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**Militarization and Incarceration in the “War on Drugs” and “War on Terror”: Connecting
the Prison-Industrial Complex and the Military-Industrial Complex**

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Abstract

This thesis examines the ways in which the “war on terror” has changed the face of militarization associated with the “war on drugs.” This research will analyze the exacerbation of militarization in a post-9/11 context by scrutinizing the utilization of unmanned aerial vehicle (“drones”) technology both globally and in the domestic sphere and then further analyze the transfers of equipment and weaponry between the military and the police through the Department of Defense’s Program 1033. Through these two case studies, this thesis will look at the way the “war on terror” and the “war on drugs” are increasingly imbricated with one another. The exacerbation of militarization becomes a form of violence because of its normalization and enveloping of the everyday life but also the particular impact on Black and Brown communities who have been subject to criminalization, marginalization, and state-sanctioned violence.

Chapter One: Introduction

The 21st century has been defined by two wars against unseen and distant enemies: the “war on drugs” and the “war on crime.” Within a post-9/11 era, an escalation in police surveillance, fear-mongering rhetoric, and state-sanctioned violence has furthered the prison-industrial complex and the military-industrial complex. The prison-industrial complex, emerging in the 1980s due to the War on Drugs and efforts of hyper-mass incarceration, continues to exist and thrive within our world today. Prisons continue to grow and the distance and isolation is intensified - removing themselves from our society. Simultaneously, the military-industrial complex has created a war-based economy and militarized law enforcement within the United States. The military industry has been a dominant player in the U.S. economy where corporations, lobbyists, and politicians have created a powerful partnership with the largest industry in the United States, particularly post-9/11. Military technology, weaponry, and tactics have been utilized and practiced by the police in cities all over the United States, and furthered the racialization of the criminal justice system and furthered the rising rates of incarceration. Not only have victims abroad suffered under US military intervention post-9/11, the ever-expanding war-related budget and militarization has hurt low-income communities, particularly Black and Hispanic communities, all over the United States. Prisons, supposedly places meant to rehabilitate and create a “safer” community, have further worsened in the post-9/11 context. Prisons lock up more than 2 million people and constitute an extremely racialized space. Rather than valuing rehabilitation and growth, the prison-industrial complex maintains current systems of power by responding to social, economic, and public health issues with policing, criminalization, and imprisonment and with the exacerbation of militarization, new and pervasive forms of social control becomes the result.

In this thesis, I ask the question, has the “war on terror” transformed the face of militarization associated with the “war on drugs?” I will be tracing the process of militarization, as non-military institutions employ militaristic tendencies, within the domestic sphere through the “war on drugs” and “war on terror.” In particular, I will examine the utilization of unmanned aerial vehicle (“drones”) technology both globally and in the domestic sphere and then further analyze the transfers of equipment and weaponry between the military and the police through the Department of Defense’s Program 1033. Through these two prime examples, I will look at the changing relationship between the U.S. military, federal law enforcement agencies, and civilian police departments and the blurring of lines between the military and policing agencies due to the process of militarization. By scrutinizing the exacerbation of militarization through two racialized wars, there is a merging of the domestic and the international political contexts that can be examined. The exacerbation of militarization then becomes a form of violence because of its normalization and application in the everyday. Utilizing a critical race and intersectional framework, I argue that the implications of militarization has a two pronged result: One, it has the potential of enveloping the everyday lives of Americans and the usurping of their civil liberties in the domestic context. Second, militarization has a dramatic impact on Black and Brown communities in the United States who are already oppressed by a racialized criminal justice system and Middle Eastern and South Asian communities suffering under U.S. imperial rule.

Section 1: America’s “drug war”

The militarization of the police since the 1960s sets the foundation for the exacerbation of militarization post-9/11 because war on drug/anti-drug policies that perpetuated over-policing

and surveillance were institutionalized and used throughout the “war on terror” both domestically and internationally. It is crucial to note, however, that black and brown inner-city communities have been largely marginalized and racialized centuries before the “war on drugs,” but it was through the “war on drugs” that the language around the criminal justice system was appearing to be colorblind and implicit while creating new methods of control. Racialization was manifesting itself within the United States in new ways and in one way, it was through the criminal justice system that would operate as a racialized system of control. The history of the drug war set the foundation for militarization of the police through the institutionalization of laws and policies that in turn, further racialized the criminal justice system. The “blurring lines” of the police and the military has become more blatant and systematized.

By the late 1960s, drug usage in the United States was more recreational and particularly used by middle-class, white, and young Americans and seen as a form of social protest rather than as criminal. Throughout the mid-to-late 60s, the conservative rhetoric around drug use increased and was used as a political tool. By 1966, there were traces of militarization of US civilian police departments; particularly due to the creation of the SWAT Team. The establishment of the Special Weapons Attack Team, later the “Special Weapons and Tactics Team” (SWAT) was created and developed by Daryl Gates from the LAPD and is a squad that is trained and exposed to military training (Swaminathan). By the late 1960s, the criminalization of drugs was heightened and The Bureau of Narcotics and Dangerous Drugs (BNDD) was founded in 1968 and is the predecessor agency of the Drug Enforcement Administration (DEA) (NPR, PBS). As medical and psychological studies (often done by experts hired by the White House) around the relationship between heroin, violence, and crime began to arise in 1969, President Richard Nixon called for the creation of an anti-drug policy at both the state and federal level

and “identifies drug abuse as a “a serious national threat” (NPR, PBS). Scapegoating Mexico as the carrier of drugs, Operation Intercept, enacted by Nixon, was part of his anti-drug policy that closed the U.S.-Mexico border and shutdown the crossings as a means to “reduce” Mexican marijuana from entering the United States (Swaminathan). As a result, there was an increased surveillance of the border by air, sea and increase in number of U.S. law enforcement officers on the ground that instituted check points/inspections. The border had become a hostile space at this point in history and furthers not only the militarization of the border but also the criminalization of Latin American communities because of the ways in which the border had become synonymous with danger and threat.

Militarization of law enforcement and the role of the SWAT teams in policing and drug raids becomes institutionalized between the 1960s and 1970s. Richard Nixon legalizes no-knock warrants through signing the District of Columbia Court Reform and Criminal Procedure Act of 1970. Intended to lower crime, a “no-knock provision” gave police the authority to enter homes through forced entry and without letting those living inside of the dwelling know of their presence, raising many legal questions around privacy and the 4th Amendment. In 1971 the War on Drugs was officially declared and drug abuse was named as the “public enemy number one in the United States” by Nixon. The “War on Drugs” was not about drugs and had *very little* to do with drug crime but rather *everything* to do with racial and conservative politics (Alexander 44). Nixon worked to create a long-term “political realignment and the building of a new Republican majority” and utilized anti-black and anti-immigrant rhetoric and the basis of racial and immigration issues to do so (Alexander 44). Further institutionalizing the “war on drugs,” the Office of Drug Abuse Law Enforcement (ODALE) was founded a year later and was intended to fight drug trade and abuse at the street level through both federal and local task forces. The DEA

worked as the umbrella institution for all anti-drug agencies, including the BNDD, Customs and Border Protection, CIA, and ODALE and law enforcement agencies on all levels, including civilian police departments, working to “fight” the “war.” In the following years the role of the U.S. military in the “war on drugs” became much more visible. The Military Cooperation and Law Enforcement Agencies Act, established in 1981, is implemented which gave the military the authority to train police officers, share drug-war related information, and authorized the military to play a formal role in the “drug-war” in the United States (Swaminathan). When the South Florida Drug Task Force was created by Reagan in 1982 and then headed by George H.W. Bush, agencies such as the DEA, Customs, the FBI, the IRS, and the Army were working alongside one another through this task force. This is a clear example of the ways in which military institutions were working alongside and partnering with non-military institutions around anti-drug domestic law enforcement efforts. By the mid-1980s cocaine trafficking routes shifted because of the presence of the Florida Drug Task Force and is instead moved more heavily across the Mexican border and this furthered militarization and criminalization of the US-Mexico border, particularly in Texas. As the war on drugs became more institutionalized at both the federal and state level, the Comprehensive Crime Control Act of 1984 gave authority to civilian law enforcement agencies to work with the federal government to profit off the assets seized during drug raids, adding a sense of incentive (Al-Jazeera). The Anti-Drug Abuse Act in 1986 was signed by Ronald Reagan, which allocated \$1.7 billion to the “war on drugs,” \$97 million to build new prisons, \$200 million for drug education/awareness, \$241 million for treatment (Al-Jazeera). This policy can be seen as a significant step towards institutionalizing the draconian laws around drug offenses and the shift towards hyper-incarceration. This act creates mandatory minimum penalties for drug offense and because of the differences in sentencing for crack (cheaper,

majority of users are lower income) and powder cocaine (used by white, middle and upper class individuals), we begin to see the racialization of the prison population for drug offenses.

The history of the militarization of the police prior to the “war on drugs” allows for the examination and deconstruction of the major policies that furthered militarization of police. The Anti-Drug Abuse Act of 1988, one of the most important policies that institutionalized police militarization, allowed for grants for drug-enforcement work. Billions of dollars were transferred from the federal government to local police agencies, giving police departments the resources to develop narcotics task forces furthering drug raids. Similarly, the Law Enforcement Support Program was created under the National Authorization Security Act of 1997, which has transferred \$4.3 billion worth of military property/equipment to civilian police departments and is later known as Program 1033 (Swaminathan). In the institutionalization of these anti-drug policies and under the guise of “drug crime” and “security,” there is a militarization of the police force not only sanctioned by the state but also normalized through the law. With draconian laws, harsh minimum sentences for certain kinds of drugs more than others, and policies working to target poor, African-American communities and latinos at the border, the criminal justice system became a more enhanced mechanism of social control and discipline. The Republican Party political strategy was used to attack poor communities of color in order to attract the voters of the white, poor and working class that felt threatened by desegregation and affirmative action and the new “freedom” of African-Americans (Alexander 44). As H.R. Haldeman, the White House Chief of Staff for Richard Nixon, explicitly stated, *“The whole problem is really the blacks. The key is to devise a system that recognizes this while appearing not to”* (Alexander 44). But this was not limited to Republican political gain. The Democrats played their part in working to “get tough on crime” by furthering drug war policies throughout the 90s during Clinton’s

administration. It was Clinton's policies that resulted in greater increases in federal and state prisons than those of any other president in U.S. history. With militarization and the "war on drugs" rose a culture of control and surveillance not only along the border but also domestically that was manifested through the growth of prisons and increased policing.

In recent years, scholars and activists have examined and turned their attention to the growing incarceration rates in the United States. Michelle Alexander describes mass incarceration through the War on Drugs as a mode of social control, and goes on to call it "the most extraordinary system of racialized social control the world has ever seen" (Alexander 103). It is first critical to define "mass incarceration." Alexander uses this definition:

"Mass incarceration is a massive system of racial and social control. It is the process by which people are swept into the criminal justice system, branded criminals and felons, locked up for longer periods of time than most other countries in the world who incarcerate people who have been convicted of crimes, and then released into a permanent second-class status in which they are stripped of basic civil and human rights, like the right to vote, the right to serve on juries, and the right to be free of legal discrimination in employment, housing, access to public benefits.

(PBS Frontline Interview)

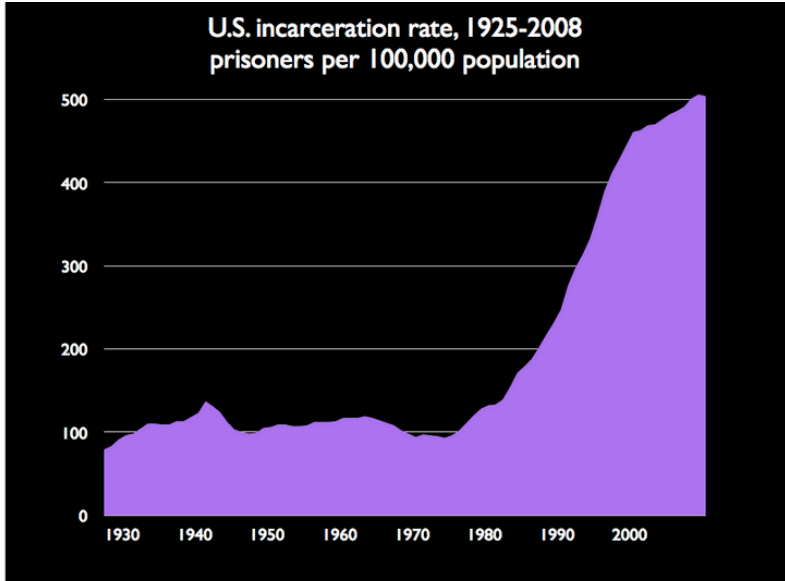
Incarceration rates increased by 500% primarily since the call for the "war on drugs." The overwhelming growth of prisons across the country and the alarming rates of incarceration, particularly of people of color, have led critics of mass incarceration to scrutinize this phenomenon.

Section II: War on Drugs and Increasing Rates of Incarceration

Many assume that the War on Drugs was launched in response to increases in drug crises, particularly crack cocaine in inner-city neighborhoods, but Michelle Alexander in her book *The*

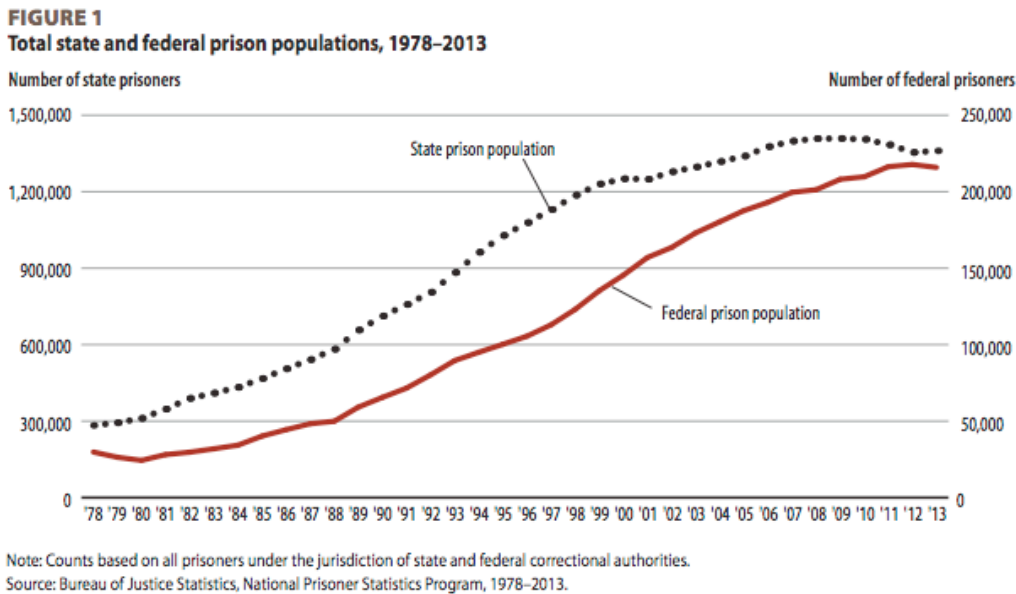
New Jim Crow explains that there is “no truth to the notion that the War on Drugs was launched in response to crack cocaine or illicit drugs” (Alexander 5). “*The New Jim Crow*” offers an extensive analysis on the War on Drugs and imprisonment as a means of social control in a time when drug usage was on the decline. As part of a strategic effort to build public and legislative backing and support for the “war”, Reagan and his administration used the media as a means of propaganda to construct stereotypes around “crack whores,” “crack dealers,” and “crack babies” - images that were used to further the criminalization of poor black and inner-city communities (5).

While the drug war began at a time when illegal drug use was on the decline, arrests and convictions for drug use were exponentially increasing and the consequences of the drug war are substantial (6). “In less than 30 years, U.S. penal population exploded from 300,000 to more than 2 million with drug convictions accounting for the majority of the increase” but it is the racial magnitude that is most striking, notes Alexander (6). It is proven that *all* people use and sell illegal drugs, yet it is Blacks and Latinos that are overflowing our nation’s prisons and jails. Michelle Alexander uses the Human Rights Watch report “*Punishment and Prejudice: Racial Disparities in the War on Drugs*” to note that in some states, black men are admitted to prison on drug charges at rates 20-50% times greater than white men (Alexander 7). The Prison Policy Initiative has produced graphs and infographics to exemplify the staggering and exponentially increasing numbers of incarcerated people but also the racialized dimensions of mass incarceration.

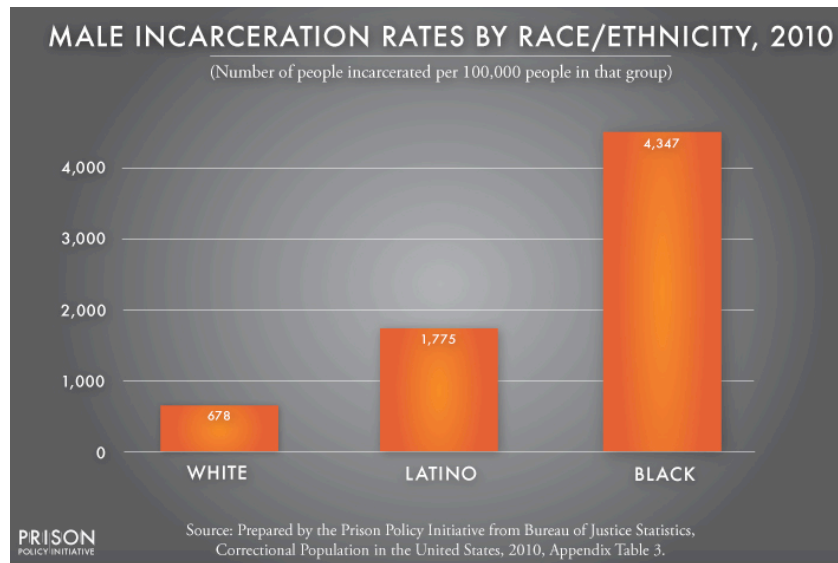


Data Source: Sourcebook of Criminal Justice Statistics. (Graph: Prison Policy Initiative, 2010)

In Table 1, we see the staggering rates of incarceration. By the 1970s, it slowly starts to increase but by the mid 1980s when drugs are deemed a “threat to our national security” by Reagan, incarceration rates skyrocket.



In Table 2, we see the growth of prison populations on both a state and federal level and how all throughout the 70s and 80s, prison populations grow as the war on drugs becomes further institutionalized. According to the NAACP, from 1980 to 2008, those incarcerated in America increased from 500,000 to 2.3 million people, and currently 1 in every 31 adults are living under some form of correctional control (in prison, jail, or under parole and probation supervision) (NAACP).



The racialized element of incarceration is quite explicit and furthers the argument around incarceration being a means of social control which is noted in Table 3 and 4. It is also documented by the NAACP to examine the racialized growing incarceration rate and how African Americans constitute 1 million of the total 2.3 million incarcerated (NAACP). In 2008, African American and Hispanics made up 58% all prisoners, while they only make up 1/4th of

the United States' population (NAACP). It is crucial to note that while Whites use drugs 5 times more than African Americans, it is overwhelmingly African Americans that are sent to prison for drug offenses at 10 times the rate of Whites (NAACP). While policies and initiatives around the “drug war” may not explicitly “look” overtly discriminatory, the war on drugs was highly racialized. Low-income communities were the targets of drug war, raids, and brutal policing. Because poverty is also racialized, it was African Americans and Latino communities that were primarily targeted and most impacted by the War on Drugs.

The state apparatus has created a system of direct control for more than 65 million people in the U.S. who have a criminal record and are subject to legalized discrimination and harassment for the rest of their lives (Alexander, PBS Frontline). Alexander explains that when you incarcerate large percentages of the population, the social fabric of the community begins to erode and that incarceration itself is the problem, not the solution and that this system is about “control, power, and the regulation of some of us to a second-class status” rather than building healthy and thriving communities and democracies (Alexander, PBS Frontline). Once you are branded/labeled a criminal or felon, discrimination against you is legal. In some states, you cannot have access to food stamps or public housing and for every employment application, you have to check the box that asks if you’ve been convicted, leaving you marginalized for your lifetime. And because mass incarceration and the drug war is extremely racialized, as was depicted by Alexander and the graphs above, it is Black and Latino communities that are suffering and facing intensified cycles of recidivism, poverty, violence, and homelessness.

Section III: The Prison-Industrial Complex

After the skyrocketing rates of incarceration continued to plummet throughout the 70s, 80s, and 90s, the growth of correctional facilities increased. Prisons themselves began to grow

rapidly as a means to keep up with the exponential increases in incarceration. With increasing incarceration, correctional facilities grew, and with prison growth came the emergence of the “prison-industrial complex.” Using Critical Resistance’s definition, the prison-industrial complex (PIC) is a term used to “describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social and political problems” (CR About). A product of the last quarter of the 20th century and the war on drugs is privatization of the prison. While private prisons are a small number, this privatization model is especially important because incarceration became a source of profit for not only government but also corporations. The prison-industrial complex emerges as a consequence of racialized, contemporary modes of social control and incarceration where the war on drugs functions as a means of profit through a lucrative industry.

The prison-industrial complex does not thrive and perpetuate merely due to police officers “targeting” people of color, but instead, the PIC is a multiplex of several different institutions and interests at play that work alongside one another to reinforce incarceration and the growth of prisons and jails. Angela Davis dedicates a chapter in *“Are Prisons Obsolete”* to examine the prison industrial complex and its relationship to politicians, private companies, multinational corporations, and lobby groups. These external forces play a significant role in the criminal justice system. The “prison construction and the attendant drive to fill these new structures with human bodies have been driven by ideologies of racism and the pursuit of profit” can also be used to describe the phenomenon of the “prison industrial complex” (Davis 85). Rather than focusing on individual criminal activity and “curbing crime,” the notion of the PIC takes into examination the role that economic, political, and social structures have on crime, imprisonment, and punishment (Davis 85). The politics of imprisonment are racialized, and not

just within the United States, but within the global market of prison proliferation. The growing and existing relationships between the prisons (now an industry) and the corporate worlds makes it very clear that the role of government, money, politicians, and power plays a critical role in the staggering incarceration rates and proliferation of prisons.

Angela Davis dates this phenomenon to the 1980s, noting that it was during this historical time period that the corporate ties to punishment system became much more “extensive and entrenched” (Davis 89). The “massive prison-building project” of the 1980s created a system of order that declared a human surplus, draconian sentencing policies, and a fear-mongering rhetoric allowed for a pattern of privatization - both prison privatization and corporate ties - created a “profitable punishment” on “free” black labor (Davis 94). It has been established that privatization of prisons actually costs more than keeping prisons as a “public good,” as does privatization of “services” in most cases. About a decade after the declaration of the War on Drugs and a complete enforcement of the “war” and the “getting tough on crime” political platform, the privatization of prisons arose. The Correction Corporation of American (CCA) was formed in 1983 and the CCA has come to be one of the two most powerful and largest corporations in America, along with GEO, also known as Wackenhut, controlling 75% of private correctional facilities (Davis 93). With the enforcement of draconian and harsh drug laws, mandatory sentences, and minimum sentences for non-violent crimes, overcrowding and prison conditions became a pressing issue for the United States and the privatization of prisons was believed to alleviate those concerns. These private companies have a stake in keeping prisoners locked up as long as possible, but also keeping their facilities fully occupied, meaning politicians were pressured by corporations and lobby groups to continue a “crack down” style of policing. Davis presents us with the case of Texas, where there are thirty-four government owned,

privately run jails, where approximately 5,500 out-of-state prisoners are incarcerated and these facilities generate approximately eighty million dollars annually (Davis 95). There are also several human rights abuse cases taking place within private prisons at alarming rates without any accountability, like at Brazoria Detention Center in Houston where inmates were being bitten by dogs and kicked in the groin by prison guards (Davis 95). While private prisons make a small percentage of prisons and jails within the United States, the privatization model is becoming the “primary mode of organizing punishment” and companies take advantage and even further the expanding prison population (Davis 97). The attempt to expand this market has allowed correctional companies to deny inmates due process, lengthen their prison time, and have significant lobbying power where put pressure on local and state officials to remain “tough on crime” and to keep draconian policies in place. Private prisons created a for-profit industry where there was very little incentive to critically examine the institutionalization of the anti-drug laws because it became a for-profit industry.

Section IV: Impact of War on Terror and Surveillance

The “war on terror” will be examined alongside “the war on drugs” and analyzing how the current culture of surveillance is further intensified through militarized technology, such as the unmanned aerial vehicle (UAV), the securitization of borders, and the racialization and Othering that comes alongside surveillance and control. The relationship between military institutions and police departments will be analyzed through the ways in which the culture of surveillance has paved the way for a hyper-militarized world post 9/11. In this new age of securitization and militarization, the attack on Muslim bodies by both local police forces and a global, imperial army parallels the ways in which Black and Latino populations are also subject to explicit surveillance as a result of a militarized drug war.

Bush administration's propaganda around "anti-terrorism" focused on a "worldwide terrorist conspiracy always on the verge of attacking any location" and this "everywhere and anywhere" rhetoric set the foundation for surveillance and played upon the public's fear of insecurity and threat (Petras). Surveillance and intelligence gathering were critical pieces of this "War on Terror." New institutions (the Office of Homeland Security), executive and Congressional legislation (such as but not limited to the Patriot Act), and increases in military and police spending on mapping communities, documenting immigrant from "Muslim countries," and controlling urban spaces through these forms of surveillance heightened the sense of fear and allowed for public willingness to support these "new authoritarian measures" (Petras). Targeting Arab, South-Asian, Muslim, or "Muslim looking" communities was a means of psychological terror enforced domestically. Deepa Kumar has extensively examined the politics of surveillance post-9/11 on Arab and Muslim communities and finds that fear has led to intensified nationalism and patriotism and an endless "war on terror" similar to the infinite nature of the war on drugs.

The politics of surveillance and "being watched" is not a new phenomenon and surveillance has been a "key theme" for 21st century United States. David Lyon in his piece *"Fear, Surveillance, and Consumption"* explores the climate of surveillance as "averting danger" and "risk reduction" through security, airport checks, border control, institutions, and federal legislation. He explores the history of surveillance within the 21st century and points to the bureaucratic rule in government offices and law enforcement with a strengthening relationship to corporations during a time of "intensive computerization" (Lyon 82). The emergence of data-matching programs and vigilance through technology, surveillance has a "connection with consumption" (Lyon 82). This "database market" created a neat and searchable

database that could be utilized and processed into information and used for intelligence gathering, particularly after 9/11. Surveillance became a business after the attacks and information became “fair game” for policing and law-enforcement processes where “networks linking consumer records with policing and intelligence gathering activities” is hyper-intensified when there is a “cultural terrain of fear” (Lyon 82). Information was used to increase security at “vulnerable” spaces, like airports and borders. The racialized characteristics of “the enemy” produced an erosion of civil liberties and constant suspicion targeting particular demographics, in this case, “the Muslim.” The focus on particular communities took another meaning post 9/11 as exemplified by the role of surveillance and being watched. Scholars Hille Koskela and Jaspir Puar have pointed to the way in which technology and surveillance have manifested themselves within the securitization efforts of the United States post 9/11 and the forms of violence and subjugation that comes with “being watched.”

Examining the U.S.-Mexico Border post 9/11, Hille Koskela allows us to be critical of the construction of borders and migration as synonymous with ideas of danger, risk, and crime. ‘Don’t mess with Texas!’ *Texas Virtual Border Watch Program* and the (botched) politics of “responsibilization” by Hille Koskela examines the politics of “being watched” and the social production of “the criminal” and “suspicious activity.” This is not to imply that border security control did not “exist” prior to the 9/11 attacks and the War on Terror, but rather to exemplify the ways in which border security took on a “new political urgency” (Koskela 51). The increasing usage of technology within law enforcement, but especially police departments, created the “professional era” of policing where the construction of “threat” was mediated by the increasing use of technology, particularly “invisible” technology that “watches” but cannot be seen, such as drones, cameras, and sensors (Koskela 53). The politics of invisibility emerge, in

that cameras and sensors are private and unseen and the identity of the observer remains invisible. Koskela, discussing the Watch Program in Texas, notes that this invisibility of the camera results in the invisibility of the Mexican (Koskela 53). Within surveillance there are those who are part of the system watching and then those who are presented as a ‘threat.’ Being “seen” means “significance” or importance. The relationship between the state, the citizen, and who *qualifies* for state protection is reshaped and remade through the expansion of surveillance technology. By utilizing Koskela’s theme around surveillance and invisibility, I will further examine militarization and how that exacerbates the already existing means of surveillance created through the “war on drugs.”

Jasbir Puar’s *“Regimes of Surveillance”* also critically examines surveillance not only as “monitoring” but as a form of violence and repression. The pre-emptive nature of surveillance exists within forms of racialization, masculine and feminine gender conformity, and neo-liberal models of security (Puar, *Cosmologies* 1). Regimes of security create hyper-aggressive surveillance mechanisms. States “see” bodies and identities but also create a culture of collective surveillance where states and non-state actors collect and tabulate data on bodies and identities. This creates a *culture* of surveillance that exists within the general public, media, and popular culture. Many examples of this emerged post 9/11. The “If You See Something, Say Something Campaign” frames surveillance as a service for the “greater good” (Puar, *Cosmologies* 2). Another example is the localization and domestication of surveillance. Through Stop and Frisk by institutions like the NYPD, surveillance has become reactive but also increasingly preemptive and predictive, Puar argues. Puar’s connective analysis sets the framework for an analysis on the relationship between military institutions and police departments and the ways in which the

military-industrial complex's creation of the culture of surveillance has paved the way for a hyper-militarized world post 9/11.

Militarization

The term “militarization” has been utilized and heard quite frequently the past few decades, since the war on drugs but particularly after the September 11 attacks. Used by activists and academics, militarization has been used to describe the emerging patterns of control, brutality, and violence performed by police departments, law enforcement agencies, and political institutions, but also the *ordinary* has become militarized. But what is *militarization*? Henry A. Giroux in “*War on Terror: The Militarising of Public Space and Culture in the United States*” utilizes the explanation below to define and describe “militarization”.

“Militarization is intimately connected not only to the obvious increase in the size of armies and resurgence of militant nationalisms and militant fundamentalisms but also to the less visible deformation of human potentials into the hierarchies of race, class, gender, and sexuality, and to the shaping of national histories in ways that glorify and legitimate military action...The new ethos of militarisation is organised to engulf the entire social order” (Giroux 211)

The United States has more prisons, spies, weapons, soldiers, and police than any time in its history but the “radical shift” in the influence and size of the military helps us examine the growing military economy and impact of militarization's relationship to the prison industrial complex - both for profit industries that assist in locking up, brutalizing, oppressing, and marginalizing particular demographics; those that have been defined and characterized as the enemy (Giroux 211, 212). Giroux argues that the state is “becoming radically transformed into a national security state put under the sway of the military-corporate-industrial-educational complex” where the culture of fear, surveillance, and control have engrossed themselves within the public (Giroux 212). Military activities abroad cannot be isolated from the militarization

occurring domestically, and there are trends in global military activity entering the domestic sphere such as unnamed aerial vehicles being used to spy on drug cartels across the border to managing natural disasters to finding criminal activity to border control operations to target “terrorists” abroad. The utilization of UAVs, federal programs perpetuating militarization and transfer of weaponries, and the direct exchanges of information and techniques between the prisons and military institutions will be the central pieces to examining militarization in a post-9/11 world.

Feminists have focused on the impact of militarization even before 9/11. Militarization, while it is explicit, can also innudate the ordinary, the mundane, and the routine. Cynthia Enloe explores the very “benign” ways of militarization in *“How do they Militarize a Can of Soup”* and describes how militarization “creeps into the ordinarily daily routines” but also pervasiveness in society (Enloe 3). As described by Enloe:

“Militarization is a step-by-step process by which a person or a thing gradually comes to be controlled by the military or comes to depend for its well-being on militaristic ideas.

Militarization, that is, involves cultural, as well as institutional, ideological, and economic transformations.” (3)

Enloe also analyzes militarization through a feminist and intersectional approach, examining hetero-patriarchal norms and binaries. Through the example of the can of soup, Enloe explains how women do the grocery shopping for the household and are responsible for purchasing and providing items that are appealing to the family. The example cited notes that a young child may not want to eat soup that has vegetables in it, but rather, if the soup has Star Wars noodles, the child may feel now more eager in consuming the soup (Enloe 1). Enloe then goes on to analyze the masculinized nature of militarization and war and the perpetuation of cultural, institutional,

ideological, and economic transformations. Militarization is not simply a tool, characteristic, or action that is “bad” but rather, the “symbol of manly self-expression or masculinized citizenship dependent on the superior control of violence” (Enloe 5). This symbolism can be seen within popular culture through toys, television shows, jobs, sexuality, or even celebrities (Enloe 4). Militarization privileges masculinity and with the example of the tomato soup with Star Wars noodles, it exemplifies the very benign decisions that are militarized. Enloe notes, “someone decided it would promote sales among harried women shoppers” (Enloe 33). Militarization, coupled with hetero-normative masculinity became easily consumable and normalized within society and the general public. The pervasiveness of militarization across institutions consequently perpetuates masculine and patriarchal dominated societies through the romanticization of power, control, violence, and security. Militarization in fact, will sustain patriarchal violence and masculinity as long as violence, surveillance, and war become the answers and the solutions.

Giroux and Enloe’s definition of militarization, noted above, will be used through this thesis to explore militarization of the domestic in the post-9/11 context. Both the “war on drugs” and the “war on terror” helps further the connections between the domestic and the international by connecting these two “wars” and the relationship between policing, paramilitary units, and the role of surveillance in law enforcement that was learned through the “war on drugs” but exacerbated during the “war on terror.” Radley Balko in his critical piece “*Rise of the Warrior Cop*” historically presents the trends of militarization in the United States since the 1960s up until the post-9/11 security state and helps connect the two moments. Balko examines the ways in which crime, drugs, and terror have created a blurred distinction between cop and soldier from a historical perspective and offers the necessary historical turning points and policies that have

led to militarization of the police force. All in the name of fighting drugs and terror (two “wars” that are highly racialized), the Department of Homeland Security has funded local police departments with at least \$35 billion dollars in equipment and the Pentagon giving local enforcement around \$500 million dollars worth of military armament (Balko, Chapter 5 & 6). The weapons that destroyed Iraq and Afghanistan and killed millions of civilians have come home to the U.S. and only intensified Reagan's call for the War on Drugs. And while “terror” has existed long before September 11, a “new world order” came into play after that day. The newly authorized Department of Homeland Security was created and reorganized the ways in which the United States was dealing with both global and domestic security threats. With 22 agencies and 170,000 employees within the Department of Homeland Security, the United States had never seen such a drastic change in law enforcement agencies. Why is that important? Because rather than the federal government allocating resources to local law enforcement initiatives to cater to the needs of a particular police department, law enforcement was forced to access resources and funding through national mandated anti-terrorism programs. This is where we see the shift from local law enforcement to police departments engaging within (and using!) global anti-terrorism tactics and programs within local communities. Local police departments weren't meant to engage in these programs nor was it their responsibility to engage in counterterrorism. However in a post 9/11 world, we see the creation of opportunities that allowed police departments to have access to militarized weaponry, tools, strategies, in the name of fighting terrorism much more explicitly.

The connections between police and military functions have been overlooked, particularly the “overtly militaristic nature of U.S. police paramilitary units (PPUs),” Peter Kraska and Victor E. Kappeler note in their piece, “Militarizing American Police: The Rise and

Normalization of Paramilitary Units” (Ref 2). Kraska and Kappeler note that the “strengthening of the criminal justice-industrial complex and the military-industrial complex have both perpetuated the “militarization of civilian law enforcement in the form of police paramilitary units“equipped with an array of militaristic equipment and technology...refer to themselves in military jargon as the heavy weapons unit, and what distinguishes them from regular police is the power and number of their weapons” (3). PPU, since the end of the Cold War, have been small in number and particularly contained within large, urban police departments. Paramilitary policing is becoming more normalized and with the rise of SWAT missions, the culture of militarization in police departments is intensified. Militarization of law enforcement and the role of the SWAT teams in policing and drug raids becomes institutionalized at this time as noted earlier in this thesis, through for example, the signing of no-knock warrants, the District of Columbia Court Reform, and Criminal Procedure Act of 1970. Using this already existing culture of militarization that emerged out of the “war on drugs,” I will also work to examine institutionalization of militarization through transfers of weaponry and military technology between military institutions and civilian police departments through the federally mandated program 1033.

Structure of the Thesis

In the next chapter, chapter two, this thesis will examine the role of drones post 9/11 in a world of surveillance, constructed threat, and invisibility politics. Drones symbolize the relationship between surveillance and militarization and as they are being used within domestic skies, I will examine how drones perpetuate the prison-industrial complex in the context of the war on drugs. Drones, regularly used to terrorize countries abroad in the name of “targeting terrorists” have militarized certain spaces in both explicit and implicit ways. From targeting drug

cartels across the border to being used in natural disasters or to shipping packages for Amazon, drones have created a culture of surveillance and militarization so threatening and wide in scope. The third chapter will explore a federally mandated program, Program 1033, that has allowed for police departments to deploy and access military weapons and tactics. The transfers taking place, those in secret but also those established through programs and the law, have increased the likelihood that local police departments will equip themselves with military equipment. With the militarization of police departments comes a war waged on communities of color. The racialized characteristic of the prison-industrial complex is not isolated from the strategic and intentional measures taken by police departments to racially profile and target select demographics and communities. I will work to examine the perpetuation of the military and the prison industrial complex through analyzing militarization through the “war on drugs” and “war on terror” while keeping close attention to the regimes of marginalization and criminalization of The Other through domestic and global state apparatuses.

Chapter Two: Drones and Militarization

This chapter will examine the ways in which drone warfare and unmanned aerial vehicle technology has contributed to a culture of militarization, one that is implicit and explicit, and the role it plays in the militarization of our local police departments, law enforcement, and counter-terrorism agencies within the United States but also in the everyday life of all people. As states, law enforcement officials, and civilian police departments work tirelessly to have access to drones, we see how their acceptability of usage abroad, especially post 9/11, is becoming overly normalized within the domestic sphere. The dominant language and narrative used around drone warfare post-9/11 has been about describing drones as neat, precise, surgical and critical during a “time of threat.” Drones have been compared to precise surgeries - removing the “bad” (the terrorists) from the “good” (civil society). This chapter will explore how the justification of the language of “precision” around drones skews the image of drones among the general American public as the new, respectable, and proper way to kill and monitor, and thus, the construction of its “success” abroad has resulted in the justification of its use nationally in the United States. The legal and political establishment of drone warfare results in its normalization in everyday lives and the benign usage of drone warfare dismisses the militaristic nature which further creates a disfigured and false image of drone warfare.

Drones, as tools of surveillance, exacerbate the already existing culture of militarization in the United States since the “war on drugs.” The usage of drones has been so normalized and benign but when deconstructed, it is seen how militaristic this technology is. While this chapter will be dedicated to examining the utilization of drones in the United States and the exacerbation of militarization in a current political and social climate where the “war on drugs” has had substantial impacts on particular communities, I will briefly examine drone warfare abroad

through the “war on terror” as it sets the foundation for the analysis on the relationship between the global and the domestic and tracing militarization through both highly racialized wars: the drug war and the war on terror.

Section I: History of Drone Warfare in the International Context

New York University and Stanford University researchers compiled a joint report titled “*Living Under Drones*” examining drone warfare and conducting interviews with victims, witnesses, and experts and this report presents the data and the evidence pointing to the “damaging and counterproductive effects” of US drone warfare. While this report exclusively focuses on Pakistan, much of the analysis can be used to examine drone warfare in Somalia, Yemen, and Afghanistan because these covert drone war campaigns exist under the justification that an Al Qaeda franchise resides within these nations and that the insurgents “must be fought.” Madea Benjamin’s book “*Drone Warfare*” also extensively examines the history, advancement, and growth of UAV technology, particularly after the September 11 attacks. U.S. drone warfare has been justified and legitimized through the assumption that drone strikes are “targeted killings of high-profile terrorists,” but this narrative must be deconstructed and critically examined. The lack of transparency and accountability of U.S. drone programs also raises concerning questions around democratic processes and the United States’ lawlessness since the 9/11 “war on terror.”

“Unmanned Aerial Vehicles” has been a term used quite frequently, often interchangeable with “drone.” However, there are several types of drones. Chris Cole and Jim Wright define UAVs as drones, “aircraft either controlled by pilots from the ground or increasingly, autonomously following a pre-programmed mission” (Cole, Wright). While there are several types of drones, drone technology falls into two categories. The first category has been historically what drones were used for: reconnaissance on the battlefield. But increasingly

since the “war on terror,” the second category of drones have been used as tools of surveillance and are fatal, armed with missiles and bombs. The Predator drone, most notably used in northwest Pakistan but not limited to, is a lethal drone. Unmanned aerial vehicle technology has existed for decades and was first used by the military during World War I. By the 1930s, the US, UK, Germany, and later the USSR, all began utilizing drones for reconnaissance and targeting exercises (Benjamin 13). They continued to be used by the US military in World War II and the Korean war but it was not until Vietnam War that unnamed aircraft was used for intelligence gathering (Benjamin 13). During the Vietnam War and the Balkan wars, we notice the shift from UAV technology being used for reconnaissance on the battlefield to lethal Predator drones gathering information. Today, drones are used for both lethal and non-lethal purposes.

Targeted killings by unmanned aerial vehicles (UAV) or “the drone”, has been a critical component of the post-9/11 U.S. counterterrorism initiatives. Drone programs post-9/11 have been operating in Pakistan, Afghanistan, Iraq, Yemen, Somalia, and Libya. The supposed “preciseness” of targeted killings has been a justification for the utilization of drone programs. While it is argued that drone strikes are more effective and more precise to simply target and assassinate high-level militants, the numbers of those killed indicate otherwise. Drones have become America’s preferred killing device, especially in locations where the U.S military is not operating militarily on the ground, instead relying on the usage of lethal forms of surveillance.

Section II: September 11, 2001 Attacks and the Escalation of Drone Warfare

While UAV technology had a history in the United States, it was not until the 9/11 attacks where there was an “explosion” in the usage of drone strikes and robotic weaponry. Madea Benjamin notes that the Pentagon was “ordering these machines faster than the companies could produce them” and in 2000, the Pentagon had less than fifty aerial drones, but by a decade later, the Pentagon had virtually 7,500 (Benjamin 16). “Between 2002 and 2010, the Department of Defense’s unmanned aircraft inventory increased more than forty-fold”, explains Madea Benjamin also noting that while many of the drones were “mini-drones” used for battlefield surveillance, there were nearly 800 bigger drones ranging in sizes (Benjamin 17). Even during the 2007 recession as welfare and governments programs were cut, the Department of Defense “poured buckets of money into drones while the U.S. taxpayer was shelling out \$3.9 billion” (not including the CIA and Department of Homeland Security) for the advancement and obtaining of their unmanned aircraft inventory. While the military drones were initially used for surveillance, they advanced from monitoring and tracking “targets” to killing them. Drones, since the September 11 attacks, are now a key piece of US government’s counterterrorism policies and programs.

As a response to the 9/11 attacks, the Bush administration’s military operations included carrying out “targeted killing” against suspected members of Al Qaeda and other groups. The first targeted killing was carried out by the CIA in 2002 in Afghanistan, “targeting” Zhawar Kili, a supposed *mujahadeen* base where they claimed that one of the three men located by that base *might* have been Osama bin Laden. The CIA reports suggest that they assumed one of the three men *might* have been bin Laden due to his height, but when questioned after the killings, authorities confirmed that it was not bin Laden and that they did know who they had killed (Living Under Drones 10). A Pentagon spokesperson said, “we’re convinced that it was an

appropriate target, but we do not know yet exactly who it was” and another spokesman said, “there were no initial indications that these were innocent locals” (Living Under Drones 10). It was later suggested through reports that the three men killed were local civilians collecting scrap metal (Living Under Drones 10). On November 3, 2002, the US performed a targeted killing in Yemen. Operating from Djibouti, a drone hit and killed six men that were “traveling in a vehicle in an under-populated area of Yemen” and one of the men killed was Qaed Sinan Harithi who was assumed to have been one of the planners of the attack on the USS Cole in 2000 (Living Under Drones 11). Noted in the *Living Under Drones* report that although in January 2003 the “United Nations Special Rapporteur on extrajudicial, summary, or arbitrary executions concluded that the strike constituted a clear case of extrajudicial killing,” that particular strike in Yemen set the model for the full scale program of targeted killing that would come later in Pakistan (11). From 2002 to 2004, the US was using Predator¹ drones to monitor Af-Pak border and FATA. By 2004, the US launched its first drone strike against Nek Muhammed, a Pakistani Taliban official who announced his support for Al-Qaeda. While the Pakistani military denies that the US was involved in the missile strike, it is believed this was the first strike in Pakistan. By the end of Bush’s term in 2009, the US had carried out approximately between 45-52 drone strikes. Since then, President Obama has only escalated the U.S. drone strike program.

¹ The Predator, is the prototype of the most popular killer drone built by an Israeli aviation engineer, Abraham Karem who constructed the drone in his garage during the 1980s. Karem was working for an Israeli defense contractor in the 1970s and later moved to Southern California where he developed his own company. Karem was able to continue building a new model in his own home’s garage through the support of a grant from the US military’s Defense Advanced Research Projects (DARPA) and the CIA (Benjamin 14). By 1981, with through the US military and CIA’s financial support, Karem was able to unveil the “Albatross”, an unmanned drone that could stay in the air for up to 56 hours but later was strengthened and a newer, more powerful version was the Gnat 750 (Benjamin 14). In 1998, the Gnat 750 was used to fly over Bosnia and the became the first Predator drone to gather intelligence (Benjamin 15). By 1999, these drones were equipped with missiles and became the first lethal Predator drone to be used during the NATO Kosovo campaign. Again in 2002, an armed drone was flown into Afghanistan. The United States, inspired by the Israeli’ military’s long history of using drones as intelligence gathering tools and targeted killings, particularly during their military invasions and operations of Lebanon in 1982, the Navy began to purchase its first UAVs from Israel.

There are key features distinguishing the use of drones by the Bush administration and Obama administration. Bush administration was known for its “personality strikes”, reportedly targeting “high-value leaders of armed, non-state groups” (Living Under Drones 12). Under the Obama administration, the drone program emerged into including “profile” or “signature” strikes meaning that those who fit certain defining narratives, characteristics, or signatures associated with terrorist activity could be targets of a drone strike (Living Under Drones 12). These “signature/profile” strikes were dependent upon a “pattern of life” analysis. This is quite concerning and problematic because it is not clear what the “defining characteristics” of these strikes were and targets those associated with certain religious groups and demographics. The Living Under Drones report notes that the “defining characteristic” that associate one with terrorist activity is not known to the public, which results in the justification of targeting any individual who is constructed to “be” a potential threat (12). Because drone strikes are used in states like Pakistan as a “preemptive” measure to “protect” the United States and its interests, there is hardly any accountability for the program because of the constructed nature of the “urgency” of the “war on terror.”

Obama’s drone program is largely hidden from the public with very little transparency, and the little information that does exist around government drone programs and policies comes through anonymous sources and leaks. The joint NYU-Stanford report “Living Under Drones” examines the numbers and data (or lack thereof) around civilian casualties by US drone strikes. The state claim around the so-called “preciseness” of drone strikes can be seen as contradictory when analyzing the casualties. Firstly, authors of the report raise their concerns regarding the rhetoric used to describe civilians vs. non-civilians and the “implications of reducing all casualties to an oversimplified civilian/ “militant” binary” (Living Under Drones 29). By

dividing drone strike casualties into two categories, civilian or “militant,” it reinforces the assumption that by simply characterizing and labeling one as “militant,” drone strikes against them are legal. How are these “militant” characteristics even determined? The defining characteristics of a “profile strike” are not known, just as the definition of “militant” is never defined. Often, it is those who are suspected of being associated/connected to a “militant organization” who are defined as militant - but what is a militant organization, what does it mean to be associated with one, and does the current government’s definition of “militant” provide sufficient ground for permissible killing? There are no clear definitions. Militant is not to be confused with “high-value.” “Militant” can simply mean being of military age or living in an area where “militant” organizations operate (Living Under Drones 30). So-called “high-value” targets are accused of taking on leadership roles in Al Qaeda, Taliban, or anti-US non-state group, however, authors of the report note that the White House itself found that “the vast majority of those killed in drone strikes in Pakistan have been low-level alleged “militants”” (31). The report cites a Reuters journalist that reported in 2010 “that of the 500 militant, the CIA believed it had killed since 2008, only 14 were “top-tier militant targets” and 25 were “mid-to-high level organizers” of Al Qaeda, the Taliban, or other hostile groups” (31). The language used to describe civilian vs. non-civilian casualties raises many questions around the legality of drone killings but also, who is defining the term “militant” and thus deserving of death raising real concerns regarding the construction of the Other. This rhetoric has skewed the numbers around civilian casualties, having them appear to be significantly less than they truly are, only further legitimizing drone warfare.

Obama has continuously insisted that civilian casualties in Pakistan have been “exceedingly rare and perhaps even in the single digits” and according to media reports,

eyewitness accounts, and the US government's own anonymous leaks, Obama's estimates of the death tolls have been significantly low (Living Under Drones 32). The Obama administration considers "all military-age males [killed] in a strike zone to be combatant...unless there is explicit intelligence posthumously proving them innocent" (Living Under Drones 32). This brings us back to the point regarding the creation of unknown characteristics defining "militant." We already know that the US does not attempt to identify all those killed or injured, in fact, it often is not aware of whom it is targeting. So it is nearly impossible that a drone victims' body be proven "innocent" after it has been mutilated, burned, and dismembered beyond identification. Not only do many media reports contradict President Obama's reports, several media reports contradict one another; particularly around details such as the nationalities of the victims, the type of location targeted, and the numbers of those killed. There are many discrepancies largely due to the US government's lack of transparency coupled with the difficulties that investigation media teams have to face. Because FATA is closed off to the outsiders, the report notes, many researchers and non-local journalists cannot visit North Waziristan where most drone strikes are launched in Pakistan. Regardless of actual number of casualties, it is important to note that the criteria of determining a who is "militant" remains vague. The extremely general criteria around "military combatant," which basically encompasses any middle-aged man, has dehumanized and justified the death of military-aged males almost immediately by constructing them as combatants and deserving of murder simply for being a middle-aged Pakistani man. Constructing middle-aged military men as "militant" is a form of control and a means to justify drone warfare and bypass accountability because "militants" becomes synonymous with "threat" and needing to be controlled. This systemically creates a conservative and an extremely skewed civilian casualty rate when majority of the civilians are

defined as military combatants, making the civilian casualty rate very low and extremely unrepresentative of reality. This “loose definition” of “terrorist” has depicted almost all civilians as a potential threat but also legitimizes drone warfare as necessary and precise which allows for potential further use in the United States by domestic law enforcement. The legality around drone warfare has been in question and the government’s secrecy around the program continues to raise many concerns both internationally and domestically.

Section III: The Legal Debate

The debate around the legality of drones and the US targeted killing programs, is critical to the conversation around the militarization of the everyday life. Using both international and US domestic law, the Living Under Drones report provides an overview of the legal debate. The lack of transparency and the government’s hesitation to provide information and data on the drone targeted killing program raise many concerns about democratic nature of the program. There are three central pieces to the legal debate, as outlined in the Living Under Drones report, and are relevant to the analysis around drones and militarization.

1. The legality of the “recourse of the use of drone,” meaning, where it may or may not be lawful to be targeted under international human rights law (outside armed conflict) or humanitarian law (in the context of armed conflict or war). This questions the legality of “signature strikes.”

If it is determined that there is in fact an armed conflict, drone strikes must then be “evaluated in accordance with International Humanitarian Law, including the fundamental principles of distinction, proportionality, humanity, and military necessity” (Living Under Drones 112). Within a territory like FATA in Northwest Pakistan, fighters and civilians live among one

another, regularly engage in daily routine practices, and fighters do not wear uniforms, making it largely difficult to distinguish. However, under International Humanitarian law, any military engaged in “armed conflict” (had it been determined to be one) must attempt to make those differentiations. But again, the question is raised as to what earlier, who is a “fighter” or a “militant?” The “defining characteristics” are often objective and unknown to the public. The United States has created an “unknown and unseen enemy” making everyone a potential enemy.

At minimum, under International Humanitarian law, any attack “must serve a legitimate military objective, and the expected harm or risk to civilians must not outweigh the expected military objective” (Living Under Drones 113). However, several drone strikes lead us to assume that International Humanitarian Law was not at all taken into consideration and in fact is a war crime. The research done by NYU and Stanford included examining particular strike trends and practices, coming to the conclusion that many of these strikes did not take into consideration the international laws.

- 1) “Individual strikes, done on mosques, funerals, schools of meetings for the elderly to gather and resolve community disputes where large number of civilians are present” (114). While there may be speculation a “militant” or military target is among the presence of the large group, under Humanitarian law, it is expected that the risk of civilians does not “outweigh the expected military objective” (113). However, in large community spaces, it is clear that the risk to civilians, including children, the elderly, and women is substantial.
- 2) Signature strikes are determined upon “behavior patterns observed from on high and interpreted thousands of miles away” raising very substantial questions around whether they adhere to the proper safeguards and procedures (114).

3) Strikes on rescuers and first responders not only violate the laws protecting humanitarian assistance, they make no distinctions between the wounded, rescuers, and those assumed to be “military targets.” Strikes on civilian rescuers raises questions regarding the intentionality of targeting first aid responders, doctors, and rescuers. Past military interventions, wars, and armed conflicts have proven that militaries do strategically target civilian rescuers, doctors, and humanitarian assisters when the enemy is constructed as evil and deserving of death.

2. The “legal obligation to operate transparently.” Questions have been raised around the US’s accountability for its drone strike abuses and the lack of transparency of drone programs and policies.

The policies around the drone program are hidden from the public and we know very little regarding the extensive surveillance done against the communities being targeted.

Deconstructing the Obama administration’s “guilt by association” approach can help when examining the supposed national security threat that is utilized as a means to further drone warfare. “Guilt by association” implies that all military-age males living within regions that supposedly have “militant activity” have been classified as combatant, meaning that this approach severely, and strategically, reduces the number of civilian casualties and depicts drone strike and targeted killing programs as “successful.” We are being told that the US is protecting itself against the “terrorists” it supposedly targets. “Success” is then measured by the death of the constructed enemy for national security purpose gains and thus legitimizes US drone strikes. As a result, there has not been proper investigation of war crime allegations nor have any prosecutions been made. International Human Rights Law “places a particular emphasis on obligation of states to investigate, prosecute, and punish any alleged violation of the norms banning extrajudicial executions” (Living Under Drones 122). Both the lack of transparency and

lack of accountability has not allowed for proper investigation. The public knows very little about the drone strikes programs and the US's failure to sufficiently explain the legal basis of the targeted killing operations is a failure to meet international legal obligations. Former U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions, Professor Philip Alston concluded:

“Assertions by Obama administration officials, as well as by scholars, that these operations comply with international standards are undermined by the total absence of any forms of credible transparency or verifiable accountability. The CIA’s internal control mechanisms, including the Inspector-General, have had no discernible impact; executive control mechanisms have either not been activated at all or have ignored the issue; congressional oversight has given a ‘free pass’ to the CIA; judicial review has been effectively precluded; and external oversight has been reduced to media coverage which is all too often dependent on information leaked by the CIA itself” (Living Under Drones, 123)

3. The legality of the US’s drone program under US domestic law: does the prohibition on assassination and the expanding role of the executive through its drone programs violates US domestic law?

Drone strike programs must also abide by US domestic law. Article II of the Constitution “wields significant authority over questions involving national security and the use of force” (Living Under Drones 118). However, the “authority to declare war” is awarded to Congress and the “principle domestic legislative basis” used to justify and further the drone program is the Authorization to Use Military Force (AUMF). The AUMF was passed exactly one week after the September 11 attacks and is a joint resolution between both houses of Congress.

“The AUMF permits the President to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons” (Living Under Drones 117, 118).

The AUMF provides the legal basis for the use of force against Al Qaeda, however, US officials cite that this “war” is not only against Al Qaeda and the Taliban, but with any affiliated group at any point of their emergence and wherever they may operate (Living Under Drones 119).

General Counsel of the Department of Defense stated that the AUMF authorizes force against “associated forces” even though, the “plain language” of the AUMF only appears to authorize force against those who are “tied to the attacks of September 11, 2001 and not *any* “associated force” who may subsequently allegedly join with Al Qaeda” (Living Under Drones 119). Much of the drone strikes have been against groups not involved with the 9/11 attacks, like the TTP or the Haqqani Network, noted by the report (120). The evolving and loose legal language around the AUMF gives US officials, particularly the President, the leeway to further drone strike programs and targeted killing operations with very little legal implications under the justification that it is necessary, preemptive, and successful. There have been several institutions involved in drone warfare, especially the CIA.

The role of the CIA and their authorization to act beyond the parameters of congressional authorization has not been treated as a violation of domestic law (Living Under Drones 120). However, this raises questions about what rules “govern” the CIA, the parameters in which the CIA operates in, and the responsibility of the US to adhere to binding domestic law, even when the CIA is being authorized by the United States government, which many times are covert authorizations. Illegal extrajudicial killings and assassinations are protected under US domestic law, and when a US citizen is targeted, constitutional protections and due processes requirements must also apply. However, this has not been upheld. In the infamous case of Anwar al-Awlaki, an American citizen and supposed Islamic militant was accused of taking on the role as a senior-talent recruiter and motivator who was involved in planning terrorist operations with al-Qadea.

Anwar Al-Awlaki was a US citizen and was targeted and killed by a drone strike. In April of 2010, Barack Obama authorized the CIA to target and kill Anwar Al-Awlaki and on September 30th, 2011, after a failed attempt, Anwar al-Awlaki was killed. Two weeks later, his 16 year old Abdulrahman al-Awlaki, an American citizen born in Denver, was also killed by an American drone strike in Yemen. When Nasser al-Awlaki released an audio recording condemning the killings of both his son and his grandson, the Department of Justice released a memorandum justifying al-Awlaki's death as "a lawful act of war" (Lauter 1). According to the ACLU, Anwar al-Awlaki was never charged with a crime and in 2010, the Center for Constitutional Rights (CCR) and the ACLU brought a lawsuit on behalf of Nasser al-Awlaki, "challenging the government's asserted authority carry out targeted killings of US citizens located far from any conflict zone" (ACLU). Both Anwar and Abdulrahman were not afforded their due process rights and their murders violated both international law but also domestic US law. The case was dismissed in federal district court in December 2011 and was authorized as "legal" by the US administration. In the context of war, or a constructed armed conflict, constitutional protections are stripped and in the post-9/11 period, there has been both an intensification of the drone attacks internationally as well as a legal justification provided to defend its use in an expanded version of a "war on terror." The language around the so-called "preciseness" of drone furthered its use internationally ultimately justifying drone warfare and constructed a false image of the technology and normalized its use. The impact of this normalization has not been restricted only to its use globally, but also is being utilized and justified in the domestic sphere and because the "war on drugs" in the United States and the already existing forms of surveillance and criminalization, drone technology thus has the powers to simply further that violence, merging

both “war on drugs” and “war on terror” rhetoric and politics through the rapid expansion of the drone program.

Section IV: UAV Technology Enters the Domestic Sphere: Implications and Militarization of the U.S. Mexico-Border: Expansion, Militarization and Lack of Accountability

As the escalation of drone strikes increased since 2002 over Afghanistan, Iraq, Pakistan, Yemen, and Somalia, drones continued to strike over the “battlefields,” many law enforcement agencies and federal institutions began to find access to drones within the domestic sphere. There has been a rapid expansion of the drone programs in the domestic sphere, particularly in the post-9/11 period after drones became a “popular” form of warfare. While the expansion appears to be for very benign-looking purposes, there is very little information available about the role of these drones domestically and their utilization by federal law enforcement. It is crucial to note that Customs and Border Protection (CBP), a sub-sect of the Department of Homeland Security, currently has the largest fleet of drones that operates over U.S. airspace and will be one of the main institutions that I will analyze to examine the utilization of drones in the domestic sphere by domestic law enforcement agencies, both federal and civilian police departments.

“CBP currently deploys nine Predator-B unmanned aerial systems (UAS) to patrol US borders and provide surveillance for border security and disaster response. Two of these Predators are equipped with sensors for patrolling ports and waterways, thus putting them in a maritime surveillance configuration known as the Guardian. CBP anticipates receiving a 10th Predator UAS in September; it will be the third configured as a Guardian” (McArter 1).

CBP operates its unmanned aircrafts along the southwest border and covers all the way from California to Texas. CBP alongside the Department of Homeland Security (DHS) has been working with state and local law enforcement to use drones for basic criminal activity. For example, the DHS’s Urban Areas Security Initiative (UASI), a Federal Emergency Management Agency (FEMA) program, has seemed to launch their own drone program (IPR 14). USAI’s

project proposals make no mention of counterterrorism initiatives yet according to DHS, UASI could establish a drone program as a means to “prevent, protect against, respond to, and recover from acts of terrorism” (IPR 15). Clearly, local police forces would like to use drones to increase their surveillance capabilities and routine policing tactics and the DHS has been a crucial resource. The lack of accountability and transparency around the DHS’s drone programs is also concerning. The information is not classified but it is difficult to access and very little information is shared regarding the number and objectives of UAV programs. Customs and Border Patrol has also been quite secretive regarding its drone programs since 2001, it has steadily increased while very little information regarding the program’s plan has been provided. We also know very little on drone-related drug missions, seizures, and arrests. According to the Center for International Policy, the CBP has not agreed to sharing documents nor information on its drone program and has asserted that it is “law-enforcement sensitive” (IPR 18). The secrecy of the United States’ actions internationally through the “war on terror” appears to be mirrored in the domestic context as well.

The Department of Justice has also played a crucial role in the domestic usage of drones in the United States. The DOJ’s criminal justice assistance grants play a role in the way in which state and local law enforcement operate. Under the National Institute of Justice, the DOJ worked with local law enforcement to “develop and evaluate low-cost unmanned aircraft systems” (IPR 15). The National Institute of Justice grants have went to military contractors and drone manufacturers. Money has played a critical, and unsurprising, role and shaped the priorities of law enforcement across the United States.

In February 2012, Congress passed the FAA Modernization and Reform Act of 2012. As part of this act, it allowed the FAA to integrate and provide access of unmanned aircraft by 2015

to agencies within the United States and loosen restrictions and space regulations (NPR 2012). This law forces the FAA to think about ways to integrate UAVs in national airspace. Barack Obama's Southwest Border Security Bill signed in 2010 was a major turning point in the utilization of drones during the "war on drugs". The \$600 million bill "enhances technology at the border, share information and support with state, local, and tribal law enforcement, and increases federal presence and law enforcement activities at the border" (Auken, 1). Regarding drones, this legislation allocates \$32 million for the establishment of more Predator drone aircraft to conduct surveillance and spy flights over/alongside the border exemplifies the ways in which the "war on terror" furthered the militarization of the "war on drugs" and the culture of surveillance that has been institutionalized since the 1960s.

This bill allowed for military style bases to be set up and assist local police agencies working in the border area, exacerbating the already militaristic space that the border has come to be. The deployment of predator pilotless drones typifies the militarization of law enforcement agencies alongside the border and the changing nature of the "war on drugs" since the "war on terror" and how they have since merged. Predator B drones, those alongside the border, are the drones currently being used in the war on Afghanistan and Pakistan and can scan 20,000 feet up in the air with lenses and a zoom so powerful that can locate footprints on the ground (Rozemberg 2). While the number of Predator drones used along the border continues to increase, so does the number of Border Patrol Agents and miles of fencing. Ella Spagat and Brian Skoloff write in their piece "*Drones Discreetly Patrol U.S.-Mexico Border*" that since 2011, "the number of Border Patrol agents on the 1,954-mile border more than doubles to surpass 18,000 and fencing multiplied nine times to 700 miles" (Spagat, Skoloff 1). While border patrol agents, video cameras, ground sensors, physical barriers, land vehicles, and manned

aircraft already exist as part of the U.S. border “defense” system, Congress, now “fearing” terrorism, called upon the Department of Homeland Security to study the possibility of potential UAV usage (Blazakie 2). UAVs have been used in military settings in Vietnam, Bosnia, Kosovo, Afghanistan, Pakistan, and the Gulf Wars, so ultimately, the drone was being treated like a war-zone. Congress, the Department of Homeland Security, and Customs and Border Protection deemed it plausible to utilize aerial vehicles along the border but also within border states like Arizona and Texas. Arizona Governor Jan Brewer wrote a letter to Obama stating:

“I would also ask you, as overseas operations in Iraq and Afghanistan permit, to consider wider deployment of UAVs [unmanned aerial vehicles] along our nation’s southern border. I am aware of how effective these assets have become in Operations Iraqi and Enduring Freedom, and it seems UAVs operations would be ideal for border security and counter-drug missions.”

(Quoted in Lach, 2010)

The Predator B drones “monitor” where illegal activity is highest, said R. Gil Kerlikowske, commissioner of Customs and Border Protection. Customs and Border Protections possess 9 Predator drones (lethal, high flying aircraft) which operates across the country but predominately alongside the border and border states (Spagat, Skoloff 1). Section 1034 of the Department of Defense Authorization Act required the President to issue a “report on the use of unmanned aerial vehicles for support of homeland security missions” and UAVs were tested for domestic usage on the U.S- Mexico border by companies in Arizona on behalf of the DHS and the CBP (Balzakie 3).

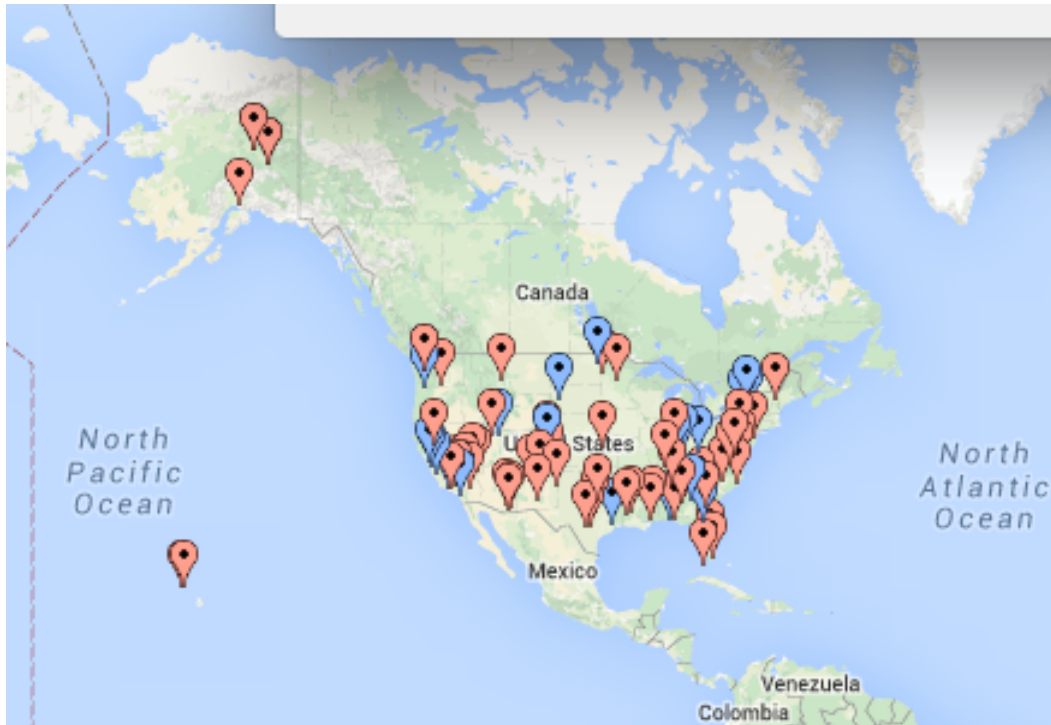
The Texas Department of Public Safety has been one of the most active law enforcement departments utilizing drones for high-risk operations. The department has run six operations with drones, all of which were alongside or near the southern border surveilling drug and human

traffickers (Finn, Washington Post 2). After a disclosed report by the Electronic Frontier Foundation was released, it was found that the Texas DPS has been working with Customs and Border Patrol, ICE, the FBI, U.S. Marshals, U.S. Coast Guard, the Minnesota Bureau of Criminal Investigations, and the North Dakota Army National Guard to expand drone programs. (Price). While in 2012 the Texas DPS canceled its 2-year drone program in 2010 because of difficulties following FAA requirements and costs, drones are still being utilized. According to the report, Predator drones were borrowed by the Texas DPS from the U.S. Customs and Border Patrol twenty-two times in 2011 and 2012 and it is alarmingly easy to do so (Price)! Coupled with the existing surveillance Watch Programs in Texas, the culture of surveillance intensified with the emergence of drones.

Police departments have been urging the FAA to allow deployment of UAVs for law enforcement but it is clear that some law enforcement departments, like Texas DPS, can attain access to drones (and lethal ones) from other agencies like Customs and Border Patrol. CBP, as the agency holding and operating the greatest number of drones, is making drones (some Predator drones) more widely available for domestic law enforcement and it is local police departments (usually urban and/or along the border), the FBI, and the Drug Enforcement Agency using Predator drones. But not only is Customs and Border Protections operating drones along the border in Texas, states like Arizona, North Dakota, and Florida also seek to expand drone usage along the border. Both Arlington police and Montgomery County sheriff's office in Texas have non-Predator UAVs and FAA approval to operate them and both drones were bought with Homeland Security funds. FAA records note that the most active drones in Texas skies (excluding those being used by Border Patrol) belong to academic institutions/universities. Texas A&M has the most permits for drones, claiming that it is necessary in emergency response

training, natural resource studies, and aeronautical engineering. Texas State University also works in collaborating with the Texas Parks and Wildlife Department monitoring rivers and wetland habitats using drones (Bell 2). The police department of Arlington, Texas was granted permission from the FAA to use an unmanned surveillance drone to assist local police officers with security at Super Bowl XLV which is an example of how “normal” the drone has become and almost seen as benign when it is truly not. The drone is extremely militaristic but yet police departments have not been hesitant to use this form of military technology in non-militaristic circumstances.

Mesa County, Colorado and Miami, Florida police departments also utilize and test drones. In 2009, “Mesa County Sheriff was the first Public Safety Agency to receive an FAA Certificate of Authorization to operate the Dragonflyer X6 helicopter for law enforcement use over a 3,300 square mile area” (Dragonfly 2009). By 2010, this relationship and partnership with the FAA only strengthened and allowed for Mesa County Sheriff’s Office gives



authorization to the department to fly the UAV system anywhere within Mesa County, Colorado during daytime hours. By 2012, Mesa County Sheriff’s office has flown more than 55 missions and is beginning to implement UAVs into day to day operations, search and rescue missions, wild land fire monitoring, and broad area suspect searches (Mesa County Sheriff’s Office).

The Miami Dade Police in 2011 were the first department in the country permitted access by the FAA to drones similar to those used in Afghanistan (Huffington Post 2013). Miami-Dade police department has a drone program that claims to be used strictly for emergency type situations and can fly drones within active crime scenes (CBS Miami).

Forty-two state legislators have considered drone legislation and six states have passed legislation regarding drone programs. Other states have not been granted permission to employ their drone programs. Ogden City of Utah was denied a request by the FAA. Police chief Jon Greiner sent in his request in April of 2011 and wrote, “during the flight the camera system would be monitored for suspicious activity and the Pilot in Command would send an officer to investigate” and that the drone would have been used “for law enforcement surveillance of high crime areas of Ogden City” (Koebler, US News 2012). It is very clear that several law enforcement agencies, and state governments, are working hard and aggressively with the FAA to gain access and permission to drones and different types of UAVs. The image below, a google maps image, from Franchesci-Bicchierai’s article “Revealed: 64 Drone Bases on American Soil” shows a drone map of where drone bases are currently located and/or used in the United States.

Representative Michael McCaul, who chairs the House Homeland Security Committee, argues that the FAA should rely instead on the Homeland Security Department because it is “more familiar with drone technology and security issues” (Bell). On July 19th 2012, McCaul warned that that 2 1/2 years, “drones will begin to dominate skies” in the United States. Used in McCaul’s speech, he referred back to this this map (above) which shows the location of the FAA’s Certificates of Authorization (COA) recipients as of April 2012. Since then, it has only increased and there is much more conversation around who would control and have access to drones in the United States. The rapid expansion of the drone program and the normalization of its use in the war on terror alongside its benign use in law enforcement actually masks two ways in which drones have led to further militarize and envelope the everyday life: first by affecting everyone’s right to privacy and second, by further targeting those communities who are affected by the war on drugs.

Section V: Privacy Concerns around Surveillance and Constitutional Rights

The expansion of UAV technology and with the federal government's widespread use of drones has created tremendous concerns regarding the privacy of individuals. Drones, direct tools of surveillance, are a "looming threat to Americans' privacy" the ACLU notes in its report "Protecting Privacy from Aerial Surveillance." The question is raised around the extent to which the 4th amendment can protect individuals who may be victims of surveillance. The ACLU notes that while the Supreme Court has never taken a formal position on the role of the 4th amendment and the use of UAV surveillance technology, it has ruled in favor of "warrantless aerial surveillance from manned aircraft" (ACLU 13). For instance, in **California v. Ciraolo (1986)**, The Supreme Court focused on whether an individual has privacy interest in being free from aerial surveillance of his backyard" (ACLU 13). Dante Ciraolo was accused of growing marijuana in his backyard but his backyard was surrounded with high fences make it difficult to view. The police "received a tip" about Ciraolo and instead, without a warrant, borrowed a plane, flew it over the backyard, and located the marijuana being grown. Ciarolo used his 4th amendment rights to argue that the government did not get warrant. The Supreme Court argued that "there was no intrusion into his privacy because any member flying in this airspace who glanced down could have seen everything that these three officers observed" (ACLU 13). **In Dow Chemical Co v. United States (1986)**: The question around whether the Environmental Protection Agency violated Dow's Fourth Amendment rights when it "employed a commercial aerial photographer to use a precision aerial mapping camera to take photographs of a chemical plant" (ACLU 13). The Supreme Court noted that because the camera used by the EPA was "conventional, albeit precise, and a commercial camera commonly used in mapmaking" and that

the photos did not receive “intimate details,” they found no violation (ACU 14). The Supreme Court did suggest though that had it been more “sophisticated, intrusive surveillance” the court’s decision may have been different. ***Florida v. Riley (1989)***: Using *Ciraolo* as the precedent, it was determined that Michael Riley’s 4th amendment constitutional rights were not violated when the police received a local tip that Riley was growing marijuana in his greenhouse. Without a warrant, the police flew over the greenhouse and spotted the marijuana. It was argued that because Riley left part of his greenhouse open to public view, the search was constitutional (ACLU 14).

All of the cases above regard the use of manned aircraft, and many proponents of drones say that it would not raise surveillance concerns because manned aircraft has data collection capabilities. The Electronic Privacy Information Center notes that the Supreme Court holds that the 4th amendment rights do not apply in respect to aerial surveillance because their reasoning that anyone can “observe” what is viewed from the air (EPIC 3). Regardless of the distinction between manned and unmanned aircraft, it seems that the Supreme Court’s reasoning is around what is and isn’t viewable to the public. It raises concerns around who operates drones because it is not individuals that operate drones, but rather police agencies and law enforcement. However, as the technology advanced, government surveillance programs has become increasingly intrusive and courts responded to these technological changes by “adjusting the doctrine” around the Fourth Amendment (EPIC 3).

We see a major decision in ***Kyllo v. US (2001)*** that rules that “the use of a device that is not in general public use is a search even if it does not physically invade the home” (EPIC 3). As we can see, the language around the “device that is not in public use” is the determining factor and a key piece in the language around drones, surveillance, and the Fourth Amendment. It is

this advancement in technology of unmanned aircraft vs. aircraft (general, public use) that is adding several new layers to the current debate. So even though it was a police officer that located the marijuana in both the Riley and Ciraola case, it was a “general” manned aircraft being used, in comparison to a drone that is not generally accessible to the public. This raises many concerns because if law enforcement can access this kind of technology that is more “distant” and not technically operated by a civilian police officer, law enforcement can avoid accountability. Since the “war on drugs,” home raids have largely been used and they continue to raise questions around 4th amendment rights, but with this new technology around drones and the nature of the drone as advanced technology and being operated by a single police officer, militarization becomes much more discreet. There is a way in which the face of militarization is changing and public much more public but also unseen. As technology develops, and arguably becomes more intrusive, many concerns were raised around the Fourth Amendment because surveillance technology has become much more invasive but simultaneously hidden from the public eye.

While the rapid expansion of the drones has largely been unnoticed, some states and lawmakers have started raising questions about the use of the drones in the domestic context. The expansion of the drone programs led Florida to become one of the first states to establish and pass a law regulating drone usage. Lawmakers in Florida are working aggressively to pass legislation to limited use of drones by local law enforcement. Senator Joe Negron says, “It's fine to kill terrorists in Afghanistan and Pakistan with drones but I don't think we should use them to monitor the activities of law-abiding Floridians” (Sickler, Tampa Bay). Negron’s language on the use of drones on “terrorists” in Afghanistan and Pakistan is quite precisely how politicians view the drone strike programs and also explains why Florida was quick to ban local law

enforcement officials from using drones. Unless there is a warrant or threat of a terrorist attack, Florida prohibits information collected by drones that could be used as evidence on courts (Sickler, Tampa Bay). Only three Florida law enforcement agencies have authorization to use drones (only for observation) and none of them have used these drones in a real-life situation. Like Rand Paul, an opponent of U.S drone access in America, Negron's bill similarly resembled Rand Paul's filibuster used against CIA director John Brennan against the usage of drone strikes in the U.S. Many libertarian Republicans, like Negron, are finding commonalities with groups like the ACLU in thinking about how to maintain the safety of the state without infringing on the rights of law abiding citizens. In March of 2013, A House committee unanimously pass the Freedom from Unwarranted Surveillance Act where police need a search warrant to fly a camera drone or there must an "extreme" life-threatening situation and "imminent danger" (Huffington Post 2013). While the drones owned by the Miami-Dade police department are not lethal nor contain any weaponry, the fact that they are used for surveillance is concerning in a space like Florida, particularly Southern Florida, where Latin American communities are constantly targeted and surveilled. Florida was one of the leading states to militarize the border through the South Florida Drug Task Force that was created in 1982 in response to the "war on drugs" as mentioned in chapter one. Now with the exacerbated culture of surveillance due to the "war on terror," militarization is only furthered for these communities.

Not only have drones created a very explicit culture of surveillance along the border during the war on drugs, they've also raised concerns about the privacy rights of all people. With the erasure of the Fourth Amendment under manned aircraft, questions begin to be around the nuances of unmanned aircraft and one's constitutional privacy protections. While we are unable to fully understand the Supreme Court's role in the drone debate, the advancement of technology

and its relationship militarization is raising concerns for the Supreme Court around privacy rights and the Fourth Amendment.

Section VI: The Changing Nature of the Border with the Rise of “Cheap” Drone

The use of drones can be seen as acquiring tacit acceptance, particularly during a time of national crises. While the U.S. works to “combat” terrorism and “control” immigrant, drones have been utilized on communities that have been depicted as a threat to America’s security. Both the “war on drugs” and the “war on terror” are rooted in notions of racialized social control and imperial conquests, but depicted around U.S. fear and insecurity. Drones are becoming routine tools of surveillance and policing. The “war on drugs” and the “war on terror” have created massive expansions in police and military operations and the utilization of drone programs in both the domestic sphere and international sphere have woven these two “wars” together. Using UAVs, whether or not they are lethal, allows police to proactively seek criminals and use military strategy, technology, and weaponry to do so. While the roots of police are inherently militaristic, there are meant to be “differences” or lines between a military force and a police force. Domestic police forces can take on both indirect and direct forms of militarization, meaning acquiring military characteristics through different mediums. While helicopters were always used, they never created a culture of surveillance the way drones, for example, do. It is these routine tools that are emerging within a context of “war” and “national crises” where we see militarization within the United States in both very obvious and benign ways.

Some very benign usages of UAVs is for example sending UAVs to monitor severe storms and unsafe weather conditions. Sending a UAV into a hurricane is “safer” than sending a manned aircraft, but this brings us back to the conversation on militarization. What does it mean when UAVs, some lethal, become so *normal* and *routine*? UAVs are being used to monitor

crime, livestock, and weather; but they are also used to “monitor” undocumented Mexicans along the border, civilians in Pakistan and Afghanistan where they are tools of surveillance and are used by police departments to “fight crime.” This very normalized nature of the drone is extremely alarming. Their affordability makes them “useful” but dangerous. While many argue that surveillance will continue to exist, with or without UAVs, it is this militarization of the police force that has real implications for communities. It is time-consuming and very impractical for plain-clothed police officers or detectives to track supposed “criminals” and “watch” communities, but when you have the tools and resources that can create a culture of surveillance so quickly and cheaply and can monitor cell phones, computers, or simply “observe” urban spaces -- it has dangerous consequences for communities that have been Othered and criminalized throughout history. For example, the Stingray Tracking Device, that has been under scrutiny and carefully studied by the ACLU, is an example of a kind of technology that monitors and tracks. Stingrays, also known as “cell site stimulators,” are “invasive cell phone surveillance devices that mimic cell phone towers and as a result, cell phones in the area transmit their locations and identifying information, law enforcement the ability to track individuals’ movements and phone calls,” and this has been used by 48 law enforcement agencies, including state and local police departments, in 20 states (ACLU 1). Law enforcement agencies have been trying to hide their use of such technology not only from mainstream public but also from the courts, where several plea deals have been made because of law enforcements usage of stingrays and their desperate attempts to hide information about this technology from the courts (Guliani 2). Stingrays and other resembling surveillance devices were originally designed for military use but have now are widely used by local police and in local communities. As noted in the introduction, the war on drugs has increased incarceration rates

exponentially and created a prison industrial complex that is lucrative and continues to thrive so the introduction and expansion of surveillance technology, especially advanced UAV technology, only furthers incarceration rates and those living under a form of correctional control, whether it be under prohibition, parole, or awaiting trial.

The “war on drugs” had already institutionalized the mediating of privacy rights, through for example the legalization of no-knock warrants through the signing the District of Columbia Court Reform and Criminal Procedure Act of 1970 which did raise many questions around the 4th Amendment privacy right. As a result, it intensified and legalized home raids where police violence was always central. With the advancement and cheapening of technology, the smaller size of drones, and its powerful lenses - the utilization of drones has created a culture of surveillance in a post-9/11 era that has further criminalized communities that have been subject to poverty, a school-to-prison pipeline, deportation, and state-sanctioned violence. Drones have allowed the public to view war “from a distance”. Drones epitomize the culture of surveillance and the relationship between surveillance and militarization. The reference to the “culture of surveillance” is simply not only about technological tools of surveillance. Jasbir Puar’s piece “Regimes of Surveillance,” furthers the analysis around the culture of surveillance and exemplifies the ways in which technological tools of surveillance gives the state the authority to create subjects and administers a culture that “watches and monitors” while enforcing certain kinds of behaviors and identities, thereby creating the Other through exclusion (Puar 2). With the aid of the FAA, drones have added a new layer to the “war on drugs” and change the face of militarization through these new and advanced, but even more intrusive, forms of surveillance.

After the September 11 attacks, there was attention to Homeland Security and the US-Mexico border. Border security took on a different kind of political urgency, and migration was

seen as an area that needed to be controlled and surveilled (Koskela 51). Koskela argues that there was a new narrative of the “unknown other” and the construction of fear around those “across” the border ultimately redefined the border itself (Koskela 51). The influx and outflux of undocumented immigration was a newly defined threat and the “response” to this constructed threat was new forms of surveillance - both in technological forms and on the ground bases (Koskela 53). The use of drones within a space like Texas, or even simply along the southwest border being seen as “the threat,” fit perfectly into the new fabricated image of national insecurity. Drones have created an industry that has flourished and intensified within a decade and continue to thrive as the rhetoric around “fear” remains.

Through the creation of the “illegal alien” and a constructed image that immigrants entering the US are lawbreaking and threatening acts, the United States’ presence exists along the border as a response to a constructed “fear.” Douglas Massey in his piece *“Borderline Madness”* examines the ways in which the US-Mexico border is much more than a “border” or “boundary” between two nations, but rather, representative of US “insecurities and fears, hopes and dreams, projected for public consumption” (Massey 3). In 1983 and during the “war on drugs,” Ronald Reagan deployed the rhetoric that “terrorists and subversives are two days away driving time from [the border crossing] at Harlingen Texas” (Massey 4). Congress’s Immigration Reform and Control Act of 1986 was employed in the name of national security and would become of the long “buildup of border enforcement” (Massey 4). In 1993, “Operation Blockade” in El Paso and “Operation Gatekeeper” in San Diego in 1994 were launched by Border Patrol; and since 1996, Border Patrol agents grew from 3,700 to more than 12,000 (Massey 4). This “fear” has been used as a tool of political and military mobilization, allowing for Border Patrol to thrive as a federal agency. Illegal alien became synonymous with a national security threat, and

in the wake of September 11, the border “acquired new symbolic importance” (Massey 4). The “war on terror” furthered the militarization of the border; where return migration rates have been lowered due to the riskiness of leaving the United States, the dangers of border crossing is a real and fatal fear for many but has not been a deterrent for in-migration rates, and has increased the rate of undocumented population growth because of the dangers around return migration.

The collaboration and relationship between the military and law enforcement establishes the foundation for militarization. Border Control works most closely alongside the border with the U.S. military, and given that the military has no experience in “regular, non-emergency domestic law enforcement and the criminal justice system, and that its missions and tactics were very distinct from that of Border Patrol,” the new relationship carried militaristic implications (Dunn 260). As Dunn notes, “it is important to stress that the bulk of the unit’s [Border Patrol] enforcement encounters are with non-threatening immigrants” with a small fraction of the interactions being with armed drug traffickers (Dunn 260). Through the construction of this fear, the military’s role was played in the attempt to “destroy” the “enemy” while law enforcement focused on legal systems and due processes. The establishment of the Joint Task Force-6 (JTF-6) in 1989 at the U.S. Army’s Fort Bliss Base in El Paso, Texas would “serve as a planning and coordinating headquarters to provide support from the Defense Department to federal, state, and local law enforcement agencies” (Dunn 260). While JTF-6 initially covered the space alongside the southwest border, it was expanded in 1995 and now covers the entire continental United States. This direct relationship between the U.S. military and local law enforcement and civilian police departments is an overt form of militarization and in fact, Dunn viewing this relationship as “one of total integration” (Dunn 261). Dunn notes that beyond “operational support,” JTF-6 provides “general support” to Border Patrol, often in the form of intelligence analysis assistance

and military teams training -- often militaristic. Drug law enforcement that is provided by the military simultaneously supports Border Patrol in its immigration enforcement duties, thus “casting the immigration and drug problems as national security” (Dunn 263). The inter-relations between Border Patrol, JTF-6, the U.S. military, and local law enforcement sets the foundation for the increased militarization of the border in the wake of September 11 and the increase use of UAV technology.

The most obvious form of surveillance has been through racial profiling and tactics such as Stop and Frisk, where police routinely harass black and brown communities under the premise of drug searches. New York City, home to the one of the most aggressive and militarized police departments, requires police officers to stop and frisk people on the street and it was found in the Second Supplemental Report by Jeffery Fagan in the case against the NYPD, that 84% of the 1.6 million people stopped between 2010 and 2012 were Black and Latino (Fagan 11). Red-light cameras and routine traffic stops, the former being more discreet than the latter, are also forms of surveillance and policing that have disproportionately targeted black and brown drivers; and often, they over-represent traffic, parking, and motor vehicle violations and find themselves in the courts and experiencing the criminal justice system. African-Americans and Latinos find themselves experiencing routine traffic stops and car searches much more frequently than their White counterparts due to the “suspicion” predicated upon racism and the construction of the Other. Race and state-surveillance are intertwined in the history of the United States and in the post-9/11 United States, national security surveillance has been domestically used against Arab and Muslims where they have been racialized and thus targeted. The “if you see something, say something” campaign widely used in New York City, particularly on MTA transportation, is a clear example of the culture of surveillance using society as its subject to “watch” and perform

state-sanctioned surveillance. The culture of surveillance allows for the American public to organize and enforce the targeting of Arab and/or Muslim American communities. Both the “war on drugs” and the “war on terror” shaped national security surveillance practices against particular groups of people and also political dissident movements, such as Occupy Wall Street, environmental rights activist, Black power activists, and those who represent a threat to U.S. order. Because of the anti-immigrant rhetoric of the “war on drugs,” Latino communities from Central and South America were largely targeted and criminalized.

The “war on drugs” has been perpetuated and intensified through this hyper-militarization, particularly this new culture of surveillance by UAVs, only increasing incarceration and detention rates. Since 2010, these drones were credited with guiding the arrests of 62,000 undocumented migrants, supposedly 2,000 smugglers and 800,000 pounds of drugs (Rozemberg 2). However, seizing drugs and immigrants does not have an impact on the number of drugs/drug use within the country which is why the war on drugs has been referred to as a “trillion-dollar failure” as the racialized face of the “war” has only exponentially increased prison populations and detainment, creating a profitable criminal justice system (Branson). Mexican communities that are criminalized along the border face marginalization, access to few resources, and a threat to their safety if they or their families are undocumented. Criminalizing criminalizes “types” of people. This is not a “war” on drugs but a war on Mexicans depicted as “illegal,” just as the drone strikes in Pakistan, Yemen, Afghanistan, and Somalia work to construct a narrative of “militancy” that becomes interchangeable with civilian.

The “war on drugs” is mainly to blame for the United States’ overcrowded prisons, as explored in my introduction, but the “war on drugs” also criminalized and emerged out of anti-immigration sentiment and the idea that drug trafficking from Mexico was a threat to the United

States. As also noted in my introduction, there were several laws put in place to securitize the border under the justification that Mexico and migrants from Mexico were drug traffickers. This furthered the criminalization of migrants and they were constructed as being both drug traffickers and “illegal.” During the “war on drugs” and still to this day, the second-largest category after drug-related offenses is immigration-related charges and accounts for about 10.6% of inmates (Miles 1). The “war on drugs” promoted growth of the prison population and the war on immigrants (particularly Mexican communities) sustains the growth of prisons and their criminalization. The Bureau of Justice Statistics released a report noting that “more than 80% of immigration defendants convicted in 2010 received a prison sentence” (Motivans 1). The “war on drugs” is interwoven with border control, particularly along the US-Mexico border and is explained by how policies such as Operation Intercept, mentioned earlier in the introduction, were enacted by Nixon as part of his anti-drug policy and closed the U.S.-Mexico border under the rhetoric that it would “control” marijuana flow from Mexico (Al-Jazeera). This is a clear example of the ways in which the “war on drugs” was also a war on immigration and Mexican communities. The U.S drug war has had profound impacts on Mexican and Central American communities where drug-related cartel violence has increased killing more than 100,000 Mexicans and where migrants (majority children) are held at the border in detention facilities and subject to abuse, violence, and torturous conditions by U.S. law enforcement agencies stationed on the border (Franklin 1). Since 2014, approximately 47,000 children have been caught crossing the southern border unaccompanied and are often deported or detained in Texas (but not limited to) along the border in deplorable sites (Hennessy-Fiske, Carcamo 2). The border as was examined earlier, is heavily surveilled by Border Patrol and by Mexicans being depicted as “illegal’ and “threats” to the well-being of the United States, they are further criminalized and

subject to harassment and violence. The drug war has become a mechanism of control through the incarceration and criminalization of Black and Brown communities and because of the already existing militarized “war on drugs,” the utilization of drones in the United States for law enforcement in a post-9/11 culture will simply change the face of militarization while exacerbating the violence.

Conclusion

Drone warfare, particularly since the September 11 attacks, has been normalized and glorified as being the “acceptable” and “proper” way to kill, monitor, and protect against “terror.” However, its normalization of use abroad during the imperially charged “war on terror” has created a culture of surveillance and securitization that has militarized policing in Black and Brown communities in urban spaces targeting black and brown communities, has usurped the civil liberties of individuals within the United States and abroad; and has perpetuated violence against an unseen and unknown enemy that has been defined as The Other. While there is very little data on the usage of drones in urban spaces, the current culture of surveillance and policing that takes place within black and brown communities sets the foundation for an analysis on exacerbated results of militarization that drone technology can have. The current context of the United State’s culture of security and law enforcement that is embedded in violence, racialization, and surveillance allows us to predict what more advanced, cheap, and accessible UAV technology can result in. Drones within the United States and the current culture of surveillance raises questions around the potential perpetuation of hyper-aggressive policing that results in incarceration and the criminalization of the U.S. Mexico Border, migrants, and

particular communities: Black, Brown, Muslim, Arab, and those who are constructed as a threat to U.S. social order.

Chapter Three: Program 1033 and Militarization

Section I: Purpose and Background

After the attacks on September 11, 2001 and since the declaration of the War on Terror on September 14, 2001, there has been a shift in U.S. policy. The U S government has adopted policies in the name of domestic security/counter-terrorism that have given police departments across the United States access to military equipment, military training, and a military “mentality.” The declaration of the War on Drugs in 1972 was a turning point for the United States’ law enforcement agencies and had initiated a process of militarization and hyper-aggressive policing. In this chapter, the militarization of civilian police departments will be examined by analyzing the transfers between the military and the police through the Department of Defense’s Program 1033 and federally approved laws and programs that have allowed for police departments to look and act as military units. Program 1033, I argue, has exacerbated the militarization of civilian police, blurs the lines between domestic policing and militaristic warfare, and as a result treats communities like war-zones.

What does the “militarization” of the police *mean*? In this chapter, I use militarization to refer to the implementation of militarism to a non-military institution. Militarism is the idea that to defend and protect a nation, a government should take on strong military capabilities and ideals. When I refer to the militarization of the police, I am referring to the ways in which civilian police departments/institutions are deploying military models of control, security, arming, and organizing to “fight crime.” What is important to note in this particular chapter is the already inherent militarized nature of the police. Since the conception of the police, they’ve been to an extent “militarized” because the foundation of a military and of a police power are relatively the same. Peter B. Kraska, in his piece “*Militarization and Policing—Its Relevance to*

21st Century Police” discussed the ways in which both the military and the police cannot be inherently distinct institutions because they both represent “state-sanctioned capacity to use physical force to accomplish their respective objectives” (Kraska 1, 2). Kraska encourages us to question the extent of militarization that the civilian police has taken on as the ideology of militarism is glorified. Giroux also argues the ways in which militarization becomes a form of social control and a way to engulf public order (Giroux 211). Militarization becomes part of the the culture of law and order and surveillance and as a result, militarization transforms society and becomes part of the everyday life. So rather than view post-9/11 programs as the start of the militarization of domestic law enforcement, militarization post-9/11 can be seen as a the way in which it was *strengthened* or *exacerbated* through Program 1033 and also takes on a new form - the way in which it is embedded within the social order so deeply. Enloe’s example of “how to militarize a can of soup” which was introduced in chapter one exemplifies, the normalization and accessibility to militarize society and how communities are treated as military war-zones and this is due to the With the institutionalization of militarization through particular programs, such as 1033, militarization becomes normalized.

Militarization becomes about control and the “war on drugs” has institutionalized the militarization of the police most substantially through the 1981 Military Cooperation with Law Enforcement Act (as examined in the historical background piece of Chapter 1) and which gave the military the power to engage alongside police on anti-drug enforcement in the United States. The Military Cooperation with Law Enforcement Act directly circumvented the Posse Comitatus Act of 1878, which has attempted “in spirit” to draw clear distinctions between domestic and military functions of the government (Hall & Coyne 2). The Posse Comitatus Act of 1878 was written to limit the powers of Federal government in using military personnel or

military institutions to enforce state laws. However, on several occasions, Congress has authorized the President to “deploy military force to enforce, or assist in the enforcement, of various laws” (Else 4). With Program 1033, we see military enforcement through direct linkages and transfers of weaponry. While this program has existed since 1988, it must be examined that within the context of the War on Drugs but also, the War on Terror the implications are greater because of the current political and social climate of the United States. The hyper-militarized state order and the US’s “no laws apply” approach to “fighting terror” has exacerbated militarization under the construction of a supposed threat. Since the “war on drugs,” the change in public policy and the increasing role of the military’s role in the drug war, the military has had a close relationship with the police, both ideologically but also materially through Program 1033.

Domestic policing is meant to “uphold domestic laws that protect the rights of citizens and maintain public order” and hypothetically, are only meant to resort to violence as a matter of last resort (Hall & Coyne 2). However, by working alongside military forces that are trained to engage in combat, working to “destroy an external enemy deemed a threat to the rights of domestic citizens,” police agencies also take on this kind of practice and warfare (Hall & Coyne 2). Hall and Coyne use the Los Angeles Police Department’s motto and the U.S. Soldier’s creed to highlight the fundamental difference between policing and military functions.

Los Angeles Police Department motto: *“To protect and serve [citizens],”*

U.S. Soldier’s Creed, “I stand ready to deploy, engage, and destroy the enemies of the United States of America in close combat” (Hall and Coyne 486).

However, since the call for the “war on drugs,” the trend towards the militarization of the police force in regards to their relationship to military units of government have continued to grow. With the “war on terror,” militarization was exacerbated. Both the “War on Drugs” and the

“War on Terror” have been used as a justification and excuse to arm local police departments with military technology and equipment. All in the name of fighting drugs and terror (two “wars” that are highly racialized), the Department of Homeland Security has funded local police departments with at least \$35 billion dollars in equipment and the Pentagon giving local enforcement around \$500 million dollars worth of military armament (Balko, Chapter 5 & 6). The weapons that destroyed Iraq and Afghanistan and killed millions of civilians have come home to the U.S. and only intensified Reagan's call for the War on Drugs. And while “terror” has existed long before September 11, a new world order came into play after that day. The newly authorized Department of Homeland Security was created and it reorganized the ways the United States was dealing with both global and domestic security threats. With 22 agencies and 170,000 employees within the Department of Homeland Security, the United States had never seen such a drastic change in law enforcement agencies. The Violence Crime Control and Law Enforcement Act of 1994 had been historically used in the late 20th and early 21st century for community policing efforts lost resources and funding (Brandl 145). Why is that important? Because rather than the federal government allocating resources to local law enforcement initiatives to cater to the needs of a particular police department, law enforcement instead accessed resources and funding through nationally mandated anti-terrorism programs that were inherently militaristic. This is where we see the shift from local law enforcement and police departments engaging within (and using!) global anti-terrorism tactics and programs in local communities. Local police departments weren't meant to engage in these programs or to handle the “prevention of terrorist acts on domestic soil,” but it was post 9/11 where we see this major shift that forced and allowed police departments to have access to militarized weaponry, tools, and strategies, in the name of destroying the constructed enemy.

After the September 11 attacks, the surplus in military equipment continued to expand, particularly due to private defense contractors strengthened relationship to the military. The culture of fear, ticking time bomb scenario, and the constructed idea that an attack could happen at anytime and anywhere significantly altered the general public's opinions around the U.S government's foreign and domestic issues. Generally, the American public was much more trusting and recognized that some of their rights needed to be "sacrificed" for the sake of their safety. The growth of government power in the post-9/11 era is partially due to public confidence in the President and in support for the military, local police, and law enforcement agencies. The culture of fear is thus directly related to the power afforded to government. Abigail R. Hall and Christopher J. Coyne in *"The Militarization of U.S. Domestic Policing"* note that "as indicated by the political economy of crises, this popular support for antiterrorism efforts and public calls for government to respond actively to the terrorist threat by expanding the scale and scope of its activities" (Hall & Coyne 498). But ultimately, the hyper-aggressive militarized order of the United States was also taken on by local law enforcement and a direct example is the transfer of weaponry and military technology through the 1033 Program, that grew substantially after 9/11. Tactics, equipment, and personnel were used in the attempt to eradicate and destroy the enemy, both internationally and domestically.

Section Two: The Department of Defense, Program 1033

Report, *"The 1033 Program, Department of Defense Support to Law Enforcement"* by Daniel H. Else, a specialist in National Defense, will be used to examine the context of 1033 put forth by the United States. Else notes "The United States has traditionally kept military action

and civil law enforcement apart, codifying in the Posse Comitatus Act of 1878” but then explains, “on the other hand, Congress has occasionally authorized the Department of Defense to undertake actions specifically intended to enhance the effectiveness of domestic law enforcement through direct or material support” (Else 2). The 1988 legislation expanded the Department of Defense’s “interdiction of illicit drug trafficking” and was followed by “temporary authority to transfer excess defense material, including small arms and ammunition...with no cost to the receiving agency” (Else 2). Under the National Defense Authorization Act (NDAA) by 1997, the 1033 Program was expanded and “granted permanent authority to the Secretary of Defense to transfer defense material to federal and state agencies for use in law enforcement, particularly those associated with counter-drug and counter-terrorism activities” (Else 2). Local and state enforcement agencies have access to an application to participate through Law Enforcement Support Office (LESO) of the Defense Logistics Agency (DLA) (Else 2). The DLA then requires that the governor of the asking state to appoint a state 1033 Program coordinator and to write a Memorandum of Agreement (ELSE 2). The program coordinator is responsible to “ensure that the program is properly administered within the state and the appropriate property needs are maintained” (Else 2). The LESO then has final approval over the number and sorts of material that will be transferred from the DOD excess stocks to the local or state agencies (Else 2). Even though the program existed earlier, it is in the post-9/11 context that we see number of requested equipment has steadily increased since 2009, according to the statistics from the Defense Logistic Agency. Between 2010 and 2011, the amount of equipment more than doubled: from \$212 million to \$500 million worth in leftover military gear (Ruppert). The DLA states, “since its inception, the '1033 Program' has transferred more than \$5.1 billion worth of property...in 2013 alone, \$450 billion worth of property was transferred to

law enforcement” (Disposition Services). LESO records note that “11,000 agencies nation wide are currently registered and that 8,000 of them use material provided through the 1033 Program” (Else 2).

Several kinds of military grade equipment is transferred to state and local agencies. There are several categories of equipment offered for transfer. Office supplies, such as kitchen equipment, electronic generators, printers, fax machines, computers, etc are often available for request. Law enforcement supplies include handcuffs, digital cameras, binoculars, and riot shields. Heavy and military-grade equipment is also available, and the transfers of supplies such as helicopters, cranes, tanks, M-16 assault rifles, military robots, surveillance technology and grenade launches is often requested and transferred as well (Ruppert). The transfers of the “heavy law enforcement supplies,” as they are often categorized, are the most disturbing and alarming, however, even the existence of a program that aids state and local civilian police departments through a military institution is by nature frightening. These direct material transfers through Program 1033 are examples of the relationship between the prison and the military industrial complex that Angela Davis explores in her book *“Are Prisons Obsolete”* and how this relationship becomes a source of profit making. Such a program furthers the relationship and perpetuation of a military industry that is dependent upon the buying and selling of weaponry and the prison industry that is dependent upon incarceration. These two institutions work alongside one another very closely when militarization is institutionalized, such as through Program 1033.

Section Three: Implications of Program 1033: Explicit Forms of Militarization

The Department of Defense's 1033 Program allows for police agencies to obtain military equipment that is "left over" from U.S. military interventions, most recently Iraq and Afghanistan. The DOD's 1033, which was passed in Congress in 1997, was intended to give surplus military equipment for law enforcement that were involved in counter-narcotic and counter-terrorism initiatives (Firozi 1). However, since the War on Terror, this program has increased the number of weapons it has given away to police departments and even smaller police departments have been acquiring these items.

This program gives police departments direct access to military equipment, technology, and weaponry through a simple application making it extremely accessible for all departments, regardless of the city or town's crime rates. Using the familiar war on drugs rhetoric around narcotics and drug trafficking, it made it easier for police departments to justify their need for military-grade equipment. In the FAQs from Disposition Services, the groundwork of the program is laid out and it is noted that 1033 can help in the policing and drug control. This militarization is not accidental nor coincidental, it's intentional and strategic. Taken from the Disposition Service's site, this is an answer on the FAQs that exemplifies the deliberate efforts that have allowed for transfers and "blurring" between the military and the police to occur.

“What are some ways in which law enforcement agencies use the equipment they acquire? Answer: Law enforcement agencies use the equipment in a variety of ways. For instance, four-wheel drive vehicles are used to interrupt drug harvesting, haul away marijuana, patrol streets and conduct surveillance” (Disposition Services, 2014)

Since its conception through the National Defense Authorization Act in 1997, the amount and value of technology transferred to local agencies proliferated over the years, from “\$1 million in 1990 to \$324 million in 1995 to nearly \$450 million in 2013” (Guzman 2).

In a report by the American Civil Liberties Union called “*War Comes Home: The Excessive Militarization of American Policing*,” it was found that 36% of the equipment transferred under program 1033 is brand new. So not only can the U.S. military forces transfer surplus technology to police departments, the Defense Logistics Agency actually has the ability to purchase from an equipment or weapons manufacturer and transfer it to local law enforcement. This gives local law enforcement the power to request a wide array of technology and weaponry and the ACLU also reported finding numerous examples of state and local law enforcement agencies transferring and supplying equipment that they had obtained through the 1033 program with very little oversight or limitations (ACLU 25, 2014). Program 1033 has allowed for police departments to deploy and access military weapons and tactics even when they may not particularly need it. The transfers taking place, those in secret but also those established through programs and the law, have increased the likelihood that local police departments will equip themselves with military equipment. Program 1033 legalizes militarization and allows for the move towards de facto martial law. With military-grade technology, teachings, and mentality – the danger is that the police could act as a military force without ever declaring martial law. While it appears as a benign program for transferring unused military material, in reality, it challenges one of the major tenants of the Posse Comitatus Act of 1878 and the distinctions in roles between a police force and a military.

Section Four: Case Studies: From Militarization along the Border, to Rural Suburban Cities, to Urban Spaces

Since August of 2014, national attention on the murder of Michael Brown and the protests in Ferguson as result have began to raise questions around the militarization of police forces and the presence of the National Guard in Ferguson four days before the burial of Michael Brown. Images of police teargassing protesters while donning military gear furthered the conversation around the militarization of local police forces. The events at Ferguson raised national concern and the past four decades of domestic policing in the United States have become increasingly militarized with domestic law enforcement taking on “characteristics of the armed forces by engaging in military-style training, acquiring military weapons, and utilizing military tactics in every day operations” (Hall and Coyne 486). 1033 is a nation-wide program, meaning all local police departments have access to the program, regardless of the size of the department, location, or particular characteristics. In this section, I will examine a few examples of state and local agencies participation in Program 1033. I will look at both Texas and Arizona, and the militarization of small police departments in small suburban cities across the United States- the same states that have also been extremely involved in the drone programs.

Texas

“Counter-drug” law enforcement is particularly synonymous with “the border,” and the intention behind the creation of Program 1033 was for police departments to engage in counter-drug activities in border areas. From 1991 to 1996, approximately 80% of the “tactical equipment orders” through Program 1033 went to Texas alone (Fox & Cook). In Texas, there are currently more than 700 agencies that are participating in Program 1033 and according to the Defense Logistics Agency, have received close to \$2 million in equipment between 2006 and

2013. Not only are local police departments within Texas participating in the Program, so are federal agencies like Department of Homeland Security, particularly Border Patrol (Fox & Cook). Federal agencies have the “first opportunity to acquire the surplus gear” before state and local agencies, so agencies such as Customs and Border Protection are receiving a large amount of tactical equipment from 1033 (Fox & Cook). Firstly, I will examine the available information on the state and local police departments relationship to the 1033 Program and then proceed by examining federal agencies situated in Texas that participate in the Program as well.

Using data from Defense Logistic Agency Law Enforcement Support Office, Eva Lorraine Molina from the University of Texas at Austin wrote a report on the 1033 military surplus program operating in Texas using fact-based analysis from the DLA’s reports. Molina’s report, as well as the DLA’s statistics available to the public, will be used to examine 1033 Program’s operations within Texas. Firstly, it is important to distinguish between the two categories of supplies available for law enforcement: 1) consumable items and 2) controlled property. Consumable items do not need to be modified, or “demilitarized” before sent to state and local law enforcement and becomes the agency’s property after one year (Molina 14). Controlled items often do need to be demilitarized before given to state and local agencies. While these items remain the property of federal agencies, state and local agencies can borrow them indefinitely (Molina 14). Consumable items include clothing, medical supplies, construction equipment, office supplies, exercise equipment, electronics, and vehicles such as cranes, SUVs, and ATV four-wheelers (Molina 14). Controllable items include night vision goggles, boats, weapons (rifles, pistols, knives, bayonets), and armored and resistant vehicles (Molina 14). Between 2006 and 2013, Texas law enforcement agencies received a total of 18,185 consumable items and 8,879 controlled items (Molina 14). Using the DLA’s data, Molina

compiled a list of controlled equipment given to Texas law enforcement between 2006-2013.

This access to such militarized equipment has severe implications for communities, particularly migrant and Latino communities living along the border in the United States and have been criminalized and marginalized for decades by the “war on drugs.” Program 1033 emerged in the midst of drug war efforts and such technology has only furthered the militarization of the border and the states surrounding the border, who are main benefactors of this program.

Numerous counties across Texas participate in the 1033 Program, particularly those along the Southern Border. According to Lauren Fox and Lindsey Cook in their U.S. News piece “Border War: Pentagon Program Sends Military Gear South,” El Paso County is noted to be the largest recipient of tactical weapons in the state but also the most “willing recipient” of tactical items across the entire United States among all states participating in the Program (Fox and Cook). It has received almost half of all the equipment sent to the state of Texas (Fox and Cook). Since 1991, El Paso county has “accepted more than 6,000 items from the Pentagon, six times the amount of tactical weapons received by Pima County, Arizona, almost 1,500 items more than California’s LA County, and more than the totals for all but 10 states” (Fox and Cook). While El Paso County Sheriff Richard Wiles says that he is not supportive of militarizing local law enforcement agencies and that while they are participating in the program, they are not “receiving a lot of stuff,” there is a real concern by activists, many politicians, and immigration groups around the numbers of consumable and controlled weaponry being sent across Texas, particularly Southern Border counties like El Paso.

The Texas Department of Public Safety has on record every local and state agency that has participated in Program 1033 since 2009 and 702 state and local law enforcement agencies have participated (Molina 17). Of the 702, the federal agencies situated

within Texas are *not* included; federal agencies are not obligated to report and they deal directly and exclusively with the Defense Logistics Agency (Molina 17). The current Federal Agencies existing and working within Texas that have received consumable items through the 1033 Program include: The Federal Bureau of Investigation, U.S. Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security ICE, U.S. Department of Agriculture-Forest-Service Law Enforcement and Investigations, and U.S. Department of Justice-Drug Enforcement Agency (Molina 19-21). As noted in Molina's report, many of these federal agencies exist and operate from several counties across Texas and do work alongside local and civilian police departments. Federal agencies under the Department of Homeland Security have received at least 300,000 items from Program 1033 since 2009 and because that 300,000 figure only includes nonmilitary items (office supplies, tools, gear, etc) the number is higher (Fox and Cook 2). DLA spokeswoman Michelle McCaskill notes that specific agencies do not detail which military items they have received for security matters (Fox and Cook). We can then assume that the 300,000 figure is much higher when military items are accounted for.

Program 1033 directly contributes to the size of Border Patrol growth, in both figures around equipment, personnel, and capabilities. After the September 11 attacks, Border Patrol was deemed responsible of "countering" terror but also cracking down on immigration and drug trafficking. Fox and Cook put into perspective the budget growth of the two border agencies, Customs and Border Protection and Immigration and Customs Enforcement, at a combined total of \$17.6 billion in 2013. Fox and Cook note, "the two agencies had more money to fulfill their missions than the FBI, Drug Enforcement Administration, U.S. Marshals Service, Bureau of Alcohol, Tobacco, Firearms and Explosives and Secret Service combined" (Fox and Cook 2). Democratic representative Beto O'Rourke of Texas states, "we spend billions of dollars for a

militarized response to problems we really don't have," that El Paso consistently ranks as one of the safest cities in the United States and even regarding concerns around violence in Ciudad Juárez, Mexico. O'Rourke is concerned with the lack of accountability around abuses of power (Fox and Cook 2). The existence and growing numbers of guns, bomb-detecting robots, and helicopters along the border is not all that is concerning, but rather, the culture of militarization and surveillance that agencies like Customs and Border Protections perpetuate.

The border has been treated as a war zone, with the people across the United States viewed as a collective enemy and a threat. Border agents view themselves as soldiers and that their responsibility is to "protect" the border from the Mexican, the undocumented -- the Other.

Arizona

Arizona is an especially unique and important case study because of its spatial and geographic characteristics. Alessandra Solder, executive director for the Phoenix chapter of the American Civil Liberties Union said, "Our local communities are not combat war zones, and yet that's exactly how these programs are incentivized [regarding:1033]" (Stevenson 1). Arizona has approximately 800 M-16 automatic rifles, more than 400 bayonets and more than 700 night-vision goggles that it received under DOD program 1033 (Stevenson 2). Shockingly Arizona, when compared to small *countries*, has more armored vehicles and helicopters. "The Pinal County Sheriff's office, for example, obtained 94 rifles, two armored vehicles, and three helicopters. The Coconino County Sheriff's office obtained six armored vehicles, and the Mojave County Sheriff's office has four helicopters. Arizona law enforcement, designed to serve and protect communities, is instead equipped to wage a war" (ACLU 13, 2014).

Phoenix, Arizona has been described as having enough U.S. military equipment to "outfit a battalion" (Velzer 1). With the ACLU reporting 1,034 guns (712 rifles), 64 armored vehicles,

32 bomb suits and 17 helicopters, most of this equipment was obtained through the DLA's 1033 program transferring both new and used material (ACLU 13, 2014). All of the 1033 equipment transferred to Arizona police departments goes through the Payson Police Department who then redistributes the technology and armament to state and local law enforcement. Much of the data on which police departments receive what is difficult to find, and this would not be information that I believe local police departments in Arizona would want the public to know. Especially with the targeting of undocumented migrants in Arizona, police departments have been seeking access to a great deal of military-grade equipment is largely dedicated to "secure" the U.S.-Mexico border but also high-narcotic initiatives and drug raids, which is why the context of the War on Drugs as mentioned earlier is so critical to the conversation. The ACLU's latest militarization report describes Arizona as being "unnecessarily and dangerously militarized" (ACLU 13, 2014). Local counties having access to multiple helicopters is not designed to serve and protect communities but instead is equipment to wage war and these neighborhoods begin to look like war-zones.

In 2012, several cases broke out where police departments could not account for weapons that they had received through Program 1033. Maricopa County, in Arizona, was one of the states that was found to be redistributing and reselling military technology to other non-police government agencies, resulting in the Department of Defense temporarily suspending the program in June of 2012 (Guzman 2). Despite the corruption, the DoD resumed the program shortly after and added some safeguards that sought to track the material more extensively and thoroughly. They created follow compliance procedures like record keeping, visits, property and usage data, and keeping updated inventory records (Guzman 3). However, this suspension and later tighter constraints did not put a halt to the proliferation of militarized equipment that was

being transferred to police departments. Arizona's law enforcement agencies, along and beyond the border, are increasingly militarized where undocumented migrants and their families, especially those along the border, have disproportionately been targeted. While there is very little information as to where these weapons did go, this particular case is indicative of the easy access to militarized grade-weaponry and raises concerns about the accessibility by both police and non-police agencies.

The League of United Latin American Citizens (LULAC) voiced their concerns with the 1033 Program, particularly its operations within Maricopa County (Oleaga). A representative of LULAC notes after the militarized approach to the Ferguson protests in Missouri, "We have seen on the southwest border for a very long time a push to bring the National Guard troops to patrol the border, a push by some counties to stock up on these military-grade weapons....Maricopa County, for example, was a primary beneficiary of the 1033 Program, and we know that Maricopa County, with Sheriff Arpaio, they've been under investigation for various different alleged abuses of the way they treat immigrants. We've seen that on the southwest border and now it is happening in Ferguson, with a different, more heated racial elements there" (Oleaga). Thus, the abuses against immigrants were noted by activists not just on the border but also all across the US.

Militarization of Small, suburban Spaces through 1033

Border States and cities have not been the only recipients of military grade equipment transferred through Program 1033. Small Police departments across the United States are beneficiaries of military surplus equipment. Lorenzo Franceschi-Bicchierai in "*Small-Town*

Cops Pile Up on Useless Military Gear,” notes that over the last five years, the top 10 recipients to Program 1033 included small police agencies. He cites the example of the Fairmount Police Department in northern Georgia, serving 7,000 people but receiving 17,145 items from the military and the police department of Issaquah, Washington, serving 30,000 people but receiving more than 37,000 items (Bicchierai). While no states should be receiving military grade-equipment, small-town suburban cops particularly do not need this heavy machinery nor are they properly trained to use it. It is dangerous not only to the town’s resources, as while the equipment is free, maintaining and shipping costs fall upon the agency, but the mere militarization of suburban spaces follows in the trend of the militarization of cities, criminalizing communities and eroding the rights of its constituents. Oxford, Alabama is a town of 20,000 people but holds possession of around \$3 million of equipment (Bicchierai). The 50-officer police department has “military grade-equipment ranging from M-16s to helmet-mounted infrared goggles to its own armored vehicle, a Puma” (pictured below) (Bicchierai).



Local police department of Small-town Tupelo, Mississippi with a population of 35,000 has acquired a helicopter for only \$7,500 (shipping costs) through the surplus program, however, had to be upgraded for \$100,000 and now costs \$20,000 a year due to maintenance costs (Bicchierai). In Lebanon, Tennessee, since 2007, Lebanon has acquired \$4 million worth of military grade equipment, including truck loaders, bulldozers, and an LAV 150 Tank that has only been used “five to six times” (Bicchierai). Mike Justice, the public safety coordinator, did not however the the LAV 150 was used to save a man attempting suicide and the tank’s camera spotted him (Bicchierai).

In the suburbs of Cobb County, Atlanta, a small police department used a SWAT team and the LAV 300, a military grade tank, to respond to a the robbing of a convenience store (Bicchierai). Witnesses stated that those alleged to have robbed the convenience store ran towards an abandoned house and hid there, when the SWAT teams arrived with their military tank, no one was to be found. Cobb County also acquired “The Peacekeeper” an armored truck and several AR-15 assault rifles (Bicchierai).

Many of the police officials of these small towns believe in the worth of the equipment using the language around future threat and that it “could be handy.” However, these small towns with populations under 50,000 are hoarding weapons and tanks and furthering the militarization of domestic policing. While there is no justification to have such military-grade equipment, it continues to blur the lines between a police’s role to “protect and serve” and a military's role to combat an enemy. Many small police departments will use this military-grade equipment, and have. Paying for maintaining costs can reach up to hundreds of thousands of dollars a year for a local city, so if the equipment is available it is likely that police departments will find reasons to use it. American cities, along the Border, within suburban areas, and urban cities, are all

engaging within the 1033 program and very little distinctions are made. The 1033 Program has allowed American police departments to look (literally) like military units and also to play a military role.

Section IV: American Police Becoming & Looking Like an Army

Federal programs that have armed local law enforcement agencies with machinery, weapons, and tactics of war have allowed for American policing to be dangerously militarized. In the name of the failed War on Drugs and “counter-terrorism,” federal funding became largely available to state and local law enforcement agencies. The hyper-aggressive and militarized tools and weaponry increased violence, distrust in communities, undermined civil liberties, and treated communities like the enemy. Military arsenal have been stockpiled and allowed for the existence of paramilitary policing and the eventual emergence of SWAT (Special Weapons And Tactics) teams to grow. Program 1033 can thus be seen as the federal legalization of police militarization.

The American Civil Liberties Union’s extensive report on domestic police militarization “War Comes Home” examines how law enforcement agencies have become more “equipped to carry out SWAT missions in part by federal programs such as Department of Defense’s 1033 Program, the Department of Homeland Security’s grants...” (ACLU 3). SWAT missions have becoming increasingly possible by the federal Program 1033. SWAT missions and militarization of law enforcement agencies, has resulted in turn to destruction, murder, and terror inflicted upon communities of color already targeted and most incarcerated in the US.

“This is about race. You don’t see SWAT teams going into white collar community, throwing grenades into their homes” said Alecia Phonsevanah, said after her family was terrorized at 3 AM and her toddler was sent to the hospital and went into a medically-induced

coma. At 3 AM, a team of SWAT officers armed with assault rifles burst into a home of Alecia Phonsevanah's family and threw a flash-bang grenade into the room. The grenade landed in baby Bou Bou's crib. SWAT team officials noted that they had "no way of knowing children might be present" however, there were several children's toys in the front yard of the home (ACLU 14). The SWAT team was carrying out a "no knock" warrant to search for someone who did not even live in the home that was raided. The SWAT team was looking for Bounkahm's (Bou Bou's parent) nephew who had supposedly made a \$50 dollar drug sale, but did not even live in the home (ACLU 14). Alecia says, "After breaking down the door, throwing my husband to the ground, and screaming at my children, the officers—armed with M16s—filed through the house like they were playing war" (ACLU 14). No guns or drugs were found. At a later time, Bounkahm's nephew was arrested at another location, with a very small amount of drugs in his possession (ACLU 15). Alecia's description of the SWAT officers quite literally depicts the ways in which SWAT teams act like soldiers with an "enemy" to combat. The "enemy" was a family, their three daughters, and toddler who went into a medically-induced coma, have been scarred and terrorized by the militarization.

In 2010, 7-year old Aiyana Mo'ney Stanley-Jones, a young Black child, was killed during a SWAT mission in Detroit. In the search of a murder suspect who supposedly lived at that address, Officer Joseph Weekly fired his gun and killing Aiyana. This was also being filmed for A&E's reality TV show "The First 48" that follows police officers during the first 48 hours of their murder investigations (Abby-Lambertz). Aiyana Jones, a young black child, was murdered and Officer Weekly, had his manslaughter charges dropped on October 6, 2014 - nearly four years later. The SWAT team was looking for Chauncey Owens, a murder suspect, and who lived on the second story of the Stanley-Jones home. Prior to the shots fired by Weekly, an officer had

threw a flash-bang grenade through the window argued that it temporarily blinded him. He mistook Aiyana's sleeping body on the couch for a pile of clothing (Abby-Lambertz). The presence of a filming crew added a layer of "spectacle" and "entertainment," using the Stanley-Jones' home as a war zone for an upcoming TV show. These two stories epitomize the dangerously militarized nature of local police departments and the terror inflicted upon communities of color, who have been targets of the criminal justice system through the racialized War on Drugs.

In the late 1960s, SWAT teams were created as "quasi-militaristic" squads "capable to address serious and violence situations that presented imminent threats such as riots, barricade and hostage scenarios, and active shooter or sniper situations" (ACLU 18). However, SWAT teams and other forms of paramilitary policing have been used to conduct routine and ordinary policing activities. The growth of SWAT teams has been exponential. The ACLU report quotes: "Dr. Peter Kraska, Professor of Justice Studies at Eastern Kentucky University, who surveyed police departments across the country on their use of SWAT teams and estimates that the number of SWAT teams in small towns grew from 20 percent in the 1980s to 80 percent in the mid-2000s, and that as of the late 1990s, almost 90 percent of larger cities had them. He also estimates that the number of SWAT raids per year grew from 3,000 in the 1980s to 45,000 in the mid-2000s" (ACLU 14). The first finding from the ACLU's extensive study and report "War Comes Home" is that "policing - particularly through the use of paramilitary teams - in the United States today has become exclusively militarized, mainly through federal programs that create incentives for state and local police to use unnecessarily aggressive weapons and tactics designed for the battle field" (ACLU 19). Program 1033 is the primary example of a federal program that creates incentives and gives easy access to military-grade equipment, furthering the

growth of SWAT missions by treating communities like war-zones while simultaneously institutionalizing militarization.

Another form of militarization that has treated communities like battlegrounds is the deployment of the National Guard at protests, particularly those that took place in Ferguson, Missouri after the murder of Michael Brown and also, the crackdowns on peace protests, such as Occupy Tampa, using military-grade tanks and vehicles.

The National Guard troops were called into Ferguson by Missouri Governor Jay Nixon to “ensure the safety and welfare of the citizens” (Feigenbaum). Ferguson police already looked like riot teams and were heavily armed, so what was the need for the National Guard? Anna Feigenbaum in her American al-Jazeera article “The National Guard protects Ferguson’s police, not its people” questions the role of the National Guard as they are hardly deployed to deal with “unrest” or protests. The National Guard was not there for the people of Ferguson, but rather, for the police. Looking at history, the deployments of the National Guard is often to justify police violence and “add legitimacy to the governor and police’s version of events” (Feigenbaum). The deployment of National Guard at the Ferguson protests can be used as a means to assert power, rather than force. When we examine the protests in Ferguson, much of the weaponry used against the protestors and Black community after the murder of Michael Brown was weaponry that came from Program 1033! While force was asserted by police against protestors, the deployment of the National Guard symbolizes “law and order” and is used a means to exert fear. As seen in Ferguson by simply “placing” the National Guard within the city, excessive forms of visibility through militarization are used as a form of spectacle and to enforce power and control of law enforcement.

Armored vehicles and tanks are usually the most visible forms of militarization and can thus relay the most powerful, and threatening, messages of control to the public. The ACLU reports that in 2013, through Program 1033, the Department of Defense had started to give away MRAPs, Mine-Resistant Ambush Protected vehicles. These vehicles are designed to withstand explosive devices and attacks. In 2007, the US spent \$50 billion to produce 27,000 MRAPs and were utilized in Iraq and Afghanistan (ACLU 22). According to the ACLU, the media's accounts for the number of towns that have acquired MRAPs is around approximately 500 (ACLU 22). The ACLU notes that the Ohio State University Police has an MRAP, which is used to "provide presence on football game days" (ACLU 22). Militarization is not only excessive but it's normalized, to the point where university police departments feel the need to utilize equipment that has been used in war-zones as a means to resist ambush attacks and explosive devices. The deliberate militarization of American police for the past few decades has been a way to uphold the status quo. Not only is police militarization overwhelmingly and disproportionately directed at at poor communities and people of color, it is a means of invoking fear within these communities.

The police trend towards militarization, even if the equipment is not being used forcefully (however, in many cases it is), is a form of exerting power over communities, particularly racial minorities or working to intimidate and suppress the voices of minorities. Raids on protests and political dissent is seen as "pre-emptive" and similarly, this is the kind of language used to target Muslim and Arab communities within the United States as well through surveillance campaigns as noted in Chapter two. Police apparatus thus have control over territory and when political order and power is threatened, spaces of protest and those within them are, as a result, deemed threatening. Predating the "war on terror," (while it was accelerated post 9/11) this intimidation

and form of control been used historically in the United States, at the Kent State Protests against the Vietnam War and the 1992 LA Riots and recently at the Occupy protests (in Oakland, NYC, and Tampa) and in Ferguson. Oakland's Occupy protests resembled war zones, where American Law enforcement attacked, injured, and arrested 400 protestors after protestors expressed their anger through the burning of the American flag. At Occupy Tampa protests, protestors were approached with an "Amphibious Rescue Vehicle," designed for transporting personnel in extreme conditions, and also a military vehicle. The vehicle, referred to as the "Rescue 2 APC" is usually used for "search and rescue during a natural disaster or a terrorist attack" (Stamper 2). Owned by the Tampa Police Department, it was formerly used by the U.S. Marine Corps in Desert Storm. Tampa Bay police speculated that there "may have been a riot," however, the presence of military-grade equipment, particularly vehicles and tanks, were used to psychologically intimidate protestors and even attack them. Protests at Occupy Atlanta were arrested for "trespassing" through an immediate declaration of public property as private property, and thus off-limits (Stamper 2). In New York City, Occupy protests were also targeted, where law enforcement officials worked to deter domestic dissent in one of the most capitalist and powerful spaces in the country through violence and pepper spray. While militarization has been increasingly used and justified by invoking threats of terrorism, it's purpose has also been domestic. Police militarization has been imported through War on Terror tactics and the U.S's battlefield mentality has allowed for it to use the whole world as its battlefield. Militarization becomes much more accessible through Program 1033 and thus envelopes the lives of black and brown communities.

Conclusion

With program 1033, we see an alarming trend of local police departments being equipped with the kind of weaponry and tactics that are used in war. Treating communities, neighborhoods, as war zones only furthers aggressive policing and police brutality and because of the racialized nature of the criminal “justice” system and law enforcement, the militarization of police departments serves to further target and criminalize communities of color. We need to begin to believe that a world beyond surveillance, policing and imprisonment is possible and turn those beliefs into reality. The resolution to accelerating militarization is by no means simple or even clear. The first step, however, is addressing the ways in which this militarization is in no way coincidental or accidental, but rather intentional and state-sanctioned. This deliberate militarization has existed since the War on Drugs but intensified through the War on Terror and have been geographically mapped onto one another. These are wars waged on communities of color but legitimized and justified through federal programs like 1033. In order to overturn the fantasy of a sustainable “protective state” and “national security” citizens must become skeptical of the possibility of establishing permanent constraints on government power and uncontrolled resource access between the U.S. military and local civilian police departments. Ultimately, this requires a recognition and acknowledgement of the realities of government power. The United States now has a powerful national security force wearing blue and calling themselves “civilian police,” but yet are outfitted as military officials and treat neighborhoods like war zones.

Conclusion

By tracing the process of militarization of the domestic sphere in the post 9/11 context through the utilization of unmanned aerial vehicle (“drones”) technology both globally and in the domestic sphere and by analyzing the transfers of equipment and weaponry between the military and the police through the Department of Defense’s Program 1033 the blurring of lines between the U.S. military, federal law enforcement, and civilian police departments has exacerbated militarization which has been a form of violence. The highly racialized “war on drugs” and “war on terror,” resulted in mass incarceration, a culture of surveillance, and securitization where militarization not only became war-like, it was normalized and routine. While both military institutions and police agencies exist within the same state apparatus that are increasingly imbricated with one another, the intensifications of militarization has created two lucrative industries that profit from destruction and a constructed fear of the Other.

The unnamed aerial vehicle is an example of the global, international context of terror feeding into the domestic sphere, furthering a culture of criminalization already in existence. Not only is there a lack of accountability and transparency around U.S. drone programs, its proliferation and utilization by civilian police departments is alarming. Police having *access* to drones and wanting to possess drones raises questions around the climate of surveillance within the United States. The U.S-Mexico border, a highly militarized space and constructed as dangerous and needed to be “watched,” allowed for the states along the border to further their race towards drones. Undocumented immigrants being “watched” parallels the Afghan, Pakistani, Yemeni, and Somali communities experience of “being watched” from a small camera in thousands of miles above you. Justified as pieces of “intelligence gathering” in our occupation and wars in the Middle East and in South Asia, particularly on the Af-Pak border has allowed for

the conversation around drone usage and their potential relationship to policing to emerge. Militarizing urban spaces serves the same value, letting those, “the Other” know that they will always be watched and seen, even when they cannot see. Drone warfare’s normalization as the “proper and precise” way to kill has charged the war on terror’s continuous and undefined end. Further militarizing the U.S.-Mexico border through advanced technology to “watch” does not put an end either, to the failed war on drugs that continues to control and criminalize Black and Brown communities.

Unmanned Aerial Vehicles has been one piece of “technology” that has entered the domestic sphere and with federal program 1033, we see the direct relationship between a military institution and civilian police departments legitimized and institutionalized. “The war on terror” and the “war on drugs” exist alongside one another when we examine program 1033 and the implications when civilian police departments are accessing and sharing technology from U.S. military institutions. Both the police and the military are not entirely distinct institutions since they function in the same capacity - state-sanctioned force to serve a role. However, there is a level of “blurring the lines” when civilian police departments are driving in the very same tanks that are used in terrorizing Afghans or wearing military gear when breaking up peaceful protests, like in Ferguson and Occupy Wall Street. This program intensifies militarization and exacerbates the culture of policing, incarceration, and violence that the U.S. has already predicated itself upon since the call for the war on drugs and prior, through institutions like slavery and Jim Crow. The U.S. military entering the domestic sphere as a tool and means to *police* typifies the ways in which the international context of war cannot be separated from law enforcement within the United States, that often mimics the war-like behavior done abroad.

Throughout my thesis, I examined the ways in which militarism played a direct role on policing and law enforcement and the relationship between police, military, and the furthering of militarization through the context of the “War on Drugs” and “War on Terror.” While not examined in this thesis, another important way in which this relationship is strengthened is through the circulation of discourses and practices that the PIC contributes to the MIC and the ways in which this furthers US militarization. Under the guise of crime control, drugs, and terrorism, the successful perpetuation of the control for the Other has legitimized our culture of surveillance and “pre-emptive measures” as a means to “watch” and “control” those that are constructed as being a “danger” within the United States and through the PIC; but has also created the foundation where there has been a transnational exportation of violence and practice of control. The “war on drugs” initiated through the United States against black and brown communities as a tool of social control has set the tone for the policing practices, draconian laws, and the culture of imprisonment and incarceration as the solution. For example, the supermax facility, emerging during the 1960s and proliferating in the 1970s-1990s, is a pivotal shift in our policing practices but also a reminder of the segregation practices that existed within the prison and has been one of the fastest proliferating “tools” of incarceration across the world. We see nations globally constructing and modeling the U.S. supermax facility, often being constructed by U.S. corporations that are directly engaged in prison construction and continue to profit off of harsh policing and the over-reliance on incarceration. The supermax facility and control through isolation was also one of the most brutal spaces within detention centers in Iraq, Afghanistan, and Bagram. Records, testimonies, and photos of torture emerged out of these facilities, often mimicking the very same training tactics that were used in the United States. Several examples cited of training facilities that used similar policing and control methods were contracted under

corporations and existing alongside the border. These similarities are not simply coincidences but materialize the very real intentional similarities between the domestic and the global through “wars” done against the Other.

The photos that emerged out of Abu Ghraib, similar to the spectacle of lynching in the United States, depicted the ways in which the usage of sexuality and gender through torture exemplifies the systematic frameworks of state power used to dominate and control societies. Through torture against Muslim bodies, through over-policing and criminalization in Black communities, and the illegal-ization of immigrants as subjects to be fearful of, the discourse and rhetoric around the Other is related to power and institutionalizing control through the law and legal loopholes.

The “War on Drugs” and mass incarceration need not be thought about in the context of “criminal justice” but rather, as a mechanization and racialization tool used for social control and is ultimately gendered, furthering and perpetuating racial hierarchies, poverty, and shattering thousands of families and communities. Similarly the “War on Terror” ought not to be examined only in a context of “national security,” but rather, as a means to demonize nations by invading and perpetuating colonial projects under a guise of liberation and “instilling” civilization, democracy, but overall - “American” values. This need to “instill values” is heard both in rhetoric around “war on drugs” and the “war on terror.” The global and domestic contexts of waged war through a military and prison-industrial complex do not exist in isolation but they reinforce and work alongside one another through this particular discourse and legalization of violence and domination over the subjugated Other. Through the U.S. establishment of the super-maximum facility as not only a means of control and surveillance but also as an economic incentive in neoliberal world order, we find a transnational exportation of violence. Both the

military and the prison industrial complex allow the generating of revenue through destruction and legitimizing this destruction, however, is seen when there an Other that must be feared. The perpetuation of the military and the prison-industrial complex cannot be seen not only through the role of private companies and corporations, because while they do perpetuate the lucrative industry, it is the construction of fear and the hegemony perpetuated onto the Other that sustains and justifies social control through violence, imprisonment, and isolation.

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