



Written by [Joe Wolverton, II, J.D.](#) on February 11, 2013

States and Cities Step Up and Resist Drone Surveillance

We live in a country where the president has assumed the power to kill American citizens without due process and the [Justice Department produces memos](#) supporting the legality of it.

Fortunately, we also live in a country where concerned citizens and their local lawmakers are waking up and defending civil liberties and the Constitution that protects them.



For example, on February 4 the city of Charlottesville, Virginia, [passed a measure](#) declaring the use of drones in the United States to be “a serious threat to the privacy and constitutional rights of the American people.

The resolution (passed by a vote of 3-2) endorsed the proposal for a two-year moratorium on drones in the state of Virginia. Furthermore, it would prohibit the use of “information obtained from the domestic use of drones from being introduced into a Federal or State court” located within Virginia, as well as outlawing the weaponization of drone fleets in the state.

As [reported by the Tenth Amendment Center](#), David Swanson took the lead in pushing for adoption of the resolution. “In the past, Charlottesville has passed resolutions that have inspired other localities and impacted federal and state policies. Let us hope this one is no exception,” Swanson told the Tenth Amendment Center.

Councilmember Dede Smith, who voted in favor of the bill, is quoted in [a US News story](#) saying she believes drones are “pretty clearly a threat to our constitutional right to privacy.”

“If we don’t get out ahead of it to establish some guidelines for how drones are used, they will be used in a very invasive way and we’ll be left to try and pick up the pieces,” she said in the report.

Amie Stepanovich, a lawyer with the Electronic Privacy Information Center (EPIC), told *US News* that the “Charlottesville resolution demonstrates that people care about protecting their civil liberties and Fourth Amendment rights and are willing to devote the time necessary to closely examine this issue.”

“Lawmakers should be looking at [drone privacy] issues now in order to ensure that there are safeguards in place to protect individual privacy from these invasive technologies,” she added.

The text of the measure was drafted by the Rutherford Institute, a civil-liberties advocacy group based in Charlottesville. Founded in 1982, the organization declares on its website that its purpose is “to provide legal services in the defense of religious and civil liberties and to educate the public on important issues affecting their constitutional freedoms.”

While Charlottesville becomes the first city to codify a curb on the use of drones, lawmakers in at least 11 other states have proposed similar measures.

In Montana, a bipartisan plan to restrict the use of drones is [working its way through the state legislature](#).

“I do not think our citizens would want cameras to fly overhead and collect data on our lives,” State



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Senator Matthew Rosendale said at a committee hearing last week.

Rosendale is the primary sponsor of a measure requiring police to obtain a search warrant before conducted drone-based surveillance. In what will likely soon be shown to be an example of forward thinking, Rosendale's bill also outlaws the use of drones by citizens to snoop on other citizens.

Last Tuesday, the state senate in Big Sky Country [passed a resolution](#) sponsored by State Senator Robyn Driscoll banning the admission in state courts of images and information collected by drones. The measure also prohibits state and local law enforcement and governments from weaponizing their drone fleets.

State representatives in the Show Me State are considering a bill that would demand police "show me" the warrant before launching a drone to track or surveil Missourians.

"It's important for us to prevent Missouri from sliding into a police-type state," said Republican Representative Casey Guernsey of Bethany. Guernsey is also the author of a [bill in the state House of Representatives](#) that would guarantee the right of citizens of his state to keep and bear arms, regardless of federal gun laws to the contrary.

And, as *The New American* [reported earlier this year](#), North Dakota State Representative Rick Becker (R-Bismarck) proposed a bill to the North Dakota State Legislature looking to limit the use of drones by law enforcement.

Despite the legislative restrictions he wants to impose on the use of the drones, Becker says he isn't trying to offend police, but to defend the Constitution.

"It's a new technology that has really amazing capabilities and can be used in excellent ways for our communities. I don't want to say that drones can't be used," Becker said.

"But with the new technology there are also issues, primarily privacy issues, which can come into play."

Cass County Sheriff Paul Laney resents Becker's meddling in police business and argues that the new law would, [as reported by the Huffington Post](#), "set a troublesome precedent."

"Some people have this idea that these drones are some sneak and peek into their private lives," said Laney. "It's no different than a routine patrol when we drive by in a squad car on the road and look down the driveway. We are just doing it from a higher level."

That's where Laney is wrong.

With the rise of the drones comes the rise of several critical questions of constitutionality of their potential uses. One of the most crucial of those inquiries concerns the application of the Fourth Amendment's prohibition against "unlawful searches and seizures" and the requirement that warrants be supported by affidavits "particularly describing the place to be searched, and the persons or things to be seized."

Then, in Seattle, Washington, the mayor has nixed his city's planned deployment of drones. Here's the story [as reported by the Seattle Times](#):

Saying police need to stay focused on "community building," Mayor Mike McGinn has pulled the plug on the department's controversial drone program even before it got off the ground.

In a brief statement Thursday [February 7], McGinn said he and police Chief John Diaz agreed that it was time to end the program so the Seattle Police Department "can focus its resources on public



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safety and the community building work that is the department's priority.”

McGinn said the two drones purchased by the city with federal funds will be returned to their vendor.

Every one of these elected officials deserves the support of constitutionalists and civil libertarians for their efforts to shore up constitutional protections against unlawful searches and seizures.

The need to strengthen these barriers against government surveillance is urgent.

On February 7, the Federal Aviation Administration (FAA) relented and [released an updated list of entities](#) (cities, towns, states, law enforcement agencies, and universities) that have requested and received licenses to deploy drones.

The Electronic Freedom Foundation (EFF) received the list from the FAA as part of a Freedom of Information Act disclosure. According to [an EFF statement](#) announcing the release of the new list, there are now more than public entities that have applied to the FAA for permission to launch drones.

While there are, undoubtedly, legitimate uses for drones, there are also innumerable unlawful purposes, as well. As *The New American* has reported over the past couple of years, the optics with which these unmanned vehicles are equipped are becoming increasingly sophisticated. Many, in fact, can be equipped with lasers that can penetrate walls and detect even trace amounts of gun powder.

Now is the time for concerned citizens and friends of liberty to demand their local law enforcement and government officials abide by the proscriptions of the Constitution. They must also insist that those officials disclose the source of the money used to purchase these drones, as well as publish any guidelines in place to ensure drones will not be used to circumvent the Fourth Amendment, or any of our other constitutionally protected freedoms.

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, and the surveillance state. He can be reached at jwolverton@thenewamerican.com.

Photo: [Serious man showing stop gesture with hand as warning while holding stop sign isolated on grey background](#) via Shutterstock



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