



Written by [Raven Clabough](#) on February 29, 2012

Privacy Rights Groups Fight FAA on Use of Drones in U.S.

A number of privacy groups have petitioned the Federal Aviation Administration (FAA) on the proposed increase in the use of aerial drones in the United States. More than 30 organizations, including the American Civil Liberties Union (ACLU), the Bill of Rights Defense Committee, and the Electronic Privacy Information Center — which have also served as key opponents to the Transportation Security Administration and the Department of Homeland Security — have demanded that the FAA hold a rulemaking session to consider all the violations to American privacy and safety posed by the proposal.



The use of drones has already been [increasing](#) in the United States. The Bureau of Customs and Border Protection is operating nine drone vehicles to monitor the borders. But in 2011, the CBP permitted a local law enforcement unit in North Dakota to use a drone in normal operations. And slowly, law enforcement agencies began to acquire drones for their normal operations, in Florida, South Carolina, Colorado, and New York. Experts are predicting that there may be somewhere near 300,000 new drones launched in the United States within the next decade.

Pressure is reportedly building for drones to be given the same access to the sky as manned aircraft.

"It's going to be the next big revolution in aviation. It's coming," says Dan Elwell, the Aerospace Industries Association's vice president for civil aviation.

Congress has given the FAA a deadline of September 2015 to allow civilian and military drones to fly in civilian airspace by passing the FAA Reauthorization Act. That has compelled the FAA to propose rules for allowing limited commercial use of small drones for the first time.

But not everyone is on board with the proposal.

"There are serious policy questions on the horizon about privacy and surveillance, by both government agencies and commercial entities," said Steven Aftergood, who heads the Project on Government Secrecy at the Federation of American Scientists.

The Electronic Frontier Foundation also is "concerned about the implications for surveillance by government agencies," commented attorney Jennifer Lynch.

The ACLU said of the FAA Reauthorization Act, "This bill would push the nation willy-nilly toward an era of aerial surveillance without any steps to protect the traditional privacy that Americans have always enjoyed and expected."

For the ACLU and the rest of the 30 privacy groups which have submitted the petition to the FAA, there are major issues that arise from the increased use of drones in the United States. According to the petition, the drones pose "substantial threats to privacy" because they justify the use of heavy surveillance:



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Drones present a unique threat to privacy. Drones are designed to undertake constant, persistent surveillance to a degree that former methods of aerial surveillance were unable to achieve. By virtue of their design, their size, and how high they can fly, [drones] can operate undetected in urban and rural environments.

The petition goes on to outline the advanced technology that the FAA possesses to conduct surveillance and just how much information they can capture:

Drones greatly increase the capacity for domestic surveillance. Gigapixel cameras used to outfit drones are among the highest definition cameras available, and can “provide real-time video streams at a rate of 10 frames a second.” On some drones, operators can track up to 65 different targets across a distance of 65 square miles. Drones may also carry infrared cameras, heat sensors, GPS, sensors that detect movement, and automated license plate readers. In the near future these camera may include facial recognition technology that would make it possible to remotely identify individuals in parks, schools, and at political gatherings.

The petition also frighteningly explains that the use of drones may expand far beyond even the federal government and can be used by the paparazzi to stalk celebrities, by private detectives to track their targets, and by criminals to stalk and harass their victims.

According to [The Tennessean](#), even power companies are looking to use drones to monitor transmission lines, while farmers have found a use for these craft to detect which crops may need water. Journalists are also anxious to use drones for their “newsgathering potential.”

But the most compelling argument presented in the petition was found in the last paragraph of that section:

The consequences of increased government surveillance through the use of drones are even more troubling. The ability to link facial recognition capabilities on drone cameras to the FBI’s Next Generation Identification database on DHS’ IDENT database, two of the largest collections of biometric data in the world, increases the First Amendment risks for would-be political dissidents. In addition, the use of drones implicates significant Fourth Amendment interests and well established common law privacy rights. With special capabilities and enhanced equipment, drones are able to conduct far more detailed surveillance, obtaining high-resolution picture and video, peering inside high-level windows, and through solid barriers, such as fences, trees, and even walls.

In addition to privacy threats, many have concerns that drones could collide with passenger planes or crash to the ground.

As a result of the privacy threats posed by the use of drones, the groups contend that the FAA should conduct a notice and comment rulemaking on the impact of privacy and civil liberties related to the use of drones. The petition states that the FAA should first examine and report on that impact, and find a plan that would “safely integrate civil drones into the national airspace,” which is required under the FAA Modernization and Reform Act.

The petition also asks that the FAA conduct a notice and comment rulemaking on the impact of privacy and civil liberties related to the use of drones by government operators pursuant to the agency actions required under the Modernization and Reform Act.

And finally, the groups ask that the notice and comment rulemakings “take into consideration the use



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and retention of data acquired by drone operators; the relation between drone operation and property rights; the ability of an individual to obtain a restraining order against a drone vehicle; and use limitations on drone vehicles and requirements for enforcement of those limitations.”

The FAA has already issued over 300 certificates in 2011 to police and other government agencies to fly drones, 295 of which are still active, but the FAA does not wish to disclose which agencies have the certificates and for what purpose. The Electronic Frontier Foundation is in the process of suing the FAA to obtain their records.

"We need a list so we can ask [each agency], 'What are your policies on drone use? How do you protect privacy? How do you ensure compliance with the Fourth Amendment?' " Ms. Lynch said.

"Currently, the only barrier to the routine use of drones for persistent surveillance are the procedural requirements imposed by the FAA for the issuance of certificates," said Amie Stepanovich, national security counsel for the Electronic Privacy Information Center, a research center in Washington.

How the FAA will respond to the growing opposition to the drones program remains to be seen. But a recent Rasmussen Reports poll [reveals](#) that the American people are not on board with the FAA proposal. While voters strongly approve of the use of unmanned drones to go after terrorists, they do not approve of the use of drones in the United States.

Seventy-six percent of Americans approve of the use of drones to kill terrorists, but 52 percent of those polled are opposed to the use of drones by U.S. police agencies. Just 30 percent support the use of drones for domestic surveillance, while 17 percent remain undecided.



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