



A bad week for drone lovers

By: Gene Healy – March 25, 2013

The Washington Post's Chris Cillizza gave his most recent "Worst Week in Washington Award" to Sen. Dianne Feinstein, D-Calif., whose assault weapons ban got stripped from a Democratic gun control package last Tuesday for lack of support. Fair enough, but if nonhumanoids can be eligible for the award (and why discriminate?), I'd say that drones had the "worst week in Washington" last week.

On Wednesday at a Senate Judiciary Committee hearing, members from both sides of the aisle seemed genuinely disturbed by the idea of "government drones buzzing overhead monitoring the activities of law-abiding citizens," as Sen. Chuck Grassley, R-Iowa, put it. When one of the witnesses, an industry lobbyist, complained that the very term "drone" had unfairly "hostile connotations," he ran into a buzzsaw courtesy of Sen. Patrick Leahy, D-Vt., who snapped, "We'll decide what we'll call them."

On Friday, it was more bad news for friends of our robot friends. In *ACLU v. CIA*, the federal Court of Appeals for the D.C. Circuit forcefully rebuked the Obama administration for stonewalling on an ACLU request, under the Freedom of Information Act, for records related to targeted killing with unmanned aerial vehicles. Given administration officials' repeated public comments on the CIA's drone program, the agency's refusal even to confirm or deny the existence of responsive documents was "neither logical nor plausible," the court said.

In the wake of the 13-hour filibuster of March 6 by Sen. Rand Paul, R-Ky. -- in which he used the word "drone" some 245 times -- we're starting to see pushback from the courts and Congress on the use of flying, spying robot weapons at home and abroad.

In an influential 2011 article, "The Drone as Privacy Catalyst," law professor Ryan Calo predicted that the dystopian images that drones evoke could spur much-needed reforms to American privacy law. Their association with military spying and targeted killing, the way they "represent the cold, technological embodiment of observation," would provide the "visceral jolt" that reformers need to make their case.

That's certainly happening on the home front. CNET's Declan McCullagh reports that a bipartisan "anti-drone revolt" has prompted the introduction of new federal and state legislation restricting "law enforcement plans to fly more drones equipped with high-tech gear that can be used to conduct surveillance of Americans." Professor Calo, who testified at Wednesday's hearing, warned that "American privacy law places few limits on aerial surveillance" and urged Congress to "instruct the FAA to take privacy into account as part of its mandate to integrate drones into domestic airspace."

The "visceral jolt" that Sen. Paul's filibuster provided seems to be shifting the debate on the drone wars abroad, as well.

As Slate's Dave Weigel observed yesterday, public opinion polls show "A 50-Point Swing Against Targeted Drone Killings of U.S. Citizens" abroad since Sen. Paul's anti-drone marathon. Even erstwhile Obama allies are speaking out: Gen. James E. Cartwright, former vice chairman of the Joint Chiefs of Staff, recently warned about "blowback" from perpetual remote-controlled war. And on March 13, John Podesta, the former head of the Center for American Progress, took to the pages of the Washington Post to praise Sen. Paul's filibuster and warn that with his secretive approach to drone warfare, "President Obama is ignoring the system of checks and balances that has governed our country from its earliest days."

Some say the filibuster is an obstructive anachronism. Sen. Paul's marathon session earlier this month argues otherwise. With it, he started a national conversation about the use of drones at home and abroad that promises to go on much longer than 13 hours.