligence data by other agencies and provided insufficient assurance that requests for classified information will be fully reviewed to ensure it can be legally provided. (Siobhan Gorman, "Satellite-Surveillance Program to Begin Despite Privacy Concerns," *The Wall Street Journal*, October 1, 2008) [emphasis added]

Reporting on the shocking absence of oversight features built into the program, Nick Juliano [writes](#),

Essentially, the bill only requires the Homeland Security Secretary to assure lawmakers that NAO programs comply with existing laws. Congress also has required the DHS Inspector General to provide quarterly classified reports on how much information has been collected by the domestic satellite surveillance, although the bill required those reports be made to the House and Senate Appropriations Committees, not the Homeland Security Committees that are traditionally in charge of DHS oversight. ("DHS satellite spy program going forward despite objections," *The Raw Story*, October 2, 2008)

The GAO's suppressed report is not the first to criticize the breathtaking scope of this repressive program. The Congressional Research Service (CRS) issued a [study](#) in June raising critical questions about NAO's legality.

Members of Congress and outside groups have raised concerns that using satellites for law enforcement purposes may infringe on the privacy and Fourth Amendment rights of U.S. persons. Other commentators have questioned whether the proposed surveillance will violate the Posse Comitatus Act or other restrictions on military involvement in civilian law enforcement, or would otherwise exceed the statutory mandates of the agencies involved. Such concerns led Congress to preclude any funds in the Consolidated Appropriations Act, 2008 (H.R. 2764, P.L. 110-161), from being used to "commence operations of the National Applications Office ... until the Secretary [of the Department of Homeland Security] certifies that these programs comply with all existing laws, including all applicable privacy and civil liberties standards, and that certification is reviewed by the Government Accountability Office." (Section 525.) Similar language has been included in FY2009 homeland security appropriations bills. (Richard A. Best Jr. and Jennifer K. Elsea, "Satellite Surveillance: Domestic Issues," Congressional Research Service, June 27, 2008)

But as the *Journal* reported, Congress' "partial funding" for the program in "a little-debated \$634 billion spending measure," means that an operational NAO will now provide federal, state and local officials "with extensive access to spy-satellite imagery-but no eavesdropping-to assist with emergency response and other domestic-security needs, such as identifying where ports or border areas are vulnerable to terrorism."

Such hollow "no eavesdropping" assurances to Congress from quarterly classified reports from the DHS Inspector General fly in the face of the steady erosion of constitutional protections by the Bush administration.

What "other agencies" might the GAO have in mind when citing concerns over potential abuse of intelligence data supplied by the National Applications Office? Well, take your pick since the U.S. "intelligence community" is comprised of 16 different agencies under the operational control of the Office of National Intelligence (ODI) and the powerful Office of the

Director of National Intelligence (ODNI).

Led by Michael McConnell, a ten-year veteran of the spooky Booz Allen Hamilton corporation, purchased this year by the sinister Carlyle Group, ODNI can truly be described as a “public-private partnership” in political repression. As *CorpWatch* [reported](#) in March,

McConnell ... spent more than 10 years as a Booz Allen senior vice president in charge of the company’s extensive contracts in military intelligence and information operations for the Pentagon. In that job, his official biography states, McConnell provided intelligence support to “the U.S. Unified Combatant Commanders, the Director of National Intelligence Agencies, and the Military Service Intelligence Directors.” That made him a close colleague of not only Donald Rumsfeld, who ran the Pentagon from 2001 to 2007, but of Vice President Cheney, who has served President Bush as a kind of intelligence godfather since the earliest days of the administration. (Tim Shorrock, “Carlyle Group May Buy Major CIA Contractor: Booz Allen Hamilton,” *CorpWatch*, March 8, 2008)

Investigative journalist Tim Shorrock [revealed](#) last year, that the intelligence-sharing system to be managed by NAO,

*...will rely heavily on private contractors including Boeing, BAE Systems, L-3 Communications and Science Applications International Corporation (SAIC). These companies already provide technology and personnel to U.S. agencies involved in foreign intelligence, and the NAO greatly expands their markets. Indeed, at an intelligence conference in San Antonio, Texas, last month, the titans of the industry were actively lobbying intelligence officials to buy products specifically designed for domestic surveillance. (“Domestic Spying, Inc.” *CorpWatch*, November 27, 2007)*

NAO will utilize the military imagery and mapping tools of the National Geospatial-Intelligence Agency ([NGA](#)). NGA maintains a symbiotic relationship with both the NSA and the ultra-secret National Reconnaissance Office ([NRO](#)), that builds and maintains America’s fleet of spy satellites. Additionally, NRO operates the planetary wide network of ground stations where NSA’s signals intelligence (SIGINT) and NGA’s imagery intelligence (IMINT) are processed and analyzed.

Shorrock revealed that the program was kick-started in 2005 and the impetus came from veteran spooks with extensive ties to the military-industrial-security apparatus and corporate outfits such as Booz Allen Hamilton. The company was “tasked” with studying how “intelligence from spy satellites and photoreconnaissance planes could be better used domestically to track potential threats to security within the U.S.” Completed in 2005, the Booz Allen plan became the basis for NAO.

Veteran spook Charles Allen told [The Wall Street Journal](#) in August 2007 that NAO is “an idea whose time has arrived.” As DHS chief intelligence officer, Allen will head the new program.

Additionally, an “independent study group” appointed in 2005 by the Director of National Intelligence, tasked with reviewing the deployment of military reconnaissance assets in the “homeland” reached the desired conclusions. According to a [press release](#) by the Department of Homeland Security,

The study group unanimously recommended in its September 2005 report that the scope of the Civil Applications Committee be expanded beyond civil applications to include homeland security and law enforcement applications, and concluded that there is an urgent need for action. The study group concluded a new approach is needed to effectively employ Intelligence Community capabilities for civil applications, homeland security and law enforcement uses. ("Fact Sheet: National Applications Office," Department of Homeland Security, August 15, 2007)

How "independent"? You make the call! Shorrock reported that the group,

... was chaired by Keith Hall, a Booz Allen vice president who manages his firm's extensive contracts with the NGA and previously served as the director of the NRO.

Other members of the group included seven other former intelligence officers working for Booz Allen, as well as retired Army Lieutenant General Patrick M. Hughes, the former director of the DIA and vice president of homeland security for L-3 Communications, a key NSA contractor; and Thomas W. Conroy, the vice president of national security programs for Northrop Grumman, which has extensive contracts with the NSA and the NGA and throughout the intelligence community. (Shorrock, 2008, op. cit.)

From the start, the group's findings were "heavily weighted" toward corporations "with a stake" in both foreign and domestic intelligence. No surprise then, when the group's "contractor-advisers" called for "a major expansion in the domestic use of the spy satellites that they sell to the government."

A power-grab by the ODNI and DHS should raise serious alarms of further encroachments by a lawless "unitary executive" and serve as a warning that domestic law enforcement is rapidly coming under the purview of opaque Pentagon spy agencies.

While the creeping militarization of civilian policing is not a new phenomenon, the NAO launch represents a qualitative leap towards the surveillance society dreamed up by Iran-Contra felon and former DARPA administrator John Poindexter, before he was kicked to the curb when plans for the Total Information Awareness (TIA) program first gained notoriety in 2003.

And like the newly-launched NAO, TIA was managed by none other than Booz Allen Hamilton and their sidekicks at the San Diego-based Science Applications International Corporation! Small world (of open-ended contracts for giant Bush regime-connected multinationals).

The NAO will be overseen by the National Applications Executive Council (NAEC). In turn, NAEC will be "tri-chaired" by the Deputy Secretary of Homeland Security, the Deputy Secretary of the Department of the Interior (DOI), and the Principal Deputy of the Director of National Intelligence, a position held by Donald M. Kerr.

As with the vast majority of top securocrats, Kerr has served in a multitude of capacities inside and outside government. When he ended his tenure as Director of the National Reconnaissance Office in 2007, Kerr joined ONI. The one-time CIA and FBI employee was also a SAIC executive vice president during the 1990s.

Tim Shorrock reported in his essential book, [*Spies for Hire*](#), that Kerr described how "ninety-five percent of the resources over which we have stewardship in fact go out on a

contract to our industrial base. It's an important thing to recognize that we cannot function without this highly integrated industrial government team." Brutal honesty for brutal times.

Despite rigorous objections by members of Congress and civil liberties' groups to a program with the breathtaking potential to invade our privacy in newer and more lethal ways, NAO is now reality. America's headlong flight towards constructing a post-Constitutional "new order" just added another brick in the wall.

Tom Burghardt is a researcher and activist based in the San Francisco Bay Area. In addition to publishing in Covert Action Quarterly, Love & Rage and Antifa Forum, he is the editor of Police State America: U.S. Military "Civil Disturbance" Planning, distributed by [AK Press](#).

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