

Airdrie, Alberta
October 28, 2017

MY FILE: 143

Ms. Suzanne Legault
The Information Commissioner of Canada
30 Victoria Street, 7th Floor
Gatineau, Quebec
Ottawa, Ontario
K1A 1H3

Dear Ms. Legault:

Re: MISSING RECORDS COMPLAINT – DND ATIP FILE: A-2016-02455

Please find attached: (1) a copy of my original *Access to Information Act* request to National Defence dated February 5, 2017; (2) Immediately below is the link to National Defence's 45-page response dated October 12, 2017 - <https://dennisryoung.ca/wp-content/uploads/2017/10/National-Defence-Soldiers-Helped-RCMP-with-High-River-Gun-Grab-Oct-12-2017.pdf>

NOTE: If you need a copy of the diskette DND sent me with their response, please advise by e-mail.

As you can see from the wording of my original request, I asked National Defence for a very extensive list of the different types of their records covering a period of almost four years since 380 soldiers were deployed in High River. The response I received includes basically two records.

- (1) A draft response prepared by Canadian Joint Operations Command (CJOC) in response to MP John Barlow's Parliamentary Order Paper Question Q-792 from November 2014 (a response that differs quite markedly from the response Defence Minister Nicholson tabled in Parliament) and
- (2) A Lesson's Learned Quick Look Report dated August 2013. These two documents don't come even close to providing the records that must be available in National Defence HQs, CFB Edmonton and CJOC.

First, I have written several letters to Defence Ministers over the years outlining all the questions that remain unanswered about what the soldiers did in High River and why (see the link at the bottom of this letter). These unanswered questions include:

- (1) Why Canadian Forces lost command and control of their troops in High River?
- (2) Why the RCMP were allowed to take command of some Canadian Armed Forces personnel in High River and give orders to soldiers to help the RCMP with their unlawful entry into homes and the seizure of firearms?
- (3) Why were soldiers allowed to kick in doors to High River homes, without lawful excuse or authority, over a number of days, enter those homes without warrant and seize firearms from those homes without lawful excuse or authority; thereby, disobeying direct orders from the Minister of Defence and the Chief of Defence Staff and even exceeding the request made by the Alberta Minister responsible for Emergency Management (see the preamble to my original ATIP request attached)?
- (4) Why is there no record of any soldier or commander being reprimanded or disciplined for disobeying clearly written orders from the very highest levels of National Defence and clearly stated in the request from the Minister of Public Safety and the Alberta government?
- (5) Why were soldiers willingly talking to their friends about what they saw and did in High River for two weeks following the flood and then suddenly clammed up about their activities in High River to this day?

No copies of my letters to the Minister of Defence have been included in the National Defence response to my ATIP request even though it would seem to qualify as correspondence. Even copies of analyses and draft responses prepared by the department for the Minister have not been provided. Does National Defence not review letters sent to the Minister complaining about their actions? The Minister might have refused to sign the letters (because I never did receive answers); however, I'm pretty sure his departmental staff wouldn't have just ignored them. I have also written the Prime Minister Harper and Prime Minister Trudeau complaining about the fact that their Defence Minister's failed to respond to my letters (see link below). Once again, I'm pretty sure the Defence Minister's office and National Defence HQ would have just ignored the follow-up from the respective Prime Minister's Offices. And, am I the only one to have to have written the Defence Minister about the actions of his soldiers in High River? This seems to defy belief. Am I not also entitled to receive copies of those letters without revealing their private information of course?

Secondly, where are the copies of reports on High River prepared for senior officers, briefing notes and advice to the Minister? There also had to have been many meetings held at National Defence HQs, CFB Edmonton and CJOC just to prepare the two documents provided in the DND response they sent me let alone meetings necessary to examine all the outstanding issues and questions related to the actions of the 380 soldiers deployed in High River following the 2013 flood. Where are the notes, e-mails, records and minutes of those meetings?

Thirdly, we have received eye witness accounts of High River residents watching soldiers kicking in doors and removing firearms, and even one account advising that it was soldiers (not RCMP officers) that were seen high-fiving themselves following the kicking in of a door to a High River home. These incidents were reported to me, were they not reported to the Canadian Armed Forces? Did the soldiers themselves or the officers in charge report these actions? Were these reports not investigated? Were the soldiers not interviewed and reprimanded? This seems very odd indeed that there are no records of these reports.

Finally, four separate telephone polls conducted in High River over the last four years indicate a clear lack of trust in the RCMP to protect their homes and property should another emergency evacuation be necessary (see the links to High River polls below). The public interest in full disclosure by National Defence is clear by the nearly 15,000 hits my website has received in the last six days from concerned citizens wanting to read the CJOC response to this ATIP request. Now that the Canadian Armed Forces have finally admitted their role in entering High River homes and seizing firearms, the Minister of National Defence also has a role in restoring the trust of High River residents. It starts with a full disclosure of all records that I requested and then a full apology to High River residents.

Thanks for your help to get all the records I requested.

Yours sincerely,

[Original signed by]

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See links below with supporting documentation

LETTER TO MINISTER OF DEFENCE: HIGH RIVER REPORT DID NOT FULFIL DEFENCE MINISTER NICHOLSON'S PROMISES <https://dennisryoung.ca/2016/06/27/letter-to-minister-of-defence-high-river-report-did-not-fulfil-defence-minister-nicholsons-promise/>

NOW IF THE PRIME MINISTER CAN JUST GET HIS MINISTER OF DEFENCE TO ANSWER MY LETTERS AND PROVIDE RESPONSES TO ALL THE UNANSWERED QUESTIONS ABOUT WHAT ELSE THE SOLDIERS DID IN HIGH RIVER AND WHY! <https://dennisryoung.ca/2016/11/23/asking-prime-minister-for-his-help-to-get-two-ministers-to-respond-to-my-high-river-letters/>

FOUR POLLS OF HIGH RIVER RESIDENTS INDICATE TRUST IS STILL BROKEN

SEPTEMBER 9, 2016: LESS THAN HALF OF HIGH RIVER RESIDENTS TRUST THE RCMP TO PROTECT THEIR HOMES AND PROPERTY IN THE EVENT OF ANOTHER EMERGENCY EVACUATION.

<http://dennisryoung.ca/2016/09/10/4th-nfa-high-river-poll-trust-in-the-rcmp-still-broken-three-years-after-flood/>

SEPTEMBER 5, 2015: 48% OF HIGH RIVER RESPONDENTS WANT PREMIER NOTLEY TO CALL A JUDICIAL INQUIRY

<https://nfa.ca/media-release-poll-shows-half-of-high-river-residents-want-judicial-inquiry/>

MARCH 9, 2015: 67% OF HIGH RIVER RESPONDENTS DO NOT SUPPORT RCMP ENTERING THEIR HOMES IN A FUTURE EMERGENCY

<https://nfa.ca/public-believes-police-actions-at-high-river-unnecessary-3/>

AUGUST 7, 2014: 53% OF HIGH RIVER RESPONDENTS WOULD REFUSE ORDERS TO EVACUATE THEIR HOMES IN THE EVENT OF ANOTHER FLOOD

<https://nfa.ca/poll-of-high-river-residents-shows-a-dismal-lack-of-trust-in-rcmp-2/>

ACCESS TO INFORMATION ACT

Access to Information Request Form

For official use only:

My File: 143

Federal Government Institution:

**NATIONAL DEFENCE HQ, CANADIAN FORCES BASE EDMONTON, AND
CANADIAN JOINT OPERATIONS COMMAND**

Details regarding the information being sought:

Reference is being made to the attached copies of the following letters, each one, documenting clear orders to the Canadian Armed Forces personnel being deployed in High River during the 2013 flood, **NOT TO ENGAGE IN LAW ENFORCEMENT ACTIVITIES**. <http://dennisryoung.ca/wp-content/uploads/2017/02/DND-High-River-Orders-Soldiers-Not-to-Engage-in-Law-Enforcement-June-21-2013.pdf>

- (1) Letter to Minister of National Defence dated June 21, 2013 signed by Chief of Defence Staff, General T.J. Lawson and Deputy Minister Richard B. Fadden stating in Item #3: **“Canadian Armed Forces Personnel will not engage in law enforcement activities.”**
- (2) Letter to the Minister of Public Safety dated June 21, 2013 signed by the Minister of National Defence stating in the bottom paragraph on page one: **“Canadian Armed Forces personnel will not engage in law enforcement activities.”**
- (3) Letter to the Chief of Defence Staff dated June 21, 2013 signed by the Minister of National Defence, Peter MacKay stating in the last paragraph on page two: **“Canadian Armed Forces will not engage in law enforcement activities.”**
- (4) Letter to the Minister of National Defence Peter MacKay dated June 21, 2013 signed by the Minister of Public Safety Vic Toews stating on page two: **“No assistance to law enforcement by the CF under subsection 272.6(2) of the National Defence Act is anticipated at this time.”**
- (5) Letter to the Minister of Public Safety dated June 21, 2013 signed by Douglas Griffiths, Alberta Minister of Municipal Affairs and Minister Responsible for Emergency Response stating in the second paragraph: **“I do not foresee a requirement to use the CF members as peace officers, and I do not see a requirement to arm them for these humanitarian and disaster response duties.”**

Reference is also being made to the attached picture showing soldiers clearing engaging in a law enforcement activity.

<http://dennisryoung.ca/2016/11/05/national-defence-atip-response-not-one-meeting-held-on-high-river-really/>

For the period between June 20, 2013 to present, please provide copies (drafts and final versions) of all documents, records, reports, presentations, briefing notes, advice, analyses, pictures, videos, investigations, hearings, inquiries, reprimands, e-mails, correspondence resulting from their deployment in High River during the 2013 flood documenting (1) why soldiers participated in law enforcement activities in High River contrary to their direct orders, and (2) what corrective actions were taken against the soldiers and their commanders who failed to follow these direct orders.

Method of access preferred: Receive copies of originals Examine originals in government offices

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This request for access to information under the Access to Information Act is being made by:

- a Canadian citizen, permanent resident or another individual present in Canada, or
 a corporation present in Canada

Cheque # 528

Signature: _____
[Original signed by]
Dennis R. Young

Date: February 5, 2017



(SOURCE: RCMP)