



OFFICE OF THE PRESIDENT
CABINET DU PRÉSIDENT

July 10, 2003

Jerry S.T. Pitzul, Q.C.
Major-General
Judge Advocate General
National Defence Headquarters
Constitution Building
305 Rideau Street
Ottawa, ON K1A 0K2

Dear Jerry:

Thank you for your letter of July 9, concerning the National Military Law Section's submission on the Operation of Canadian Military Law. I welcome the opportunity to set the record straight on the CBA's role in developing and releasing this and other submissions on issues of public policy.

The National Military Law Section's submission welcomes the independent review process, acknowledges recent improvements in the military justice system, and takes a respectful and constructive approach in recommending further improvements. Reasonable people may disagree with the detail of some of its recommendations. That is, after all, the essence of the system we both strive to protect.

The CBA and its various Sections undertake law reform activities in keeping with the CBA mandate to work for improvements in the law and in the administration of justice. It was in this context that the Military Law Section prepared its submission to the independent review. The submission was subjected to the usual scrutiny of review for a statement by any CBA Section. I cannot share your view that the CBA name was hijacked by the opinion of one or two individuals.

The process of preparing such a comprehensive analysis relies firstly on the invaluable expertise of Section members in their respective areas of law. Few organizations could wish to achieve unanimity of its members in its public statements. However, the CBA strives to take principled stands on important public issues, based on representative input from its membership through democratic processes. Members of the Section Executive, duly elected to carry out the business of the Section and representing a cross-section of interests within the Section, were invited to contribute. The authors also sought out the opinions of other Section members and key informants.

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The Section Executive unanimously approved the submission. It was then reviewed by the CBA's Legislation and Law Reform Committee, a standing committee elected by Council with a mandate to promote and facilitate adoption of principled positions based on sound, comprehensive analysis of legal and policy issues. They found the submission to be well written, interesting and informative, meeting the usual CBA standards. Ultimately, the submission was approved by the CBA Executive Officers.

Turning to the media coverage of the submission, I wish to assure you that at no time did the CBA, or anyone authorized to speak on its behalf, seek out media coverage. We were most distressed about the article in the June 27 Ottawa Citizen and other papers. We took immediate measures to correct how the article had characterized the submission. The Citizen and the Edmonton Journal printed a correction soon after. We also posted my letter to the editors on the CBA website, for wider public access. A copy of my letter is attached for your ease of reference.

That said, all CBA submissions are in the public realm. In this manner, we seek to inform our members of our activities and educate the public on critical legal issues.

I would be most pleased to meet with you to discuss these issues at greater length.
Yours truly,

A handwritten signature in cursive script that reads "Simon V. Potter". The signature is written in black ink and is positioned above the typed name.

Simon V. Potter
President

cc.
General Henault, Chief of Defence Staff
Margaret Bloodworth, Deputy Minister of National Defence
The Right Honourable Antonio Lamer, Stikeman Elliott
David McNairn, Chair, National Military Law Section