



**Solving Problems at the Lowest Level:
The Proactive Delegation of Ministerial Authorities to Support National Security Agencies**

Major Shannon Glenney

JCSP 49 DL

Exercise Solo Flight

Disclaimer

Opinions expressed remain those of the author and do not represent Department of National Defence or Canadian Forces policy. This paper may not be used without written permission.

© His Majesty the King in Right of Canada, as represented by the Minister of National Defence, 2024.

PCEMI n° 49 AD

Exercice Solo Flight

Avertissement

Les opinions exprimées n'engagent que leurs auteurs et ne reflètent aucunement des politiques du Ministère de la Défense nationale ou des Forces canadiennes. Ce papier ne peut être reproduit sans autorisation écrite.

© Sa Majesté le Roi du chef du Canada, représenté par le ministre de la Défense nationale, 2024.

CANADIAN FORCES COLLEGE - COLLÈGE DES FORCES CANADIENNES

JCSP 49 DL - PCEMI n° 49 AD
2022 - 2024

Exercise Solo Flight – Exercice Solo Flight

**Solving Problems at the Lowest Level:
The Proactive Delegation of Ministerial Authorities to
Support National Security Agencies**

Major Shannon Glenney

“This paper was written by a candidate attending the Canadian Forces College in fulfilment of one of the requirements of the Course of Studies. The paper is a scholastic document, and thus contains facts and opinions which the author alone considered appropriate and correct for the subject. It does not necessarily reflect the policy or the opinion of any agency, including the Government of Canada and the Canadian Department of National Defence. This paper may not be released, quoted or copied, except with the express permission of the Canadian Department of National Defence.”

« La présente étude a été rédigée par un stagiaire du Collège des Forces canadiennes pour satisfaire à l'une des exigences du cours. L'étude est un document qui se rapporte au cours et contient donc des faits et des opinions que seul l'auteur considère appropriés et convenables au sujet. Elle ne reflète pas nécessairement la politique ou l'opinion d'un organisme quelconque, y compris le gouvernement du Canada et le ministère de la Défense nationale du Canada. Il est défendu de diffuser, de citer ou de reproduire cette étude sans la permission expresse du ministère de la Défense nationale. »

SOLVING PROBLEMS AT THE LOWEST LEVEL: THE PROACTIVE DELEGATION OF MINISTERIAL AUTHORITIES TO SUPPORT NATIONAL SECURITY AGENCIES

INTRODUCTION

The September 11th attacks of 2001 changed the character of policing in Canada and brought into public view the idea of national security. While significant government funds were diverted to counter-terrorism and other national security services during the mid-2000s, the financial reality is that several of these expenditures are unsustainable. In order to ensure that Canadian national security agencies are best postured to detect, deter and defend against national security threats, duplication of capabilities should be eliminated, with the Canadian national security agencies cooperating to achieve effects together. As part of the national security community, the Canadian Armed Forces (CAF) offer bespoke capabilities that can support the other federal national security agencies to protect Canadian interests at home and abroad. Providing support to law enforcement agencies and other government departments is outlined in the National Defence Act section 273.6, or may be accomplished through a statutory solution.

By making it easier for national security agencies to secure CAF support for their domestic operations, efficiencies will be achieved, and CAF personnel and equipment will gain valuable experience. While the Minister of National Defence has proactively delegated approval of request for support to provincial law enforcement agencies, support to federal national security agencies can currently only be secured through the Request for Assistance process under section 273.6 of the National Defence Act. While the RFA process is well-rehearsed for crisis response situations, both domestic and expeditionary, it could be better used to support domestic crisis prevention. By developing a statutory solution to facilitate CAF support to national security agencies which includes delegated decision-making and approvals, the process would be streamlined, and effects could be achieved faster.

THE LEGAL BASIS FOR MILITARY OPERATIONS

All Canadian Armed Forces operations are authorized by law and are conducted in accordance with the law. There are multiple sources of legal authority that can be leveraged to provide the legal authority for CAF operations. The source of legal authority may differ depending on the type of mission (domestic or expeditionary), as well as the law that applies to how the mission is carried out. All domestic operations must have a legal basis in Canadian law. Domestic operations conducted in support of other government departments are conducted in accordance with the legal authorities of those organizations, and in accordance with any applicable Canadian law.

There are two mechanisms by which the authority could be delegated from the MND to approve these requests. The first is Crown Prerogative and the second is a statutory solution. Currently, Crown Prerogative forms the domestic legal basis for CAF operations. Crown Prerogative is part of the common law of Canada. "Prerogative powers are defined as the residue of discretionary or arbitrary authority which at any given time is legally left in the hands

of the Crown.”¹ Within the Canadian legal community, there are two accepted definitions of Crown Prerogative:

- Professor Hogg’s definition “the powers and privileges accorded by the common law to the Crown”²
- Professor Dicey’s definition “the residue of discretionary or arbitrary authority, which at any given time is left in the hands of the Crown.”³

In short, Crown Prerogative is a flexible mechanism that provides authority to the Prime Minister and Cabinet to make decisions on matters of importance to the state, where specific legislation does not exist. “The content of the Crown Prerogative is not static, nor absolutely defined.”⁴ The Crown Prerogative is exercised by the Prime Minister and Cabinet, and not the Head of State. It may also be exercised by provincial governments in matters that pertain to their jurisdiction. The Crown Prerogative is a preferred method of domestic legal authority, because “prerogative powers give governments the flexibility required “to respond to new circumstances.”⁵ Crown Prerogative is the source of legal authority that provides the Prime Minister and Cabinet, the Executive Branch, with powers related to the conduct of foreign affairs, treaty-making, and defence, including preparing for war and peace, and routine operations other than war. Crown Prerogative has been continually recognized by Canadian Courts as a valid source of legal authority, but the exercise of the Prerogative is subject to the same Constitutional and Judicial accountability mechanisms as legislated authorities. The use of the Crown Prerogative to authorize CAF operations- provides the government the ability to recognize and respond to crises domestically and around the world quickly and flexibly, without any limitations imposed on accountability and transparency. “Deployments of the Canadian Armed Forces will also require domestic legal authority. This authority rests with the executive and flows from the law of the Crown prerogative. Practically, the appropriate representative of the executive—whole of cabinet, cabinet committee, the Prime Minister or individual

¹ Frank Mackinnon, “Prerogative Powers,” *The Canadian Encyclopedia Online*, 08 June 2015, online, accessed 12 May 2024, <https://www.thecanadianencyclopedia.ca/en/article/prerogative-powers#:~:text=Prerogative%20Powers-,Prerogative%20powers%20are%20defined%20as%20%22the%20residue%20of%20discretionary%20or,the%20federal%20Cabinet%2C%20and%20to.>

² Office of the Judge Advocate General, “Introduction and The Law of the Crown Prerogative,” *The Crown Prerogative As Applied to Military Operations*, 04 June 2008, online, accessed 01 May 2024, <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/military-law/crown-prerogative/introduction.html>

³ Office of the Judge Advocate General, “Introduction and The Law of the Crown Prerogative,” *The Crown Prerogative As Applied to Military Operations*, 04 June 2008, online, accessed 01 May 2024, <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/military-law/crown-prerogative/introduction.html>

⁴ Office of the Judge Advocate General, “Introduction and The Law of the Crown Prerogative,” *The Crown Prerogative As Applied to Military Operations*, 04 June 2008, online, accessed 01 May 2024, <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/military-law/crown-prerogative/introduction.html>

⁵ Philippe Lagasse, “Defence Intelligence and the Crown Prerogative in Canada.” *Canadian Public Administration*, 64 no. 4 (December 2021): 550.

ministers—will legally authorize a military deployment, for example through a formal record of decision, or through the issuance of a ‘strategic objective letter.’”⁶

THE NATIONAL SECURITY ENVIRONMENT

Multiple government departments and agencies are considered to be domestic National Security partners. They include the Canadian Security Intelligence Service, the Communications Security Establishment and the Royal Canadian Mounted Police. The Department of National Defence and the Canadian Armed Forces are not a traditional national security partner, but can offer multiple mechanisms to support these investigations, with the overall goal being the defence of Canada. Within Canada, a National Security investigation can have many influences or inspirations. The government of Canada defines national security as “keeping Canadians safe through counter-terrorism, security screening and protecting critical infrastructure.”⁷

The Canadian Security Intelligence Service (CSIS) “is Canada’s security and intelligence service. Its role is to investigate activities suspected of constituting threats to the security of Canada... CSIS may also take measures to reduce threats to the security of Canada Key threats include terrorism, the proliferation of weapons of mass destruction, espionage, foreign interference and cyber-tampering affecting critical infrastructure.”⁸

The Communications Security Establishment (CSE) is “the national signals intelligence agency for foreign intelligence and the technical authority for cyber security and information assurance.”⁹ Within the organization’s mandate, there are five aspects: Cyber security and information assurances, foreign intelligence, defensive cyber operations, active cyber operations; and, technical and operational assistance.¹⁰

The Royal Canadian Mounted Police (RCMP)’s mandate is outlined in section 18 of the *Royal Canadian Mounted Police Act*, “is multi-faceted... [and] includes preventing and investigating crime, maintaining peace and order, enforcing laws, and contributing to national security.”¹¹

The Department of National Defence’s mandate is support to the Canadian Armed Forces who serve on the sea, on land and in the air with the Navy, Army, Air Force and Special Forces to defend Canadians’ interests at home and abroad. The Department of National Defence is not a traditional domestic national security partner, though they have a long history of

⁶ Alexander Bolt, “Law and Political-Military Strategy: The Importance of Legal Advice in the Decision to Deploy the Canadian Armed Forces,” in *Canadian Defence Policy in Theory and Practice*, ed. Thomas Juneau, Phillippe Lagasse and Srdjan Vucetic (Cham: Palgrave MacMillan, 2020), 298.

⁷ Government of Canada, “National Security,” *National Security and Defence*, 16 January 2024, online, accessed 19 May 2023, <https://www.canada.ca/en/services/defence/nationalsecurity.html>

⁸ Government of Canada, “Mandate,” *Canadian Security Intelligence Service*, 25 January 2021, online, accessed 12 May 2024, <https://www.canada.ca/en/security-intelligence-service/corporate/mandate.html>.

⁹ Government of Canada, “Mandate,” *Communications Security Establishment Canada*, 04 July 2021, online, accessed 10 May 2024, <https://www.cse-cst.gc.ca/en/corporate-information/mandate>.

¹⁰ *Ibid.*

¹¹ Government of Canada, “Mandate and Role,” *Royal Canadian Mounted Police*, 15 May 2024, online, accessed 19 May 2024, <https://rcmp.ca/en/corporate-information/publications-and-manuals/2024-25-departmental-plan/raison-detre-mandate-and-role-and-operating-context>.

assistance to law enforcement in a domestic context, including widely known support to the October Crisis in 1970, the riot at the Kingston Penitentiary in 1971, and the Oka Crisis of 1990, to varying degrees of public support. Certainly, CAF training and capabilities have developed significantly since then, with more additional skills and equipment to provide than brute force. Although the defence of Canada falls within the Canadian Armed Forces' mandate, they are generally not considered part of the national security team, as the scope of their employment has traditionally been focused on expeditionary operations.

NATIONAL SECURITY AND HOW THE SITUATION HAS CHANGED

The National Defence Act section on Public Service was last amended in 1998. At that time, global terrorism was not yet a well-understood phenomenon. Although Canada was not new to terrorist acts on its own soil, the events of September 11, 2001, and the advent of the global war on terror changed the policing paradigm, while the legislation stayed the same. "The unprecedented terrorist threat to domestic or 'homeland' security gave national governments and police a powerful new argument to restate the centrality and importance of their role in the provision of security."¹²

Following September 11th, the government of Canada took several actions to modify the counter-terrorism capabilities of the state. This included the creation of the Canadian Air Transport Security Authority, the Canada Border Services Agency and Canada Command.¹³ Canada Command, a CAF entity, was created as "an operational headquarters [to] improve the coordination of military resources available for domestic safety, security and defence both in Canada and on the continent."¹⁴

"The Canadian government responded to the 9/11 crisis ... making the RCMP the lead agency in investigating terrorism. Criminal investigations that target terrorism are complex and require contacts and cooperation with other national police and intelligence agencies."¹⁵ While terrorism remains a threat, it is one that we are better able to deal with as a result of greater collaboration and partnerships.¹⁶

¹² Christopher Murphy, "Securitizing Canadian Policing: A New Policing Paradigm For the Post 9/11 Security State?" *Canadian Journal of Sociology* no 32(4): 2007, 450.

¹³ Government of Canada, "The Government of Canada's response to the terrorist attacks of 9/11," 02 December 2015, online, accessed 02 May 2024, <https://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/sptmbr-11th/gvrnmnt-rspns-en.aspx>

¹⁴ Government of Canada, "The Government of Canada's response to the terrorist attacks of 9/11," 02 December 2015, online, accessed 02 May 2024, <https://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/sptmbr-11th/gvrnmnt-rspns-en.aspx>

¹⁵ Dr Frederick Desroches, *Policing in the Post 9/11 Era*, St. Jerome's University, University of Waterloo, 2005, pg 18

¹⁶ Government of Canada, "The Government of Canada's response to the terrorist attacks of 9/11," 02 December 2015, online, accessed 02 May 2024, <https://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/sptmbr-11th/gvrnmnt-rspns-en.aspx>

THE CANADIAN FORCES ASSISTANCE TO PROVINCIAL POLICE FORCES

DIRECTIONS

The Canadian Forces Assistance to Provincial Police Forces Directions is delegated through the Governor General in Council. Under this mechanism, provincial law enforcement agencies may request support of the Canadian Armed Forces in terms of personnel, equipment or infrastructure. The CFAPPFDD expedites decision-making through a proactive delegation of authorities to the lowest level possible. There is no equivalent process for Canadian national security agencies to request CAF support, regardless of the type or location of support.

Under the CFAPPFDD, the type of support requested maps to a class of request, and the approval levels match the gravity of the request. Approval authority rests with local commanders for low-complexity or low-risk requests. The delegation to local commanders facilitates rapid decision-making and allows provincial law enforcement agencies to receive support in a timely manner. It also reserves Ministerial level decision making for the most serious requests.

Under the CFAPPFDD, there are four classes of requests. The classes range from 1, the most serious, to 4, which is the least serious. In a Class 1 request, provincial officials determine they are unable to respond effectively to an occurring or potential disturbance of the peace that affects or is likely to affect the national interest without CAF assistance. The support requested may be personnel or operational equipment. To initiate this process, Ministers exchange letters, and there is no difference from the existing federal department request mechanism.

In a Class 2 request, provincial law enforcement authorities request CAF assistance in a situation where a disturbance of the peace is occurring or may occur and where they require only non-operational equipment. A senior police officer initiates the request, and a CAF Operational level Commander (i.e. a Joint Task Force Commander) approves it.

In a Class 3 request, there is no potential for disturbance of the peace. The support requested from the CAF is personnel or equipment. Like a Class 2 request, a senior police officer initiates the request, and a CAF Operational level Commander (i.e. a Joint Task Force Commander) approves it.

A Class 4 request is a Provision of Service. Provincial law enforcement authorities request assistance for support unrelated to a law enforcement operation. The support may be personnel, or equipment, but is most often infrastructure, like classrooms or parking spaces. A senior police officer initiates the request, and a CAF representative approves it. Based on the type of support, the approval authority varies. A unit Commanding Officer is the lowest approval level for a Provision of Service request.

HOW FEDERAL DEPARTMENTS AND AGENCIES SECURE SUPPORT

The National Defence Act (NDA) provide a basis for CAF support to other agencies, including those providing a national security investigation function. Under Section 273.6(1) of

the NDA, “the Governor in Council or the Minister may authorize the Canadian Forces to perform any duty involving public service.”¹⁷ The NDA further outlines that the CAF may “provide assistance in respect of any law enforcement matter if the Governor in Council or the Minister... considers that the assistance is in the national interest, and the matter cannot be effectively dealt with except with the assistance of the Canadian Forces.”¹⁸ The NDA includes one exception under the Public Service section- that the assistance to law enforcement requirements “do not apply in respect of assistance that is of a minor nature and limited to logistical, technical or administrative support.”¹⁹

There is no mechanism like the CFAPPFDD that delegates approvals in order to provide rapid support to national security agencies. While some federal departments may have a Memorandum of Understanding for specific support, there are no wide-sweeping agreements to facilitate a variety of support requirements. As an example, if the Royal Canadian Mounted Police (RCMP) were conducting a national security investigation and asked for parking spaces and classrooms for administrative support to their investigation, by current CAF policy, a Minister to Minister request would be required to approve the request. By contrast, if the same resources were requested by a provincial or city police officer, a delegated CAF member would be able to approve or deny the request.

The requirement for national security agencies to leverage an onerous and lengthy process to manage low-level requests fuels inefficiencies and undermines the ability of the CAF to support on-going national security investigations. Some of the most basic types of support requested are the provision of physical space within a CAF base. Requests that are more complicated may involve the provisions of specialty equipment or CAF capabilities.

RECOMMENDATIONS

To support National Security investigations, the delegations should parallel those in the CFAPPFDD. That said, there is an opportunity to provide additional delegations, which account for a more modern interpretation of the support that the Canadian Armed Forces could provide. Capabilities and technologies have developed to a point where CAF personnel and equipment could provide specific support and expertise to national security partners without becoming decisively engaged in the ongoing situation. Significant consideration should be given to providing delegations that include allowing National Security Agencies to draw on the knowledge and expertise of CAF specialists to not just respond to an ongoing situation, but to work with the agencies to prevent situations from developing.

It is recommended that a support matrix for domestic support to national security agencies parallel that that exists under the CFAPPFDD. The Minister should retain the authority to approve requests that would require members of the CAF or CAF equipment to be used as part of a kinetic resolution to an on-going disturbance, like a Class 1 CFAPPFDD request. As the physical proximity to the disturbance increases, the rank level of the CAF decision maker should

¹⁷ Government of Canada, *National Defence Act*, 273.6(1).

¹⁸ NDA 273.6(2)

¹⁹ NDA 273.6(3)

decrease, with simple administrative requests being decided by the lowest level- a Commanding Officer.

Consideration must be given to a more formalized definition of ‘disturbance of the peace.’ Currently, the CFAPPFDD dictates that “CF assistance to police forces in the form of operational equipment and/or personnel, where a disturbance of the peace is occurring or may occur, may be provided only pursuant to a formal request IAW the CFAPPFDD, which require that the federal government be satisfied that a disturbance of the peace in the national interest is occurring or may occur, which the police are unable to deal with effectively, and that military involvement is a necessity.”²⁰ Where the CAF can provide real value is in crisis prevention. For example, a national security investigation may be underway, and the CAF could provide bespoke capabilities or subject matter experts to support the investigation. So while it may be part of an ‘on-going disturbance’, there is no requirement for CAF personnel or equipment to be proximate to the incident site, or to provide kinetic support to the resolution of the incident. The CAF has significant expertise with numerous capabilities, including secure communications, planning support, and the processing and analysis of multi-disciplinary intelligence streams. Requests of this type could be approved by a CAF force employer- the Commander of the Canadian Joint Operations Command or the Canadian Special Operations Forces Command.

In order to implement this delegation, the Office of the Judge Advocate General must work in conjunction with the Strategic Joint Staff, the Canadian Joint Operations Command, the Canadian Special Operations Forces Command and the Assistant Deputy Minister- Policy branch. Together, they will develop the package for approval by the Chief of the Defence Staff, and furtherance to the Minister of National Defence for approval. Once the Minister of National Defence is comfortable with the proposal, it would be further considered by the Prime Minister and Cabinet for implementation by the Governor in Council, the “Governor General acting by and with the advice of the Queen’s [King’s] Privy Council for Canada- the federal Cabinet.”²¹ Implementing this delegation of authorities will streamline the process for requesting resources in support of national security investigations.

CONCLUSION

The nature of Canadian security changed radically following the attacks in the United States on September 11th, 2001 and subsequent terrorist inspired lone-wolf attacks in Canada in the years following. National security became more of a priority, and the concept of national security investigations became more commonplace amongst federal national security agencies. Within the current fiscal reality, sharing capabilities and personnel amongst national security agencies is a way that necessary protections can be provided support a stable and secure nation for Canadians. The current mechanism to allow the Canadian Armed Forces to support Canadian national security partners in any way exists only as a Request for Assistance under section 273.6 of the National Defence Act. This process is onerous and slow, requiring letters exchanged between Ministers of each federal department. By looking to existing statutory instruments like the Canadian Forces Assistance to Provincial Police Directives, a new

²⁰ Privy Council Office, “Principles for Federal (Military) Assistance to Provincial Policing,” *Canadian Forces Assistance to Provincial Police Directions*, 1996.

²¹ Centre for Constitutional Studies, “Governor in Council,” *Key Terms for Democratic Governance*, 04 July 2019, online, accessed 23 May 2024, <https://www.constitutionalstudies.ca/2019/07/governor-in-council/>.

mechanism can be developed that streamlines the request process, and provides rapid, agile support to domestic national security investigations.

BIBLIOGRAPHY

- Bolt, Alexander. "Law and Political-Military Strategy: The Importance of Legal Advice in the Decision to Deploy the Canadian Armed Forces," in *Canadian Defence Policy in Theory and Practice*, ed. Thomas Juneau, Phillippe Lagasse and Srdjan Vucetic, 295-312. Cham: Palgrave MacMillan, 2020.
- Braden, Alexander J. "Decision Instruments of the Federal Cabinet: Legally Exercising the "War" Prerogative." *Journal of Commonwealth Law*, 2021: 157-217.
- Canadian Armed Forces. "B-GS-055-000/AG-001 - Provision of Services." 24 November 1999.
- Centre for Constitutional Studies, "Governor in Council," *Key Terms for Democratic Governance*, 4 July 2019. Online, accessed 23 May 2024, <https://www.constitutionalstudies.ca/2019/07/governor-in-council/>.
- Desroches, Dr Frederick. *Policing in the Post 9/11 Era*. Waterloo: University of Waterloo Press, 2005.
- Government of Canada. *Canadian Forces Assistance to Provincial Police Directions*. 1996.
- Government of Canada, "The Government of Canada's response to the terrorist attacks of 9/11," 02 December 2015. Online, accessed 2 May 2024, <https://www.publicsafety.gc.ca/cnt/ntnl-scrf/cntr-trrrsm/sptmbr-11th/gvrnmnt-rspns-en.aspx>.
- Government of Canada, "Mandate," *Canadian Security Intelligence Service*, 25 January 2021. Online, accessed 12 May 2024, <https://www.canada.ca/en/security-intelligence-service/corporate/mandate.html>.
- Government of Canada, "Mandate," *Communications Security Establishment Canada*, 4 July 2021. Online, accessed 10 May 2024, <https://www.cse-cst.gc.ca/en/corporate-information/mandate>.
- Government of Canada, "Mandate and Role," *Royal Canadian Mounted Police*, 15 May 2024. Online, accessed 19 May 2024, <https://rcmp.ca/en/corporate-information/publications-and-manuals/2024-25-departmental-plan/raison-detre-mandate-and-role-and-operating-context>.
- Government of Canada. *National Defence Act*. RSC, 1985, c. N-5.
- Government of Canada, "National Security," *National Security and Defence*, 16 January 2024. Online, accessed 19 May 2023, <https://www.canada.ca/en/services/defence/nationalsecurity.html>
- Lagasse, Philippe. "Defence Intelligence and the Crown Prerogative in Canada." *Canadian Public Administration*, 64 no. 4, December 2021: 539-560.
- Mackinnon, Frank. "Prerogative Powers." *The Canadian Encyclopedia Online*, 08 June 2015. Online, accessed 12 May 2024, <https://www.thecanadianencyclopedia.ca/en/article/prerogative-powers>
- Office of the Judge Advocate General. "Introduction and The Law of the Crown Prerogative." *The Crown Prerogative As Applied to Military Operations*, 04 June 2008. Online,

accessed 01 May 2024, <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/military-law/crown-prerogative/introduction.html>.

Privy Council Office, "Principles for Federal (Military) Assistance to Provincial Policing." *Canadian Forces Assistance to Provincial Police Directions*, 1996.

Royal Canadian Mounted Police. "Operational Priorities." *Royal Canadian Mounted Police Online*. 5 February 20224. Online, accessed 01 May 2024, <https://www.rcmp-grc.gc.ca/prior/index-eng.htm#ns>.

Sossin, Lorne. "The Rule of Law and the Justiciability of Prerogative Powers: A Comment on *Black v. Chretien*." *McGill Law Journal*, 47, 2002: 436-456.

Straarup, Heidi. "Canadian Armed Forces Assistance to Law Enforcement and Civil Authorities." *The Journal of Intelligence, Conflict and Warfare*, 6 no. 1, 2023: 77-81.

Murphy, Christopher. "Securitizing Canadian Policing: A New Policing Paradigm For the Post 9/11 Security State?" *Canadian Journal of Sociology* 32 no. 4 (2007): 449-475.