

National Guard flew surveillance aircraft over Black Lives Matter protests

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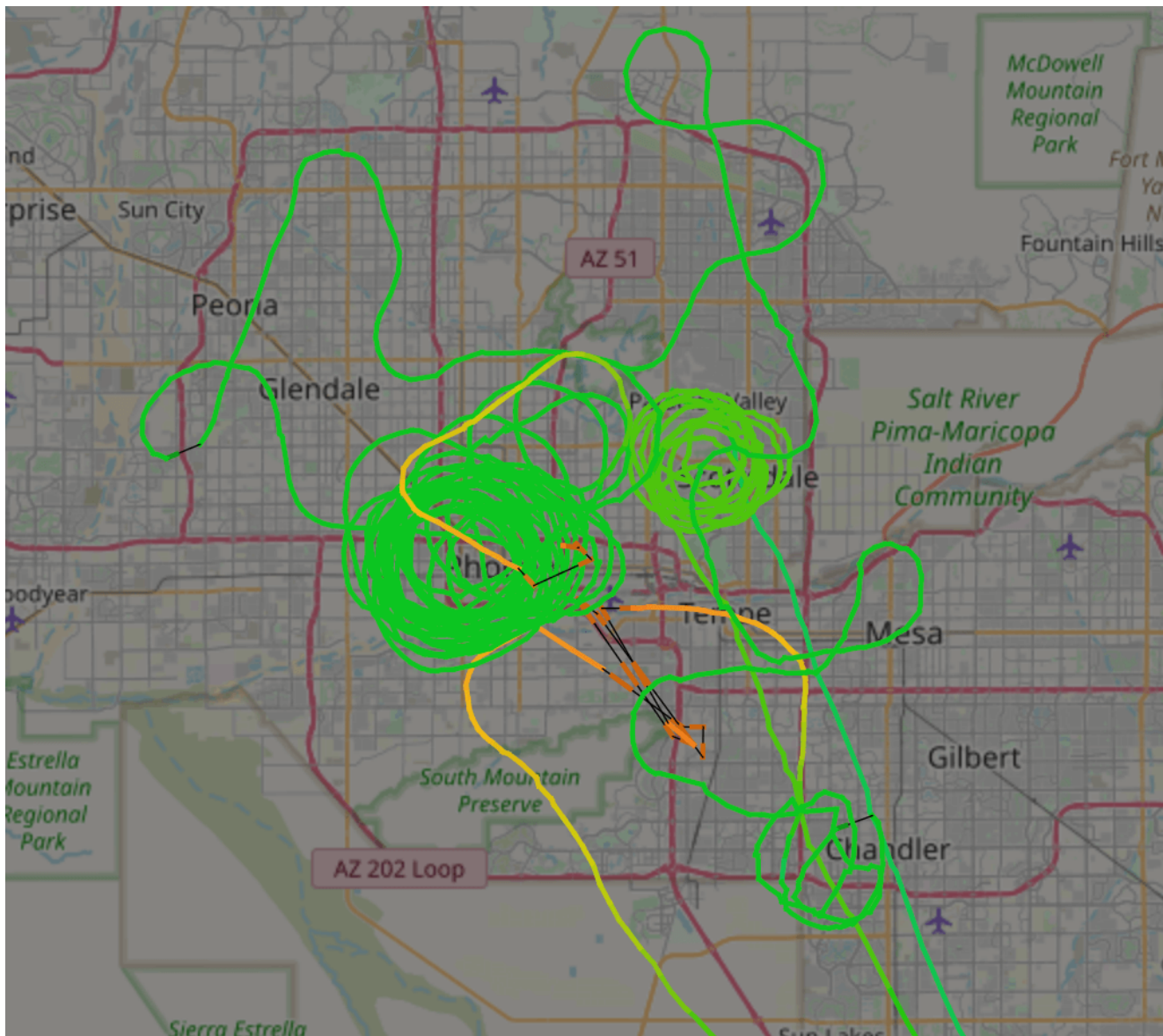
A C26 surveillance plane. Photo by Jonathan Payne | [/wikimedia Commons/CC BY-SA 2.0](#)

The Arizona National Guard has been helping the Phoenix Police Department monitor Black Lives Matter protests using helicopters and an airplane that has been used for counter-drug operations along Arizona's border with Mexico.

Over the course of two days, the guard flew a Fairchild Swearingen C26 that was once operated by a company named "Air Cerberus" that obscured the true ownership of the aircraft.

On June 2, the aircraft flew in support of the Phoenix Police Department, the Arizona National Guard confirmed to *Arizona Mirror*. On June 3, the aircraft once again flew over the Phoenix-Metro area, circling protests in Maricopa County.

On June 3, the aircraft flew primarily over protests in Chandler, Scottsdale and Phoenix at an altitude of 10,000 feet. It started circling downtown Scottsdale, but much of its time was spent flying circles over the downtown Phoenix area before appearing to end its night doing a few circles over downtown Chandler.



The flight path of the Arizona National Guard’s C26 surveillance plane as it flew over protests in the Phoenix area on June 3, 2020. Image from ADSBExchange.com.

Maj. Aaron Thacker of the Arizona National Guard said the aircraft did not have any “signals intelligence equipment” on-board and was not authorized to record any video it captured.

Signals intelligence refers to the interception of communications via electronic means.

“We don’t collect random information, that’s not what we do,” Thacker said. “Think of it as a camera on top of a building, it’s just a moving building.”

Thacker said equipment malfunctions on the aircraft both nights meant it was unable to transmit live video, and it has not flown in support of the Phoenix Police Department since. The purpose of the flights was to test the capabilities of the plane in case local law enforcement requested their assistance again, Thacker said.

National guards and law enforcement agencies across the country used similar planes to monitor protesters. In Washington, D.C., the exact same model of aircraft was spotted circling protests there for hours on June 3. That same day, another C26 surveilled the Las Vegas protests, Motherboard reported.

The same model aircraft has also been spotted over Minneapolis protests. Motherboard also confirmed an unarmed Customs and Border Patrol predator drone flying a surveillance mission there in support of local law enforcement.

On June 5, the guard ordered that the planes would no longer be used to support Arizona law enforcement, Thacker told the *Mirror*.

The aircraft have been used to support emergency responses across the United States, most notably the response to Hurricane Harvey, which made landfall in Texas and Louisiana in 2017.

In Arizona, this particular plane has been used along the border as part of the National Guard's on-going mission along the United States Southwest border.

“As of right now, there is no plan to use that aircraft,” Thacker said.



Video captured by a C26 camera supporting emergency response to Hurricane Harvey in 2017. Photo from Texas Air National Guard.

According to documents obtained by The Drive through the Freedom of Information Act, the aircraft are typically manned by a three-person crew, along with a team on the ground who monitor the information being fed from the camera sensors in real-time.

Before and after the flights surveilling protesters in the Phoenix area, the aircraft has flown along Arizona's border and over the Tohono O'odham Nation in areas that Customs and Border Patrol drones and other reconnaissance aircraft are known to frequent.

The C26 wasn't the only National Guard aerial asset that was dispatched for Phoenix police.

After the plane was grounded, the guard flew two Lakota UH-72A helicopters in support of the Phoenix Police Department on June 5 and 6.

"It's just easier to have an aerial view instead of a land view, especially for traffic control," Phoenix Police spokeswoman Sgt. Mercedes Fortune said about the helicopters. And because the guard provided its helicopters, Phoenix police was able to have its helicopters in other parts of the city, she said.

The Lakota helicopters that were dispatched have been part of the Southwest Border Task Force, as well.

The Lakotas flew over the protests as part of a Multi-Agency Coordination Center, or MACC.

Phoenix has set up MACCs before, usually for large scale events like the NCAA Final Four. They typically consist of local police, fire and military agencies and allow the agencies to coordinate more efficiently.

The Lakotas that assisted Phoenix police over the weekend are equipped with higher-grade camera systems than the ones the department has on its own helicopters.

The L-3 Wescam MX-15 is the camera of choice for the Lakotas, boasting a zoom range of up to 3.5 miles. A demo video of the camera appears to show the Yuma County Courthouse.

It's unclear which exact camera system was aboard the C26 aircraft, though it is known that they have infrared capabilities.

“One of the things that this points out is the crying need we have for transparency for the kinds of surveillance that is being done on protesters,” Jay Stanley, senior policy analyst at the American Civil Liberties Union, told the *Mirror*.

Stanley and the ACLU have been at the forefront of the use of aerial surveillance in the United States. Currently, the ACLU is suing the Baltimore Police Department for its wide-area persistent surveillance program in which aircraft circle the city and record every citizen's move.

“The military should not be engaged in surveilling protests. Period,” Stanley said, adding that “there is a long history of abusive domestic surveillance by the military.”

In the 1970s, the United States Army was found to have been spying on civilians, and a resulting investigation led to the formation of the U.S. Senate Select Senate Committee on Intelligence.

“We have no way of knowing whether to take them at their word, and it's another reason why we need greater transparency on these kinds of operations,” Stanley said.

The law disallows the use of the military for domestic law enforcement. However, the law, known as the Posse Comitatus Act, does not apply to state-based National Guard units.

Thacker said that, while National Guard equipment was used to perform the surveillance, the decision made on who and what to surveil came from local law enforcement.

“We're basically driving the truck and they're running the camera,” Thacker said. He added that the Guard had been ordered not to record anything the cameras captured, and even if it did, it would not retain possession of any video.

“Rather than feed into a cliché narrative, there is a safety component,” Thacker said. “If we can keep people as safe as possible, that is what we want to do.”

The Drug Enforcement Agency also used one of its aircraft to assist the Scottsdale Police Department monitor protests over the weekend.