



Drones For Them But Not For Us?

An emerging regulatory regime threatens to make drones a mainly authoritarian tool that serves the interests of police, government, and corporations but not ordinary people

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March 26, 2026

Imagine you're a young person in love with drones and full of ideas for inventive uses for the technology. You think about using them for creative projects, nature and outdoor recreation photography, marketing or mapping for community projects, property checks, and college scientific projects. You've heard about how an amateur drone photographer in Texas discovered a river of pig's blood from a slaughterhouse flowing into a waterway — [environmental violations](#) that led to criminal charges. Or about a PhD student using a drone to [record a protest](#) — not to mention such recording by established media outlets.

Unfortunately, we're in danger of creating a world where such opportunities are sharply limited and that young person — and the rest of us — mainly experience drones as a negative force in our lives. In that world you're constantly conscious of intimidating police drones hovering overhead, and annoyed by corporate delivery flights that you can't do anything about. But when you try to fly a drone yourself, you find it hard to buy one, and are constantly hemmed in by restrictions. Companies are given priority and box out your flights, and law enforcement threatens \$10,000 fines and worse when they deem your flights a "threat."

Of course, drones operated by ordinary people can also invade privacy, create intrusive nuisances, hazards, and dangers, and otherwise cause problems, and there are certainly many places where it's appropriate to ban such flights — just as it's sometimes appropriate to ban or limit corporate or police flights. But what we don't want is a future in which corporate and government forces seize this

technology for themselves, strip localities of the power to ban or regulate flights, increase their authoritarian power over the public, and crowd out public uses and the innovation they promise. We don't want a future in which our skies are dominated by surveillance and corporate drones, aerial imagery is under their control and their control only, and people can't counter visual or other narratives with their own drone flights.

In February the Trump Administration moved to give deportation agents and other DHS officials plenary authority to ban, seize, and take down drones they don't like, and punish their remote pilots. As we [pointed out](#) at the time, this move is part of an ongoing trend of law enforcement seeking broad powers to ban drones. But it's also part of this even larger and more dismaying trend: the construction of a regulatory regime for drones that renders drones primarily usable by law enforcement, government, and big companies, while boxing out ordinary people and potentially even prominent news outlets engaged in the recording of law enforcement operations like abusive immigration arrests.

Most Americans aren't thinking about drones right now. The parties that are thinking and planning and investing are companies and government agencies and, despite the efforts of a few outmatched nonprofits, they're mainly the ones lobbying Congress and the FAA when it comes to the rules of the road (or we should say, sky) for future drone operations.

Under current trends, drones are increasingly looking like a technology that in the future ordinary people will be:

1. **Unable to fly.** Broad counter-drone authorities, based on fears about the potential security threat that *some* drones could pose, are being pushed without checks and balances to preserve the vast majority of legitimate and safe individual uses.
2. **Unable to buy.** An unexpectedly broad Trump Administration ban on foreign drones, combined with market and technology conditions, threaten to reduce drones to an expensive specialty item mainly designed for police and the military and out of reach of ordinary people.
3. **Forced to accept in their communities.** While ordinary people may find themselves unable to deploy drones without arbitrary interference and punishment, they may at the same time be unable to have a say in police and corporate drone operations over their communities, despite any objections they may have to such flights.
4. **Subject to surveillance and intimidation by.** Similarly, the refusal of the FAA and others to enact protections for privacy in the face of this powerful new surveillance technology may subject ordinary people to increasingly routine aerial monitoring of their lives.
5. **Unable to identify.** Even as they are subject to aerial surveillance by the government and companies, people will themselves be blocked from accessing useful information about the drones flying overhead.

Let's take a closer look at each of those components of this trend.

1. Unable to fly

First, security imperatives are being used to push for unbounded powers for the government to stop ordinary people and journalists from flying drones. The security threats posed by drones as a technology are real — even if many in government lump together “threat of violence or property damage” and “threat we’ll be photographed” — and again there are certainly many places where it’s appropriate, for various reasons, to ban civilian drone flights. But actual threats to safety and property by people flying drones with bad intent are extremely rare. Drone flights in unauthorized areas are almost always the result of “clueless and careless” operators, and law enforcement and security people in the counter-drone conversations I’ve been in say that virtually all illegal drone flights can be resolved by locating the pilot and giving them a talking-to.

Security agencies, journalists, advocates, and members of Congress have been battling for several years over the contours of official authority to ban, seize, or destroy drones (we wrote about this [last month](#) and in [October](#)). We have seen [multiple cases](#) of people falsely accused of using their drones to endanger law enforcement or others because law enforcement did not like the fact that they were flying a drone. The Trump Administration’s [recent order](#) took assertions of drone-limiting government power to absurd levels, treating any flight over moving ICE vehicles as a violation of “national defense airspace” akin to flying over a military base. But [language](#) pushed through Congress in December also conveys new authorities to state, local, and tribal police officers to take down drones through force without checks and balances and protections for uses such as journalism (which, it should be stressed, is an activity that anyone can engage in).

In addition to security agencies, there are also questions about how much priority and control private companies will have in squeezing out ordinary people from drone operations. Acting under enormous pressure from Congress and the Trump Administration, the FAA in August 2025 released [proposed rules](#) that will allow certain drone operators to fly “beyond the visual line of sight” (BVLOS) of their operator, which is not now normally permitted but which, when normalized, will open up the skies for all manner of new drone operations, such as deliveries.

These flights are largely [envisioned](#) by the FAA as being exercised principally by commercial operators, not ordinary people. The agency is also proposing that unlike air traffic management and control of crewed aircraft, the crucial role of drone “traffic management” would be carried out not by the government, but by private corporations serving as what the agency calls Automated Data Service Providers. Partly this neoliberal approach reflects what the agency says is its lack of resources to run these operations, forcing it to outsource them. It may well make sense not to subject small drones (whose operations are much more local than traditional crewed aircraft) to a centralized Air Traffic Control-like system, and to turn to what the FAA terms a “crowd-sourced” approach. But as we pointed out in our [comments](#) on the proposed rules, the FAA’s proposed solution would still place private companies at the center of drone operations.

That is deeply problematic. For example, one of the primary roles of these private service providers will be “de-confliction,” meaning these profit-motivated companies may be in a position to decide who gets

to fly and who does not when there are conflicts over airspace. Will these companies, if their profit interests dictate, be able to block a newsgathering BVLOS operation from aerial coverage of a protest, abusive police action, or union rally? If the government is not arbitrating these issues, who wins in conflicts between newsgathering organizations wanting to cover an event of public interest and for-profit companies wanting to make deliveries; media versus law enforcement; unions versus employers? If big companies end up in the position of making such decisions, how likely are they to give less powerful parties a fair shake?

2. Unable to buy

In December, the Trump Administration took the drone world by surprise by instituting a sweeping [ban](#) on all [foreign-made drones](#) that [analysts](#) say will skyrocket costs and make it [much harder](#) for ordinary people to fly the devices. Experts also say there's little prospect for the emergence of an American industry that can provide drones of anywhere near the equivalent quality and price of Chinese drones. The most prominent drone manufacturer, DJI, is located in the Shenzhen manufacturing ecosystem, unique in the world for its synergies and flexibility in manufacturing as well as its unparalleled supply chain, reaching all the way down to the rare earth metals that are used in motors. The US version of an \$800 DJI drone before the ban cost [three times as much](#) for worse performance, for example. As a result of such advantages, DJI has [reportedly controlled](#) about 80% of the U.S. drone market. (The editor in chief of the site DroneXL has a [good breakdown](#) of why the drone market is lopsided and likely to remain that way.)

This dominance by a Chinese company has been controversial over the past decade, with many raising security concerns such as the potential of backdoors being hidden in the technology to exfiltrate data to China. Though framed as a security measure, part of the push for a ban has also been a desire to create room for U.S. industry to catch up to the Chinese.

There can be good arguments for strategic protectionism, and cybersecurity could be a real concern for at least some conceivable uses of consumer drones (though in the vast majority of cases the security fears are probably overblown). Nevertheless, the Trump drone ban will likely have the effect of making it far harder for ordinary people to acquire and use drones. As drone expert Faine Greenwood [said](#) in 2025 about the prospect of a ban, "I'm really afraid it's going to lead to a scenario where the only people who can afford drones are the wealthy, police, and the military," effectively "taking it away from citizens and from normal people."

As Greenwood [pointed out](#) after the ban, most drones made in the United States are specifically designed for law enforcement and the military. In recent years, police departments have been increasingly [required](#) to join the military in avoiding Chinese-made products, and US industry has focused on supplying these captive markets which also have the big budgets to pay for American-made craft that most individuals do not. (Though the ban will disrupt many police departments' uses of drones as well; before Trump's ban, even the public safety market was [80% dominated](#) by DJI, and I have listened with ambivalence to more than one police official complaining to me that a ban on the

acquisition of overseas drones would cripple their drone program — a sentiment [widespread](#) among law enforcement drone operators..)

The US police-drone company Skydio, for example, [tried and failed](#) to compete in the consumer drone market — as did [others](#) including such deep-pocketed companies as Sony and Intel — and had to retreat to the police market. The Pentagon is also seeking to buy 30,000 small attack drones just as an “initial phase” in their drone acquisition strategy; military demand alone could soak up an enormous part of the limited US domestic drone-production capability that now exists.

3. Forced to accept in their communities

Even as law enforcement agencies seek to box ordinary people out of operating drones for journalistic or other purposes, [police](#) as well as corporations are preparing to scale *up* operations over our houses and communities. There is an enormous ecosystem of companies gearing up to provide drone services such as delivery. Companies like Amazon and Walmart have been working on this [for years](#), and are especially excited about a future where they can routinely engage in BVLOS operations as contemplated in the FAA’s current rulemaking.

But it’s far from clear that Americans *want* drones flying over their homes and communities. There have been incidents of resentful [homeowners](#), [firefighters](#) and [sports crowds](#) shooting drones out of the sky. In College Station, Texas, residents [hated and fought](#) an Amazon drone delivery program, eventually causing the company to [shut it down](#). Yet even where residents hate drone operations over their homes and communities, the government ultimately claims the authority to force people to accept the presence of drones in the air around them whether they like it or not.

Amazon bowed to the community in College Station, but in the future it and/or other companies might well not do so. The federal FAA has “exclusive domain” over the nation’s air space — extending, as is sometimes said, down to the tops of blades of grass. That means that, contrary to what most people might assume, given the increasing prevalence of “no drone” signs at beaches and parks across the country, localities don’t necessarily get to regulate who or what flies in their airspace. There are good reasons for that, of course; it wouldn’t work for an airliner flying from New York to Los Angeles to be subject to different rules in every county and town it flies over. But drones are much more local — more like bicycles than jetliners. And the ACLU [has argued](#) that the FAA or Congress should permit localities that don’t want drones flying overhead to ban them, and otherwise exert local control over their use. The drone industry has opposed such a policy, however, and policymakers appear to be proceeding as if it’s a foregone conclusion that people will have no choice.

In 2023, the FAA issued a [fact sheet](#) analyzing potential local drone regulation in which it outlined the limits on the communities’ ability to limit drone flights. The agency argues that the 1978 Airline Deregulation Act, which deregulated the airline industry, explicitly pre-empts state and local jurisdictions from regulating “air carriers,” and that delivery drones are air carriers. The agency writes,

A privacy-related ban on UAS operations over an entire city would very likely be preempted because it would completely prohibit UAS from using or traversing the airspace above the city and impede the FAA's and Congress's ability to safely and effectively integrate UAS into the national airspace. In contrast, a privacy-related restriction applied to the lower altitudes over facilities where people could likely have an expectation of privacy—such as parks or schools—would more likely be permissible because of its lesser impact.

But parks and schools are not the only places where people might dislike being surveilled — those places would also include their own property and in their movements across a city, town, or county over time. The threat is that large fleets of delivery drones by Amazon or other big companies might be able to leverage their presence over communities to collect invasive video of people living their lives below — a threat that the FAA has steadfastly refused to engage with.

In any case, the FAA's policy leaves it very unclear how much power homeowners and communities will have to push back against not only the potential privacy invasions, but also other problems created by incessant overflights by corporate delivery drones.

The FAA's asserted authority here is clearly based on the world of legacy long-range aviation; if airplanes and other crewed aircraft had not yet been invented, drones would almost certainly be regulated locally, like leaf blowers and scooters. There's a stark discontinuity between the rules and powers that were created for legacy aviation and the localness of the drone. Objections by community members to complaints about traffic or small machines based on noise, nuisance, or privacy grounds have always been a very local issue — the kind that is normally dealt with at the neighborhood or city council level, not by a remote federal agency in Washington, DC.

This regulatory disjunction is made plain when it comes to enforcement of the FAA's rules. If local communities should not have the ability to ban drones because they are a federal matter, then we should expect enforcement against drones that violate airspace or other restrictions to also be an exclusively federal matter. But in fact, everyone involved in drone policymaking seems to be pushing for *local* law enforcement to play a greater role in enforcing those regulations. That's an implicit recognition that drones are a local matter. Nobody's pushing for local law enforcement to enforce rules against Delta and American Airlines. It's just not realistic that only *federal agencies* will enforce bans on errant drones flying illegally over, say, a municipal reservoir.

It's unclear whether and how existing interpretations of legacy aviation laws may shift when bumping up against the likely unpopularity of drones in at least some communities around the nation. But Congress has the power to give people living in local communities the authority to control the air around them. The problem is that despite the efforts of the ACLU and a few other over-strapped privacy groups, for the most part the only people paying attention to drones right now — and from whom Congress hears — are law enforcement and industry players. The FAA has been dealing with and often closely cooperating with industry for its whole existence, and generally views its role as one of advancing commercial drone operations. But that close cooperation (which has been disastrously excessive at

times) becomes a different beast when the subject of regulation is a technology that is going to be intimately intertwined with street-level neighborhood life all across the nation.

4. Subject to surveillance and intimidation by

People will of course also be subject to surveillance by the drones flying overhead. Already we know that:

- Local governments are starting to use drones to fly over private property in order to [enforce](#) local [ordinances](#).
- A [minimum](#) of 1,500 US police departments already have drone programs, according to tracking by EFF, and the Law Enforcement Drone Association [says](#) the [number](#) is at least 6,000.
- “[Drones as First Responder](#)” programs, which involve more sustained, daily use of the aircraft, are [rapidly spreading](#) amid widespread law enforcement interest. With an estimated minimum of 50 such programs already underway, the FAA has approved hundreds more waivers from departments seeking permission to fly such programs.
- [CBP](#) and [other](#) federal agencies like to deploy drones, including [over protests](#) such as those in [Minneapolis](#). Similar “event monitoring” is a [widespread use case](#) for local police department drone programs as well.
- If and when drone deliveries become common in the United States, there is so far little to stop companies like Amazon from leveraging their drones’ presence over communities to engage in routine photography of streets, driveways, houses, and yards. The aerial imagery market is [growing rapidly](#) and any delivery company not doing so might feel they’re leaving easy money on the table.

That quick rundown probably understates the uses of drones today and in the future.

Furthermore, we also know of instances where drones have been [used for intimidation](#). An ICE protester in Minneapolis awoke to a drone [flying outside her second-story bedroom window](#) — and many mysterious drones were reported around Minneapolis during the Trump Administration’s militarized surge into that city. We have received reports from activists in other cities of drones flying in people’s faces at ICE protests, and swooping low over protests in years past in apparent attempts to intimidate.

Such reports are difficult to confirm, as is the operator of the drones that witnesses report. That opaqueness is a further problem.

5. Kept in the dark about

Even as drones threaten to increasingly watch us, will we be able to watch the drones back? Unfortunately, it’s not shaping up that way.

Drones can watch us — sometimes closely enough to see the pores on our skin — and we should be able to watch them back. But when a drone is overhead, those of us on the ground have little way of knowing what information it’s collecting. Drones all have cameras, but we don’t ordinarily know whether those cameras are recording, whether they have powerful zoom lenses, or whether those lenses are focused on us. We don’t know who will watch that video, how long it will be retained, and who it might be shared with. We also don’t know what other sensors the drone might be equipped with — drones are platforms, after all, and can hold any equipment light enough to fly, including microphones, heat and movement sensors, [cell-site simulators](#), GPS, radar, Lidar, sonar, range-finders, and radio frequency sensors, among other technologies.

We also have little way of knowing who is operating a drone that flies over us. If there is a drone in the sky above us, we should have a way to know whether that drone belongs to Amazon, the police, ICE, a real estate agent, or an ordinary citizen. We should also be able to see what the purpose of its flight is, what equipment it is carrying, and what its privacy practices are. In recent [comments](#) to the FAA, we and our allies at the Electronic Privacy Information Center (EPIC) called on the FAA to create just such transparency, including by requiring operators to file a Privacy Impact Assessment with the FAA that is available to the public. We also renewed our longstanding call for [transparency around crashes](#) and other drone safety incidents.

Transparency over legacy aviation flights has proven very valuable for public and democratic debate. The growth of flight tracking websites and plane-spotting enthusiasts have made it simple for any member of the public to find information about aircraft they see overhead or historical flight information. This has had significant benefits for the public interest. Examples include shedding light on Jeffrey Epstein’s flight [patterns](#), Bush-era CIA “extraordinary rendition” and [torture flights](#), and surveillance flights by the [FBI](#) and [CBP](#) over protests.

Public transparency into drone operations is within reach technologically. The FAA has already created a “[Remote ID](#)” system under which drones are required to locally broadcast out a serial number akin to a license plate on a car. The idea is that people can use a phone or other device to look up information about any nearby drones (such apps already exist). But under Remote ID, the public can’t get any information about a nearby drone except its registration number; the actual identity of the registered owner can only be accessed by the authorities. In addition, at the [urging](#) of companies, the FAA has been [stating](#) for several years that it will offer drone operators the option to use a temporary “session ID” every time they fly. Drone industry representatives are also [working on a standard](#) “drone remote identification protocol” (DRIP) that would incorporate and standardize these ephemeral session IDs. The purpose of such IDs is to provide even more secrecy to drone operators, as their “license plate” would not only be unlinkable to the operator’s identity by the public, it would not even function as a unique identifier revealing that a drone spotted in one place and time is the same drone spotted in another.

That is exactly the wrong direction in which to go, at least with respect to corporate and government drones. The FAA should not be subjugating the privacy interests of people on the ground to corporate desires for secrecy in their drone operations or the secrecy desires of law enforcement (with possible

rare and temporary exceptions where there is a compelling government interest in temporary secrecy for a particular operation). While [some](#) local police departments have provided a laudable degree of transparency with respect to their drone operations to combat privacy concerns, it's predictable that many will want to shield their operations, especially if and when public concern over the technology fades away and the technology becomes normalized. One police officer at a drones [conference](#) I attended in 2025 declared that Remote ID is "a huge problem for law enforcement" because of the prospect that "bad guys can tag my number as a police drone and have it pop up." Federal agencies already have [resisted attempts to shine light](#) on their use of drones.

Recommendations

In previous writings we have detailed our recommendations on various aspects of drone policy, much of which points toward preventing the kind of corporate and government monopolization of drones that we fear is taking place. Policymakers in the FAA, Congress and elsewhere should:

- **Unable to fly:** Ensure that authorities to ban and interdict drones are narrowly defined, include checks and balances against misuse, and offer due process for drone operators who are targeted. (More details on our recommendations in this area are [here](#).)
- **Unable to buy:** Take a hard look at the recent total ban on foreign drones, and whether the benefits of such a ban balance out the considerable downsides for ordinary people, journalists, and innovators.
- **Forced to accept:** Grant localities wide authority to ban and limit drone flights within their jurisdictions ([details](#)). Enact privacy rules that apply to commercial drone operators while ensuring that all regulations comport with the First Amendment and don't single out newsgathering, for example, for worse treatment ([details](#)).
- **Subject to surveillance by:** Curb and/or enact checks and balances governing the use of drones for government surveillance, especially (but not exclusively) surveillance of private property, public gatherings, or people's activities across time and/or space (details [here](#), [here](#), and [here](#)).
- **Unable to identify:** Create a techno-legal infrastructure that gives members of the public on the ground the ability to identify the operator of any government or corporate drones flying overhead as well as access to information about the operators' activities and privacy policies (details [here](#) and [here](#)).

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