Droning On and On...

By Reg P. Wydeven August 31, 2014

I few weeks ago I watched 'Red,' one of my favorite movies. The action flick stars Bruce Willis, Morgan Freeman and Helen Mirren as ex-CIA agents who are RED – Retired: Extremely Dangerous. The agents unknowingly witnessed war crimes committed decades ago by the now Vice-President with aspirations for his boss' job.

To ensure the crimes never surface, the VP orders the former agents killed. But because the agents are RED, they don't make easy targets.

One of the other RED agents is Marvin, portrayed by John Malkovich. Marvin is slightly psychotic, mostly because the government gave him daily doses of LSD for 11 years. Marvin is paranoid and is convinced he is constantly being watched. He has a decoy house while he actually lives in an underground bunker accessed through the trunk of a car.

In one scene, Marvin believes a passing helicopter is spying on him. Using binoculars, he jots down the license number of the chopper. Because he does, he's able to confirm it's the same one that shoots at him and his friends. Marvin just proves the old adage that just because you're paranoid doesn't mean people aren't out to get you.

Just ask Miley Cyrus.

After the singer noticed a remote-controlled helicopter flying over her Los Angeles home, she took a video of it and posted it online. Cyrus claims the copter is actually a drone employed by the paparazzi to capture images of her in her backyard.

Like Marvin, Cyrus' paranoia proved true as a photographer tried to sell the pictures. Cyrus is not alone, as the paparazzi has used drones to photograph other celebrities, including Steven Tyler, Pierce Brosnan and Selena Gomez.

In response, the Paparazzi Reform Initiative, an organization representing celebrities, appealed to California lawmakers to restrict the rights of the paparazzi. Assemblyman Ed Chau listened and introduced legislation that would prohibit the use of aerial drones to collect audio, video or photographs of celebrities in a way that violates their right to privacy.

Photographers in California are already forbidden from using enhanced devices, such as long-range microphones or telephoto lenses, like the once used to photograph Princess Kate topless while on vacation. Chau pointed out that the current law does not specifically identify aerial drones as enhanced devices, as they are too new. The proposed measure bans the use of any device, including drones.

Some members of the media oppose the proposed restrictions. They claim the current laws are already too broad. Mickey Osterreicher, general counsel for the National Press Photographers Association, claims drones shouldn't be prohibited, as they can have "legitimate news gathering purposes."

He further points out that the Federal Aviation Administration is in the process of developing guidelines for the commercial use of drones in federal airspace. According to the FAA, there will be 30,000 drones in use within the next 20 years.

While I love the law, I loved Marvin's solution even better – he simply shot down the helicopter that was following him.

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2014 McCarty Law LLP. All rights reserved.