

America`s Drone Wars: Unmanned Predators to be Used for Domestic Law Enforcement?

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Global Research, April 19, 2013

Maverick Media

Region: [USA](#)

Theme: [Police State & Civil Rights](#)

Idaho took the lead in protecting people from drone surveillance last week when Gov. Butch Otter became the first state leader to sign legislation. Known as the "Preserving Freedom from Unwanted Surveillance Act," the law restricts the use of drones by government or law enforcement, particularly when it involves gathering of evidence and surveillance on private property.

In Florida, the state senate has passed a similar bill, The Freedom from Unwanted Surveillance Act, which prevents police from using drones for routine surveillance. However, it would allow unmanned aircraft if there's a threat of terrorist attack.

Massachusetts and Rhode Island are considering legislation that would prevent police from identifying anyone or anything not related to a warrant.

According to the ACLU, at least 35 states have considered drone bills so far this year, and 30 states have legislation pending. Most bills require a "probable-cause" warrant for drone use by law enforcement, while a handful seek to ban weaponized drones.



Mosquito MAV

They come in all sizes, from the Predator drones used in Pakistan and other countries to tiny mosquito drones that can be used covertly in urban neighborhoods and indoors. In the next few years police will increasingly turn to them for surveillance. But groups like People for the Ethical Treatment of Animals also see their potential for tracking poachers, while farmers want aerial vehicles to measure crop growth.

The ACLU is urging state lawmakers to require that police obtain a warrant before using any drone to conduct a search. But the Virginia-based Rutherford Institute argues that governments should go further and ban any information obtained by drones from use in court. In January, Rutherford submitted model legislation to lawmakers in all 50 states.

In Maine, a Joint Judiciary Committee had a work session last week on LD 236, officially known as “An Act to Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use.” After a debate between the Attorney General and an ACLU spokesperson, committee members voted unanimously to postpone a decision for two weeks.

In a nearby hearing room, where a debate on gun control was underway, one gun-rights supporter displayed a bumper sticker with a drone on it – and the words “Protect our 2nd amendment rights to shoot down drones.”

Maine’s Attorney General has proposed a temporary moratorium until July 1, 2014. The official rationale is to allow time for law enforcement agencies to come up with “minimum standards,” including prior authorization by “some official” before drones could be used for surveillance. But the AG also argues that the drone bill should not impede the possibility of a drone test center in northern Maine.

At least 37 states are competing for six drone testing centers that are expected eventually to launch 30,000 drones into the skies. For Maine, one lure could be the promise that the state won’t require operators to get a warrant before launching a spy-bot.

Democrats, who control Maine’s legislature but not the governorship, hope to win back the top spot again. Thus, they want backing from the police, aerospace industry interests, new drone manufacturing firms, and citizens living near the closed Loring AFB who believe a drone test center and missile defense base would bring back jobs.

A variety of activist groups are staging protests in an attempt to stop the use of domestic drones in US airspace. Events are expected in at least 18 states at research facilities, drone command centers, manufacturing plants, universities that have drone programs and the White House, according to Nick Mottern, founder of Known Drones, a website that tracks unmanned aircraft activity in the US and abroad.

The protests are being organized by more than 15 anti-drone groups, including Codepink, Veterans for Peace, No Drones Network, and the American Friends Service Committee. The groups oppose both domestic drone use and targeted drone killings overseas.

On February 7, the Federal Aviation Administration (FAA) released an updated list of communities, states, law enforcement agencies, and universities that have requested and received licenses to deploy drones. The Electronic Freedom Foundation obtained the list via a Freedom of Information Act disclosure and learned that more than 81 public entities have so far applied to the FAA for permission to launch drones.



Lethal Ornithopter

Why the rapid push for domestic deployment ?

According to the Center for Responsive Politics, drone makers hope to speed their entry into

a domestic market valued in the billions. The US House actually has a 60-member “drone caucus” — officially known as the House Unmanned Systems Caucus. In the last four years, it members received nearly \$8 million in drone-related campaign contributions. Drone Caucus members from California, Texas, Virginia, and New York received the lion’s share, channeled from firms in the Association for Unmanned Vehicle Systems International.

In a recent study, the Teal Group estimates that spending on unmanned aerial vehicles (UAVs) will increase over the next decade from current worldwide expenditures of \$6.6 billion annually to \$11.4 billion. That’s more than \$89 billion in the next 10 years. “The UAV market will continue to be strong despite cuts in defense spending,” claims Philip Finnegan, Teal’s director of corporate analysis. “UAVs have proved their value in Iraq, Afghanistan and Pakistan,” he said, “and will continue to be a high priority for militaries in the United States and worldwide.”

On April 23, the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights will hold a hearing Drone Wars: The Constitutional and Counterterrorism Implications of Targeted Killing. If you can’t attend, you can submit a statement for the record. Chairman Durbin has invited advocates and stakeholders to offer their perspectives and experiences by submitting written testimony.

Submissions are limited to 10 pages, submitted in PDF or Word Document form to Stephanie Trifone at Stephanie_Trifone@Judiciary-dem.Senate.gov no later than Monday, April 22, 2013 at 5:00 p.m. Statements can be addressed to Chairman Durbin, Ranking Member Cruz, and Members of the Subcommittee. For some reason they can’t accept previously published information as a statement.

The FAA is currently writing regulations for domestic drone use. According to Defending Dissent, the federal agency’s jurisdiction is limited. But it could provide safeguards such as compliance with Fair Information Practices for all licensees, creation of a public database of drone operators – with information about the surveillance equipment used and the operator’s data minimization procedure. Operation of drones could also be restricted to only licensees, ruling out wildcat rental operators. Otherwise, it’s going to be crazy up there.

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