

# This Natural Disaster Assistance Law Is Why Other States Are Policing Dakota Access Pipeline Protests

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Almost exactly 20 years ago, President Bill Clinton signed into law a [bill creating an interstate agreement](#) for emergency management. That inconspicuous law has opened the door for the current [flood of out-of-state law enforcement agents](#) present at the continuing protests against the [Dakota Access Pipeline](#) (DAPL) in North Dakota.

The [Emergency Management Assistance Compact \(EMAC\)](#) authorized states to enter into agreements with other states in order to share emergency management-related personnel during crisis situations. One of the only other times this compact was deployed outside of a natural disaster was for the [Black Lives Matter protests in Baltimore after the death of Freddie Gray](#).

DeSmog reviews the use of this controversial authorization below. News is just breaking now that police are [removing protesters at the site right now](#).

According to a [history of EMAC published in September 2014](#), the compact centers around empowering states to respond to massive hurricanes, and in particular, Hurricane Andrew, which caused [nearly \\$25 billion in damages](#) when it hit Florida and Louisiana in 1992.

“Passage of EMAC in Congress was a relatively smooth process,” reads the history of EMAC. “It was mainly a matter of obtaining sponsors and getting EMAC on the congressional calendar. Introduction of the bill occurred soon enough after Hurricane Andrew that memories of the hurricane’s destruction still lingered.”

More recently, states used EMAC to work together during both [Hurricane Sandy](#) in 2012 and [Hurricane Matthew](#) in 2016.

All 50 states, plus the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands, [participate in EMAC](#). With language mostly centering around natural disaster relief, the congressional joint resolution creating EMAC also notes it exists to help manage things like “community disorders, insurgency, or [an] enemy attack.”

## State of Emergency

On August 19, North Dakota Republican Governor Jack Dalrymple [declared a state of emergency](#) surrounding the Dakota Access Pipeline protests, which triggered the ability of other states to offer help in North Dakota as part of EMAC.

“The State of North Dakota remains committed to protecting citizens’ rights to lawfully assemble and protest, but the unfortunate fact remains that unlawful acts associated with

the protest near Cannon Ball have led to serious public safety concerns and property damage," [Dalrymple said in the press release](#) announcing the emergency order.

"This emergency declaration simply allows us to bring greater resources to bear if needed to help local officials address any further public safety concerns."

## Six States

States which have recently deployed personnel to North Dakota include Wisconsin, Indiana, South Dakota, Minnesota, Wyoming, and Nebraska, according to an [October 23 press release](#) from the Morton County Sheriff's Department.

Wisconsin Division of Emergency Management spokesperson Lori Getter told DeSmog that "under any EMAC request, agencies are asked if they are able to assist. In this case, the request came to the state of Wisconsin and we sent out a request to law enforcement to see who could support this mission. It is strictly voluntary by each department. Those departments responded and agreed to send officers."

Getter said that officers from seven different law enforcement and public safety agencies throughout Wisconsin have gone to North Dakota. She said that a total of 57 law enforcement officers were deployed so far, while 13 officers still remain but plan to return to Wisconsin on October 30.

A public information officer for the Indiana Department of Homeland Security said that nine different agencies have sent officers to North Dakota. ABC news affiliate RTV6 in Indianapolis reported that [37 officers have been sent](#) to North Dakota from the Hoosier State. According to the Omaha World-Herald, [11 state troopers](#) from Nebraska have been sent to North Dakota.

## Who Pays?

A common question is who is paying for these officers to police protests in another state?

During the April 2015 BLM protests in Baltimore, [Pennsylvania sent in 300 state troopers](#) and [New Jersey sent in 150 more](#) in an attempt to manage the volatile situation that erupted after a young black man's death while in police custody. In that case, Maryland compensated the Pennsylvania officers for their time and effort, which according to Getter, is also the case with North Dakota.

A police officer from Indiana [reiterated this in a story](#) published by The Times of Northwest Indiana, noting that the reimbursement "includes all wages, overtime and cost of benefits to the officers, meals while the officers are on duty, a per diem while they are off duty, lodging for the officers during their time of stay and mileage reimbursement for the communities who sent vehicles."

## Backlash Grows

Authorized by EMAC, out-of-state officers have [arrived in North Dakota at a time of increasing tension, arrests, and strip searches](#) at the Standing Rock Camp, where the largely Native American protesters are based.

Meanwhile, the Federal Aviation Administration (FAA) announced a [no-fly zone](#) within a 4-

mile radius of the Standing Rock Camp and 3,500 feet between the air and ground.

However, those flight restrictions do not apply to law enforcement, according to a FAA-designated spokesperson in North Dakota, which means protesters are no longer permitted to fly drones to monitor law enforcement behavior.

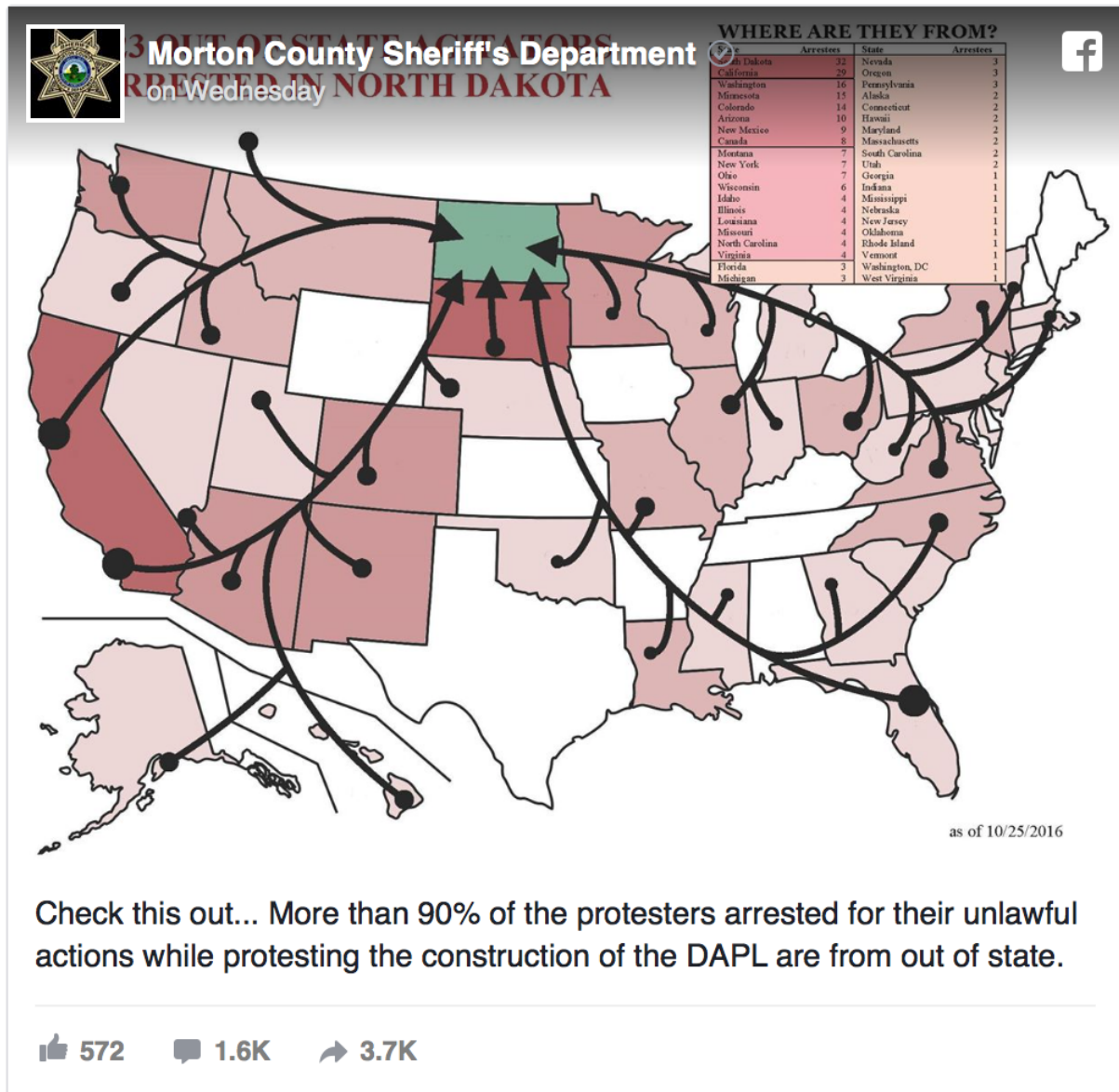
“Protesters continue to escalate unlawful tactics endangering officers and residents,” said the Morton County Sheriff’s Department in an [October 23 Facebook posting](#), which served as a prelude to the no-fly zone announcement. “Sunday protesters attacked a helicopter with a drone, fired arrows at a helicopter, established an illegal road block on highway 1806 and illegally occupied private property moving in tents and teepee’s to a DAPL construction site.”

The National Lawyers Guild (NLG) and American Civil Liberties Union (ACLU) have [submitted multiple open records requests](#) in the attempt to lift the curtain on state- and federal-level law enforcement techniques used at Standing Rock.

“In an affront to First Amendment rights, Water Protectors and allies have been continuously surveilled by low-flying planes, helicopters, and drones, and have had local cell phone communications jammed and possibly recorded,” reads an NLG press release announcing the filing of the requests. “Dozens of local and out-of-state law enforcement have been called in, maintaining a heavily militarized presence at the site in an effort to intimidate activists and chill dissent.”

The Associated Press reports that law enforcement are [attempting to remove protesters](#) who have encamped in teepees and tents situated on Dakota Access LLC’s land.

Ironically, given the implementation of EMAC and out-of-state cops pouring into North Dakota, the Morton County Sheriff’s Department released a graphic pointing to arrests of those from out of state.



A congressional aide from an office critical of the pipeline said the office had never even heard of EMAC. Only one member of Congress, U.S. Sen. John Hoeven (R-North Dakota), has weighed in so far on this use of EMAC in North Dakota.

Hoeven did so only in passing in a [recent press release](#), noting the agreement is in place for the Dakota Access pipeline. As revealed on DeSmog, Hoeven [has investments in wells](#) which do [hydraulic fracturing \("fracking"\)](#) for oil in North Dakota's [Bakken shale](#) basin and will likely feed into the Dakota Access pipeline.

"World is Watching"

The [Standing Rock Sioux Tribe's Chairman Dave Archambault II](#) and [over 121,000 signatories to a petition](#) circulated by CREDOMobile have called on the U.S. Department of Justice to investigate the on-the-ground tensions at the pipeline protest sites.

"The world is watching the violence of local police at the Camp at Standing Rock — and we are horrified," Josh Nelson, Deputy Political Director at CREDO, said in a press release. "We demand that Attorney General Loretta Lynch and the Department of Justice launch an investigation into reported abuses by local North Dakota law enforcement. Clearly these law enforcement officers believe they are above the law — and we won't see justice until

the DOJ investigates.”

The EMAC office did not respond to requests for comment.

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