

Testimony of Peter Sachs, Esq.

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Members of the Committee, I thank you for the opportunity to speak today. My name is Peter Sachs. I'm a nationally known drone advocate, publisher of DroneLawJournal.com and the founder of the Drone Pilots Association.

Hardly a day passes without a news piece about drones. With very limited exceptions, all of them are wrong. Those news pieces are the results of the FAA's repeated lying, the media's tendency to sensationalize stories, and privacy advocates' playing upon peoples' unfounded fears to declare and solve problems that don't exist.

I realize our concentration today is on whether a warrant should be required for law enforcement drone use. The answer is absolutely not.

There is no *logical* need to require a warrant. A full-size helicopter equipped with a zoom camera, flying at 1500 feet can see far more than a drone with a simple fixed-focus lens could ever see at 100 feet. That makes drones *less* invasive. The *more* invasive helicopter needs no warrant, yet privacy advocates are demanding a warrant requirement for *less* invasive drones.

There is also no *legal* need for a warrant. The Supreme Court has held that aircraft using ordinary cameras need no warrant to patrol the skies. Drones see nothing more than any person in an aircraft can see. I would suggest this Committee read the Supreme Court cases cited in my written testimony that make it clear that observations conducted in navigable airspace using ordinary cameras require no warrant.

As far as other legislation is concerned, none is needed and none should be passed. Some states have already passed drone laws, all of which are unconstitutional or preempted by federal law. Last week, North Carolina, which *claims* to be "first in flight," made commercial drone photography a criminal act.

Moreover, local and state governments are very limited in what they can do to regulate drones. They can limit agency drone use, and can restrict the grounds from which drones can be launched, landed or operated. But they cannot regulate "flight" by private parties. Only the FAA can do that.

If the concern is privacy, harassment, stalking or trespassing, there are already adequate remedies at law. Those acts are illegal regardless of the means used. There is no logical need to insert the phrase "with a drone" into our existing statutes.

The drone industry will represent billions of dollars, thousands of jobs and hundreds of uses, many of which will benefit this State. If you interfere with drones, you constrain economic growth, you kill potential jobs, you obstruct law enforcement, you hinder emergency services and you infringe upon the very constitutional guarantees you have sworn to uphold.

Drones are novel, useful, and permit *anyone* to fly. The public is not used to *everyone* being allowed to fly and doesn't understand drones. So it fears the worst. Privacy advocates absurdly claim that one has an "expectation of privacy" when visible in "plain sight" from a "public place." Hiding in "plain sight" is not a "civil liberty."

Legislators in other states are accepting nonsense as fact, and passing reactionary legislation that is unneeded, unconstitutional, and federally preempted. I would suggest that our State be different. After all, we're the Constitution State.

Don't kill a massive sector of the economy before it has had a chance to flourish. We have a long and proud history of aviation here that should continue to grow by embracing its newest technology— drones.

Thank you again for your time. I will be happy to answer any questions.

Supreme Court Cases:

- **California v. Ciraolo** 476 U.S. 207 (1986) No warrant was required because "the Fourth Amendment simply does not require the police traveling in the public airways at this altitude to obtain a warrant in order to observe what is visible to the naked eye." [*Drones travelling in the public airways (which the FAA asserts is from the surface up) would not require a warrant under this holding*]
- **Florida v. Riley** 488 U.S. 445 (1989) No warrant was required because "any member of the public could legally have been flying over Riley's property in a helicopter at the altitude of 400 feet and could have observed Riley's greenhouse. The police officer did no more." [*Any member of the public can fly a drone over someone's property at an altitude of less than 400 feet (the recommended maximum altitude). So no warrant would be required under this holding*]
- **Kyllo v. US** 533 U.S. 27 (2001) Warrant was required "where the Government uses a device that is not in general public use, (FLIR) to explore details of the home that would previously have been unknowable without physical intrusion." [*Drones are in general public use, as are the ordinary cameras they carry. So no warrant would be required under this holding*]