



November 1, 2013

VIA FACSIMILE

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Re: Freedom of Information Act Request

Dear Ms. Bolling,

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 522, and is submitted on behalf of the Electronic Privacy Information Center (“EPIC”) to the Department of the Army (“Army”) FOIA Office.

EPIC seeks records regarding the capabilities of the Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System (“JLENS”).

Background

Aerostats are lighter-than-air aircrafts,¹ and include balloons, non- and semi-rigid airships, and dirigibles.² They have been used for military purposes for many decades.³ Currently, the Department of Defense is engaged in numerous efforts to enlist aerostats for various purposes, among them the JLENS system. According to manufacturer Raytheon, JLENS “consists of two tethered, 74-meter helium-filled aerostats connected to mobile mooring stations and a communications and processing groups. The aerostats fly as high as 10,000 feet above sea level and can remain aloft and operational for up to 30 days. One aerostat carries a surveillance radar with 360-degree surveillance capability; the other aerostat carries a fire control radar.”⁴ A video produced by Raytheon states that JLENS allows “commanders to develop and analyze patterns of life over time...”⁵

¹ Merriam-Webster, *Aerostat*, <http://www.merriam-webster.com/dictionary/aerostat>;

² See *The Five Principal Kinds of Lighter-Than-Air Craft Illustrated and Described*, POPULAR MECHANICS 932 (June, 1930).

³ See *id.* at 929-44.

⁴ Raytheon, *JLENS*, <http://www.raytheon.com/capabilities/products/jlens/> (last accessed Oct. 31, 2013).

⁵ Raytheon, *JLENS: The Future of Defense*, YOUTUBE.COM (Oct. 22, 2012), <https://www.youtube.com/watch?v=q8hkpQ8ujyM>.

According to the GAO, “[t]he Army is developing JLENS in two spirals. Spiral 1 is complete and served as a test bed to demonstrate the concept. Spiral 2 will utilize two aerostats with advanced sensors for surveillance and tracking, as well as mobile mooring stations, communication payloads, and processing stations.”⁶

The radar system of JLENS is capable of tracking “hostile cruise missiles; low-flying manned and unmanned aircraft; and moving surface vehicles such as boats, mobile missile launchers, automobiles, trucks and tanks”⁷ from up to 340 miles away.⁸ A test undertaken by Raytheon proved that JLENS is capable of “simultaneously detect[ing] and track[ing] double-digit swarming boats, hundreds of cars and trucks, non-swarming boats and manned and unmanned aircraft.”⁹ Another test showed that JLENS equipped with an electro-optical/infrared sensor was able to simultaneously surveil multiple individuals and vehicles:

During the Raytheon-funded demonstration, and despite heavy smoke from recent, naturally-occurring forest fires, an MTS-B electro-optical/infrared (EO/IR) sensor mounted on a JLENS surveillance aerostat tracked numerous targets with the IR sensor. Video from the MTS-B was passed through the aerostat's tether, enabling operators to watch live feed of trucks, trains and cars from dozens of miles away. While the MTS-B visually tracked targets, the JLENS simultaneously tracked surface targets with its integrated radar system, demonstrating the potential to integrate the JLENS radar and EO/IR payloads. As part of the demonstration, operators also used the MTS-B's EO sensor to watch Raytheon employees simulate planting a roadside improvised explosive device.¹⁰

As of 2007, the Army had four JLENS aerostats.¹¹ According to a GAO study, between 2007 and 2012 the Department of Defense spent \$2.56 billion on developing the JLENS system.

NBC News reports that the Army is currently testing JLENS at the Aberdeen Proving Ground in Maryland and will then begin a long-term surveillance program over the D.C. area.¹²

⁶ United States Government Accountability Office, *Assessments of Selected Weapon Programs* 95 (Mar. 2012) available at <http://www.gao.gov/assets/590/589695>.

⁷ Raytheon, *US Army Soliders Test JLENS in real-world scenarios* (Jul. 24, 2013), <http://raytheon.mediaroom.com/index.php?s=43&item=2386>.

⁸ *Id.*

⁹ Raytheon, *JLENS simultaneously tracks swarming boats, cars, aircraft* (Dec. 5, 2012), <http://raytheon.mediaroom.com/index.php?s=43&item=2235>.

¹⁰ Raytheon, *Operators use JLENS-mounted sensor to observe role-players planting mock-IED during demonstration* (Jan. 14, 2013), <http://raytheon.mediaroom.com/index.php?s=43&item=2254>.

¹¹ Susan Berfield, *Raytheon Missile-Seeking Blimp to Get Test Run Guarding Capital*, BLOOMBERG.COM (Feb. 28, 2013), <http://www.bloomberg.com/news/2013-02-28/raytheon-missile-seeking-blimp-to-get-test-run-guarding-capital.html>.

¹² NBC Washington, *Massive Blimps Could Soon Conduct 360-Degree Surveillance Over D.C. Area* (Jul. 25, 2013), <http://www.nbcwashington.com/news/local/Massive-Blimps-Could-Soon-Conduct-360-Degree-Surveillance-Over-DC-Area.html>.

According to NBC, “[t]he blimps will stay in the skies for up to three years.”¹³ They are expected to operate at a height of 10,000 feet.¹⁴

Documents Requested

EPIC seeks:

1. All technical specifications, contracts, and statements of work for JLENS systems purchased or contracted for by the Department of the Army, including but not limited to contracts with Ratheon;
2. All instructions, policies, and procedures concerning the use of JLENS to collect, store, transmit, reproduce, retain, degrade, or delete images and sounds.
3. All documents detailing the technical specifications of visual and auditory surveillance hardware on JLENS aerostats;
4. All contracts and statements of work entered into by the Department of the Army for JLENS hardware, software, or training that concerns the ability of JLENS to collect, obscure, degrade, store, transmit, reproduce, retain, or delete images and sounds.

Request for “News Media” Fee Status and Fee Waiver

Per 5 U.S.C. § 552(4)(A)(ii), EPIC is a “representative of the news media” for fee waiver purposes.¹⁵ Based on our status as a “news media” requester, we are entitled to receive the requested records with only duplication fees assessed.

Further, in accordance with 5 U.S.C. § 552(4)(A), any duplication fees should be waived because the subject of this request will “contribute significantly to the public understanding of the operations or activities of the government.” This request concerns both significant expenditures of the federal government and the use of surveillance equipment within the United States. In particular, the government’s surveillance activities have been the subject of intense scrutiny over the past several months.¹⁶ At a time of great concern over the expenses of the federal government and increased privacy concerns, the information that is the subject of this request will greatly increase public understanding of how the government works.

¹³ *Id.*

¹⁴ Darren Orf, *JLENS, the Military Surveillance Airship, Is Ready for Action*, POPULAR MECHANICS (Jul. 24, 2013), <http://www.popularmechanics.com/technology/military/planes-uavs/jlens-the-military-surveillance-airship-is-ready-for-action-15727775>.

¹⁵ *EPIC v. Department of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003).

¹⁶ See, e.g., Craig Timberg and Ellen Nakashima, *Amid NSA spying revelations, tech leaders call for new restraints on agency*, Washington Post (Oct. 31, 2013), http://www.washingtonpost.com/world/national-security/amid-nsa-spying-revelations-tech-leaders-call-for-new-restraints-on-agency/2013/10/31/7f280aec-4258-11e3-a751-f032898f2dbc_story.html; Glenn Greenwald, *NSA collecting phone records of millions of Verizon customers daily*, THE GUARDIAN (Jun. 5, 2013), <http://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order>; Somini Sengupta, *U.S. Border Agency Allows Others to Use Its Drones*, THE NEW YORK TIMES (Jul. 3, 2013), <http://www.nytimes.com/2013/07/04/business/us-border-agency-is-a-frequent-lender-of-its-drones.html>.

Conclusion

Thank you for your consideration of this request. As provided in 5 U.S.C. § 552(a)(6)(A), I look forward to your determination regarding compliance with this request within 20 business days. For questions regarding this request, I can be contacted at 202-483-1140 or FOIA@epic.org

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Adam Marshall', with a stylized flourish at the end.

Adam Marshall
Chief Internet Activist, EPIC

A handwritten signature in blue ink, appearing to read 'Julia Horwitz', with a stylized flourish at the end.

Julia Horwitz
Director, EPIC Open Government Project