



Drones Over America

When most Americans think of surveillance drones, it conjures up an image of a Predator drone in a far-off land unleashing a missile against a terrorist suspect. The last thing they think of is a flying surveillance vehicle over their own city. But an increasing number of federal, state, county and municipal police departments are purchasing drone surveillance vehicles of one sort or another to watch Americans. And a few have even discussed arming the drones.



Drones are an increasing fixture on the science fiction horizon, conjuring up images of the human-hating Skynet empowered with nuclear weapons in the *Terminator* movies. Interestingly, some industry leaders have already theorized about nuclear powered drones. For example, Lockheed-Martin's Sandia National Laboratories carefully suggested in a study that they pursue nuclear powered drones. As the Canadian-based *Ottawa Citizen* summarized, "The project summary, which refers to 'propulsion and power technologies that [go] well beyond existing hydrocarbon technologies,' does not actually use the word 'nuclear.' But with unmistakable references to 'safeguards,' 'decommissioning and disposal,' and those unfavorable 'political conditions,' there is little doubt about the topic under discussion." [Watch related video at bottom of page.]

Interestingly, as the cost of drones has decreased from tens of millions of dollars to tens of thousands, more and more police departments are making the purchase. And FAA regulations are the [key inhibitor](#) to their proliferation at this time, instead of the limits in the U.S. Constitution. Drones are already a multi-billion dollar industry, and a professional association of manufacturers has emerged which is pressuring the FAA to loosen up domestic drone flight restrictions.

A [report](#) by the ACLU noted that at the federal level, several agencies are known to have used drones against Americans. FBI and the Drug Enforcement Administration have used drones inside the United States. The Customs and Border Protection Agency (CBP) currently operates seven Predator B drones, and hopes to expand that number to 24 by 2016. The *Los Angeles Times* reported in December 2011 that CBP has been making its Predator drones available for domestic law enforcement operations by local police departments.

- The ACLU report also noted that a number of police use of drones to spy on U.S. citizens, including:
- The Miami-Dade County police department, which has purchased an end-table-sized drone for about \$40,000
- Mesa County, Colorado won FAA permission to operate its Draganflyer drones anywhere in the county

Texas is also a [hot spot](#) for drone use, and not just near the Mexican border. Drones are used by the Texas Department of Public Safety, Montgomery County and the cities of Houston and Arlington. But it's not just Texas, drones are used by Seattle, Ogden, Utah, Hawaii, National Guard units in New York



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and around the country.

Of the lot, the drones in the Montgomery County, Texas Sheriff's office is probably most controversial because of the model they purchased. The police department's ShadowHawk unmanned helicopter was made by Vanguard Defense Industries and the department has [discussed weaponizing the drone](#).

Drones over America will eventually be armed, possibly at first with non-lethal weapons such as tear gas, Tazers, sound cannons, or an EMP pulse weapon to stop a car. The list is only limited by the designers' imagination. The Montgomery County, Texas, sheriff's office recently [purchased](#) a ShadowHawk helicopter. Vanguard Defense Industries CEO Michael Buscher admitted his company's drones are designed to carry weapons for local law enforcement. "The aircraft has the capability to have a number of different systems on board. Mostly, for law enforcement, we focus on what we call less lethal systems," Buscher told a local Houston television station, including Tazers and a bean bag gun known as a "stun baton."

The use of armed drones — not yet a reality, but inevitable without strong legislation — always comes with promises by law enforcement not to abuse the tools. "We're not going to use it to be invading somebody's privacy. It'll be used for situations we have with criminals," Montgomery County Sheriff Tommy Gage told his local television station.

But that's really the problem. Police suspects are not criminals under our law. Police arrest innocent people every single day. Not because they intend to, or are corrupt, but because they make mistakes. And that's why our legal system insists that just because police say you are guilty, you are innocent until it's proven you are guilty before a jury of your peers. Despite having the best legal system in the world, a few innocent people are occasionally even convicted and sent to prison.

It's for this reason the American constitutional system contains serious restraints upon police searches, where police are supposed to get search requests approved by a judge in advance. The Fourth Amendment to the U.S. Constitution requires that search warrant describe what police are looking for and where they are going to find it, have probable cause that it will be there, not reasonable suspicion. And search warrants have to be certified with a signed oath. Someone has to put his or her name and reputation on the line before a fellow citizen's property can be searched.

Drones are amoral. They are neither moral nor immoral, they are neither good nor bad. Like any technology, they are good or bad dependent upon how they are used. Just like some liberals demonize guns as bad tools that lead to crime, some constitutionalists fear drones as a sign of a police state or as the coming of a dystopian movie such as the Terminator.

The ACLU [report](#) recommends that "Government use of UAVs equipped with technology that dramatically improves on human vision or captures something humans cannot see (such thermal or x-ray images) should be scrutinized especially closely by the courts." That's pretty general. But it also suggests that UAV surveillance is "limited by the [Fourth Amendment](#) to the U.S. Constitution," suggesting the Fourth Amendment requires a warrant, probable cause and specificity for searches involving reasonable expectations of privacy. Those guidelines would be an important preventative measure to prevent most abuses.

Clearly, as has been the case in the wars in Afghanistan, Iraq, and Libya, fewer American servicemen have died as a direct result of drone attacks than had ground forces been used instead. But policy makers have also been quicker to pull the trigger on strikes without any immediate domestic consequences.



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Part of the consequences of more drones over America operated by policemen may mean more deaths in crashes. Indeed, crashes have happened far more often with drones than regular aircraft. "According to government data," the ACLU noted, "UAVs experience an accident rate over 7 times higher than general aviation, and 353 times higher than in commercial aviation." While there have been no reported deaths yet from a drone crash, there has been property damage, the ACLU noted. "A number of domestic UAV accidents have been reported; in 2006, for example, a Predator B drone operated by Customs and Border Protection (CBP) crashed along the U.S.-Mexico border. In 2009 North Little Rock's unmanned helicopter crashed due to a 'software failure.' In 2010, a Mexican drone crashed into the back yard of an El Paso home."

The same dangerous logic of higher acceptable civilian deaths is possible in domestic use of drones. It is possible that the growth of drones will increase under the guise of officer safety. Sending in a drone is safer to police officers than sending in a uniformed officer who could be shot. But it's the same problem as the military. Drones don't think for themselves, and people making a life-and-death call from an air conditioned office are more likely to use violence than an officer on the scene.

The issue is one of priorities. Which is more important, officer safety or the safety of the public? In the end, the servant can not be greater than the master. The very purpose of the police is to protect and to serve the public. It is a contradiction of the very purpose of the police to put "officer safety" as a higher priority of the public that they are hired to protect.

The question in the drone controversy is whether the citizen is the servant or the master of the police. Traditionally, police were the servants and citizens the masters. That could change with a proliferation of drones.



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