

Safe-Harbor Zones for Contact: Creating a Protected Place for Humans and NHI to Meet

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Premise. Multiple sources allege that government agencies and their contractors bring down craft in order to seize the vehicles and any occupants ([Issue F2](#)). This analysis assumes those allegations are true and asks how a private organization, such as a nonprofit, could create a place where craft and their occupants would be protected from attack and harassment, so that humans and non-human intelligences (NHI) could meet and hold discussions. It also addresses the risk that such a project would be treated as diplomacy or as the performance of a governmental function.

Key points

- No private organization can guarantee protection against the federal government. The United States “has exclusive sovereignty of airspace of the United States” (49 U.S.C. §40103(a)(1)), the President claims Article II authority to bring down unidentified objects, and 10 U.S.C. §130i lets the Defense Department seize or destroy “unmanned aircraft” that threaten covered facilities.
- What a private host can do is exclude private actors from its land, raise the legal and political cost of any attack, and build the record that makes accountability possible. A real guarantee requires a statute ([Form F7-1](#)) or a foreign host state.
- States can add a meaningful layer: they may refuse to let their officers help with a seizure (*Printz*; *Murphy v. NCAA*) and may protect the zone against private interference, but they cannot bind federal officers or regulate airspace ([Form F7-2](#)).
- The diplomacy risk is manageable. The Logan Act requires a “foreign government,” which only the President can recognize (*Zivotofsky*); FARA and 18 U.S.C. §951 are the realistic exposures for a human who takes direction from an NHI group ([Issue F3](#)). Avoid every trapping of sovereignty: treaties, embassies, ambassadors, passports, or a claim of “neutral territory.”
- Frame the zone as a private scientific and humanitarian meeting place run under the host’s own property rights, with a one-sided host’s declaration, a published code of conduct, and written notice to the authorities (Forms F7-3, F7-4).

- Plan for the statutes that could apply at the meeting itself: export controls on technical data, foreign-contact reporting by cleared participants, public health powers, and immigration and customs rules if occupants leave their craft.
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1. Summary

A private safe-harbor zone cannot be made legally immune from federal action. Federal law gives the United States exclusive sovereignty over the nation's airspace, gives the Federal Aviation Administration control of its use, and gives the Defense Department statutory authority to seize or destroy unmanned aircraft that threaten designated facilities ([Issue F2 §2.1](#)). The executive branch has also used force against unidentified objects on its own constitutional authority. A nonprofit's declaration cannot change any of that.

A zone can still provide real protection of three kinds. Against private actors, including contractors acting without federal authority, ordinary property, trespass, and tort law apply, and a state statute can add criminal penalties. Against state and local government, a state can forbid its officers to take part in any seizure. Against the federal government, the protection is practical: a publicly announced, continuously observed site whose peaceful purpose has been stated in writing to the responsible agencies makes any attack visible and deliberate, and preserves the evidence needed for habeas petitions (Forms F1-1, F1-2), tort claims against contractors (*Hencely*, [Issue A1 §8](#)), congressional oversight, and later legislation.

The strongest protection would come from Congress. A statute could designate protected zones, forbid the use of force against craft in or approaching them except against an imminent threat to human life, forbid the seizure or detention of occupants, withdraw the zones from §130i, and provide independent monitoring and remedies ([Form F7-1](#)). That statute would complement the interim protection statute in [Form F2-1](#).

The diplomacy and governmental-function risks are real but avoidable. The host must speak only for itself, make no agreements on behalf of the United States or humanity, claim no sovereignty or immunity, and keep any human who acts at an NHI group's direction within the foreign-agent statutes.

2. What a private guarantee can and cannot do

2.1 Federal control of airspace and the use of force

- **Sovereignty.** "The United States Government has exclusive sovereignty of airspace of the United States." 49 U.S.C. §40103(a)(1). The FAA Administrator assigns the use of the navigable airspace and may restrict it (§40103(b) (1)-(2)).
- **National defense airspace.** The Administrator, in consultation with the Secretary of Defense, must establish areas "necessary in the interest of national defense" and restrict or prohibit flight of civil aircraft "that the Administrator cannot identify, locate, and control"

(§40103(b)(3)). A knowing or willful violation is a crime (49 U.S.C. §46307). A zone must sit well outside such areas, and its host must never invite or guide a craft into them.

- **Counter-UAS authority.** 10 U.S.C. §130i lets the Secretary of Defense “[s]eize or otherwise confiscate” and “[u]se reasonable force to disable, damage, or destroy” an unmanned aircraft that threatens a “covered facility or asset” (§130i(a), (b)(1)(E)-(F)), and a seized aircraft “is subject to forfeiture” (§130i(c)). Covered facilities are designated by the Secretary and relate to missions such as nuclear deterrence, missile defense, national security space, and Major Range and Test Facility Bases (§130i(j)(3)). Siting the zone far from any such facility removes the statutory basis for force, though not the claimed Article II basis ([Issue F2](#)).
- **Article II.** The executive has relied on inherent authority to bring down unidentified objects (the February 2023 shootdowns). No statute limits that authority as to non-threatening craft.

2.2 What remains for a private host

- Exclusion of private persons from its land and the low airspace it can reasonably use. *United States v. Causby*, 328 U.S. 256 (1946); *Griggs v. Allegheny County*, 369 U.S. 84 (1962). That right does not reach the navigable airspace or lawful federal operations.
 - Civil remedies against private actors, including contractors acting beyond any federal requirement or authorization (*Hencely v. Fluor Corp.*, 608 U.S. 31 (2026)).
 - The rights of its members and guests to assemble and to receive information ([Issue F3](#)), which protect the meeting itself against restrictions that are not narrowly tailored.
 - Public attention, a documentary record, and the legal positions that follow from written notice.
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3. Layers of protection

3.1 Private land and private law

The site should be owned or held under a long lease by a dedicated entity, ideally with a conservation easement or land-trust arrangement that prevents later sale or development. Posted boundaries, controlled access, and trained security staff give force to trespass law. The host’s rules for visitors ([Form F7-3](#)) become conditions of entry that bind human participants.

3.2 State law

A state legislature can enact a “peaceful contact zone” statute ([Form F7-2](#)). Within constitutional limits it can:

- **Withhold state assistance.** The federal government may not require state or local officers to carry out a federal program. *Printz v. United States*, 521 U.S. 898 (1997); *New York v. United States*, 505 U.S. 144 (1992); *Murphy v. NCAA*, 584 U.S. 453 (2018). A state may

therefore forbid its police and agencies to help locate, seize, or detain a craft or occupant in a designated zone, except to protect human life.

- **Protect against private interference.** A state may make it a crime for any person, other than one acting under federal authority, to attack, seize, or harass a craft or occupant in the zone, and may give the host and participants a civil action.
- **Recognize the zone.** A state may certify zones on private land that meet published conditions (distance from defense facilities, observation, a code of conduct).

A state may not regulate the airspace, which federal law occupies, or direct federal officers. A state statute that tried to forbid federal action would be preempted, and a state prosecution of a federal officer acting within the scope of federal duty would face Supremacy Clause immunity. The state layer protects against everyone except the federal government, and that is still a large share of the risk if contractors act on their own.

3.3 Federal executive options

- **FAA rulemaking.** Any person may petition the FAA to adopt a rule (14 C.F.R. §11.61(a)). Special use airspace is “airspace of defined dimensions ... wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities” (14 C.F.R. §73.3(a)). The existing temporary flight restriction rules cover disaster and hazard areas and aerial demonstrations and major sporting events (14 C.F.R. §§91.137, 91.145) and do not fit a contact site. A petition is useful mainly to put the proposal and its peaceful purpose on the record.
- **National monument.** The President may proclaim “objects of historic or scientific interest” on federal land to be national monuments (54 U.S.C. §320301(a)). That route requires federal land and protects the ground, not the airspace.
- **Executive order or directive.** An order could direct restraint toward craft near designated sites. It would be the fastest route and the easiest to revoke.

3.4 Congress

Only a statute can bind the armed forces, the intelligence agencies, and their contractors. [Form F7-1](#) would: designate zones (or authorize their certification), forbid force against craft in or approaching a zone except to prevent imminent death or serious injury to persons, forbid seizure and detention of occupants, withdraw zones from §130i, require notice to and reporting by the Defense Department and the FAA, provide an independent monitor, and give a private right of action. It should be offered with the interim protection statute ([Form F2-1](#)) and the records provisions of the UAP Disclosure Act ([Issue A3](#)).

3.5 A foreign host state

Every state “has complete and exclusive sovereignty over the airspace above its territory” (Convention on International Civil Aviation art. 1, 1944). A foreign government could designate a zone by law or agreement, which would remove the zone from U.S. jurisdiction, though not from the host government’s own authority or from U.S. forces operating abroad under their own law. Coordinate with [Issue F6](#) on post-detection protocols and with [Issue F5](#) on recognition.

3.6 Tribal land

Tribes have long-recognized power to exclude nonmembers from tribal land. *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982). Tribal authority over nonmembers is otherwise limited (*Strate v. A-1 Contractors*, 520 U.S. 438 (1997)), and federal law and federal officers operate in Indian country. A tribal partner could add a layer against private intrusion, but tribal land does not escape federal authority. Any partnership must rest on the tribe's own decision and should not be proposed as a way around federal law.

4. Diplomacy and governmental-function risks

4.1 The Logan Act

The Logan Act punishes a citizen who, “without authority of the United States,” carries on “correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government ... in relation to any disputes or controversies with the United States, or to defeat the measures of the United States.” 18 U.S.C. §953. Each element is a poor fit for a meeting place: an NHI group is not a “foreign government” unless the President recognizes it as one (*Zivotofsky v. Kerry*, 576 U.S. 1 (2015); [Issue F5](#)), and the statute requires intent to influence a dispute with the United States. The Act has produced almost no prosecutions and has doubtful constitutionality ([Issue F3](#)). The risk rises only if the host or a participant “negotiates” about disputes between an NHI group and the United States. The code of conduct ([Form F7-3](#)) should forbid that.

4.2 Foreign agents

FARA defines “foreign principal” to include “a person outside of the United States” (22 U.S.C. §611(b) (2)), and 18 U.S.C. §951 punishes acting as an agent of a foreign government without notice to the Attorney General ([Issue F3](#) §1A). A human who acts at the direction of an NHI group to influence U.S. officials or public opinion would face the question whether the group is a foreign principal. The host should act on its own account, and any participant who agrees to carry messages or advocate for an NHI group should take advice on registration before doing so.

4.3 Sovereignty, recognition, and impersonation

The conduct of foreign relations belongs to the political branches (*United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936)), and recognition belongs to the President (*Zivotofsky*). No private body can grant diplomatic status, immunity, or safe conduct that binds the United States, and documents styled as treaties, embassy charters, ambassadorial credentials, passports, or declarations of “neutral” or “sovereign” territory have no legal effect. They also invite the conclusion that the host is usurping a governmental function and can make the site a target. No one connected with the zone should claim to speak for the United States or hold any federal office (18 U.S.C. §912).

The host should instead issue a one-sided declaration of hospitality: it offers visitors safety and respect on its land, within its own rights and the law, and promises to report any interference publicly. That framing is truthful, private, and enforceable against the host's own members.

4.4 The public-function doctrine

A private entity becomes a state actor when it exercises a function that government has traditionally and exclusively performed. *Manhattan Community Access Corp. v. Halleck*, 587 U.S. 802 (2019). A company that runs a whole town can be bound by the Constitution (*Marsh v. Alabama*, 326 U.S. 501 (1946)), but a private group running a gated meeting site is not. The doctrine matters mainly if the host claims police powers or governs residents. It should not.

4.5 Neutrality and conflicts among NHI groups

The Neutrality Act forbids taking part in a “military or naval expedition or enterprise” from the United States against a “people with whom the United States is at peace” (18 U.S.C. §960). A meeting place is not an expedition, but if NHI groups are in conflict ([Issue F5](#)) the host must not help one against another.

5. Exposures at the meeting itself

- **Export controls.** Technical data received from or passed to an NHI may be controlled whatever its source, and an NHI may be treated as a “foreign person” ([Issue F3](#); [Form F3-2](#)). Review technical exchanges before publication.
 - **Cleared participants.** Holders of security clearances must report foreign contacts and may face reprisal or clearance action (Issues C4, C5). They should take advice before attending.
 - **Public health.** The Surgeon General may make and enforce regulations “necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States” (42 U.S.C. §264(a)), and states have their own quarantine powers. NASA’s former extraterrestrial exposure rule is the only U.S. precedent for quarantine of extraterrestrial material ([Issue F6](#)). The host should adopt biosafety rules: no physical contact or sample exchange without consent and medical protocols.
 - **Immigration and customs.** If occupants leave their craft, the government may argue that they are “aliens.” Federal law punishes an alien who “enters or attempts to enter the United States at any time or place other than as designated by immigration officers” (8 U.S.C. §1325(a)), and punishes any person who, knowing or in reckless disregard that an alien has entered unlawfully, “conceals, harbors, or shields from detection” or transports that alien (8 U.S.C. §1324(a)(1)(A)(ii)-(iii)). Pilots of aircraft arriving from “any foreign airport or place” must follow arrival-reporting rules (19 U.S.C. §1433(c)). None of these statutes was written for a being arriving from space, but the host must not conceal or move any occupant and should publish every arrival.
 - **Use of force by the host.** Security staff may protect persons; they must not interfere with federal officers (18 U.S.C. §111) or damage government property (18 U.S.C. §1361). The zone’s protection is legal and public, never physical resistance.
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6. Designing the zone

1. **Entities.** A 501(c)(3) organization runs the scientific and educational program; it must be “organized and operated exclusively” for such purposes, and “no substantial part” of its activities may be attempts “to influence legislation” (26 U.S.C. §501(c)(3)). A separate 501(c)(4) organization carries the legislative campaign for Forms F7-1 and F7-2. Land is held by a separate LLC or a land trust.
 2. **Site.** Private land in a state willing to enact [Form F7-2](#); outside restricted, prohibited, and national defense airspace; far from any facility that could be a §130i “covered facility or asset”; with clear sight lines for observation.
 3. **Charter and code of conduct** ([Form F7-3](#)). No weapons, no capture, no samples or data taken without consent, communication only by consent, no negotiation on behalf of any government, no technical exchange without review, and public reporting of every contact and every interference.
 4. **Observation.** Continuous sensor coverage and recording stored offsite; independent academic and press observers; an ombudsman (for example, a retired judge) with authority to publish findings.
 5. **Notice** ([Form F7-4](#)). Written notice to the FAA, the Defense Department, and the congressional committees, describing the site, its peaceful purpose, and its rules, and asking each agency to state any objection. Do not rely on AARO for protection or accurate information. Notice makes any later attack a deliberate act on the record and supports pre-enforcement challenges ([Form F3-1](#)).
 6. **Legal readiness.** Preservation letters ready to send; Forms F1-1 and F1-2 ready for any detention; counsel on call; insurance.
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7. Practice checklist

1. Form the entities and acquire the land with permanent protections.
2. Map airspace classes, national defense areas, and defense facilities before choosing the site.
3. Adopt the host’s declaration and code of conduct ([Form F7-3](#)) before any public announcement.
4. Brief cleared participants on reporting obligations ([Issue C5](#)) and technical participants on export controls.
5. Send the notice letters ([Form F7-4](#)) and file an FAA petition for rulemaking if a record is wanted.
6. Begin continuous observation and publish the observation protocol.
7. Seek the state statute ([Form F7-2](#)) and the federal statute ([Form F7-1](#)) through the 501(c)(4) affiliate.

8. Keep Forms F1-1, F1-2, and the preservation letters ready.
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