They can record video images and produce heat maps. They can track fleeing criminals, stranded hikers—or, just as easily, political protesters. And for cash-strapped police departments, they're a lot more affordable than helicopters.

Law-enforcement officials across the country see great potential in drones. Most people associate these uncrewed aircraft with fighting terrorism in countries like Pakistan and Yemen. But recently, the Federal Bureau of Investigation (FBI) acknowledged that it has started using drones for certain types of surveillance inside the United States.

Already, drones are raising concerns about a key constitutional issue: the right to privacy, guaranteed in the 4th Amendment.

"To me, it's Big Brother in the sky," says Dave Norris, a city councilman in Charlottesville, Virginia, which in February became the first city in the United States to restrict the use of drones. "I don't mean to sound conspiratorial about it, but these drones are coming, and we need to put some safeguards in place so they are not abused."

Experts see a wide variety of possible uses for drones: monitoring floods; observing crops for signs of blight or insect invasion; and conducting aerial inspections of oil pipelines or wind turbines. Real estate agents have already started using drones to take inexpensive aerial shots of properties they're selling.

Finding Fugitives and Lost Children

Last year, a new federal law paved the way for drones to be used commercially in the United States and made it easier for government agencies to obtain them. The Department of Homeland Security offered grants to help local authorities buy drones.

Drone manufacturers began marketing small, lightweight devices specifically for policing. These aircraft are already used to monitor America's borders and by a handful of police departments, including Miami, Florida, and Mesa County, Colorado, to provide backup surveillance for SWAT teams and occasionally to help find fugitives. Emergency-services agencies around the nation are beginning to explore their potential for everything from spotting forest fires to finding lost children.

"In this time of austerity, we are always looking for sensible and cost-effective methods to improve public safety," says Captain Tom Madigan of the Alameda County Sheriff's Department in California. "We are not looking at military-grade Predator drones. They are not armed."
Still, some are leery about the idea of drones hovering overhead. That probably has to do with how drones have been used in the last decade: to kill suspected terrorists in hot spots like Pakistan and Yemen.

One particular incident has attracted a lot of attention. In September 2011, a C.I.A. drone strike in Yemen killed an American citizen, Anwar al-Awlaki, a radical cleric who preached jihad, or holy war, against the United States. Critics have accused the Obama administration of violating Awlaki's 5th Amendment right to due process by assassinating him without a trial or a public vetting of evidence against him.

Last month, Senator Rand Paul of Kentucky put the controversy over drone attacks in the media spotlight by conducting a 13-hour-long filibuster on the Senate floor. His goal, Paul said, was to make the Obama administration guarantee that it wouldn't use drone strikes against American citizens on U.S. soil. In response, Attorney General Eric Holder said that President Obama doesn't have the authority to use drones to kill Americans on U.S. soil unless they're engaged in combat against the United States.

**Right to Privacy**

For now, drones for civilian use are much smaller than the Predators operated by the C.I.A. and the military. They run on relatively small batteries, fly short distances, and are not armed. Various sensors, including cameras, can be attached to them. But there is no legal consensus about how the data collected can be used, shared, or stored so that it doesn't violate Americans' 4th Amendment right to privacy.

The 4th Amendment protects individuals from "unreasonable searches and seizures." That's traditionally meant that police must get either a court-issued warrant or have "probable cause" to search a person or their property. Of course, the Framers couldn't have imagined technology like a police drone hovering overhead with a video camera: Does that constitute an "unreasonable search"? It's another example of 21st-century technology outpacing the law.

Lawmakers are trying to address this. Congress is considering a bill that would prohibit police from using drones to conduct "targeted surveillance" of individuals and property without a warrant. Several states are considering similar proposals.

"This fast-emerging technology is cheap and could pose a significant threat to the privacy and civil liberties of millions of Americans," says Senator Patrick Leahy, the Vermont Democrat who chairs the Senate Judiciary Committee. "It is another example of a fast-changing policy area on which we need to focus to make sure that modern technology is not used to erode Americans' right to privacy."


**Acknowledgements**


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