

Day of the drones dawning

Now, Big Brother's drones could be watching you. In somewhat of a 21st century technological update of the Orwellian vision of the all-knowing state, governments at all levels are starting to use unmanned aircraft – drones – to spy not just on foreign enemies, but on American citizens.

Wired.com revealed June 13 that the U.S. government has 64 existing or planned drone bases on U.S. soil, including 10 in California. "What exact missions are performed at those locations, however, is not clear," the online magazine reported. "Some bases might be used as remote cockpits to control the robotic aircraft overseas, some for drone pilot training. By law, the military cannot use such drones against civilian Americans. But the data still could be collected from routine tests and missions."

Two months ago, the Electronic Frontier Foundation, a cyber-rights group, revealed that the Federal Aviation Administration has issued more than 60 drone Certifications of Authorization to public agencies, including cities, counties and public universities. The FAA was complying with a Freedom of Information Act request by EFF.

Authorizations have gone to, among others: Houston's police department; the U.S. Forest Service; the FBI; Kansas State University; Mesa County Sheriff's Department; the Miami-Dade, Fla. Police Department; the University of Michigan; and the Washington State Department of Transportation.

In response to the potential for abuse, Sen. Rand Paul, R-Ky., has introduced legislation, S. 3287. The bill's language says its intent is to, "protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones."

Specifically, "[A] person or entity acting under the authority, or funded in whole or in part, by the government of the United States shall not use a drone to gather evidence or other information pertaining to criminal conduct or conduct in violation of a statute or regulation except to the extent authorized in a warrant that satisfies the requirements of the Fourth Amendment to the Constitution of the United States."

Exceptions would be made for patrolling borders, times when "swift action" is needed to "prevent imminent danger to life" and "to counter a high risk of a terrorist attack by a specific individual or organization."

The Fourth Amendment protects Americans "against unreasonable searches and seizures." And given that practically every state or local agency in America, including universities, gets funding from the U.S. government, the warrant requirement would apply to almost all government agencies at every level.

The U.S. Supreme Court has allowed law-enforcement surveillance from helicopters without a warrant, Gene Healy told us; he's a vice president at the libertarian Cato Institute and has written on drone surveillance. But drones are different because "they're now light enough and cheap enough" to become ubiquitous. The Nano Hummingbird drone by AeroVironment of Monrovia "weighs as much as a AA battery and can perch on a window ledge and take pictures," he said.

Combined with ever-cheaper digital storage technology, Big Brother eventually could literally watch and record each of us, all the time. "We need to think seriously about this. Rand Paul is starting to do so," Mr. Healy said.

Mr. Healy said that drones, by being far cheaper than manned helicopters, "have the potential to become far more pervasive and invasive. A difference of degree becomes a difference in kind."

We urge California Sens. Dianne Feinstein and Barbara Boxer, both Democrats, to help advance S. 3287 through the Senate. Sen. Feinstein, facing re-election, should take a particular interest in protecting Californians' privacy.