

# When the Reapers Come Home

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### A Look at the plan to Open US Domestic Airspace to Military Drones

*Guest Post by Barry Summers*

*“The stuff from Afghanistan is going to come back”*

That was the statement from Department of Defense official Steve Pennington in the 2/13/12 LA Times, the day before the 2012 FAA Modernization and Reform Act was signed into law.

*“We want a fully integrated environment.”*

Fully integrated: meaning, no restrictions on military drones operating in the National Airspace (NAS) – Reapers, Predators, etc., occupying the same airspace as commercial/civil aircraft over our heads. The DoD has been trying to get this “routine” access for over 10 years. Read “Background: War on Terror” for some of the history leading up this point.

***The 2012 FAA Act is how they are going to accomplish this.***

#### **How could this go unreported?**

The Act directs the Administrator of the FAA to establish a testing program for the eventual integration of UAS, or drones, into the National Airspace System. This has been reported on extensively, as it applies to potential “civil” or commercial drone applications (Amazon package delivery, aerial photography, agricultural uses, etc.)

However, at every step leading up to this for the previous 11 years up to and including the Senate version of the Act, Congress and the DoD have primarily referred to the need to integrate “military” unmanned aircraft into the NAS. But the FAA is barred from regulating “military” aircraft. They are bound by federal statute to refer to them as “public” aircraft. So the final version of the Act conforms to the FAA language, and directs them to integrate “civil” (commercial) unmanned aircraft, and “public” (military) unmanned aircraft

into the NAS.

Could **this** be why no one has reported this up to now?

**From the Senate version of the 2012 FAA Modernization and Reform Act:**

tegration into the NAS. This section would allow the FAA Administrator to include testing at six test sites as part of the integration plan by 2012. The FAA is directed to work with DOD to certify and develop flight standards for military unmanned aerial systems and to integrate these systems into the NAS as part of the UAS integration plan. The FAA Administrator is required to submit a report describing and assessing the progress made in establishing special

**The final version changed the word 'military' to 'public', which according to federal definitions, still means military:**

*(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Administrator shall develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system.*

*(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—*

The FAA definition of “public aircraft” is spelled out here. Essentially, from Title 49 USC 40125: **Qualifications for public aircraft status:**

*“(c) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES”*

Again, from the Senate version:

*“(a) IN GENERAL- Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—*

*(6) addresses both military and nonmilitary unmanned aerial system operations;”*

From the House version:

*(4) address both civil and public unmanned aircraft systems;*

If the FAA and the DoD **are** preparing to open US domestic skies to military surveillance drones, it would have to involve the six designated UAS test sites set up by the FAA.

Read about those sites, the military and defense contractor personnel who are in charge of them, and the military bases

they are operating at here.

Read about the “Gorgon Stare” city-wide Reaper drone surveillance package [here](#).

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## **Did Berkeley Just Save Us From Drones or Target Us With Drones?**

*By David Swanson. Reprinted from War is a Crime.org.*

Cities and states across the United States have been taking various actions against drones, while the federal government rolls ahead with project fill the skies.

Robert L. Meola has been working for years now to get Berkeley to catch up with other localities and claim its usual spot at the forefront of movements to pass good resolutions on major issues. Now Berkeley has acted and Meola says “This is NOT what I/we asked for.”

### **Here’s what they asked for:**

Establishing a Two Year Moratorium on Drones in Berkeley

From: Peace and Justice Commission

Recommendation: Adopt a Resolution adopting a two year moratorium on drones in Berkeley.

Financial Implications: Unknown

### **And what they got:**

Action: 11 speakers. M/S/C (Bates/Maio) to: 1) adopt a one-year moratorium on the use of unmanned aircraft systems, or “drones” by the Berkeley Police Department, 2) ask the Council

to develop a policy for police use of drones, and 3) to authorize the use of drones by the Berkeley Fire Department for disaster response purposes. **Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Bates; Noes – Droste; Abstain – Worthington.

**Meola responds:**

“They adopted a ONE year moratorium on POLICE use of drones. The police have not been interested in getting a drone, according to the last official word from the chief. But they AUTHORIZED use by the Fire Department, who also has not asked to have a drone. And if they get one, will it ONLY be used by the Fire Dept. for disaster response purposes??–Maybe. And they say they will develop a policy for Police USE of drones. How nice of them. We have asked for NO DRONES, NO POLICE USE OF DRONES, and their moratorium entails coming up with a policy **for** POLICE USE OF DRONES while they still haven’t tackled the issues around a comprehensive drone policy for Berkeley. I spoke. Others spoke. The ACLU spoke. The Mayor is slick. He started out saying two years and ended up with one. They had a whole list of exceptions that got exchanged for this crappy policy.

“So, if no one is paying attention to the details, **the propaganda sounds good: BERKELEY PASSES ONE YEAR MORATORIUM ON DRONES** Wow! Groovy! Better maybe not to have done anything! Kriss Worthington abstained because this doesn’t sound better than doing nothing once you read the details of what they actually passed.

“They ignored all the good stuff in our recommendation re not using info obtained by a drone in state and federal criminal investigations without a valid warrant based on probable cause. They ignored asking the state to establish a two year moratorium.

“My time would be better spent organizing for Nonviolent

Anarchist Revolution, don't you think? Instead I am asking for them to make a law! And this is the result! HELP!

"No faith n the system, not even in Berkeley.

"LONG LIVE ANARCHY!"

Hey, Berkeley, your people sure seem to love you. I've received several emails today from random people in Berkeley on the theme of how useless your Police Review Commission is. And I live nowhere near Berkeley and hadn't inquired.

Wouldn't keeping killer spy robots out of the skies have been an easy way to do something positive?

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## **Commercial Drones and the Slippery Slope**

*Ed Kinane's latest Op Ed, originally published on Truthout.org as: The FAA's Broadening Regulations: Commercial Drones and the Slippery Slope*

The Federal Aviation Administration, bowing to persistent corporate and congressional drone caucus pressure, on February 15 issued "A Notice of Proposed Rulemaking" seeking public input. The proposed rules seek to regulate the commercial and government flight of small (under 55 lbs.) domestic drones. The FAA, charged with keeping our airways safe, is opening wider the door to the multi-billion domestic drone industry...impairing both our safety and our civil liberties.

The drone industry is drooling.

Like their military counterparts, commercial drones are being

rushed off assembly lines with insufficient quality control. With drones crowding the air, crashes and collisions – accidental and otherwise – can and will happen. And not only on the White House lawn.

While commercial drone operators will have to pay some fees (about \$300) and pass a written test to be certified, there can be no guarantee that they will conform to the discipline of keeping their airborne vehicle within sight (as currently required) or below the newly expanded height (500 ft.) or far from airports (five miles). There is no guarantee that drone operators, even when sober, will be prudent. Boys love their toys. And who will be keeping track?

Given drone surveillance capabilities, normalizing much denser drone traffic will further erode civil liberties. The new regs help consolidate “1984.” The newly legalized commercial drone will be a terrific FBI, NSA, Homeland Security, etc. front for both retail and wholesale surveillance on all of us – and on some of us in particular. These agencies have already demonstrated their contempt for the Fourth Amendment – which Amendment forbids search and seizure without specific cause or warrants. Already when Congressional hearings or other investigators challenge them, some agency spokespeople and Bush/Obama administration appointees readily lie about their overseas drone crimes. (Think John Brennan.) Will they be any more candid about their domestic dirty work?

The more commercial drones become a visible fixture in our skies, the less we will question them. This normalizing will provide cover for those drone operators up to no good. On February 15, according to the New York Times, President Obama signed a memorandum requiring government agencies “to report publicly each year a ‘general summary’ on their drone use...” The Times goes on to note that “the order includes a loophole allowing secrecy for operations involving national security or *law enforcement.*” [italics mine]

With their dandy new tools, police and intelligence agency drones will step up surveillance of citizens engaged in Constitutionally-protected First Amendment activity. This can chill such activity, eroding democratic space and leading to more heavy-handed prosecutions. Uppity and organizing people of color will be profiled and made more vulnerable. Already those of us nonviolently protesting US Reaper drone assassination and civilian killing in Afghanistan and elsewhere are subject to imprisonment by retrograde local and federal courts. (Think Hancock and Whiteman air force bases.)

Mission creep: Some surveillance drones are designed with bigger things in mind. Some can be converted to weaponized drones, whether lethal or "non-lethal": with license plate and facial recognition technology, crippling lasers, bean bags, rubber bullets, etc...Such devices can be deployed by night (not permitted by those new regs) by criminal, insurgent, terrorist or police elements.

Drone technology is developing rapidly. The projected quantum leap in domestic commercial development will cross-fertilize and boost military drone research – making the police state/empire all the mightier. The commercial leap will contribute to proliferation as other nations and entities scramble for their own regional or global dominance...if only in self-defense. The tinder keeps accumulating. The planet keeps getting less safe.

Dozens of other lesser powers are now importing (mostly from the US or Israel), or looking to develop their own, weaponized drones. This dronification of domestic and foreign policy bodes ill. Not only do drones make the violation of other nations' sovereignty easier, they tempt militarists – state-sponsored and otherwise – to make mini-war. As drones proliferate, assassinations, whether extra-territorial or domestic, thanks to US (and Israeli) precedent, will multiply.

The Pentagon, the CIA, and their ilk, in undermining others'

sovereignty, can more blatantly encroach on our own. With drones, the distinction between “over there” and “here” dissolves. What goes around comes around. The drone is altering the power ratio, already lopsided, between we, the citizens, and the US power structure. The drone gives government elements more power than it’s prudent to let them have.

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Returning to the FAA: That agency, now struggling to keep up with drone developments, may, with time, publish tested, prudent, responsible, democratic regulations. But like the drone regs thus far, these will be difficult, if not impossible to enforce – even if the FAA were somehow to acquire the will, expertise, political clout and budget to do so.