



Written by [Joe Wolverton, II, J.D.](#) on March 4, 2013

Drones: More in Africa; Will Track Gun Owners, Cellphones in U.S.

At home and abroad, the scope of the drone war is expanding and liberty is contracting.

On February 22, [President Barack Obama sent a letter](#) to the speaker of the House and the president pro tempore of the Senate, informing them that he ordered U.S. armed forces sent to Niger, where they will “provide support for intelligence collection and will also facilitate intelligence sharing with French forces conducting operations in Mali, and with other partners in the region.”



Accompanying the nearly 300 U.S. troops to Niger were two Raptor drones and the crew to pilot them, [according to an NBC News story](#).

NBC reports that Department of Defense officials verified the deployment of troops and drones, but assured NBC that the drones would be used “for surveillance only.”

Despite the comments made by the unnamed Pentagon officials, drones are not new to Niger.

In February, [The New American covered](#) a *New York Times* [report](#) that the Pentagon plans to build a drone base in northwest Africa to enable it keep a closer eye on African organizations believed to be associated with the larger al-Qaeda network.

U.S. intelligence officials insist that the threat from regional al-Qaeda branches is growing and believe that more frequent surveillance can reduce the danger.

The move, the *Times* reported, is “an indication of the priority Africa has become in American antiterrorism efforts.” The story notes that the current U.S. military presence is mostly confined to one permanent base in Djibouti.

Beyond the official base, the United States maintains a “constellation of small airstrips” in the area that are used to launch drones tasked with tracking the movements of suspected “militants.”

Whether to track and kill alleged al-Qaeda or to provide air support for the French offensive in Mali, the United States is making good on the plan announced last October to expand the drone fleet in Africa and make it the next theater in the War on Terror. The CIA, of course, will correspondingly increase its presence in North Africa and continue its conversion from an intelligence-gathering agency to a paramilitary force.

While the build-up in Niger may be only beginning, Somalia has already seen its skies teeming with drones.

On July 24, [the Washington Post published an article](#) describing the congestion over Somalia caused by drone traffic. The situation is so bad, said the *Post*, that there is a “danger to air traffic” in the area.

An additional problem posed by the proliferation of the unmanned aircraft above the east African nation is that their presence might be evidence of a violation of a [1992 United Nations Security Council arms](#)



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[embargo](#) still in effect.

The article in the *Post* cites a UN report in which officials of the international body recount several instances where collisions between drones and commercial aircraft or objects on the ground were “narrowly averted.” One such incident involved a drone and a passenger plane flying above Mogadishu, the capital of Somalia.

The authors of the report of the investigation did not directly implicate the United States. That said, the report indicated that “at least two of the unmanned aircraft appeared to be U.S.-manufactured and suggested that Washington has been less than forthcoming about its drone operations in Somalia.”

According to the report, there have been 64 unauthorized drone deployments, fighter jet missions, or attack helicopter flights recorded in Somalia since June 2011. At least 10 of the documented flights involved drones.

While the U.S. military keeps mum about its use of drones around the world, it is known that the unmanned aerial vehicles are deployed and launched from American military bases in Djibouti, the Seychelles, and Ethiopia. In fact, in a statement released in June 2012, the Obama administration admitted that it “is engaged in a robust range of operations to target Al-Qaeda and associated forces, including in Somalia.”

In 2011, the military acknowledged that as part of that operation a drone strike was launched against two suspected leaders of al-Shabaab, an alleged al-Qaeda affiliate based in Somalia. Again, the use of these drones and the firing of missiles at militants seemingly violates the 1992 embargo, as drones carrying Hellfire missiles are inarguably deployed for uses that are “exclusively military,” in direct contravention of the terms of the embargo.

While armed drones buzz over Africa, the Department of Homeland Security (DHS) is ordering that its fleet of Predator drones designated for domestic use be equipped with sensors that can detect when a civilian is armed. Also, the DHS insists that its Predator drones be able to track targets in the United States using their cellphone signals.

These specifications were revealed in documents sent by Homeland Security to General Dynamics — the manufacturer of the drones — and [obtained by the Electronic Privacy Information Center and CNET](#).

CNET reports that its unredacted copy of the DHS purchase order instructs General Dynamics to build drones that “shall be capable of identifying a standing human being at night as likely armed or not.” DHS also demands “that ‘signals interception’ technology that can capture communications in the frequency ranges used by mobile phones, and ‘direction finding’ technology that can identify the locations of mobile devices or two-way radios,” according to CNET’s account of the information it obtained.

The potential violations of constitutionally protected liberties are abundant in this DHS scheme.

The use of unmanned aerial vehicles in the United States to track Americans threatens the [Fourth Amendment’s guarantee](#) that all persons “be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.”

Drones that can lock onto and interpret cellular signals can almost certainly store that information. This application of the technology seems to violate the Fourth Amendment, as well. Could these drones be launched specifically to skirt the warrant requirements currently in place to protect Americans from



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having their electronic communications recorded?

It is likely that Homeland Security is encouraged in its quest to place all citizens under constant surveillance — including the monitoring and recording of their electronic communications — by the [Supreme Court's refusal to rein in the wiretapping programs](#) already in use by the National Counterterrorism Center and the National Security Agency.

And what of the [Second Amendment right to keep and bear arms](#)? Does a technologically advanced drone capable of detecting the presence of firearms not infringe upon that right in contradiction of the Constitution?

"I am very concerned that this technology will be used against law-abiding American firearms owners," says Alan Gottlieb, founder of the [Second Amendment Foundation](#). "This could violate Fourth Amendment rights as well as Second Amendment rights."

As time progresses and the American population becomes more and more accustomed to hearing and seeing drones patrolling the domestic airways, perhaps DHS will slowly begin to arm its Predator drones (DHS claims its drones are unarmed, but the military version of the Predator carries a payload of multiple 100-pound Hellfire missiles) so as to prevent those whose communications it is tracking from committing future crimes. All in the name of national security, of course.

Given [John Brennan's comment](#) that President Obama does not "view [his] authority to use military force against al-Qa'ida and associated forces as being limited to 'hot' battlefields like Afghanistan," there seems to be no one with authority to order drone strikes who would hesitate to use these aircraft to track and kill an American inside the United States if "an informed, high-level official of the U.S. government" considered the threat imminent, whatever that means.

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