



Written by [Joe Wolverton, II, J.D.](#) on August 9, 2013

Colorado Town Considers Drone-Hunting Ordinance

As the death toll from U.S. drone strikes overseas rises and the launch date for 30,000 domestic drones draws nearer, some citizens are deciding to launch their own preemptive strike.

In a rural town about an hour east of Denver, Colorado, the town council is considering issuing licenses to residents to shoot down drones.

A tie vote on the matter held Tuesday night by the town board pushed the final decision off until November. Should the ordinance be approved, residents of Deer Trail, Colorado, could purchase a drone hunting license for \$25. Then, if a licensee happens to take one down, he can bring in the wreckage for a \$100 reward.



It's not potential deaths by drone-fired missiles that prompted Deer Trail resident Phillip Steel to draft the unusual proposal, however. Steel says the measure is a "symbolic" act of resistance to the increasingly invasive surveillance activities of the federal government.

"I don't want to live in a surveillance society. I don't feel like being in a virtual prison," he added.

Many of his neighbors agree. The [Washington Times reports](#):

Some Deer Trail officials and residents — along with many others across the nation — fear that the rapid rise of domestic drones poses grave new threats to personal privacy. Echoing the concerns of privacy groups, civil liberties activists and many state and federal lawmakers, those pushing the Deer Trail ordinance argue that citizens must resist the unprecedented surveillance capabilities brought by drones.

As one would expect, the opponents are lining up to take shots at Steel's idea.

"Generally our view is that it is a relatively reckless and irresponsible proposition," Benjamin Miller, unmanned aircraft program manager at the Mesa County Sheriff's Office in Colorado, [according to a report filed by NBC News](#).

Also quoted in the NBC News story is Ryan Calo, assistant professor of law at the University of Washington. Calo calls the ordinance and the town council's close vote a "cowboy instinct." "It's showmanship — it's just all flash," he told NBC.

As with nearly every other decision taken by state and local authorities, the federal government has decided to chime in and assert its "supremacy."

NBC News reports that the Federal Aviation Administration (FAA) has "issued a statement warning about the legal implications of harming an aircraft, as well as the safety considerations of a crashing chunk of metal."



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“Shooting at an unmanned aircraft could result in criminal or civil liability, just as would firing at a manned airplane,” the FAA statement e-mailed to NBC News claims. The *Washington Times* quotes an additional portion of the statement that claimed a drone “hit by gunfire could crash, causing damage to persons or property on the ground, or it could collide with other objects in the air.”

As one would expect from an agency of the government that considers itself possessed of the exclusive right to own and use weapons, there was no mention by the FAA of the exact source of its authority to regulate in this matter.

While residents are forced to wait until November to find out if the drone-killing licenses will be available for purchase, the debate on the legality of the proposed action has already begun.

At a hearing of the House Judiciary subcommittee on crime, terrorism, homeland security, and investigations held in May, Representative Louie Gohmert (R-Texas) asked a drone expert testifying before the committee whether he believed it would be legal to shoot down a drone over one’s own property. Gohmert’s time expired before he got a straight answer, although the witness did say it would “probably be a very bad idea.”

Again, the establishment media’s reporting on this story looks at it through the wrong lens. The critical issue isn’t whether a landowner is within his rights to shoot down a drone flying over his property. With regard to liberty and the continuation of our constitutional republic, the real question is, Why would a drone be flying over the property in the first place?

Supposing for the sake of argument that the drone was tracking the homeowner or someone hiding out on his property, there would be a warrant involved and any act by the homeowner to thwart the administration of justice would merit judicial review and possible punishment.

In the absence of a warrant, however, there is no reason for any arm of the federal, state, or local government to invade the privacy of any individual. This is the principle that undergirds the Fourth and Fifth Amendments to the Constitution.

It is probably unwise and dangerous to give citizens the green light to go drone hunting. It is far more unwise (and unconstitutional), however, to allow the government to ignore constitutional protections of civil liberties.

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