



Written by [Warren Mass](#) on August 2, 2013

Rand Paul Opposes New FBI Director, and FBI's U.S. Surveillance Drones

After writing to FBI Director Robert Mueller expressing concerns about the FBI's use of surveillance drones, Sen. Rand Paul (R-Ky.) received a [letter](#) from Stephan Kelly, the assistant director at the FBI's Office of Congressional Affairs, in which Kelly denied that the bureau required a warrant to conduct aerial surveillance by means of drones.



Kelly also said that the FBI did not intend to use drones for general surveillance, writing to Paul: "The FBI does not, and has no plans to use [drones] to conduct general surveillance not related to a specific investigation or assessment."

Citing Supreme Court rulings, Kelly also asserted that warrants were not necessary for the FBI to conduct aerial surveillance. "The Court held that aerial surveillance was not a search under the Fourth Amendment requiring a warrant because the areas observed were open to public view and, as a matter of law, there was no reasonable expectation of privacy," wrote Kelly.

In response to Kelly's letter, [Sen. Paul stated](#):

The FBI today responded to my questions on domestic use of surveillance drones by saying that they don't necessarily need a warrant to deploy this technology. I disagree with this interpretation. However, given the fact that they did respond to my concerns over drone use on U.S. soil, I have decided to release my hold on the pending FBI director nominee.

The nominee in question is [James B. Comey, Jr.](#), named by President Obama to succeed Robert S. Mueller III as FBI director. Comey was previously the U.S. deputy attorney general in the George W. Bush administration and, before that, U.S. attorney for the Southern District of New York.

Back on July 20, when he had not yet received an answer to his first letter to Director Mueller, [Paul stated in a second letter](#): "Without adequate answers to my questions, I will object to the consideration of [Comey's] nomination and ask my colleagues to do the same."

After Paul released his hold on Comey's nomination, the Senate voted 93-1 on July 29 to confirm him as the next FBI director. [Paul was the lone dissenting vote](#). Two senators voted "present."

In 2005 Comey left the Department of Justice to enter the private sector, and became the general counsel and senior vice president for Lockheed Martin, the U.S. Department of Defense's largest defense contractor. Among the aircraft that Lockheed Martin developed and manufactured is the [RQ-170 Sentinel](#), and unmanned aerial vehicle (UAV, or drone) operated by the U.S. Air Force for the Central Intelligence Agency (CIA).

Comey has exhibited some reluctance to approve intrusive government surveillance in the past,



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however.

When he was acting attorney general under President Bush in 2004, while Attorney General John Ashcroft was hospitalized, he refused to reauthorize the government's warrantless wiretapping program, whereupon White House aides rushed to Ashcroft's hospital room in an attempt to get him to make the authorization. Comey described to the AP what happened:

When [Alberto] Gonzales appealed to Ashcroft, the ailing attorney general lifted his head off the pillow and in straightforward terms described his views of the program, Comey said. Then he pointed out that Comey, not Ashcroft, held the powers of the attorney general at that moment. Gonzales and [Andy] Card then left the hospital room, Comey said.

"I was angry," Comey told the panel. "I thought I had just witnessed an effort to take advantage of a very sick man who did not have the powers of the attorney general."

A report in the [Atlantic Wire](#) noted that, in reaction to the incident Comey drafted a letter to President Bush, which he never sent. In the letter, which reflected his sentiments, Comey wrote: "I and the Department of Justice have been asked to be part of something that is fundamentally wrong. As we have struggled over these last days to do the right thing, I have never been prouder of the Department of Justice or the Attorney General. Sadly, although I believe this has been one of the institution's finest hours, we have been unable to right that wrong."

In the unsent draft, Comey tendered his resignation as deputy attorney general. Comey withdrew his threat to resign after meeting personally with President Bush, who promised to make changes in the surveillance program.



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