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CANADIAN ARMY MAY ASSIST LOCAL MAINE AUTHORITIES DURING CIVIL EMERGENCIES

Deschesne Meets with General Libby to Discuss Civil Assistance Plan

By: David Deschesne

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Last month, the United States Northern Command (NORTHCOM) and Canada Command signed an agreement that would allow the military of one country to assist civil authorities in the other's during times of emergency.

"I'm a little disappointed that I had to learn of the (Civil Assistance) plan from the editor/publisher of the Fort Fairfield Journal."

*-Major General Bill Libby,
Adjutant General,
Maine National Guard.*

The so-called "Civil Assistance Plan" (CAP) allows Canadian soldiers to function with civil authorities in the United States and United States soldiers in that capacity in Canada during a declared emergency.

The CAP was not authorized by Congressional legislation, or as a treaty between two countries by

the U.S. Senate.

It also seems that the respective State governors and their adjutant generals weren't apprised of the agreement either.

Recently, the *Fort Fairfield Journal* questioned the Maine Emergency Management agency for their thoughts on the plan, a plan which they weren't even aware of.

"It came as a bit of a surprise to me," said Maine Department of Defense, Veterans and Emergency Management Commissioner and Adjutant General, Major General Bill Libby in an exclusive interview with the *Fort Fairfield Journal*. "I'm a little disappointed that I had to learn of the (Civil Assistance) plan from the editor/publisher of the *Fort Fairfield Journal*."

According to a NORTHCOM [press release, published on their website](#), the CAP was signed by U.S. Air Force General, Gene Renuart, commander of North American Aerospace Defense (NORAD) Command and NORTHCOM and Canadian Air Force Lt.-General Marc Dumais on February 14, 2008 in a ceremony at Fort Sam Houston, Texas.

Alternate news media covered the story on the internet as early as February 21 and the *Fort Fairfield Journal* was made aware of it by its nationwide network of independent, volunteer researchers on February 24.

This writer mailed letters to the Aroostook County Sheriff, Aroostook Emergency Management Agency and Maine Secretary of State on February 29 for comment on this plan and followed up with Emails on March 3.

As the head of Maine's Emergency Management system, General Libby was then admittedly made aware of the CAP shortly after his Maine Emergency Management State Director, Robert McAleer alerted him to it - at least fourteen days after it had been signed.



Major General Bill Libby (left), Adjutant General, Maine National Guard and Fort Fairfield Journal editor/publisher, David Deschesne recently met to discuss the Civil Assistance Plan whereby Canadian military troops would be used to assist local and state authorities in the United States.

photo/John Herold

“Neither the governor, nor I were included in the discussions of the plan, or even aware of it” said Libby, who is the highest-ranking military officer in Maine. “Not that I think NORTHCOM has to come to us for approval, but it would have been nice to at least been included in the discussion of the plan. It certainly wasn’t appreciated at the State level that we were left out.” He also indicated that it was likely most of the other State governors and their adjutant generals were out of the loop, as well.

While left out of the negotiations for the CAP, Libby claims that the use of U.S. or Canadian troops for assistance to local authorities in Maine would be up to the State, not the Federal government. “It is my understanding that in the event of an emergency, the Governor, his emergency management directors and I would determine if we needed assistance from the federal government and would then apply for it,” said Libby. As for foreign troops being used for domestic law enforcement, Libby says, “The Canadian military will not be used for law enforcement purposes.”

Currently, [Maine law](#) requires any federal officer who engages in State law enforcement to have completed a minimum of required training through the Maine Criminal Justice Academy, or an approved course. But, those statutes grant no authorization for foreign militaries.

Lieutenant Colonel (LTC) John Cornelio, Public Affairs Officer for NORTHCOM/NORAD in Colorado Springs agreed with Libby in a telephone interview with the *Fort Fairfield Journal*. “The CAP is merely an agreement between the U.S. and Canada where Canadian troops will assist the states when asked,” said LTC Cornelio. “They are not intended to be used for law enforcement purposes.”

However, the 2008 National Defense Authorization Act (NDAA) seems to contradict Libby’s and Cornelio’s position by placing the sole determination and use of the U.S. military for law enforcement purposes within a state with the President alone. Section 1068* of the NDAA (H.R. 5122) says, “The president, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination or conspiracy...”

The Canadian military’s agreement with NORTHCOM may allow them into the State under the President’s authority in the NDAA to “suppress in a State, any insurrection, domestic violence, unlawful combination or conspiracy, if it so hinders the execution of the laws of that State, and of the United States within the State.” Clearly this portion of the NDAA is intended to authorize the use of the U.S. military for law enforcement within a State, under the President’s discretion, and allows the Canadian military to also be used upon request from NORTHCOM under the CAP.

There is no mention in the NDAA of a State governor’s input in the determination to use U.S. troops within his/her State. Instead, those measures are left solely to the U.S. President alone. The language, “or any other means,” in the law seems to imply the use of foreign troops in addition to, or in lieu of, U.S. troops to enforce the laws of the State and the United States in the event the state’s constituted authorities are either unable, or refuse to provide said enforcement.

The text of the agreement with the Canadian military is not being made public. “It is marked, ‘For Official Use Only,’” said General Libby.

“The CAP is an Operational Order and all Operational Orders fall under the category ‘For Official Use Only,’” said LTC Cornelio. “Certainly if we were designing an Operational Order for use in Iraq we wouldn’t want that made public. But, the CAP is different and we are working on authorizing it for release to the public as soon as possible.”

LTC Cornelio promises a copy of the CAP will be made available to the *Fort Fairfield Journal* as soon as it’s released.

The NDAA allows the President to use the military to enforce the laws of the United States within a State when a State “opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.”

The State of Maine is currently refusing to abide by and adopt provisions of the REAL ID Act, which is a federal law. Under section 1068, of the NDAA, Maine could be considered in a state of “insurrection” by refusing to comply with REAL ID, thus activating the language and intent of the NDAA against them. The deadline for compliance with REAL ID is May 11, 2008. The State of Maine has indicated it has no intention of filing for an extension for compliance.

There is an old maxim that says militaries are formed and trained primarily to kill people and break things. Militaries, by their nature are not disaster relief organizations. “NORTHCOM is an operational command center, it has no troops assigned to it,” said LTC Cornelio. “We are in command of both aspects of the military - the war side and the disaster

relief side. We determine which to use based upon our assigned mission.”

Since the only time Maine would apply for assistance “out of house” is when it is determined that it can’t handle the emergency “in house” with its own authorities, General Libby was asked what would happen if a foreign military were invited into the State and decided to take control of the police, legislature or governor. By inviting in the Canadian military, we would admittedly not have enough people in the State to handle that type of situation. “The plan doesn’t address that question,” he said.



Under the Civil Assistance Plan (CAP) and in concert with the 2008 North American Defense Authorization Act, the Canadian Army may assist in crowd control during an “emergency” within the United States under direction of the President alone, without input from State govern-
ments.
photo/David Axe

“Despite having a tiny army with a tiny budget, Canadians have positively terrifying reputations as fighters,” writes independent military correspondent, David Axe, in his online blog, www.warriorboring.com/?cat=50. “Many observers compare the Canadian army to the U.S. Marine Corps, as both leverage excellent training and strong fundamentals to compensate for mostly basic equipment and a general dearth of cash.”

As to who will actually be in control of the Canadian troops in Maine, Libby states, “There is an understanding that they would be reporting to the States’ Adjutant Generals when assisting in pre-known events, such as security at sporting events. But for other unpredicted events, there is an ongoing discussion of who the troops will actually work for.”

In the event Canadian troops are used within Maine, the State would be required to pay them, even though the chain of command is, according to Libby, still in an “ongoing discussion.” If a Federal disaster is declared, then the Feds pick up 75 percent of the cost, with the State responsible for 25 percent.

Whether or not the foreign military force will be armed while operating in the United States is still unclear. “The CAP is silent on that question,” said Libby.

Libby admits the foreign military would not be bound by oath of allegiance to the United States, or its Constitution while assisting State authorities in-country. “There is no expectation that would occur,” said Libby. “Our troops go into other countries to provide assistance and don’t swear an oath of loyalty to their government or constitutions.”

Currently, the State of Maine has provision in law to activate a [Maine State Guard](#) in times of emergency and disaster.

The Maine State Guard is a separate entity from the National Guard, is comprised of all able-bodied males and females between the ages of 18 - 45 within the State and is not to be used for Federal government service and not to participate in Federal wars outside the boundaries of the State.

“The State Guard currently has nobody in it. It exists solely on paper,” said Libby.

Libby indicates that the use of Canadian military troops wouldn’t be so much a “manpower” issue as a “technical” issue. “We wouldn’t necessarily be calling on the Canadians to help us due to a shortage of troops,” he said. “But, rather for assistance in some technical aspect we are lacking, such as water purification.”

The NDAA does not deal with innocuous events such as water purification, but instead deals specifically with the use of the U.S., and now through the CAP, Canadian militaries to enforce State and U.S. law within a state under the President’s direction. A plan, that General Libby admits was entered into with no input or foreknowledge of the respective States’ legislatures, Emergency Management Directors, Adjutant Generals or Governors.

To date, the Aroostook County Sheriff and Maine Secretary of State have not responded to their letters of inquiry on the CAP to this newspaper reporter.

[Click Here for related story on the CAP](#)

*Editor’s note: The Library of Congress’ website keeps changing the hyperlink for section 1068 of the NDAA. To read the text, either search it directly from the thomas.loc website, or click the above “related story” link and scroll to the bottom of that page.

1269