



Written by [Joe Wolverton, II, J.D.](#) on August 29, 2016

## **Billionaires Buy Baltimore Police Department Secret Spy Plane**

Just days after it was revealed that the government of Baltimore was secretly surveilling its citizens through the use of a high-altitude aircraft equipped with technologically advanced cameras, the source of the deep pockets paying for the flights has come to light.

On August 24, the *Baltimore Sun* reported that “a Texas-based private donor supplied \$120,000 intended for the city surveillance project but delivered to the nonprofit Baltimore Community Foundation, which manages at least two charitable funds for police.”



Thomas E. Wilcox, president of the foundation, told the paper he had no idea how the money was being used to spy on citizens. “We did not know anything about a surveillance program,” Wilcox said. “We do 3,000 grants a year. Someone asks us to give a grant to an organization, whether it’s Wounded Warrior or the YMCA, we make the grant.”

OK, but neither Wounded Warrior nor the YMCA conduct warrantless, secret surveillance of hundreds of thousands of Americans without even the slightest suspicion of wrongdoing.

Beyond the violation of the Constitution’s guarantee of freedom from some invasions, the expenditure for the Baltimore Police Department’s eye in the sky was never approved by the city’s Board of Estimates as mandated by city statute.

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In an article describing the program, Bloomberg reported that “since January, Persistent Surveillance Systems has been flying planes high over Baltimore and gathering footage across 30 square miles at a time. The footage can be reviewed to try to gather information about crimes. The firm’s founder referred to the technology as like “Google Earth with Tivo capability.”

When questioned why the police department felt it was justified in hiding the existence of the expansive surveillance project from the public, a spokesman said that the department isn’t in the habit of holding a press conference every time it overhauls the city’s surveillance program.

That program, known as CitiWatch, has been in the news for years, irking constitutionalists and civil libertarians with its unrestrained subjection of citizens of Baltimore to the never-blinking eye of government. The details of this particular program are worthy of the opposition.

And, cameras aren’t the only tool being used by the city government to put its people under constant surveillance. In 2012, the *Baltimore Sun* reported that the Maryland Transit Administration (MTA) installed microphones in 10 buses to record passenger conversations. The microphones are attached to the existing video surveillance system monitoring the city’s public transportation.



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“We want to make sure people feel safe, and this builds up our arsenal of tools to keep our patrons safe,” said Ralign Wells, MTA administrator, in the *Baltimore Sun* article. “The audio completes the information package for investigators and responders,” he added.

There may be a problem with security on Baltimore’s buses and trains. According to data provided by the *Sun*:

MTA police dispatchers receive 45 to 100 daily calls for assistance from bus drivers for everything from an unhappy rider to criminal activity, said Capt. Burna McCollum, commander of the MTA police technical services division.

Video is a critical tool for investigators sorting out the details of an incident, but when witnesses walk away, are reluctant to cooperate or give conflicting accounts, an audio recording can fill in missing information, McCollum said.

In other words, the conversations saved on the MTA’s surveillance equipment will be made available to police investigators who will use the information revealed on the recordings to force citizens to “cooperate” with law enforcement regardless of personal preference.

The recording of conversations is only the tip of the invasive iceberg. The streets of Baltimore are watched by over 700 cameras, the images recorded by them are streamed to a command center where police can comb through hours and hours of video from a bank of computer monitors managed by Ohio-based Persistent Surveillance Systems.

The microphones and the mounted cameras didn’t prove quite controversial (or privacy depriving) enough, however, and the city’s police department launched the spy Cesa to enlarge the scope of its surveillance.

With local law enforcement suffering from budget shortfalls, it would be a wonder if any department could afford such a high-tech and high-dollar deployment.

It didn’t.

The money managed by the foundation that ended up paying for the patrol has been traced to its precise donor and they are not ashamed to take credit for fronting the funds necessary to keep the surveillance plane airborne.

The *Baltimore Sun* reports:

The Baltimore surveillance program was funded by the Texas-based billionaire philanthropists Laura and John Arnold, the couple confirmed in a statement to *The Baltimore Sun*.

“We personally provided financial support for the aerial surveillance tool being piloted in Baltimore,” the couple said. “As a society, we should seek to understand whether these technologies yield significant benefits, while carefully weighing any such benefits against corresponding trade-offs to privacy.”

That is a false dichotomy. There is no constitutional contemplation of balancing privacy with “significant benefits” of unwarranted surveillance of thousands of individuals, none of whom is under reasonable suspicion of any wrongdoing.

The Fourth Amendment clearly states that “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause.”



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Would the Arnolds assert that the city of Baltimore had probable cause to put residents under constant surveillance?

Based on information provided by the Laura and John Arnold Foundation website, the couple believes their wealth should be spent making their fellow citizens “safer.” Per the website, the foundation “aims to reduce crime, increase public safety, and ensure the criminal justice system operates as fairly and cost-effectively as possible.”

“LJAF not only develops strategies to more effectively deal with individuals once they have entered the criminal justice system, we also work to prevent people from committing crimes in the first place.”

To prevent people from committing crimes in the first place?

Is there a provision of the Constitution — state or federal — authorizing a program of predictive law enforcement?

Anglo-American jurisprudence requires that for an act to be considered a crime, the alleged perpetrator must have not only a bad thought and a bad act, but those two things must occur simultaneously in order to qualify for consideration of criminal liability.

While this author and his colleagues at *The New American* have chronicled the federal government’s sponsorship of expensive surveillance schemes, the use of private fortunes to fund these programs is a new wrinkle that could complicate the constitutional issues.

How will the people and their elected representatives in Washington, D.C., and state capitals react to the largesse of the elite being given to the government for the purpose of depriving others of constitutional protections of civil and individual liberty?

Baltimore will serve as a test case for the acceptability of these partnerships between the police and the very wealthy for extra-constitutional programs. And if Baltimore is any indicator of how such schemes will be set up, the arrangement will be created and carried out without being subject to deliberation by the people or their elected leaders, even when such consideration is mandated by law.



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