

THE RIGHT TO BEAR DRONES

The Trump Administration has a plan to infringe on Americans' right to bear drones.

It has submitted language carving out an exception in surveillance and hacking laws such that it can track and destroy drones. The idea is a government agent (military or civilian) will be able to track and destroy *any* drone over a covered facility or operation, with no legal recourse for the owner of the drone.

Covered facilities are basically any stationary structure an agency wants to designate. The legislative language describes the following as covered operations:

(A) any operation that is conducted in the United States by a member of the Armed Forces or a Federal officer, employee, agent, or contractor, that is important to public safety, law enforcement, or national or homeland security, and is designated by the head of a department or agency, consistent with the Federal Government-wide policy issued pursuant to subsection (d); and

(B) may include, but is not limited to, search and rescue operations; medical evacuations; wildland firefighting; patrol and detection monitoring of the United States border; a National Security Special Event or Special Event Assessment Ratings event; a fugitive apprehension operation or law enforcement investigation; a prisoner detention, correctional, or related operation; securing an authorized vessel, whether moored or underway; authorized protection of a person; transportation of special nuclear materials; or a security, emergency

response, or military training, testing,
or operation.

At one level, I'm sympathetic to the need. There have definitely been cases where drones have disrupted the work of firefighters and drones flying over sporting events (which might be classified as a National Security Special Event) certainly could pose a terrorist threat. And while I'm not aware of any public descriptions of drones being used to spy on military facilities or training, its inclusion here suggests it has happened (which also might explain the seeming urgency). Also, given the emphasis in the language on *detecting* drones, it's clear that there are drones going unnoticed that are surveilling facilities and operations.

Still, there are a whole bunch of activities in this list that also rightly deserve oversight, at least from the press. And this language would give the Federal government the ability to blow any press drone out of the air with impunity.

So while I recognize the need to limit drone overflights of certain kinds of activities, this also seems like the completely wrong way to go about infringing on citizens' right to bear drones. At the very least, the language should include some kind of requirement for notice and appeal, such that the government can't just arbitrarily decide that it should be immune from the surveillance (literally, "over-sight") of citizens.