

Smoke Signals

EAA Chapter 175 Newsletter



Mini Newsletter for June, 2013

Next Meeting

Saturday

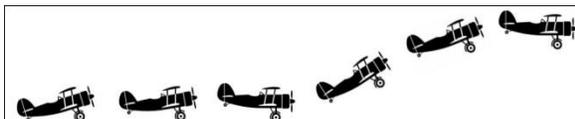
7/27/2013

Breakfast @ 0800

Meeting@ 0900

6/22/2013 Young Eagles

No regular Meeting



President's Corner

Please See forwarded note on Pilot Mall at end of Newsletter.

Article on your rights:

No Warrant?

The pilot and owner of this aircraft

**DO NOT CONSENT
TO SEARCHES.**

This sticker courtesy of
General Aviation Security Magazine



I do not consent to searches

June 16, 2013 by [Dave Hook 57](#)

[Comments](#)

When did American citizens give up Fourth Amendment rights just because they became pilots?

Over the past year, there have been numerous reports of searches of private aircraft without warrants. The accounts described by the pilots also suggest that insufficient cause was given by the law enforcement agencies conducting the searches. This is a disturbing trend.

My wife and I enjoy watching "Law and Order." It's interesting to see the direct link between the search for supporting evidence against someone who has committed a crime

and how the prosecution makes use of that evidence in a court of law.

What's even more interesting is how investigating officials get people to voluntarily waive their rights against search and seizure without a warrant or probable cause. It's just entertainment television, right?

Here are some lines you might hear when a member of the law enforcement community wants to search your aircraft without a warrant or clearly articulated probable cause:

- "I'd like to search your aircraft."
- "Mind if I look inside?"
- "If you have nothing to hide, then this shouldn't take more than a minute."
- "The last guy didn't make a fuss. Are we going to have trouble with you?"
- "A law-abiding citizen such as you should have nothing to fear."
- "Okay, we won't search your airplane. But we want our dog to sniff outside and around your airplane, okay?"
- "We are conducting a ramp check. Please open up your aircraft."

Here are some responses you may wish to consider:

- "Do you have a warrant to search my aircraft?" If they have a properly executed warrant, stand aside.

- "Am I under arrest? If so, what are the charges?"
- "I want to leave. Am I being detained or am I free to go?"
- "If this is a ramp check, then who is the FAA inspector?"

Remember, there is a big difference in Part 91 operations between a ramp check conducted by an Aviation Safety Inspector (ASI) of the FAA and an inspection of your airman's certificate by law enforcement.

The authority for the ASI comes from [FAA Order 8900.1](#), Volume 6, Chapter 1, Section 4. The authority for inspection of an airman's licenses, medical certificates, authorizations, and photo identification by law enforcement comes from 14 CFR Part 61.3 (l). The ASI should present an identification card, called a FAA Form 110A.

If the person saying they are performing a ramp check doesn't show it, you should ask to see the FAA Form 110A to confirm that you are undergoing a ramp check by a FAA inspector.

Finally, the most important response to give above all others:

"I DO NOT CONSENT TO SEARCHES."

I am not a lawyer — and probably most of you are not lawyers, either. But remember this: Anonymous tips and hearsay do not constitute probable cause.

Why is that distinction important? Probable cause is the legal doctrine that allows law enforcement officials to conduct searches without a warrant. A warrantless search conducted without probable cause creates a basis for suppression of any evidence found

during the search, sometimes called the fruit of the poisonous tree doctrine.

This is a situation in which you may be wise to have a lawyer you can call or avail yourself of the Aircraft Owners and Pilots Association's Pilot Protection Services.

For those concerned about their ethnicity and potential targeting, you should know about [United States v. Brignoni-Ponce](#), 422 U.S. 873 (1975).

The U.S. Supreme Court determined that it was unlawful for law enforcement to stop a vehicle because, in this case, the operator appeared to be of Mexican descent. This case law established the requirement for law enforcement to have more than the basis of ethnicity to detain someone. It further required the law enforcement official to be able to clearly articulate those facts used to create a basis for reasonable suspicion. [My thanks to Chase Snodgrass, Presidio County Airports manager and retired U.S. Border Patrol agent, for sharing this reminder of fairness and equality under the law]

There are plenty of bad guys that law enforcement — federal, state, or local— should be pursuing, not law-abiding pilots conducting lawful flights within domestic airspace.

Unless you are clearing U.S. Customs after having arrived from outside of the United States, there is no authority bestowed upon law enforcement that allows for a warrantless search without probable cause. But when you cross the border into the United States, the Customs agent does not require probable cause to conduct a search of you, your passengers, or your aircraft.

Also important to know: Consenting to allowing a trained dog to sniff around your

aircraft is just as much a search as if you opened the aircraft door and invited them in. The dogs use their noses like humans use their eyes to peer into your aircraft.

Also, do not hesitate in saying, "I do not consent to searches." Hesitation has been used as a basis for implying consent. You do not want to voluntarily create a conversation with law enforcement in this situation.

Do not try to be polite in conveying your message by watering down the message with gentle words and euphemisms. Stand your ground. Look an agent squarely in the eye and say, "I do not consent to searches."

If they continue and search your aircraft, then call your lawyer at the first opportunity. Continue to remind the searchers that you object to the search, but be polite and non-aggressive about it.

You don't stop being a law-abiding citizen by standing up for your rights under the U.S. Constitution. You don't have to be nasty or mean in how you give your message. Be polite, firm, and don't waiver. You are the same law-abiding citizen after you stand on your rights as you were before. They made the decision to challenge you.

I am willing to put my money where my mouth is. FREE for the asking, I have created 3-inch by 2-inch stickers that state the following: "No warrant? The pilot and owner of this aircraft do not consent to searches."

Those interested in receiving these free stickers have only to send me an email at Planehook@hotmail.com with your mailing address, and I will mail you two stickers. The stickers are printed in black and white in English. They are intended for exterior application in plain view of the primary

entry/exit and cargo doors of your aircraft, but place them where you want. And remember: "I do not consent to searches."

Upcoming Events

...Out and About

Saturday – Sunday, September 14–15,
2013
8:00 AM – 5:00 PM

EAA SportAir Aircraft Building
Workshops

**Aviation Institute of Maintenance,
Orlando, FL**

2–Day Course Fee:
\$349 member, \$389 non–member
Workshop Alumni receive a 10%
discount. Groups of two or more
receive a 15% discount.*
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bring up to two family members at no
additional charge)

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|

Contact: Jennifer Bork
Phone: 800–967–5746

EAA CHAPTER 175 MONTHLY MEETING MINUTES

Thx to Tom Beiser:

Thanks to Allen Chester for kitchen duty

- Minutes from last month accepted
without objection
- Don's treasurer report, one
outstanding bill for TECO not due
for 2 weeks
- Gail recommends credit union to
avoid bank fees
- Don's report accepted from Chair

- Jeff Parker new guest from Alabama, Professor of Child Psychology
 - Has coordinated YE as member in Alabama
 - Civil Air Patrol Member
 - Splits time between USF and Alabama

- Mike Santucci new member as of Saturday.

- - Newly Retired
 - Willing to help builders

- Old Business closed
- New Business
- Gail National EAA June 8
 - Advertised in newspapers
 - Need as many pilots and planes as possible

- June 22 Deployed Military YE Event
 - 20 kids signed up so far
 - Closed event for deployed families and Gold Star families
 - Event begins at 10 am.
 - Cookout after event for EAA 175, and Atlas Aviation, plus ground crew.
 - Pilots report to TPF no later than 9:30am
 - After the meeting and program, additional EAA 175 members will go to TPF and start cookout and assist where needed

- **Rich Denton new Kitchen Director Sun-N-Fun**
- Gail said prayer to remember fallen heroes, Lyle. Protection of military serviceman
- Ginger
 - Vote on bylaws by membership
 - paid members asked to identify themselves
 - Don asked to move to accept bylaws as written, seconded, all were in favor, non opposed
- Other New Business
 - Bud - Experimentals still need xponder check, DAR will require pitot/static and xponder now
- Program
 - Mike Muetzel, Navy Commander, Airline Pilot, Fixed and Rotary
 - **7 Sins of Radio Communication (review of AIM recommendations)**
 - Don't say "with you" to ATC, say "level 3000"
 - Don't say "Roger" to mean yes, roger means heard what you said but not necessarily "Wilco"
 - Don't start communication with "ah" or "and", confuse controllers into thinking they missed first part of comm.
 - Too much info
 - Using local landmarks for position reports, non-local pilots don't understand (stay

- with N, E, S, W and miles, altitude)
- Using IFR fixes at non towered airports, non IFR pilots or those without charts do not understand
 - Saying "any traffic in area please advise". AIM says should not be used.



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PilotMall.com Relocating
Operations to
SUN 'n FUN Campus In
Lakeland Florida



LAKELAND, FL - Pioneering online pilot supply retailer PilotMall.com is relocating its operations to the Lakeland, Florida, SUN 'n FUN grounds -- home to General Aviation's second-largest annual International Fly-In & Expo and an increasingly active year-round aviation venue.

"Pilot Mall has been a major SUN 'n FUN sponsor for years. We established our new Aviation Superstore there in 2009," said Pilot Mall president Neil Glazer. "More recently, we've

been handling their theme merchandise development and retailing.

“Now as business growth demands larger quarters, we’ll be a permanent part of expanding year-round aviation activity at SUN ‘n FUN, said Glazer.”

“SUN ‘n FUN welcomes Pilot Mall to its new home in our little corner of aviation,” said John “Lites” Leenhouts, SUN ‘n FUN president.

“Pilot Mall joins the Central Florida Aerospace Academy, FAA Safety Team National Resource Center, the Seaplane Pilots Association and Civil Air Patrol Florida Wing headquarters, the Central Florida Pilots Association, Lakeland Aero Club and four flight schools – all of which make SUN ‘n FUN a year ‘round destination for aviation education, inspiration and fun.”

Pilot Mall has been based at Al Whitted Airport in St. Petersburg, Florida, since moving to GA’s second busiest state in 2005. Now, offices and warehousing will be at Pilot Mall’s Aviation Superstore at SUN ‘n FUN. (A small retail pilot shop will remain at Al Whitted Airport.)

From a start-up direct-to-consumer Internet retailer and small pilot shop in New York’s Hudson Valley, Pilot Mall, Inc. has become a player amid pilot supply houses traditionally focused on catalog sales or small retail outlets at airports.

The move will be complete by June 1. Thereafter, Pilot Mall’s new home base will be 4175 Medulla Road, Lakeland, Florida 33811. A Grand Opening Fly-In/Open House is planned on June 15 for Father’s Day shopping.

“Even Bubba’s excited,” chuckled Glazer. (Bubba the Office Dog grants his “Bubba-Tested Paw of Approval” to Pilot Mall’s frequent discounts.) “We all love it out there.”

In mid-May, Pilot Mall offered its 60,000 regular customers a three-day, 30%-off sale on in-stock products in 18 categories ranging from aircraft supplies to safety and survival equipment. “We told our regulars that we’d rather sell it than move it,” said Glazer.

To receive notification of such sales and specials, register at www.pilotmall.com. Everyday 10% discounts are available to

members of the military, the Civil Air Patrol and public service flying groups after easy online application and approval. For everyone, shipping is free on orders of \$75 or more.