

## **Freedom from Drone Surveillance Act**

**October 2012**

While there are at least 63 active drone sites around the U.S.,<sup>1</sup> the Obama administration is calling for drone technology to be integrated into the national air space by 2015.<sup>2</sup> By 2020, just eight short years from now, it is estimated that at least 30,000 of these drones will be crisscrossing the nation's skies, serving a wide range of functions, both public and private, governmental and corporate. We will find ourselves operating under a new paradigm marked by round-the-clock surveillance and with little hope of real privacy.<sup>3</sup>

### **Problems of Increasing Drone Surveillance**

The legislative vehicle for this rapid transition into a surveillance state came in the guise of the Federal Aviation Administration (FAA) reauthorization bill signed into law by President Obama in February 2012.<sup>4</sup> It was enacted after intense corporate lobbying by drone makers and potential customers hoping to capitalize on the \$12 - 30 billion per year industry.<sup>5</sup>

Drones will undoubtedly be put to a host of legitimate uses, such as helping to spot wildfires, monitoring illegal border crossings, and carrying out search-and-rescue missions; however, in the name of alleged efficiency and cost-effectiveness, law enforcement agencies will find a whole host of clever and innovative ways to use drones to invade our daily lives, not the least of which will be traffic enforcement and crowd control.

### **The Freedom from Drone Surveillance Act Is Crucial to Americans' Privacy Rights**

While the threat these drones pose to privacy is unprecedented, they are being unleashed on the American populace before any real protocols to protect our privacy rights have been put in place and in such a way as to completely alter the landscape of our lives and our freedoms. We are truly entering a new era. Drones are equipped with thermal imaging devices to see through walls<sup>6</sup> and outfitted with

<sup>1</sup> Julian Gavaghan, "Is there a drone in your neighbourhood? Rise of spy planes exposed after FAA is forced to reveal 63 launch sites across U.S.," *Daily Mail* (April 24, 2012), <http://www.dailymail.co.uk/news/article-2134376/Is-drone-neighbourhood-Rise-killer-spy-planes-exposed-FAA-forced-reveal-63-launch-sites-U-S.html#ixzz1tNpEUKcu>.

<sup>2</sup> See [http://www.huffingtonpost.com/2012/02/15/obama-signs-bill-moderniz\\_0\\_n\\_1278594.html](http://www.huffingtonpost.com/2012/02/15/obama-signs-bill-moderniz_0_n_1278594.html).

<sup>3</sup> See generally,

[https://www.rutherford.org/publications\\_resources/john\\_whiteheads\\_commentary/the\\_empire\\_strikes\\_back\\_attack\\_of\\_the\\_drones](https://www.rutherford.org/publications_resources/john_whiteheads_commentary/the_empire_strikes_back_attack_of_the_drones); [https://www.rutherford.org/publications\\_resources/john\\_whiteheads\\_commentary/the\\_drone-ification\\_of\\_america](https://www.rutherford.org/publications_resources/john_whiteheads_commentary/the_drone-ification_of_america).

<sup>4</sup> See [http://www.huffingtonpost.com/2012/02/15/obama-signs-bill-moderniz\\_0\\_n\\_1278594.html](http://www.huffingtonpost.com/2012/02/15/obama-signs-bill-moderniz_0_n_1278594.html).

<sup>5</sup> Market Research, "Robotics: Technologies and Global Markets." Last modified July 1, 2011. Accessed April 26, 2012.

<http://www.marketresearch.com/BCC-Research-v374/Robotics-Technologies-Global-6481848/>.

<sup>6</sup> See <http://www.theblaze.com/stories/want-to-see-the-aerial-drone-police-could-soon-deploy-in-your-town/>.

infrared cameras and radar<sup>7</sup> which allow the police to keep track of anyone walking around, regardless of the nature of their business.

### **This Legislation Will:**

#### ➤ **Protect Privacy Rights**

- With the help of nanotechnology, scientists have been able to create ever-smaller drones that mimic the behavior of birds and insects and are almost undetectable.<sup>8</sup> Despite their diminutive size, these drones are capable of capturing and relaying vast amounts of data and high-definition video footage. It is inevitable that as more local police agencies acquire these spy flies, their surveillance efforts will expand to include not only those suspected of criminal activity but anyone within range of the cameras. In such a surveillance state, we shall all be treated as suspects.
- An agency with the Department of Defense is working on turning insects into living unmanned aerial vehicles (UAVs or “cybugs”). By expanding upon the insects’ natural abilities (e.g., bees’ olfactory abilities being utilized for bomb detection, etc.), government agents hope to use these spy bugs to surreptitiously gather vast quantities of information. Researchers eventually hope to outfit June beetles with tiny backpacks complete with various detection devices, microphones, and cameras. These devices could be powered by the very energy produced by the bugs beating their wings, or the heat they give off while in flight.<sup>9</sup> There have already been reported sightings of dragonfly-like robotic drones monitoring protesters aerially in Washington, DC, as early as 2007.

#### ➤ **Protect People’s First Amendment Rights**

- Drones will be outfitted with crowd control weapons. Vanguard Defense Industries has confirmed that its Shadowhawk drone, which is already being sold to law enforcement agencies throughout the country, will be outfitted with lethal weapons, including a grenade launcher or a shotgun, and weapons of compliance, such as tear gas<sup>10</sup> and rubber buckshot.<sup>11</sup> Such aerial police weapons send a clear and chilling message to those attempting to exercise their First Amendment rights by taking to the streets and protesting government policies—the message: stay home.

#### ➤ **Protect against Fourth Amendment Violations**

- There are many constitutional concerns presented by drones recording Americans’ daily activities, with the most obvious being what it means for the Fourth Amendment protection against unreasonable searches and seizures by government agents. While it

<sup>7</sup> See [http://articles.nydailynews.com/2009-10-23/news/17936654\\_1\\_international-maritime-bureau-somali-coast-drones](http://articles.nydailynews.com/2009-10-23/news/17936654_1_international-maritime-bureau-somali-coast-drones).

<sup>8</sup> Elisabeth Bumiller and Thom Shanker, “War Evolves With Drones, Some Tiny as Bugs,” *NY Times* (June 19, 2011), [http://www.nytimes.com/2011/06/20/world/20drones.html?\\_r=1](http://www.nytimes.com/2011/06/20/world/20drones.html?_r=1).

<sup>9</sup> Allison Barrie, “June Beetles Conscripted Into Cyborg Army,” *FOX News*, (January 5, 2012), <http://www.foxnews.com/tech/2012/01/05/june-beetles-conscripted-into-cyborg-army/>.

<sup>10</sup> Morley, Jefferson. “Drones for “urban warfare”.” *Salon*, April 24, 2012.

[http://www.salon.com/2012/04/24/drones\\_for\\_urban\\_warfare/singleton/](http://www.salon.com/2012/04/24/drones_for_urban_warfare/singleton/) (accessed April 26, 2012).

<sup>11</sup> Morley, Jefferson. “The drones are coming — to America.” *Salon*, April 10, 2012.

[http://www.salon.com/2012/04/10/the\\_drones\\_are\\_coming\\_to\\_america/singleton/](http://www.salon.com/2012/04/10/the_drones_are_coming_to_america/singleton/) (accessed April 26, 2012).

will certainly give rise to a whole new dialogue about where to draw the line when it comes to the government's ability to monitor one's public versus private life, the courts have been notorious for their inability to keep pace with rapid advances in technology and its impact on our freedoms.

- With 56 government agencies now authorized to use drones, including 22 law enforcement agencies and 24 universities, the drones are not going away.<sup>12</sup> Included among the institutions authorized to fly drones are police departments in Arkansas, Utah and Florida<sup>13</sup> as well as Virginia Tech and the University of North Dakota. The University of North Dakota even has a degree program in unmanned vehicle flight with 78 majors.<sup>14</sup>

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<sup>12</sup> Morley, Jefferson. "Drones for "urban warfare"." *Salon*, April 24, 2012.

[http://www.salon.com/2012/04/24/drones\\_for\\_urban\\_warfare/singleton/](http://www.salon.com/2012/04/24/drones_for_urban_warfare/singleton/) (accessed April 26, 2012).

<sup>13</sup> Singer, P.W. "We, Robot." *Slate*, May 19, 2010.

[http://www.slate.com/articles/news\\_and\\_politics/war\\_stories/2010/05/we\\_robot.single.html](http://www.slate.com/articles/news_and_politics/war_stories/2010/05/we_robot.single.html) (accessed April 26, 2012).

<sup>14</sup> Pasztor, Andy. "Drone Use Takes Off on the Home Front." *Wall Street Journal*, April 21, 2012.

[http://online.wsj.com/article\\_email/SB10001424052702304331204577354331959335276-lMyQjAxMTAyMDEwOTExNDkyWj.html?mod=wsj\\_share\\_email\\_bot](http://online.wsj.com/article_email/SB10001424052702304331204577354331959335276-lMyQjAxMTAyMDEwOTExNDkyWj.html?mod=wsj_share_email_bot) (accessed April 26, 2012).