

**Statement of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee,  
Hearing On  
“The Future of Drones in America: Law Enforcement and Privacy Considerations”  
March 20, 2013**

The focus of today’s hearing is on the *domestic*, non-military use of drones. Recently, the debate about the use of unmanned aerial vehicles, or “drones”, has largely focused on the lethal targeting of suspected terrorists, including Americans. I continue to have deep concerns about the constitutional and legal implications of such targeted killings. I have spoken with Senator Durbin, and next month he will chair a hearing in the Constitution subcommittee that will examine these issues carefully. In addition, I will continue to press the administration to provide this Committee with all relevant Office of Legal Counsel opinions related to the use of drones to conduct targeted killings.

As I noted at the beginning of this Congress, I am convinced that the domestic use of drones to conduct surveillance and collect other information will have a broad and significant impact on the everyday lives of millions of Americans going forward. Just in the last decade, technological advancements have revolutionized aviation to make this technology cheaper and more readily available. As a result, many law enforcement agencies, private companies, and individuals have expressed interest in operating drones in our national airspace. I should note that we are not talking just about the large Predator drones that are being used by the military or along our borders, but also about smaller, lightweight unmanned vehicles like this one – about which we will hear testimony later. With the Federal Aviation Administration (FAA) estimating as many as 30,000 drones like this operating in the national airspace by the end of this decade, Congress must carefully consider the policy implications of this fast-emerging technology.

During our discussion of the domestic use of drones, I know that we will hear about many of the unique advantages of using unmanned aircraft, as opposed to manned vehicles. Drones are able to carry out arduous and dangerous tasks that would otherwise be expensive or difficult for a human to undertake. For example, in addition to law enforcement surveillance, drones will potentially be used for scientific experiments, agricultural research, geological surveying, pipeline maintenance, and search and rescue missions.

While there may be many valuable uses for this new technology, the use of unmanned aircraft raises serious concerns about the impact on the constitutional and privacy rights of American citizens. The Department of Homeland Security, through Customs and Border Protection, already operates modified, unarmed drones to patrol rural parts of our northern and southern borders, as well as to support drug interdiction efforts by law enforcement. In addition, a growing number of local law enforcement agencies have begun to explore using drones to assist with operational surveillance. This raises a number of questions regarding the adequacy of current privacy laws and the scope of existing Fourth Amendment jurisprudence regarding aerial surveillance: When is it appropriate for law enforcement to use a drone, and for what purposes? Under what circumstances should law enforcement be required to first obtain a search warrant, and what should be done with the data that is collected? And although no drones operating in the

U.S. are yet weaponized, should law enforcement be permitted to equip unmanned aircraft with non-lethal tools such as tear gas or pepper spray?

My concerns about the domestic use of drones extend beyond government and law enforcement. Before we allow widespread commercial use of drones in the domestic airspace, we need to carefully consider the impact on the privacy rights of Americans. Just last week, we were reminded how one company's push to gather data on Americans can lead to vast over-collection and potential privacy violations. Similarly, a simple scan of amateur videos on the internet demonstrates how prevalent drone technology is becoming amongst private citizens. Small, quiet unmanned aircraft can easily be built or purchased online for only a few hundred dollars, and equipped with high-definition video cameras while flying in areas impossible for manned aircraft to operate without being detected. It is not hard to imagine the serious privacy problems that this type of technology could cause.

On this issue, we cannot take a short-sighted view, and we must realize that technology in this area will advance at an incredible rate. This topic is of significant interest to many members of our Committee, and I hope that this hearing will be just the beginning of an ongoing dialogue as to how best to manage the unique privacy threats associated with this modern technology, while not stifling this nascent industry that has enormous potential to improve our lives.

To help this Committee explore some of these issues, Senator Grassley and I have invited witnesses who will testify from a variety of perspectives. We will hear from a law enforcement official who has a functioning and fully operational unmanned aircraft unit, the head of the leading unmanned vehicle industry group, a representative from the Electronic Privacy Information Center, and a scholar who has studied the intersection of drone technology with privacy and Fourth Amendment law. I thank the witnesses for being with us today.

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