

1150-110 / J74

1150-110/374

DEPUTY MINISTER OF NATIONAL DEFENCE



SOUS-MINISTRE DE LA DÉFENSE NATIONALE

closed

PA

10/10 Jun 70

DP2V	OK

S ~~3005~~-1 (DM)

Ottawa 4, Ontario
9 June, 1970

Deputy Minister
Department of Justice JUN 10 1970
Justice Building
Wellington Street
Ottawa 4, Ontario

RECORDS MANAGEMENT DIVISION CDS BRANCH REGISTRY
Referred to..... <i>CDS</i>
JUN 10 1970
File No..... <i>3005-1</i>
Chg'd. to.....

Attention: Mr. D.H. Christie
Assistant Deputy Attorneys General

REPRESENTATIVE TO THE INTERDEPARTMENTAL COMMITTEE
ON AID TO THE CIVIL POWER

I refer to the Cabinet decision of 7 May, 1970, establishing an interdepartmental committee chaired by the Department of Justice to study specific matters in relation to the priority problem of "Law and Order".

The Department of National Defence has nominated as its representative on this committee Brigadier-General W.K. Lye, Director General Operations Land (DGOPSL) who will be replaced by Brigadier-General J.C. Gardner on 27 July, 1970, when the latter assumes the appointment of DGOPSL.

Our representative can be contacted at his office at Canadian Forces Headquarters by calling 992-7455.

E.B. Armstrong
E.B. Armstrong
Deputy Minister

OFFICE OF THE
DEPUTY MINISTER OF NATIONAL DEFENCE



CABINET DU
SOUS-MINISTRE DE LA DÉFENSE NATIONALE

MEMORANDUM
NOTE

10/10 Jun 70

DPN	
5/5/69	P

1150-110/474

S ~~3005-1~~ (DM)

9 June, 1970

CDS

JUN 10 1970

RECORDS MANAGEMENT DIVISION CDS BRANCH REGISTRY	
Referred to.....	CDS
JUN 10 1970	
File No.....	2005-1
Chg'd. to.....	

REPRESENTATIVE TO THE INTERDEPARTMENTAL COMMITTEE
ON AID TO THE CIVIL POWER

1. Referring to your memo of 3 June, 1970, the letter to the Department of Justice with nominations for membership on the interdepartmental committee has been despatched.
2. In this connection your attention is directed to a copy of a memo from the National Coordinator, Civil Emergency Measures, of 15 May. Would you please arrange for Mr. Patterson to be kept informed and in attendance at committee meetings if the occasion requires it. The DM also wishes to be kept informed.

J.R. Chisholm
J.R. Chisholm
Departmental Secretary
2-8486

File: 2800-2-2

OFFICE OF THE
DEPUTY MINISTER OF NATIONAL DEFENCE



CABINET DU
SOUS-MINISTRE DE LA DÉFENSE NATIONALE

MEMORANDUM
NOTE

Mr. J.R. Chisholm,
Departmental Secretary,
Room 2807 - "A" Building,
Ottawa, Ontario.

OTTAWA, May 15, 1970.

1. I have noted with interest the record of the Cabinet decision relating to Law and Order. Experience in the United States has shown that whereas civil unrest was originally considered to be a matter purely for the law enforcement agencies, more recently it has involved the use of many other municipal services, such as emergency health services, emergency welfare services, together with the application of existing civil defence control and communication facilities.

2. Our own limited experience, e.g., in Montreal, has also indicated that civil defence/emergency measures organizations become deeply involved in civil unrest problems, though obviously not with the enforcement or maintenance of law and order.

3. For these reasons, I would hope that Canada EMO is borne in mind when a suitable departmental representation is being selected for the Interdepartmental Committee authorized by the Cabinet.

C. R. Patterson,
National Coordinator,
Civil Emergency Measures.

CANADA EMERGENCY MEASURES ORGANIZATION

Done

RECORDS MANAGEMENT DIVISION CDS BRANCH REGISTRY
Referred to... <i>CDS</i>
JUN 10 1970
File No. <i>230051</i>
Chg'd. to.....

CONFIDENTIAL

1150-110/474

CHIEF OF THE DEFENCE STAFF



CHEF DE L'ÉTAT-MAJOR DE LA DÉFENSE

S ~~8005~~-1 (DPR/CDS)

3 June, 1970

DM

REPRESENTATIVE TO THE INTERDEPARTMENTAL COMMITTEE
ON AID TO THE CIVIL POWER

1. Attached for your signature is a draft letter to the Deputy Minister of the Department of Justice advising him of the officer selected to represent DND on the inter-departmental committee recently established by the Cabinet decision of 7 May, 1970.

Att. 1

F.R. Sharp
General
Chief of the Defence Staff

CONFIDENTIAL

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D R A F T

3 June, 1970

Deputy Minister
Department of Justice
Justice Building
Wellington Street
Ottawa 4, Ontario

Attention: Mr. D.H. Christie
Assistant Deputy Attorneys General

REPRESENTATIVE TO THE INTERDEPARTMENTAL COMMITTEE
ON AID TO THE CIVIL POWER

I refer to the Cabinet decision of 7 May, 1970 establishing an interdepartmental committee chaired by the Department of Justice to study specific matters in relation to the priority problem of "Law and Order".

The Department of National Defence has nominated as its representative on this committee Brigadier-General W.K. Lye, Director General Operations Land (DGOPSL) who will be replaced by Brigadier-General J.C. Gardner on 27 July 1970, when the latter assumes the appointment of DGOPSL.

Our representative can be contacted at his office at Canadian Forces Headquarters by calling 992-7455.

E.B. Armstrong
Deputy Minister

cc: BGen W.K. Lye - DGOPSL

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1130 - 110 / 74

RECORDS MANAGEMENT DIVISION
 CDS BRANCH REGISTRY
 Referred to DPR/CDS
 JUN 7 1970
 File No. 3005-1
 Chg'd. to

CONFIDENTIAL
MEMORANDUM

R. Johnson
R. JOHNSON
MAJOR
SEC DGOPSL
29 MAY 1970

~~V-3005-1~~ (DGOPSL)
29 May, 1970

8/1/70

DPR	A
5/1/69	

 JUN 1 1970

Sec VCDS (~~through Sec DGOPSL~~)

REPRESENTATIVE TO THE INTERDEPARTMENTAL COMMITTEE
ON AID OF THE CIVIL POWER

Reference: A. S 3005-1 (CDS) of 22 May, 1970.

1. The VCDS representative to the subject committee is:

BCEN W.K. LYE, DGOPSL

who will be replaced by:

BCEN J.C. GARDNER

on 27 July, 1970, when he assumes the appointment of DGOPSL.

A.B. Chaplin
 A.B. Chaplin
 MAJ
 Sec DGOPSL
 2-0579

②
 DPR/CDS
 Mon 2 p.m.
 [Signature]
 MAJ
 Sec VCDS
 MAY 29 1970

CONFIDENTIAL

1150-110/274

CONFIDENTIAL

SECRET
D GOMM
FA
Oye

V 3005-1 TD 9339 (DORL 3)
V 3005-4-1

① 2 March, 1970

RECORDS MANAGEMENT DIVISION
DES BUREAUX REGIONAUX

Referred to: Sec 8

File No: F-3005-1

Chgd. to: 20088

MINUTES OF CONFERENCE

ON

CANADIAN FORCES IN AID OF THE CIVIL POWER

HELD AT

CANADIAN FORCES HEADQUARTERS

AT

0900 HOURS 19 FEBRUARY 1970

PRESENT

BGEN W.K. Lye
 BGEN H.A. McLearn
 COL J.M. Simpson
 COL R. Berube
 COL J.S.A. Rousell
 LCOL G.H.J. Lessard
 LCOL G.L. Simpson
 MAJ J. Letellier
 MAJ R.G. Graham
 MAJ A.D. Gauthier
 MAJ R.M. Middleton
 CAPT G.E. Moore

DGOPSL (Chairman)
 JAG
 DJAG
 HQ Mobile Command
 HQ Mobile Command
 DOPS 4
 DORL 3
 HQ Mobile Command
 HQ Mobile Command
 HQ Mobile Command
 DORL 2-2
 HQ Mobile Command

DO copy placed in File

② D GOMM
Info - do has a copy on file.
W. L. G. 37 Mar 70

①
② D VICE
③
④
DORL 2-3

INTRODUCTORY REMARKS

The Chairman, BGEN Lye, opened the Conference by welcoming the delegates. He reviewed CDS Study Directive S15/69 and explained why this meeting had been delayed one month.

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CONFIDENTIAL

- 2 -

BGEN Lye stated the purpose of this meeting was to discuss the position papers prepared by the four sub-committees which were formed as a result of direction given at the first conference. Following this meeting the Secretary was to draft an interim report for the CDS based on the working papers and results of the discussions.

Item	Subject	Action By
I	<p><u>LEGAL STUDY</u></p> <p>The JAG briefly reviewed the historical development to the present statutes governing Canadian Forces participation in aid of the Civil Power.</p> <p>The JAG informed the meeting that the role of the magistrate was being re-examined in concert with the office of the Minister of Justice and a decision would be forthcoming.</p>	Information JAG
II	<p><u>CONCEPT STUDY</u></p> <p>A study paper outlining a proposed concept of operations for Canadian Forces committed to aid of the civil power operations was tabled and briefly summarised by LCOL G.L. Simpson, DORL 3.</p> <p>There was some discussion on the proposed concept but it was generally agreed that, subject to the minor changes suggested, it should be forwarded to the CDS for approval as part of the initial report.</p>	
III	<p><u>COMMAND AND CONTROL STUDY</u></p> <p>The study on command and control was tabled and reviewed by LCOL Lessard, DOPS 4.</p> <p>Following the presentation by LCOL Lessard, the command and control aspects were discussed.</p> <p>FMC felt that the charts presented to illustrate the joint civil/military control operations did not accurately represent the proposal contained in the body of the paper. In particular FMC felt the Region Commander should deal with the Office of the Provincial Attorney General and the operational commander, who would normally be a combat group commander, would deal with the senior police officer.</p>	

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Item	Subject	Action By
	<p>It was agreed that the charts drawn up by DOPS & showing command arrangements would be amended as suggested by Mobile Command</p>	DOPS
IV	<p><u>DOCTRINE STUDY</u></p> <p>A paper reporting the state of current doctrine and recommendation for improvement was tabled by HQ Mobile Command.</p> <p>It was agreed that no further action could be taken in the development of doctrine by Mobile Command until the concept was approved and some indication given concerning types of specialized equipment which would be obtained for aid of the civil power operations.</p>	<p>DGOPSL</p> <p>HQ Mobile Command</p>
V	<p><u>MISCELLANEOUS POINTS</u></p> <p>a. <u>Scope of Study.</u> HQ Mobile Command felt that the scope of the CDS study as outlined in Directive S15/69 was too narrow. HQ Mobile Command recommended that the study be expanded to include military assistance in the event of a national disaster related to law and order under the provisions of Section 35 NDA and also all aspects of internal security.</p> <p>The representatives for HQ Mobile Command were informed that an expanded scope was considered but because of government concern with the capability of the Canadian Forces to respond to aid of the civil power it was decided at this time, to restrict the scope of the study to aid of the civil power.</p> <p>b. <u>Training.</u> The question was raised concerning training for operations in aid of the civil power when the commander of one command wished to exercise units of Mobile Command.</p> <p>It was agreed that guidelines would be included in the next Training Directive which would be issued approximately 15 April 1970.</p>	<p>DGOPSL</p>

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- 4 -

Item	Subject	Action By
VI	<u>ADJOURNMENT</u> The meeting adjourned at 1650 hours.	

G.L. Simpson LtCol
 G.L. Simpson
 LtCol
 Secretary
 5-8191

DISTRIBUTION

EXTERNAL

Commandor Mobile Command (7)

INTERNAL

JAG
 DG Info
 DFR/CDS
 DSD/CDS
 DHIST
 D Secur

See VCDS
 DCFD
 DCOFSR
 DGOPSM
 DGOPSL (5) (DORL, DORL 2, DORL 3, IRC)
 DGOPSA
 DOFS (2)
 D Com P
 DLOR

See CP
 DT
 See CTS
 ADCL
 DLPP

See CG ✓
 DO ✓

CONFIDENTIAL

CONFIDENTIAL

1150-110/274

~~V 3005-1~~ (DORL 3)

MINUTES OF CONFERENCE

ON

CANADIAN FORCES IN AID OF THE CIVIL POWER

HELD AT

CANADIAN FORCES HEADQUARTERS

AT

1400 HOURS 4 DECEMBER 1969

PRESENT

MGEN	R.C.	Stovel	DCOPSR
BGEN	E.A.C.	Amy	DGOFSL
BGEN	H.A.	McLearn	JAG
BGEN	S.	Waters	HQ Mobile Command
COL	J.M.	Simpson	DJAG
COL	C.B.	MacFarlane	DSECUR
COL	C.L.	Kirby	DOPS
COL	M.H.	Bateman	DMIL
COL	W.A.	Teed	DGNP
COL	R.T.	Bennett	DO
COL	J.	Smith	DLPP
MR	S.H.	Woodend	DLOR
COL	J.S.A.	Roussell	HQ Mobile Command
LCOL	G.D.	Wallis	ADCL
LCOL	J.A.R.	Diguer	DSECUR
LCOL	R.T.	Grogan	DSECUR
LCOL	W.B.S.	Sutherland	DCRL (Project Officer)
LCOL	G.L.	Simpson	DCRL 3 (Action Officer)
LCOL	R.R.	Doddridge	DERL
LCOL	L.C.	Morrison	DINFO
LCOL	P.G.	Howe	DMCT
LCOL	J.L.C.	Entwhistle	DPRC
LCOL	M.D.	Kearney	HQ Mobile Command
MAJ	J.J.B.	Pariseau	DHIST
LCDR	D.	Carmichael	DGOFPSM
MAJ	R.N.	Patterson	DCRL 2
MAJ	I.	Firstbrook	DERL
MAJ	H.D.	Watson	IRC
MAJ	E.V.	Schaubel	DMC
MAJ	R.K.	Wallace	DGNP
MAJ	R.G.	Graham	HQ Mobile Command
MAJ	A.D.	Gauthier	HQ Mobile Command
CAPT	C.A.	Petrie	DCRL (SS)
CAPT	G.E.	Moore	HQ Mobile Command

RECORDS MANAGEMENT DIVISION
CG BRANCH REGISTRY

Referred to Do.

DEC 5 1969

File No. F-3005-1

Chgd. to [Signature]

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Info + PA.
[Signature]
8 Dec 69.

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INTRODUCTORY REMARKS

MGEN Stovel opened the conference at 1400 hours and welcomed all the representatives. He reviewed the background leading up to the study ordered by the CDS and stated the study would be limited to the field of Canadian Forces participation in Aid of the Civil Power operations under the provisions of Part XI of the NDA. GEN Stovel mentioned that it was not the intention at this time to examine other situations in which military aid is provided to civil authorities.

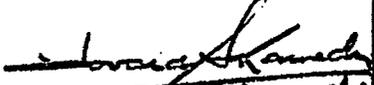
GEN Stovel informed the conference that the VCDS had been named OPI by the CDS. In turn DCOPSR had been appointed OPI by the VCDS and DGOPSL the OPI for the DCOPSR sub-branch.

GEN Stovel emphasized the importance of the study in improving the capability of the Canadian Forces to perform in the field of operations in Aid of the Civil Power.

GEN Stovel then handed over the Chairmanship of the Conference to BGEN Amy (DGOPSL)

Item	Subject	Action by
I	<u>AIM</u> BGEN Amy stated the aim of the conference was to discuss implementation of CDS Study Directive S15/69.	Information
II	<u>SCOPE</u> The Chairman outlined the scope of the study as follows: a. The legal basis for action. b. Command and control. c. Liaison with appropriate governments and agencies. d. Concept of operations and doctrine. e. Operational information. f. Contingency plans. g. Training requirements. h. Special stores, clothing and equipment. j. Public Information.	Information

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Item	Subject	Action by								
III	<p><u>APPROACH</u></p> <p>The Chairman proposed dividing the subject initially into four general subject areas for detailed examination of the problem. Each of these four subject areas were to be examined by sub-committees as follows:</p> <table data-bbox="407 495 873 619"> <tr> <td>Legal</td> <td>JAG</td> </tr> <tr> <td>Concept</td> <td>DGOPSL</td> </tr> <tr> <td>Command and Control</td> <td>DOPS</td> </tr> <tr> <td>Doctrine</td> <td>FMC</td> </tr> </table> <p>The above committees are to table their reports at the First Working Session to be held at CFHQ 22 Jan 70.</p>	Legal	JAG	Concept	DGOPSL	Command and Control	DOPS	Doctrine	FMC	<p>JAG DGOPSL DOPS FMC</p>
Legal	JAG									
Concept	DGOPSL									
Command and Control	DOPS									
Doctrine	FMC									
IV	<p><u>TRAINING</u></p> <p>LCOL P.E. Howe suggested the training implications be examined now from the CP Branch point of view. It was agreed that LCOL Howe should conduct a preliminary study of training implications and be prepared to discuss this problem on 22 Jan 70.</p>	<p>DMCT</p>								
V	<p><u>KEY DATES</u></p> <p>The Chairman outlined the key dates as follows:</p> <ul style="list-style-type: none"> a. 22 Jan 70 - First Working Session. b. 30 Jan 70 - Interim Report to CDS. c. 12 Feb 70 - Second Working Session. d. 15 Apr 70 - Final Report. e. 13 May 70 - Commence implementation. 	<p>Sub-Committee Chairman DGOPSL</p> <p>Information - dates to be confirmed.</p>								
VI	<p><u>ACTION OFFICER</u></p> <p>The Chairman informed the conference that LCOL Sutherland (DORL) was the Project Officer for the study and that LCOL Simpson (DORL 3 (5-8191)) was appointed Action Officer.</p>									
VII	<p><u>ADJOURNMENT</u></p> <p>The meeting adjourned at 1550 hours.</p> <div style="text-align: right; margin-top: 20px;">  G.L. Simpson LCOL Secretary 5-8191 </div>									

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DISTRIBUTION

EXTERNAL

Commander Mobile Command (7)

INTERNAL

ADCL

JAG

DG INFO

DSD/CDS

DHIST

DSECUR

SEC VCDS

DCOPSR

DGOFSM

DGOFSL (6) (DMIL, DORL, DORL 2, DORL 3, DORL(SS), IRC)

DGOPSA

DOPS

DCCNP

DLOR

SEC CP

DPRC

DMCT

SEC CTS

DLPP

SEC CG

DO

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OFFICE OF THE
DEPUTY MINISTER OF
NATIONAL DEFENCE



CANADA

CABINET DU
SOUS-MINISTRE DE LA
DÉFENSE NATIONALE

PA D1150-110/J14.

MEMORANDUM

NOTE

D M

To note.

E. B. ARMSTRONG
Deputy Minister
of National Defence

MAY 15 1970

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~~DCIA~~
~~DPROP~~
~~DPG~~
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C O N F I D E N T I A L

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M E M O R A N D U M

13 May, 1970



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E. B. ARMSTRONG
Deputy Minister
of National Defence

MAY 15 1970

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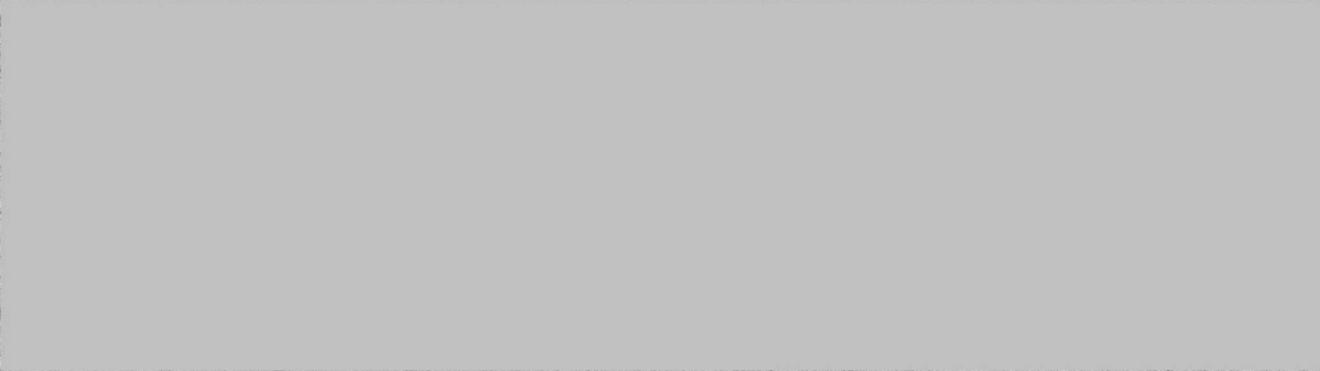
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- 3 -



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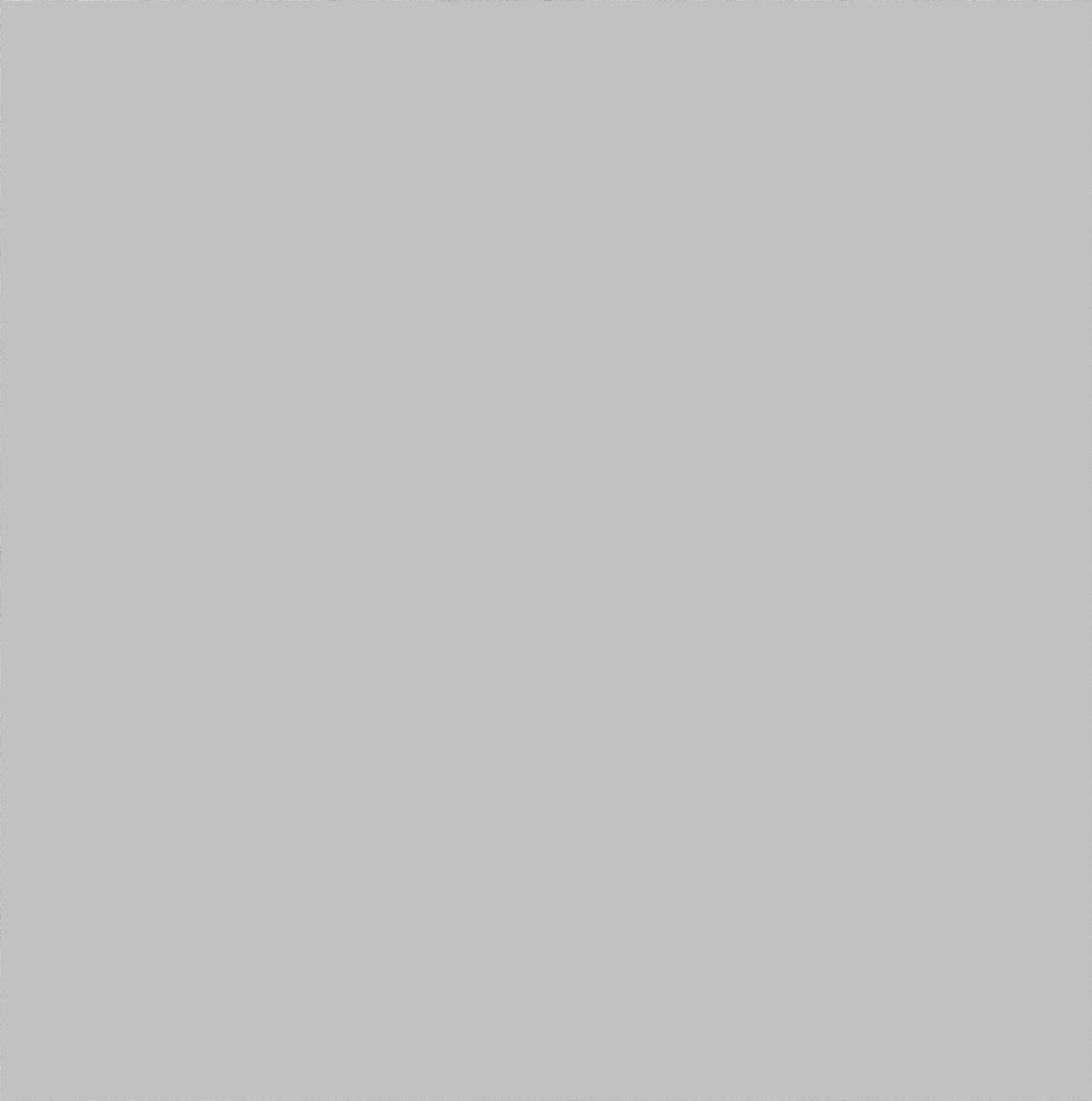
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Ottawa 4, Ontario
May, 1970



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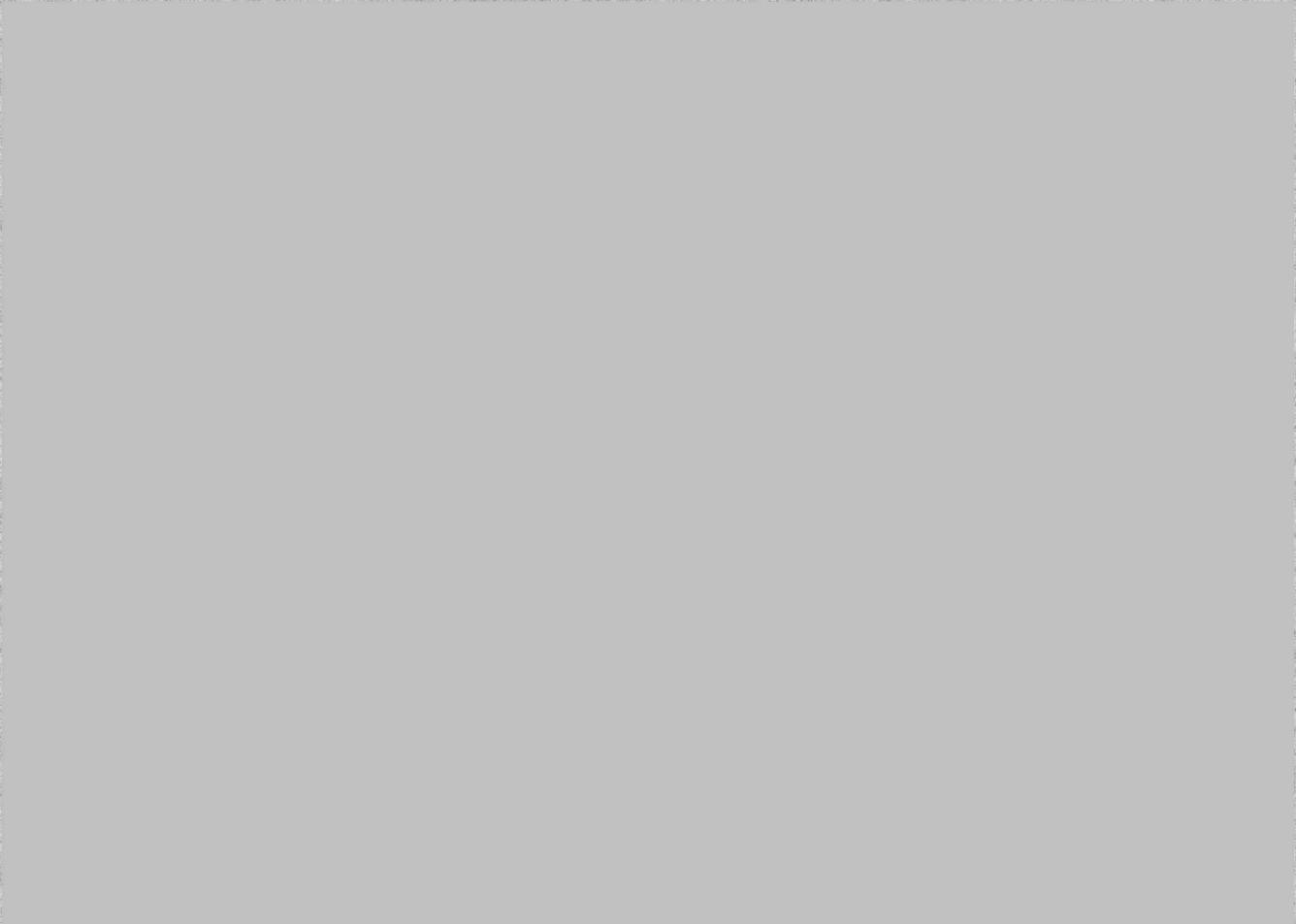
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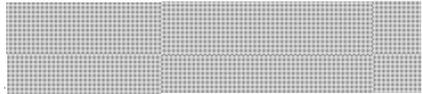


OFFICE OF THE
DEPUTY MINISTER OF JUSTICE
AND
DEPUTY ATTORNEY GENERAL OF CANADA



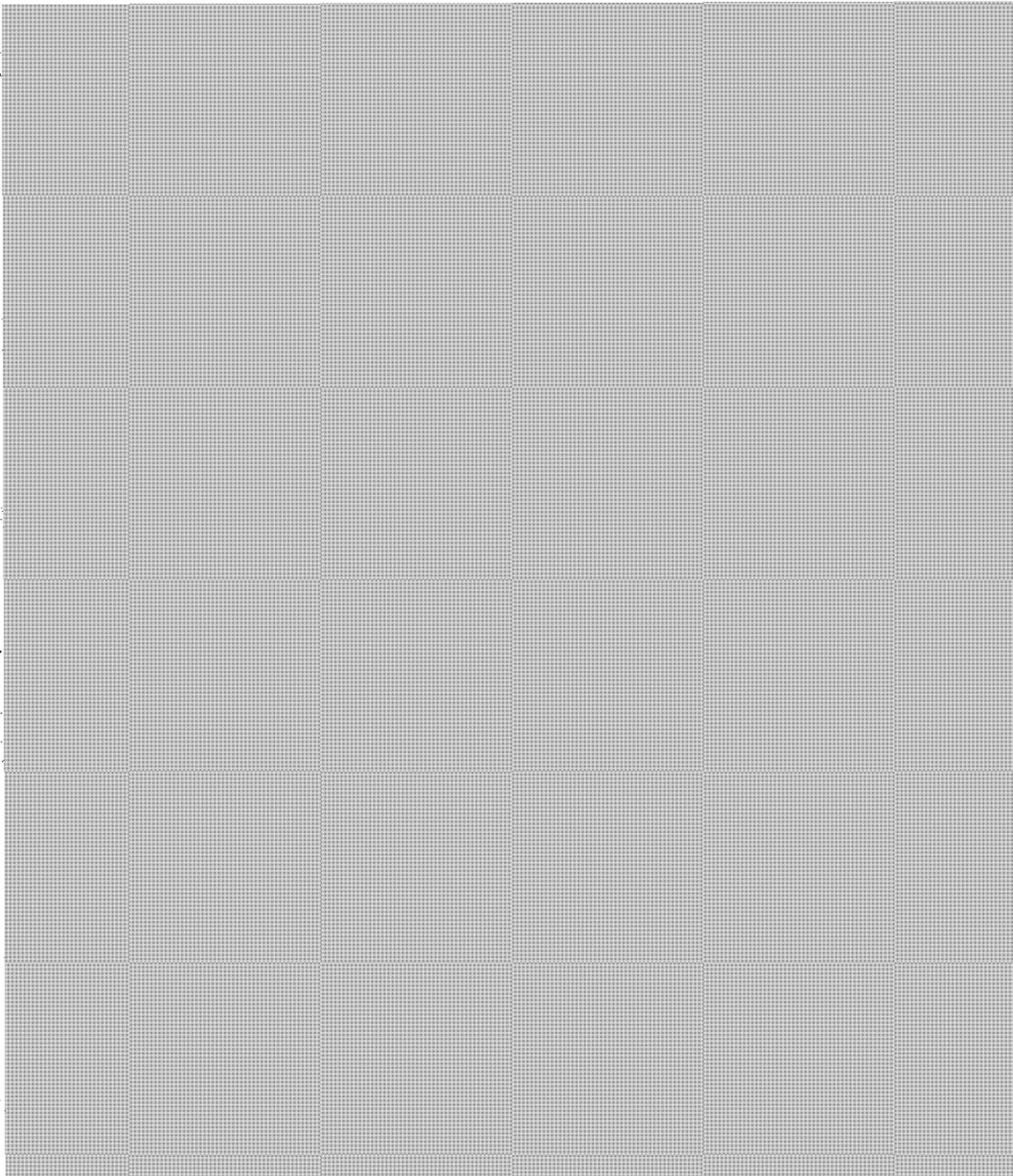
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DEPARTMENT OF JUSTICE



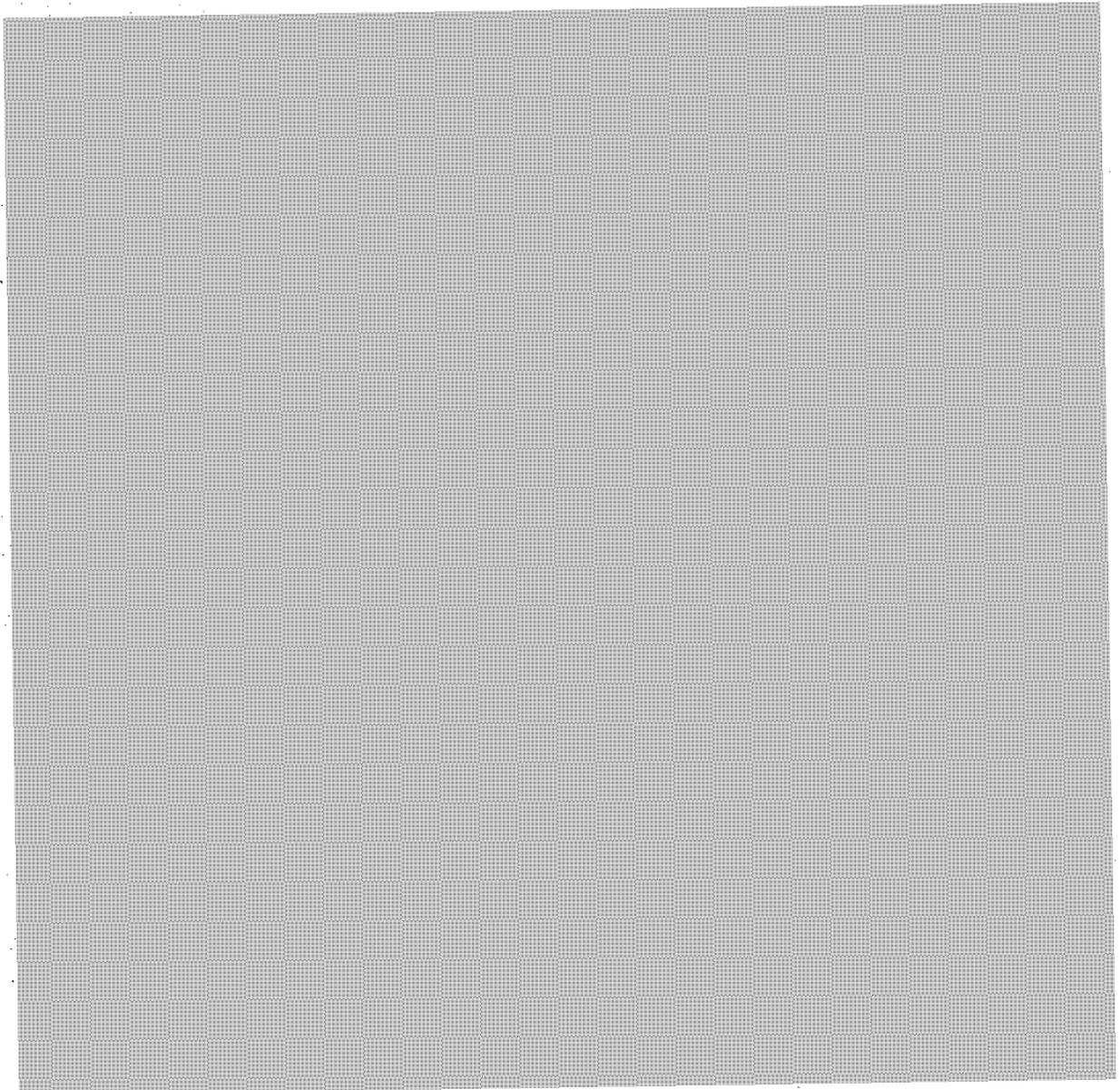
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Ottawa 4, May 12, 1970.

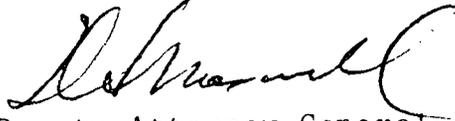


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Yours truly,


Deputy Attorney General

DRAFT AMENDMENTS

CHAPTER 23 OF

QR&O RE AID OF THE CIVIL POWER

This is a preliminary draft only
and much of the policy reflected
in it has not been approved by
higher authority.

- 1 -

CHAPTER 23

DUTIES IN AID OF THE CIVIL POWER

(Refer carefully to article 1.02 (Definitions) when reading every regulation in this chapter.)

Section 1 - General

23.01 - APPLICATION

The provisions of this chapter do not relate to the employment of the Canadian Forces in the event of

- (a) a disaster being declared to be of national concern; (see section 35 of the National Defence Act set out in Chapter 31 of QR&O);
or
- (b) assistance being given in cases such as fires, floods and the like that have not been declared to be disasters of national concern; (see orders issued by the Chief of the Defence Staff or other authority);
or
- (c) action being required in connection with matters falling within the executive responsibility of the Government of Canada, for example, the guarding of federal buildings, the protection of those carrying out federal activities and dealing with riots in federal penitentiaries.

NOTE

- (A) Part XI of the National Defence Act contains the statutory provisions relating to aid of the civil power. Those provisions are set out in this chapter.

- 2 -

23.02—DEFINITION

Section 218 of the *National Defence Act* provides:

"218. For the purposes of this Part, "Attorney General" means the Attorney General of any province of Canada, or the acting Attorney General of a province, or any minister of a government of a province performing for the time being the duties of a provincial Attorney General."

(C)

NOTE

In some provinces, the Attorney General has the title of Minister of Justice in addition to, or in lieu of, that of Attorney General. In one province the Premier is the Attorney General and another minister is the Minister of Justice. The distribution of duties among provincial ministers is not a matter of federal concern in relation to aid of the civil power. Any action in that connection to be taken by a provincial Attorney General under the *National Defence Act* or this Chapter could be taken by any other provincial minister and military authorities are entitled to presume that any such other minister is, for the purposes of that Act and this Chapter, "performing for the time being the duties of a provincial Attorney General" as mentioned in the above definition.

23.03—CANADIAN FORCES LIABLE TO BE CALLED OUT TO SUPPRESS RIOT

Section 219 of the *National Defence Act* provides:

"219. The Canadian Forces, or any unit or other element thereof, or any officer or man, with materiel, are liable to be called out for service in aid of the civil power, in any case in which a riot or disturbance of the peace requiring such service occurs, or is, in the opinion of an Attorney General, considered as likely to occur, and that is beyond the powers of the civil authorities to suppress, prevent, or deal with."

(C)

23.04—EXCEPTION IN CASE OF CERTAIN MEMBERS OF THE RESERVE FORCE

Section 220 of the *National Defence Act* provides:

"220. Nothing in this Part shall be deemed to impose liability to serve in aid of the civil power, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only."

(C)

23.05—ATTORNEY GENERAL OF PROVINCE MAY REQUISITION CANADIAN FORCES

Section 221 of the *National Defence Act* provides:

"221. In any case where a riot or disturbance occurs, or is considered as likely to occur, the Attorney General of the province in which is situated the place where the

23.05—ATTORNEY GENERAL OF PROVINCE MAY REQUISITION
CANADIAN FORCES—(Cont'd)

riot or disturbance occurs, or is considered as likely to occur, on his own motion, or upon receiving notification from a judge of a superior, county or district court having jurisdiction in that place that the services of the Canadian Forces are required in aid of the civil power, may by requisition in writing, addressed to the Chief of the Defence Staff require the Canadian Forces or such part thereof as the Chief of the Defence Staff or such officer as he may designate considers necessary, to be called out on service in aid of the civil power."

(C)

23.06—ACTION UPON RECEIPT OF REQUISITION

(1) When the Chief of the Defence Staff receives a requisition from an Attorney General requiring the services of the Canadian Forces in aid of the civil power, he or such officer as he may designate shall immediately take the action required by the requisition.

(2) The Chief of the Defence Staff has "received" a requisition within the meaning of the National Defence Act and this Chapter when both of the following conditions are met:

- (a) the requisition has been accepted on behalf of the Chief of the Defence Staff by any officer; and
- (b) the Chief of the Defence Staff, or an officer acting for him at Canadian Forces Headquarters, has been informed of its contents. (See section 47 of the National Defence Act and article 1.13(1) of QR&O.)

NOTE

(A) When an officer mentioned in subparagraph (2)(a) of the above article has accepted a requisition he shall immediately take steps to ensure that

- (a) the Chief of the Defence Staff, or an officer acting for him at Canadian Forces Headquarters; and
- (b) the Regional Commander concerned, or an officer acting for him at his Headquarters,

are informed by telephone of the contents of the requisition; and then transmit the wording of the requisition by teletype to the Chief of the Defence Staff and by teletype, or by hand where appropriate, to the Regional Commander concerned.

(B) The officer mentioned in subparagraph (2)(a) of the above article shall then cause the signed requisition to be sent to the Chief of the Defence Staff by registered mail.

23.07—CALL OUT OF CANADIAN FORCES

Section 222 of the *National Defence Act* provides:

"222. Upon receiving a requisition in writing made by an Attorney General under section 221 (*see article 23.05*), the Chief of the Defence Staff, or such officer as he may designate, shall call out such part of the Canadian Forces as he considers necessary for the purpose of suppressing or preventing any actual riot or disturbance, or any riot or disturbance that is considered as likely to occur." (See article 23.06(2))

(C) and Note)

(23.08 TO 23.12 INCLUSIVE: NOT ALLOCATED)

23.13—FORM OF REQUISITION

Section 223 of the *National Defence Act* provides:

"223. A requisition of an Attorney General under this Part may be in the following form, or to the like effect, and the form may, subject to section 224 (*article 23.14—“Supplementary Provisions Respecting Requisitions”*), be varied to suit the facts of the case:

Province of

To wit

Whereas information has been received by me from responsible persons (or a notification has been received by me from a judge of a (superior) (county) (district) court having jurisdiction in) that a riot or disturbance of the peace beyond the powers of the civil authorities to suppress (or to prevent or to deal with) and requiring the aid of the Canadian Forces to that end has occurred and is in progress (or is considered as likely to occur) at ;

And whereas it has been made to appear to my satisfaction that the Canadian Forces are required in aid of the civil power;

23.13—FORM OF REQUISITION—(Cont'd)

Now therefore I, _____, the Attorney
General of _____, under and by virtue
of the powers conferred by the National Defence Act, do hereby require you to call
out the Canadian Forces or such part thereof as you consider necessary for the purpose
of suppressing (or preventing or dealing with) the riot or disturbance;

And for and on behalf of the Province of _____
I the said _____,

Attorney General, hereby undertake that all expenses and costs, incurred by Her
Majesty by reason of the Canadian Forces or any part thereof being called out on
service in aid of the civil power pursuant to this requisition, shall be paid to Her
Majesty by the said province.

Dated at _____, this _____, 19 _____
day of _____, _____
Attorney General."

(C)

23.14—SUPPLEMENTARY PROVISIONS RESPECTING REQUISITIONS

Section 224 of the *National Defence Act* provides:

"224. (1) In a requisition made under this Part it shall be stated that information
has been received by the Attorney General from responsible persons, or that a notifica-
tion has been received by the Attorney General from a judge that a riot or disturbance
beyond the powers of the civil authorities to suppress or to prevent or to deal with,
as the case may be, has occurred, or is considered as likely to occur, and that the
Canadian Forces are required in aid of the civil power; and the requisition shall further
state that it has been made to appear to the satisfaction of the Attorney General that
the Canadian Forces are so required.

(2) In a requisition made under this Part there shall be embodied an unconditional
undertaking by the Attorney General that the province shall pay to Her Majesty all
expenses and costs incurred by Her Majesty by reason of the Canadian Forces or any
part thereof being called out for service in aid of the civil power, as by the requisition
required.

(3) Every statement of fact contained in a requisition made under this Part is
conclusive and binding upon the province on behalf of which the requisition is made,
and every undertaking or promise in the requisition is binding upon the province and
not open to question or dispute by reason of alleged incompetence or lack of authority
on the part of the Attorney General or for any other reason.

(4) In every case where a requisition is made under this Part, the Attorney General
of the province concerned shall, within seven days after the making of the requisition,
cause an inquiry to be made into the circumstances which occasioned the calling out
of the Canadian Forces or any part thereof, and shall send a report upon the circum-
stances to the Secretary of State.

(5) A statement of fact contained in a requisition made under this Part is not
open to dispute by the Chief of the Defence Staff."

(C)

23.15—EXAMINATION OF REQUISITION BY CHIEF OF THE DEFENCE STAFF

- (1) When the Chief of the Defence Staff receives a requisition from an Attorney General, he shall immediately: **or ensure that it has been examined on his behalf,**
- (a) examine the requisition, to determine its validity by ascertaining whether it contains the information and undertaking prescribed in (1) and (2) of section 224 of the *National Defence Act* (see article 23.14);
 - (b) if the requisition is determined to be valid, take the action required by that requisition; and
 - (c) if the requisition does not appear to him to be valid, return the requisition to the Attorney General with an indication of the defect in the requisition.
- (2) Any statement of fact contained in a valid requisition may not be disputed by the Chief of the Defence Staff. **(See article 23.06(2) and Note)**

(M)

23.16—OFFICERS AND MEN HAVE POWERS OF CONSTABLES

Section 225 of the *National Defence Act* provides:

"225. Officers and men when called out for service in aid of the civil power shall, without further authority or appointment and without taking oath of office, be held to have and may exercise, in addition to their powers and duties as officers and men, all of the powers and duties of constables, so long as they remain so called out, but they shall act only as a military body, and are individually liable to obey the orders of their superior officers."

NOTE

(A) Constables are peace officers as defined in section 2(30) of the Criminal Code. The following sections of the Criminal Code concern their powers: 27, 32, 96(1)(g), 110(b), 171, 172, 173, 390(1), 431 and 435; their duties: 29, 70, 438 and 636; and legal protection or justification for their acts: 25, 26, 28, 33(2), 110, 175 and 232(2). For details, see instructions issued by the Chief of the Defence Staff.

23.17—DURATION OF AID OF CIVIL POWER

Section 226 of the *National Defence Act* provides:

"226. The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty in such strength as the Chief of the Defence Staff or such officer as he may designate deems necessary or orders, until notification is received from the Attorney-General that the Canadian Forces are no longer required in aid of the civil power; and the Chief of the Defence Staff may, from time to time as in his opinion the exigencies of the situation require, increase or diminish the number of officers and men called out."

(C)

(23.18: NOT ALLOCATED)

23.19—PROVINCE TO PAY EXPENSES

Section 227 of the *National Defence Act* provides:

"227. All expenses and costs incurred by Her Majesty by reason of the Canadian Forces or any part thereof being called out under this Part in aid of the civil power, shall be paid to Her Majesty by the province the Attorney General of which made the requisition requiring the Canadian Forces or any part thereof to be called out."

(C)

23.20—ACCOUNTS AND RECORDS

(1) The costs and expenses payable by a province to Her Majesty as prescribed in section 227 of the *National Defence Act* (see article 23.19) are those which were incurred only by reason of parts of the Canadian Forces having been called out in consequence of a requisition by the Attorney General of the province concerned. These costs:

(a) do not include

- (i) the pay and allowances that in any event would have been paid to members of the Regular Force whether or not they had been called out, and
- (ii) the cost of the rations that would normally have been supplied to the Regular Force called out; and

(b) include

- (i) the pay and allowances of members of those parts of the Reserve Force who were called out,
- (ii) the cost of rations and quarters issued to the Reserve Force called out,
- (iii) the cost of any emergency meals and quarters supplied to the Regular Force that would not have been supplied had they not been called out; and
- (iv) the cost of supplies such as gasoline, oil and other expendable commodities that would not have been used in the course of the normal functions of the Canadian Forces.

(2) Subparagraphs (a) and (b) of (1) of this article are not exhaustive but are illustrative only.

(3) The Chief of the Defence Staff shall ensure that proper records and accounts are maintained in respect of those parts of the Canadian Forces which have been called out in consequence of a requisition from an Attorney General. The records and accounts shall include:

- (a) the daily strength return;
- (b) the number of officers and men of the Regular Force;
- (c) the number of officers and men of the Reserve Force; and
- (d) the expenses and costs in detail, of the character prescribed in (1) (b) of this article, whether those costs have been incurred by reason of actual expenditure or by commitment only.

(M)

23.21—POSITION OF THE CANADIAN FORCES IN RELATION TO THE
CIVIL POWER

- 8 -

When any parts of the Canadian Forces are on service in aid of the civil power, they do not replace the civil power but are assisting it in the maintenance of law and order. The responsibility for the reading of the proclamation prescribed in the *Criminal Code*, commonly known as the "Proclamation Under the Riot Act", or of making any other proclamation required by law, rests entirely with the civil power and in no way with the Canadian Forces.

(M)

Section 2-Representatives of the Civil Power

23.22-DEFINITIONS

In this section:

- (a) "representative of the civil power" means a person designated by the Attorney General or Deputy Attorney General of a province to accompany a part of the Canadian Forces called out in aid of the civil power;
- (b) "officer in immediate command" means an officer at any level of authority who is in command of a part of the Canadian Forces at the scene of a riot or disturbance and with whom a representative of the civil power is present or is to be present under article 23.22.
- (c) "officer in superior command" means the officer in command of all parts of the Canadian Forces called out in aid of the civil power in a province, city or other geographical area.

NOTE

(A) This section does not supplant the normal chain of command. For example, in a particular situation, there may be a battalion of three companies "at the scene of a riot or disturbance" and each of the four "officers in immediate command" may have with him, under the tactical plan, a representative of the civil power. If the circumstances permit, each company commander should take action under article 23.25 only in accordance with the orders of his battalion commander. If the circumstances do not permit communication with his battalion commander, he is authorized to act under article 23.25 on his own authority as an "officer in immediate command" of his company.

23.23-REPRESENTATIVE OF THE CIVIL POWER NOT PRESENT

(1) The officer in immediate command shall, as soon as he and the part of the Canadian Forces of which he is in command arrive at the scene of the riot or disturbance, ensure that a representative of the civil power is present at that scene and remains so present until the representative has, under article 23.24, requested him to take action.

(2) If a representative of the civil power is not present, the officer in immediate command shall at once cause the officer in superior command to be informed of that fact.

(3) Upon being informed as prescribed in (2) of this article, the officer in superior command shall cause the Attorney General who made the requisition, or the Deputy Attorney General, to be informed immediately of the necessity of having a representative of the civil power made available.

23.24-REQUEST BY REPRESENTATIVE OF THE CIVIL POWER TO TAKE ACTION

If the representative of the civil power concludes that the civil power is unable to deal with the situation and that it demands the interference of the Canadian Forces by action, then whether the proclamation referred to in article 23.21 has been read or not, it is his duty to request the officer in immediate command to take action. This request should be in writing when practical, but may, if the exigencies of the situation so require, be made orally.

Section 3 - Action to be Taken

23.25-ACTION TO BE TAKEN BY OFFICER IN IMMEDIATE COMMAND

(1) The definitions of "officer in immediate command" and "officer in superior command" in section 2 (See article 23.22) apply to this section.

(2) When requested to take action under article 23.24, the officer in immediate command shall:

- (a) consider whether immediate action is necessary;
- (b) if he considers that a action is necessary, take the action that appears to him to be requisite;

23.25-ACTION TO BE TAKEN BY OFFICER IN IMMEDIATE COMMAND -(Cont'd)

- (c) exercise his discretion as to the nature of the action to be taken and as to the weapons, materiel or other devices that officers and men under his command shall use;
- (d) when he has satisfied himself that the situation makes it imperative that fire be opened, exercise his discretion in any orders given to officers and men under his command as to the opening of fire and as to whether the fire is to be for effect; and
- (e) discontinue any action instituted when it appears to him that further action is not required.

23.26-ORDERS TO FIRE

- (1) No officer or man shall order the use of firearms except:
 - (a) the officer in superior command; or
 - (b) the officer in immediate command; or
 - (c) an officer specifically designated by one of the officers described in (a) and (b) of this paragraph.
- (2) Subject to (5) of this article, no officer or man shall open fire except upon the order of an officer described in (1) of this article.
- (3) The officer in immediate command shall ensure that every officer and man under his command is made aware:
 - (a) of those officers by whom an order to fire may be given;
 - (b) that except upon the order of one of those officers, or in the circumstances mentioned in (5) of this article, the use of firearms is strictly forbidden;
 - (c) that if they are ordered to fire they must do so in such a manner as to be able to cease fire immediately it becomes no longer necessary;

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23.26-ORDERS TO FIRE--(Cont'd)

- (d) that if they are ordered to fire a warning volley, it shall be into the air at such an angle as to avoid hitting anyone or anything;
- (e) if they are ordered to fire for effect, they will do so upon those persons who are seen to be implicated in the ^{major} disturbance.

(4) The officer in command of all parts of the Canadian Forces called out in aid of the civil power shall so dispose his forces and organize the chain of command that, if it is necessary to open fire, the action will be carried out by the minimum number of officers and men required to attain the object desired.

(5) Nothing in this article deprives an officer or man of the right that every person has under the Criminal Code to defend himself or any person or property under his protection.

NOTE

The provisions of the Criminal Code referred to in paragraph (5) of this article are sections 34, 35, 37, 38 and 41. For details see instructions issued by the Chief of the Defence Staff.

Section 4 - Reports, Plans and Composites

23.27-DAILY REPORTS

During the period that any portion of the Canadian Forces is on service in aid of the civil power, an officer designated by the Chief of the Defence Staff for that purpose shall forward a daily report by message to the Chief of the Defence Staff.

23.28-REPORT ON COMPLETION OF DUTY

On completion of the duty for which the Canadian Forces have been called out on service in aid of the civil power, a detailed report thereof in writing shall be made to the Chief of the Defence Staff as soon as practical by an officer designated by him for that purpose.

²⁴
~~23.28~~ PLANS

An officer designated by the Chief of the Defence Staff for the purpose shall prepare and maintain a plan for aid of the civil power consistent with the contingencies that may arise.

(C)

^{3c}
~~23.29~~ COMPOSITION OF FORCE

The composition of a force employed in aid of the civil power shall be at the discretion of the Chief of the Defence Staff or by an officer designated by him for that purpose.

(C)

CHAPTER 23

DUTIES IN AID OF THE CIVIL POWER

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

23.01—GENERAL

(1) Part XI of the *National Defence Act* contains the statutory provisions dealing with the liability of the Canadian Forces to be called out for service in aid of the civil power.

(2) The provisions of this chapter do not relate to the employment of the Canadian Forces in the event of a national disaster. *(See section 35 of the National Defence Act and Chapter 31.)*

(C)

23.02—DEFINITION

Section 218 of the *National Defence Act* provides:

“218. For the purposes of this Part, “Attorney General” means the Attorney General of any province of Canada, or the acting Attorney General of a province, or any minister of a government of a province performing for the time being the duties of a provincial Attorney General.”

(C)

23.03—CANADIAN FORCES LIABLE TO BE CALLED OUT TO SUPPRESS RIOT

Section 219 of the *National Defence Act* provides:

“219. The Canadian Forces, or any unit or other element thereof, or any officer or man, with materiel, are liable to be called out for service in aid of the civil power, in any case in which a riot or disturbance of the peace requiring such service occurs, or is, in the opinion of an Attorney General, considered as likely to occur, and that is beyond the powers of the civil authorities to suppress, prevent, or deal with.”

(C)

23.04—EXCEPTION IN CASE OF CERTAIN MEMBERS OF THE RESERVE FORCE

Section 220 of the *National Defence Act* provides:

“220. Nothing in this Part shall be deemed to impose liability to serve in aid of the civil power, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.”

(C)

**23.05—ATTORNEY GENERAL OF PROVINCE MAY REQUISITION
CANADIAN FORCES**

Section 221 of the *National Defence Act* provides:

“221. In any case where a riot or disturbance occurs, or is considered as likely to occur, the Attorney General of the province in which is situated the place where the

Art. 23.05

OR&O

**23.05—ATTORNEY GENERAL OF PROVINCE MAY REQUISITION
CANADIAN FORCES—(Cont'd)**

riot or disturbance occurs, or is considered as likely to occur, on his own motion, or upon receiving notification from a judge of a superior, county or district court having jurisdiction in that place that the services of the Canadian Forces are required in aid of the civil power, may by requisition in writing, addressed to the Chief of the Defence Staff require the Canadian Forces or such part thereof as the Chief of the Defence Staff or such officer as he may designate considers necessary, to be called out on service in aid of the civil power."

(C)

23.06—ACTION UPON RECEIPT OF REQUISITION

When the Chief of the Defence Staff receives a requisition from an Attorney General requiring the services of the Canadian Forces in aid of the civil power, he or such officer as he may designate shall immediately take the action required by the requisition.

(M)

23.07—CALL OUT OF CANADIAN FORCES

Section 222 of the *National Defence Act* provides:

"222. Upon receiving a requisition in writing made by an Attorney General under section 221 (*see article 23.05*), the Chief of the Defence Staff, or such officer as he may designate, shall call out such part of the Canadian Forces as he considers necessary for the purpose of suppressing or preventing any actual riot or disturbance, or any riot or disturbance that is considered as likely to occur."

(C)

(23.08 TO 23.12 INCLUSIVE: NOT ALLOCATED)

23.13—FORM OF REQUISITION

Section 223 of the *National Defence Act* provides:

"223. A requisition of an Attorney General under this Part may be in the following form, or to the like effect, and the form may, subject to section 224 (*article 23.14—'Supplementary Provisions Respecting Requisitions'*), be varied to suit the facts of the case:

Province of,

To wit

Whereas information has been received by me from responsible persons (or a notification has been received by me from a judge of a (superior) (county) (district) court having jurisdiction in) that a riot or disturbance of the peace beyond the powers of the civil authorities to suppress (or to prevent or to deal with) and requiring the aid of the Canadian Forces to that end has occurred and is in progress (or is considered as likely to occur) at ;

And whereas it has been made to appear to my satisfaction that the Canadian Forces are required in aid of the civil power;

QR&O

Art. 23.14

23.13—FORM OF REQUISITION—(Cont'd)

Now therefore I, _____, the Attorney General of _____, under and by virtue of the powers conferred by the National Defence Act, do hereby require you to call out the Canadian Forces or such part thereof as you consider necessary for the purpose of suppressing (or preventing or dealing with) the riot or disturbance;

And for and on behalf of the Province of _____, I the said _____,

Attorney General, hereby undertake that all expenses and costs, incurred by Her Majesty by reason of the Canadian Forces or any part thereof being called out on service in aid of the civil power pursuant to this requisition, shall be paid to Her Majesty by the said province.

Dated at _____, this _____ day of _____, 19 _____, Attorney General."

(C)

23.14—SUPPLEMENTARY PROVISIONS RESPECTING REQUISITIONS

Section 224 of the *National Defence Act* provides:

"224. (1) In a requisition made under this Part it shall be stated that information has been received by the Attorney General from responsible persons, or that a notification has been received by the Attorney General from a judge that a riot or disturbance beyond the powers of the civil authorities to suppress or to prevent or to deal with, as the case may be, has occurred, or is considered as likely to occur, and that the Canadian Forces are required in aid of the civil power; and the requisition shall further state that it has been made to appear to the satisfaction of the Attorney General that the Canadian Forces are so required.

(2) In a requisition made under this Part there shall be embodied an unconditional undertaking by the Attorney General that the province shall pay to Her Majesty all expenses and costs incurred by Her Majesty by reason of the Canadian Forces or any part thereof being called out for service in aid of the civil power, as by the requisition required.

(3) Every statement of fact contained in a requisition made under this Part is conclusive and binding upon the province on behalf of which the requisition is made, and every undertaking or promise in the requisition is binding upon the province and not open to question or dispute by reason of alleged incompetence or lack of authority on the part of the Attorney General or for any other reason.

(4) In every case where a requisition is made under this Part, the Attorney General of the province concerned shall, within seven days after the making of the requisition, cause an inquiry to be made into the circumstances which occasioned the calling out of the Canadian Forces or any part thereof, and shall send a report upon the circumstances to the Secretary of State.

(5) A statement of fact contained in a requisition made under this Part is not open to dispute by the Chief of the Defence Staff."

(C)

Art. 23.15

QR&O

**23.15—EXAMINATION OF REQUISITION BY CHIEF OF THE
DEFENCE STAFF**

(1) When the Chief of the Defence Staff receives a requisition from an Attorney General, he shall immediately:

- (a) examine the requisition to determine its validity by ascertaining whether it contains the information and undertaking prescribed in (1) and (2) of section 224 of the *National Defence Act* (see article 23.14);
- (b) if the requisition is determined to be valid, take the action required by that requisition; and
- (c) if the requisition does not appear to him to be valid, return the requisition to the Attorney General with an indication of the defect in the requisition.

(2) Any statement of fact contained in a valid requisition may not be disputed by the Chief of the Defence Staff.

(M)

23.16—OFFICERS AND MEN HAVE POWERS OF CONSTABLES

Section 225 of the *National Defence Act* provides:

"225. Officers and men when called out for service in aid of the civil power shall, without further authority or appointment and without taking oath of office, be held to have and may exercise, in addition to their powers and duties as officers and men, all of the powers and duties of constables, so long as they remain so called out, but they shall act only as a military body, and are individually liable to obey the orders of their superior officers."

(C)

23.17—DURATION OF AID OF CIVIL POWER

Section 226 of the *National Defence Act* provides:

"226. The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty in such strength as the Chief of the Defence Staff or such officer as he may designate deems necessary or orders, until notification is received from the Attorney-General that the Canadian Forces are no longer required in aid of the civil power; and the Chief of the Defence Staff may, from time to time as in his opinion the exigencies of the situation require, increase or diminish the number of officers and men called out."

(C)

(23.18: NOT ALLOCATED)

23.19—PROVINCE TO PAY EXPENSES

Section 227 of the *National Defence Act* provides:

"227. All expenses and costs incurred by Her Majesty by reason of the Canadian Forces or any part thereof being called out under this Part in aid of the civil power,

23.19—PROVINCE TO PAY EXPENSES—(Cont'd)

shall be paid to Her Majesty by the province the Attorney General of which made the requisition requiring the Canadian Forces or any part thereof to be called out."

(C)

23.20—ACCOUNTS AND RECORDS

(1) The costs and expenses payable by a province to Her Majesty as prescribed in section 227 of the *National Defence Act* (see article 23.19) are those which were incurred only by reason of parts of the Canadian Forces having been called out in consequence of a requisition by the Attorney General of the province concerned. These costs:

(a) do no include

- (i) the pay and allowances that in any event would have been paid to members of the Regular Force whether or not they had been called out, and
- (ii) the cost of the rations that would normally have been supplied to the Regular Force called out; and

(b) include

- (i) the pay and allowances of members of those parts of the Reserve Force who were called out,
- (ii) the cost of rations and quarters issued to the Reserve Force called out,
- (iii) the cost of any emergency meals and quarters supplied to the Regular Force that would not have been supplied had they not been called out, and
- (iv) the cost of supplies such as gasoline, oil and other expendable commodities that would not have been used in the course of the normal functions of the Canadian Forces.

(2) Subparagraphs (a) and (b) of (1) of this article are not exhaustive but are illustrative only.

(3) The Chief of the Defence Staff shall ensure that proper records and accounts are maintained in respect of those parts of the Canadian Forces which have been called out in consequence of a requisition from an Attorney General. The records and accounts shall include:

- (a) the daily strength return;
- (b) the number of officers and men of the Regular Force;
- (c) the number of officers and men of the Reserve Force; and
- (d) the expenses and costs in detail, of the character prescribed in (1) (b) of this article, whether those costs have been incurred by reason of actual expenditure or by commitment only.

(M)

Art. 23.21

QR&O

23.21—POSITION OF THE CANADIAN FORCES IN RELATION TO THE CIVIL POWER

When any parts of the Canadian Forces are on service in aid of the civil power, they do not replace the civil power but are assisting it in the maintenance of law and order. The responsibility for the reading of the proclamation prescribed in the *Criminal Code*, commonly known as the "Proclamation Under the Riot Act", or of making any other proclamation required by law, rests entirely with the civil power and in no way with the Canadian Forces.

(M)

23.22—ROLE OF MAGISTRATE

(1) The officer in command of those parts of the Canadian Forces that have been called out on service in aid of the civil power, and the officer in command of a detached portion of the Canadian Forces so called out, other than small pickets or posts established as part of the tactical disposition, shall ensure that:

- (a) a magistrate with whom he can immediately communicate is conveniently available; and
- (b) when the forces under his command are likely to be required to exercise military strength, those forces are accompanied by a magistrate.

(2) If the officer described in (1) of this article is unable to arrange for the prescribed magistrate, he shall immediately advise the Chief of the Defence Staff or such officer as he may designate.

(3) Upon receipt of a notification prescribed in (2) of this article the Chief of the Defence Staff or such officer as he may designate shall immediately:

- (a) inform the Attorney General who made the requisition of the necessity of having the magistrate made available; and
- (b) request the Attorney General to make arrangements for the required number of magistrates.

(M)

23.23—REQUEST BY MAGISTRATE TO TAKE ACTION

(1) If the accompanying magistrate concludes that the civil power is unable to deal with the situation and that it demands the interference of the Canadian Forces by action, then whether the proclamation referred to in article 23.21 has been read or not, it is his duty to request the officer in command of parts of the Canadian Forces called out on service in aid of the civil power or the detachment commander, as the case may be, to take action. This request should be in writing when possible, but may if the exigencies of the situation so require be made orally.

(2) When requested to take action under (1) of this article, the officer concerned shall:

- (a) consider whether immediate action is necessary;
- (b) if he considers that action is necessary take the action that appears to him to be requisite;
- (c) exercise his discretion as to the nature of the action to be taken and as to the arms that officers and men under his command shall use;

QR&O

Art. 23.25

23.23—REQUEST BY MAGISTRATE TO TAKE ACTION—(Cont'd)

- (d) exercise his discretion in the orders given to officers and men under his command as to the opening of fire; and
- (e) discontinue any action instituted when it appears to him that further action is not required.

(M)

23.24—ORDERS TO FIRE

- (1) No officer or man shall order the use of firearms except:
 - (a) the officer in command of that part of the Canadian Forces called out in aid of the civil power; or
 - (b) the officer in command of a detached portion of the Canadian Forces called out in aid of the civil power; or
 - (c) an officer specifically designated by one of the officers described in (a) and (b) of this paragraph.
- (2) No officer or man shall open fire except upon the order of an officer described in (1) of this article.
- (3) The officer in command of that part of the Canadian Forces called out in aid of the civil power, and the officer in command of a detached portion of the Canadian Forces so called out, shall ensure that every officer and man under his command is made aware:
 - (a) of those officers by whom an order to open fire may be given;
 - (b) that except upon the order of one of those officers the use of firearms is strictly forbidden;
 - (c) that if they are ordered to fire, they must do so in such a manner as to be able to cease fire immediately it becomes no longer necessary; and
 - (d) that if they are ordered to fire they will do so upon those persons who are seen to be implicated in the disturbance, and shall fire for effect.
- (4) The officer in command of that part of the Canadian Forces called out in aid of the civil power shall so dispose his forces and organize the chain of command that, if it is necessary to open fire, the action will be carried out by the minimum number of officers and men required to attain the object desired.

(M)

23.25—WARNING TO CIVILIAN POPULATION CONCERNING USE OF FIREARMS

- (1) When the part of the Canadian Forces called out in aid of the civil power is employed in the suppression of riots or in the enforcement of the law, all persons who oppose them shall be warned that, if the Canadian Forces are ordered to fire, that fire will be effective.
- (2) The warning prescribed in (1) of this article shall be given whenever practical in conjunction with the magistrates who have requested action to be taken by the Canadian Forces, and shall be notified to the public by:
 - (a) the officer in command of the Canadian Forces called out;

Art. 23.25

QR&O

23.25—WARNING TO CIVILIAN POPULATION CONCERNING USE OF FIREARMS—(Cont'd)

- (b) the officer in command of each detached portion of the Canadian Forces; and
- (c) any pickets or posts that have been established.

(M)

23.26—DAILY REPORTS

During the period that any portion of the Canadian Forces is on service in aid of the civil power, an officer designated by the Chief of the Defence Staff for that purpose shall forward a daily report by message to the Chief of the Defence Staff.

(M)

23.27—REPORT ON COMPLETION OF DUTY

On completion of the duty for which the Canadian Forces have been called out on service in aid of the civil power, an immediate report thereof in writing shall be made to the Chief of the Defence Staff by an officer designated by him for that purpose.

(M)

23.28—PLANS

An officer designated by the Chief of the Defence Staff for the purpose shall prepare and maintain a plan for aid of the civil power consistent with the contingencies that may arise.

(C)

23.29—COMPOSITION OF FORCE

The composition of a force employed in aid of the civil power shall be at the discretion of the Chief of the Defence Staff or by an officer designated by him for that purpose.

(C)

23.30—WEAPONS

Weapons other than rifles, bayonets, light machine guns, submachine carbines, pistols, and lachrymatory grenades shall not be used unless the approval of the Chief of the Defence Staff has first been obtained.

(C)

(23.31 TO 23.99 INCLUSIVE: NOT ALLOCATED)

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FILE: V 3005-1 (DOPS)
 V 3005-4-1 (DOPS)

PRECEDENCE ACTION ROUTINE	PRECEDENCE INFO	DATE - TIME GROUP 07 1700 Z AUG 70	
FROM: CANFORCEHED			SECURITY CLASS UNCLASS
TO : CANFORGEN			ORIGINATOR'S NUMBER OPS 4507

CANFORGEN ONE SEVEN TWO

SUBJECT: TERMINOLOGY - AID OF THE CIVIL POWER AND ASSISTANCE TO
 CIVIL AUTHORITIES

REFERENCES: A. QR&O CHAP 23
 B. CFAO 23-1

1. TERMS QUOTE AID OF THE CIVIL POWER UNQUOTE AND QUOTE ASSISTANCE
 TO CIVIL AUTHORITIES UNQUOTE ARE OFTEN CONFUSED WITH ONE AND ANOTHER.
 THE TWO TERMS HAVE A DIFFERENT MEANING AND THE DISTINCTION BETWEEN
 THE TWO IS AS FOLLOWS:

A. AID OF THE CIVIL POWER - (REFERENCE A): THIS TERM HAS A
 MEANING IN LAW, AS CONTAINED IN PART XI OF THE NDA, AND IS ONLY
 USED IN RELATION TO THE AID GIVEN TO PROVINCIAL AUTHORITIES IN THE
 CASE OF, OR A THREAT OF, A RIOT OR DISTURBANCE. IT IMPLIES THE
 USE OF TROOPS PREPARED TO USE MILITARY FORCE, IF NECESSARY.

B. ASSISTANCE TO THE CIVIL AUTHORITIES - (REFERENCE B): THIS IS
 A TERM USED TO DESCRIBE THE EVERY DAY ASSISTANCE (SERVICES AND
 MATERIEL) GIVEN TO OTHER DEPARTMENTS, PROVINCES, MUNICIPALITIES,
 CIVILIAN ORGANIZATIONS AND PRIVATE INDIVIDUALS. THE ASSISTANCE
 INCLUDES FIGHTING FOREST FIRES, FLOOD CONTROL TASKS, DISPOSAL OF
 NON-DEFENCE EXPLOSIVES AND RANGING DOWN TO LENDING TABLES AND
 CHAIRS TO LOCAL ORGANIZATIONS.

RELEASING OFFICER
 NUMBER 03

DRAFTER'S NAME OFFICE TEL NO.
 GHJ LESCARD LCOL OPS 2-3218

RELEASING OFFICER'S SIGNATURE

F.A. Wingert LCOL

[Handwritten Signature]



ACTION REQUEST

FICHE DE SERVICE

V1150-110/874
D90PSL
DATE
12 Aug 70

TO — A

[Redacted] / CAS

LOCATION — ENDROIT

FROM — DE

Keep Sec

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PROJET DE RÉPONSE | <input type="checkbox"/> SIGNATURE |
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À VOTRE DEMANDE |
| <input type="checkbox"/> NOTE & RETURN/OR FORWARD
NOTER ET RETOURNER/OU FAIRE SUIVRE | <input type="checkbox"/> |

[Handwritten initials]
M. R. DARE
Lieutenant-General
Vice Chief of Defence Staff
AUG 24 1970

*Re minutes of Interdepartmental Cttee
- Aid of the Civil Power - (V1150-110/874)
V3004-4-1, 2 July 1970. -
you may wish to note
comment of N/C/CE m & my
memo of 9 June - S3005-1 (ADM)*

F.R. CUSHGLM

Johnston 000048
Keep on
2-8486

OFFICE OF THE
DEPUTY MINISTER OF NATIONAL DEFENCE



CABINET DU
SOUS-MINISTRE DE LA DÉFENSE NATIONALE

FILE: 2800-2-2

MEMORANDUM

NOTE

Mr. J. R. Chisholm, *JRC*
Departmental Secretary,
Room 2807 - "A" Building,
Ottawa, Ontario.

Ottawa, August 10, 1970.

1. With reference to the minutes of the Inter-department Committee on Aid of the Civil Power and further to my memorandum of May 15, 1970, I have read these with much interest and note that other meetings have been held.

2. It appears to us that the problems associated with aid of the civil power include not only the intelligence and operational functions of authority, but also those associated with the development of and operation of emergency services such as auxiliary water supply, engineer services, casualty care and welfare, and temporary accommodation, to name a few of the requirements which could stem from incidents receiving aid of the civil power. These and others are precisely the emergency services which municipal and provincial emergency measures organizations are set up to control and coordinate and for which purpose, in many cases, very adequate control and communication networks have been established. It is difficult for us to understand how aid of the civil power can be fully discussed without consideration of these matters, which fall within the general area for which Canada EMO has a guiding and coordinating responsibility.

3. It appears to me therefore, that Canada EMO should be permanently represented on the a/n committee so that the capability to respond to this aspect of civil unrest and disaster may be fully understood and incorporated with any national plans that result.

J.R. Patterson
J.R. Patterson,
National Coordinator,
Civil Emergency Measures.

*Copy to
VICWS -
12 Aug 70
Puckerton*
*T.R. CHISHOLM
Dep Sec
2-8486*

OFFICE OF THE
DEPUTY MINISTER OF
NATIONAL DEFENCE



CABINET DU
SOUS-MINISTRE DE LA
DÉFENSE NATIONALE

MEMORANDUM

NOTE

1. ~~ADM(F)~~ (in turn) *9/17/7*
2. JAG *Am*
3. NC/CEM

15 July, 1970
DGFP
DPA
DPG

To note. (Last to PA).

J.R. Chisholm
J.R. Chisholm
Departmental Secretary

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SECRET

MEMORANDUM

V1150-1101/74

V 3005-4-1 (LOFS)

16 July, 1970

DGOPSL

INTERDEPARTMENTAL COMMITTEE
ON LAW AND ORDER

References: A. S 3005-1 (CLS) of 22 May, 1970

B. V 3005-4-1 (DGOPSL) of 2 July, 1970

1. This "note to file" has been prepared for the guidance of the VCDS representative (BGen Gardner) to the above committee.
2. The first meeting of the committee was held on 11 June, 1970. At that meeting the various representatives were requested to present papers on the subjects listed at para 2 of Reference A.
3. The second meeting was held at 1430 hrs 8 July, 1970 in the Department of Justice Second Floor Conference Room. The following persons were in attendance:

Mr. D.S. Maxwell	- Deputy Attorney General (Chairman)
Mr. D.H. Christie	- Assistant Attorney General
Mr. L.E. Couillard	- LM, Dept of Manpower & Immigration
Mr. D.F. Wall	- Privy Council Office
Mr. Starnes	- RCMP
C/Supt E.W. Willis	- RCMP
LGen M.R. Dare	- CFHQ
LCol G.H.J. Lessard	- CFHQ

4. The Chairman, after verifying if all members had received copies of the papers submitted to the committee, sought the views of the representatives on the approach to take to discuss the papers. The RCMP representative was asked to give a brief outline of the RCMP paper which led to a series of questions on the part of the members. After a long while it became obvious that, although the discussion was very interesting, the committee had not established a method of work and its aim. LGen Dare suggested that the problem be identified, i.e. the threat both to the Government and to our social structures; that the means or resources available to governmental agencies that could be used to prevent, stop or counteract criminal/subversive actions, be established; and that the committee decides on courses of action to be taken. This approach was generally accepted by all and the RCMP (Mr Stern) was requested to produce a paper that would further identify the threat with sufficient details (organizations, names, numbers involved, etc) to enable the committee to assess the problem.

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- 2 -

2. The meeting adjourned at 1615 hrs, and it was decided that Mr. D.H. Christie would advise the members of the date of the next meeting.

6. ERRATUM. It will be noted that this memorandum reflects the correct title of the committee. Previous correspondence indicated "Aid of the Civil Power" which is not correct as shown in the papers submitted to the committee.



G.H.J. Lessard
Lieutenant Colonel
Interim VCLS Representative

SECRET

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~~CONFIDENTIAL~~

11150-110/874

V 3005-4-1 (10/1/70)

Canadian Forces Headquarters
Ottawa 4, Ontario
2 July, 1970

Mr. D.S. Maxwell
Deputy Minister
Justice Department

Dear Mr. Maxwell:

In accordance with the direction received at the 11 June 1970 meeting of the Interdepartmental Committee on Aid of the Civil Power, I am forwarding ten copies of each of the following papers:

- a. Procedures for invoking the aid of Canadian Forces in aid of the civil power.
- b. Means by which the machinery of military intelligence might assist in the preservation of law and order.

Yours very truly,



W.K. Lye
Brigadier General

cc: Sec VCDS
D Ops (1Col Lessard)

~~CONFIDENTIAL~~

SECRET

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*Copies made for
D1150-110/974*

~~CONFIDENTIAL~~

MEMORANDUM

*1150-110/174
V-3005-4-1 (DGOPSL)*

2 July, 1970

*Seen by Don
8 July 70
J.R. CHISHOLM*

DM

INTERDEPARTMENTAL COMMITTEE
AID OF THE CIVIL POWER

Reference: A. S 3005-1 (DM) of 9 Jun 70

1. The first meeting of the subject committee was held at 1430 hours 11 Jun 70 with the following persons in attendance:

- | | |
|--------------------|----------------------------------|
| Mr. D.S. Maxwell | - Dept of Justice (Chairman) |
| Mr. D.H. Christie | - Dept of Justice |
| Mr. Ernest Cote | - Solicitor General |
| C/Supt E.W. Willis | - RCMP |
| Mr. L.E. Couillard | - Dept of Manpower & Immigration |
| Mr. D.F. Wall | - Privy Council Office |
| LGen M.R. Dare | - VCDS |
| BGen W.K. Lye ✓ | - DGOPSL ✓ |

2. After a general review of the task of the committee, it was decided to begin by discussing a series of papers on the points specified in the Record of Cabinet Decision which established the committee. To this end the Solicitor General representative was asked for papers on the following points:

- a. Procedures for the RCMP acting in aid of provincial authorities.
- b. Means by which the RCMP criminal intelligence network might assist in the preservation of law and order.

The DND representative was asked for papers on the following points:

- c. Procedures for invoking the aid of Canadian military forces in aid of the civil power. ✓
- d. Means by which the machinery of military intelligence might assist in the preservation of law and order. ✓

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- 2 -

3. A copy of each of the papers submitted on 2c and d above is attached. The next meeting will be held at 1430 hours 8 Jul 70 in the Department of Justice Second Floor Conference Room.


M.R. Dare
Lieutenant General
Vice Chief of Defence Staff

cc: Sec DCOPSR
DGOPSL ✓
D Ops (LCol Lessard)

~~CONFIDENTIAL~~

SECRET

DM

CONFIDENTIAL

PROCEDURES FOR INVOKING THE

AID OF CANADIAN FORCES IN

AID OF THE CIVIL POWER

GENERAL

1. The statutory provisions relating to Canadian Forces in aid of the civil power are contained in Part XI of the National Defence Act. The related military regulations are contained in Chapter 23 of Queens Regulations and Orders for the Canadian Forces.

2. The provinces are responsible for the maintenance of law and order but do not have military forces of their own to deal with riots and disturbances of the peace that are beyond the ability of the provincial and municipal police to suppress. It is to fill this gap that federal legislation provides for the employment of the Canadian Forces in aid of the civil power.

PROCEDURE

3. The initiative for obtaining elements of the Canadian Forces in aid of the civil power rests with the provincial Attorneys General. The procedure is described in article 221 of the National Defence Act which states in part "In any case where a riot or disturbance occurs, or is considered as likely to occur, the Attorney General of the province on his own motion or upon receiving notification from a judge of a superior, county or district court that the services of the Canadian Forces are required in aid of the civil power, may by requisition in writing addressed to the Chief of the Defence Staff require the Canadian Forces, or such part thereof as the Chief of the Defence Staff considers necessary, to be called out on service in aid of the civil power".

CONFIDENTIAL

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CONFIDENTIAL

- 2 -

4. The form of the requisition is contained in article 223 of the National Defence Act. Any statement of fact contained in the requisition is not open to dispute by the Chief of the Defence Staff and he is required by the Act to take action on receipt of the requisition. The level of response is a military decision.

5. The regulations now in force (NDA 222 and QR&O 23.07) now require the Chief of the Defence Staff to receive the requisition before any action is taken. Article 23.07 of QR&O is now being rewritten and the proposed amendment will clarify what conditions must be met in order for the Chief of the Defence Staff to have "received" the requisition within the meaning of the regulations. These conditions are:

- a. The requisition has been accepted on behalf of the Chief of the Defence Staff by any officer.
- b. The Chief of the Defence Staff, or an officer acting for him at Canadian Forces Headquarters, has been informed of its contents.

LIAISON WITH PROVINCIAL AUTHORITIES

6. In accordance with CDS Policy Directive P2/70, Region Commanders are charged with the responsibility for the planning and execution of operations in aid of the civil power. It is therefore the responsibility of Region Commanders to effect the necessary liaison with the provincial authorities to establish precisely how an official requisition is to be handled in the event the Canadian Forces are required on aid of the civil power.

G.L.S.

29 June, 1970

CONFIDENTIAL

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DM

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V 3005-4-1 (DSECUR)

23 June, 1970

MILITARY INTELLIGENCE - ASSISTANCE IN THE
PRESERVATION OF LAW & ORDER

Reference: A. V 3005-4-1 (DGOPSL) of 12 June, 1970

AIM

1. The aim of this paper is to examine means by which the machinery of military intelligence might assist in the preservation of law and order.

SITUATION

2. Domestic intelligence of recent times has indicated that inimical forces are capitalizing on the need for social change. There is evidence to indicate that their intention is to destroy the Canadian way of life from within. "Legitimate dissent" is being directed by foreign interest. Most, if not all, dissident leadership is in the hands of persons who not only advocate revolution, but also have been trained in guerrilla techniques and tactics in Communist controlled countries.

3. Civil authorities are finding it more and more difficult to collect intelligence on the domestic scene within their current resources. They are clearly in need of more sources to collect and collate information/intelligence to enable civil authority to concentrate their police forces on the preservation of law and order.

RESOURCES

4. The CF, with a total complement of over 82,000 members and whose basic reliability is assured by criminal and subversive indices checks are able to provide new sources of information to civil authority concerning the threat to law and order.

5. Specialist Resources. Of the total CF complement, 145 officers and 2,300 men are directly employed in the security services. This includes 125 investigators in 16 detachments of the Special Investigation Unit with developed and active sources/informants on the domestic scene. The remaining complement of security services personnel are employed on bases and units across the nation and in Europe with direct sources and liaison in local communities.

CAPABILITY

6. The CF currently have the capability of acquiring direct and indirect domestic intelligence by:

- a. conducting field investigations in support of the Security Clearance Program, thereby identifying special risk individuals;

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- 2 -

- b. assisting RCMP in the conduct of covert operations, thereby contributing to the overall assessment of the threat posed by Hostile Intelligence Services (HIS) and other inimical groups operating in Canada;
- c. providing the RCMP with independent information/intelligence on current personalities and organizations who pose a threat to Canadian unity;
- d. conducting an educational program which creates an awareness in the military concerning internal security problems and stimulates service personnel to report untoward incidents to proper authorities;
- e. monitoring ham radio transmissions which may emanate from inimical organizations;
- f. providing expert intelligence evaluators to joint civil/military headquarters operating in support of civil operations.

CONCLUSIONS

7. Military intelligence is capable of assisting in the preservation of law and order by:

- a. increasing the collection resources of civil security agencies thereby forewarning them of possible adverse developments;
- b. providing timely warnings/intelligence to military commanders on current domestic situations which they may face in aid of the civil power operations;
- c. providing information/intelligence on hostile missions involving the acquisition of military stores (firearms, ammunition, explosives, radios, rations etc), thus denying the use of these materials to hostile elements;
- d. stimulating military personnel to report incidents and individuals involved in inimical organizations/operations, through an effective security education program.

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CONFIDENTIAL

MEMORANDUM

V11570-1100/874

CRPA

~~V 3005-4-1 (DORL 3)~~

24 June, 1970

DGOPSL

INTERDEPARTMENTAL COMMITTEE
AID OF THE CIVIL POWER

Reference: A. V 3005-4-1 (DGOPSL) of 12 June 1970

1. Attached is a draft of a paper describing the procedures by which provinces obtain the assistance of Canadian Forces in aid of the civil power as requested in Reference A.


G.L. Simpson
Lieutenant Colonel
DORL 3
5-8191

GL Simpson, LCol/5-8191/dfb

CONFIDENTIAL

DORL PASS SLIP

V1150-110/874

TO _____

INFO _____

_____ Action

_____ Comment/Speak

_____ Information

_____ Prepare letter/memo

_____ Circulation

_____ Reply Please

(PA/BF/Hold) to
vcas
file

_____ Your request

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_____ Abstract/brief

Remarks :

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✓

W.B.S. Sutherland

COL 995-8191 DORL

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1454

CONFIDENTIAL

MEMORANDUM

V 3005-4-1 (DGOFSL)

12 June, 1970

DORL

①

INTERDEPARTMENTAL COMMITTEE
AID OF THE CIVIL POWER

Reference: A. S 3005-1 (CDS) of 22 May 70

1. As a result of the first meeting of the subject committee, papers from DND are required on the matters described in paragraphs 2a and 2c of Reference A. DCIS will prepare a paper on 2c.

2. DORL will prepare a paper on 2a to cover "procedures for invoking the aid of the Canadian military forces in aid of the civil power". It is suggested that a similar paper prepared late in 1969 following the Montreal disturbance could be used as the basis and that applicable portions of the CDS Study Directive S15/69 Report could be incorporated as changes in progress.

3. As I will need twelve copies, cleared by the VCDS, by 2 Jul 70, your draft for approval should be submitted by 27 June 70.

W.K. Iye
Brigadier General
DGOFSL
2-7455

cc: Sec VCDS
Sec DGOFSR
DOps (ICol Lessard)

②
Received
& distributed

A B CHAPLIN
MAJ

JUL 2 1970

CONFIDENTIAL

CONFIDENTIAL

MEMORANDUM

0166 A

3005-1 (DGOPSL)	11
2 June, 1970	VCDS
Referred to	See VCDS
JUN 1970	V 1150-110/174
File No.	130054
Chg'd. to	DOPS 13-5-70

DCIS

INTERDEPARTMENTAL COMMITTEE
AID OF THE CIVIL POWER

Reference: A. S 3005-1 (CDS) of 22 May 70

1. The VCDS will have told you that I have been appointed the DND representative on the Interdepartmental Committee on Aid of the Civil Power established to study the matters described in Reference A, a copy of which is attached.
2. As a result of the first committee meeting held 11 Jun 70, papers from DND are required on the subject matter of paragraphs 2a and 2c of Reference A. DGOPSL will prepare the paper on 2a; LCIS is invited to prepare a paper on 2c to cover the "means by which the machinery of military intelligence might assist in the preservation of law and order".
3. I will need twelve copies of your paper, approved by the VCDS, by 2 Jul 70.

W.K. Iye
Brigadier General
DGOPSL
2-7455

cc: Sec VCDS (less enclosure) ←
 Sec DCOPSR (less enclosure)
 DORL (less enclosure)
 Dops (LCol Lessard)

1150 BALFOUR
 CENTRAL COMMAND
 VCDS
 JUN 15 1970

CONFIDENTIAL

DEPUTY MINISTER OF NATIONAL DEFENCE



SOUS-MINISTRE DE LA DÉFENSE NATIONALE

21150-110/874

S 3005-1 (DM)

0162

Ottawa, Ontario

9 June, 1970 MANAGEMENT DIVISION
VCDS BRANCH REGISTRY

Referred to

DGopsl

JUN 10 1970

21150-110/874

File No

13005-4-1

Sh'd. to

DO PS

13-5-70

Deputy Minister
Department of Justice
Justice Building
Wellington Street
Ottawa 4, Ontario

①

Attention: Mr. D.H. Christie
Assistant Deputy Attorneys General

REPRESENTATIVE TO THE INTERDEPARTMENTAL COMMITTEE
ON AID TO THE CIVIL POWER

I refer to the Cabinet decision of 7 May, 1970, establishing an interdepartmental committee chaired by the Department of Justice to study specific matters in relation to the priority problem of "Law and Order".

The Department of National Defence has nominated as its representative on this committee Brigadier-General W.K. Lye, Director General Operations Land (DGOPSL) who will be replaced by Brigadier-General J.C. Gardner on 27 July, 1970, when the latter assumes the appointment of DGOPSL.

Our representative can be contacted at his office at Canadian Forces Headquarters by calling 992-7455.

E.B. Armstrong
E.B. Armstrong
Deputy Minister

c.c. BGen W.K. Lye - DGOPSL ✓

②
Noted
DG has own copy
P.A. *AB*
A B CHAPLIN
MAJ

CONFIDENTIAL

JUN 11 1970

PA

OFFICE OF THE
DEPUTY MINISTER OF NATIONAL DEFENCE



CABINET DU
SOUS-MINISTRE DE LA DÉFENSE NATIONALE

MEMORANDUM
NOTE

D1150-110/974

0163

S 3005-1 (DM)

9 June, 1970

RECORDS MANAGEMENT DIVISION	
VCDS BRANCH LIBRARY	
Referred to	D Gopsal
File No.	11111 ✓ 1150-110/974 3005-4-1
Chg'd. to	D G P S

13-5-70

CDS

REPRESENTATIVE TO THE INTERDEPARTMENTAL COMMITTEE
ON AID TO THE CIVIL POWER

1. Referring to your memo of 3 June, 1970, the letter to the Department of Justice with nominations for membership on the interdepartmental committee has been despatched.
2. In this connection your attention is directed to a copy of a memo from the National Coordinator, Civil Emergency Measures, of 15 May. Would you please arrange for Mr. Patterson to be kept informed and in attendance at committee meetings if the occasion requires it. The DM also wishes to be kept informed.

J.R. Chisholm
 J.R. Chisholm
 Departmental Secretary
 2-8486

②

DGOPSL

*Please note para 2 of minute 1.
 Copy of Mr Patterson's letter to Dep Sec
 is attached*

*J. Patterson Major
 DPA2/CDS*

27303

11 June 70

Noted

MR. R. G. B. B. B.

JUN 12 1970

OFFICE OF THE
DEPUTY MINISTER OF NATIONAL DEFENCE



CABINET DU
SOUS-MINISTRE DE LA DÉFENSE NATIONALE

MEMORANDUM

Mr. J.R. Chisholm,
Departmental Secretary,
Room 2807 - "A" Building,
Ottawa, Ontario.

OTTAWA, May 15, 1970.

NOTE

1. I have noted with interest the record of the Cabinet decision relating to Law and Order. Experience in the United States has shown that whereas civil unrest was originally considered to be a matter purely for the law enforcement agencies, more recently it has involved the use of many other municipal services, such as emergency health services, emergency welfare services, together with the application of existing civil defence control and communication facilities.

2. Our own limited experience, e.g., in Montreal, has also indicated that civil defence/emergency measures organizations become deeply involved in civil unrest problems, though obviously not with the enforcement or maintenance of law and order.

3. For these reasons, I would hope that Canada EMO is borne in mind when a suitable departmental representation is being selected for the Interdepartmental Committee authorized by the Cabinet.

A large, stylized handwritten signature in cursive script, appearing to read "C. R. Patterson".

C. R. Patterson,
National Coordinator,
Civil Emergency Measures.

CANADA EMERGENCY MEASURES ORGANIZATION

Handwritten initials, possibly "Dany", written in a cursive style.

OFFICE OF THE
VICE CHIEF OF THE DEFENCE STAFF



CABINET DU
VICE CHEF DE L'ÉTAT-MAJOR DE LA DÉFENSE

MEMORANDUM
NOTE

D ops

*Please note D ops R comin 2 two folios
down. Thank you. File may be PA'D*

[Signature]
H. AYERST
Captain
SECURITY

MAY 29 1970

8 Jul 2.30 P.M.

2 papers

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CONFIDENTIAL

MEMORANDUM

Allen
MAJOR
SEE DCOPS/2

3005-1 (DGOPSL)

29 May, 1970

Sec VCDS (through ~~Sec DGOPSL~~) 9 MAY 1970

REPRESENTATIVE TO THE INTERDEPARTMENTAL COMMITTEE ON AID OF THE CIVIL POWER

Reference: A. S 3005-1 (CDS) of 22 May, 1970.

1. The VCDS representative to the subject committee is:

BGEN W.K. LYE, DGOPSL

who will be replaced by:

BGEN J.C. GARDNER

on 27 July, 1970, when he assumes the appointment of DGOPSL.

Note
to file copy
passed to YPR/CDS

A.B. Chaplin
A.B. Chaplin
MAJ
Sec DGOPSL
2-0579

AB
MAY 29 1970

~~3003/4~~
JE
WD
~~401/1000~~

CONFIDENTIAL

CONFIDENTIAL



CHIEF OF THE DEFENCE STAFF

CHEF DE L'ÉTAT-MAJOR DE LA DÉFENSE

S 3005-1 (CDS)

22 May, 1970

RECORDS MANAGEMENT DIVISION
VCDS BRANCH REGISTRY
Referred to: <u>VCDS</u>
MAY 25 1970 <u>1150-110</u>
File No: <u>3005-1-0</u>
Class'd. to:

Distribution List

RECORD OF CABINET DECISION
AID OF THE CIVIL POWER

Reference: A. CDS Study Directive S15/69 - Canadian Forces
In Aid Of the Civil Power.

1. At a meeting on 7 May, 1970 the Cabinet confirmed a decision forwarded by the Cabinet Committee on Priorities and Planning in which the committee noted:

- a. the desirability of regarding the "Law and Order" problem in the broader context of "National Unity", and in relationship to the priority problems of "Social Justice and "Participation";
- b. the need to identify and delineate the various forces which threaten the preservation of law and order and their underlying causes, and to describe the kinds of disorder which might be expected;
- c. the need to identify the gaps of procedure and substance in present arrangements for the preservation of law and order, and to set out clear options for filling these gaps in a positive and credible manner, bearing in mind the dangers of overreaction;
- d. the need for continuing scrutiny of the problem from a political viewpoint, and for the exercise of political judgement in the application of counter-measures; and,
- e. the interdepartmental committee proposed by the Minister of Justice should take into account, and avoid duplication of, the related work being performed by other interdepartmental and Cabinet committees.

2. The Cabinet agreed that an interdepartmental committee chaired by the Department of Justice and having representation from the Department of the Solicitor General, the Department of National Defence, the Department of Manpower and Immigration and the Privy Council Office be established to study the following matters in relation to the priority problem of "Law and Order", taking into account the points noted at a. to e. above:

DCopsR
 I think
 we should
 identify
 the
 core
 problem.

MAY 26 1970
 M. H. DARE
 Lieutenant-General
 Vice Chief of Defence Staff

② DCOPS R
 Min D. Arrange
 to have see VCDS
 still info
 addresses that
 it is you now
 followed by
 BEN Sandwich
 R. C. STOVEL
 MGEN

CONFIDENTIAL

.../2

28 MAY 1970
000069

CONFIDENTIAL

- 2 -

- a. procedures for invoking the aid of the Canadian military forces in aid of the civil power;
- b. procedures for the R.C.M. Police acting in aid of provincial authorities;
- c. means by which the R.C.M. Police criminal intelligence network and the machinery of military intelligence might assist in the preservation of law and order;
- d. means by which the Directorate of Security and Intelligence, R.C.M. Police, might most effectively assist other agencies of government which are concerned with the maintenance of law and order;
- e. the desirability and feasibility of increased federal responsibility and authority for maintaining law and order by way of amendments to existing criminal law; and,
- f. steps to be taken in the event the War Measures Act comes into force by reason of insurrection.

3. The Cabinet further directed that the report of the inter-departmental committee be submitted to the Cabinet Committee on Priorities and Planning by mid-September, 1970. In this regard VCDS is requested to appoint a representative to the inter-departmental committee to provide advice in accordance with the findings resulting from the study at Reference A. Also, the representative shall inform VCDS and DPR/CDS of the results of the interdepartmental study as it progresses.


F.R. Sharp
General

Chief of the Defence Staff

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