



FBI Uses Surveillance Drones Over America

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The FBI has admitted to using surveillance drones inside the United States on ten occasions, eight related to criminal investigation and twice in connection with national security investigations. The admission comes in response to letters from Sen. Rand Paul (R-Ky.) seeking more information from the FBI on its use of drones. Paul has placed a hold on the nomination of James Comey to be the next director of the FBI until his questions about domestic use of surveillance drones are answered.

In a June 20 letter, Paul noted that FBI Director Robert Mueller had confirmed, during a hearing of the Senate Judiciary Committee on June 19, that the FBI uses drones for surveillance of American citizens and that it does so without any operational guidelines. Paul asked a series of 11 questions in his letter, inclusively on the development of operational guidelines, on the circumstances in which the FBI would use drones and whether or not that use requires a warrant, and whether or not the FBI is seeking to arm its drones.

In a July 19 letter to Paul, FBI Assistant Director Stephen D. Kelly stated that the FBI uses unmanned drones "in very limited circumstances to conduct surveillance when there is a specific operational need." He cited the example of the rescue of a kidnapped 5-year old boy in Arkansas as an example. He said that none of the FBI's drones are armed, nor does it intend to arm them in the future, and that the FBI doesn't use drones to conduct "bulk surveillance" or general surveillance not related to an investigation or assessment.

As for guidance, Kelly wrote that the FBI uses its drones in accordance with applicable law and internal regulations, including the Fourth Amendment. "Without a warrant," Kelly wrote, "the FBI will not use UAVs to acquire information in which individuals have a reasonable expectation of privacy under the Fourth Amendment." He added that, in the ten cases admitted to, the FBI has not seen any need to seek a search warrant.

Paul responded, however, that this reply was "not sufficient," and wrote another later on July 25, asking Mueller for the FBI's interpretation of "reasonable expectation" of privacy. Paul wrote that the protection of search warrants "could be undercut by the Bureau's interpretation of what constitutes a 'reasonable expectation of privacy.'" As Paul still hasn't received all of the answers he seeks, his hold on Comey remains in place.

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