

Subject: Re: Minister not following the law

From: François Lareau <flareau@rogers.com>

Date: Thu, 01 Jul 2010 11:10:57 -0400

To: dnd.mdn@forces.gc.ca

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Mr. Minister:

Thank you for your e-mail of yesterday:

For quick reference, here the correspondence that took place on this matter:.

- François Lareau's e-mail to the Hon. Peter MacKay, Minister of National Defence <<http://www.lareau-legal.ca/dnd1.pdf>>, dated 1 April 2010
- François Lareau's e-mail to Mr. John MacDonell, Chief of Staff, Minister of National Defence <<http://www.lareau-legal.ca/dnd2.pdf>>, dated 30 June 2010
- The Hon. Peter MacKay's e-mail to François Lareau <<http://www.lareau-legal.ca/dnd3.pdf>>, dated 30 June 2010

While you implicitly recognize that the law is not being followed, I wish to comment on the following paragraph:

"As you correctly point out, the review is to be completed every five years. Unfortunately we have been delayed over the past year in beginning this process. However, an announcement is pending on the appointment of the Independent Review authority and the process is expected to begin later this year."

I think that it would be important to have on your staff a person who has some background in law. Respect for the law is important. The law is not being followed since 5 August 2008. Your drafter writes about having been "delayed"; the choice of that word is very indicative of the lack of respect for the law that exists with your staff. If I may give you advice, I would take immediate action so as to stop acting unlawfully. Someone should advise you that subsection 126(1) of the "Criminal Code" reads as follows: "[Disobeying a statute] Every one who, without lawful excuse, contravenes an Act of Parliament by wilfully doing anything that it forbids *or by wilfully omitting to do anything that it requires to be done* is, unless a punishment is expressly provided by law, guilty of an indictable offence and liable to imprisonment for a term not exceeding two years."

Please excuse the tone of this e-mail but I wish to stress the importance of the law. Do not hesitate to contact me for further advice.

Sincerely,

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