

## Van Arty Assoc and RUSI Van Members News Aug 5, 2014

### Wednesday Lunches

The Mess dress requirements for Wednesday lunches is Business Casual. Business casual can best be described as our 'summer dress'. Minimum requirement is an open neck button up shirt with dress pants or slacks (no blue jeans, pls), Ladies is the equivalent. Of course we never discourage the wearing of jackets and ties. Guests are always welcome.

Lunches continue through the summer. We always take a short break over the Christmas period, otherwise they keep going, except when Mrs Lum decides to take a holiday or if the Mess or Armoury are shut down for military requirements.

*Note: The Handicap elevator in the Armoury is out of order until further notice.*

### Afghanistan Memorial Vigil

The Department of National Defence and the Canadian Armed Forces are marking more than 12 years of service in Afghanistan. One of the ways the DND/CAF are commemorating the service of Canadian personnel is through an Afghanistan Memorial Vigil. The Vigil commemorates 158 CAF personnel, a Canadian diplomat, a DND contactor, a Canadian journalist embedded with the CAF, and more than 40 US Armed Forces members who were under Canadian command during operations in Afghanistan. The plaques were formerly



part of the Kandahar Air Field cenotaph, which was a memorial structure for Canadian soldiers to commemorate their fallen comrades while deployed in Afghanistan. The rest of the cenotaph is in storage awaiting a permanent home.



*L-R: Cpl Lim BCR, Don Foster, Bob Mugford, Bernie Rowe, Al Woo and Pte Keshav RWestR. Cpl Lim and Pte Keshav were watching over the Memorial during our visit.*

*Photo by Cam Cathcart*

The Afghanistan Memorial Vigil remembers and honours those who have fallen in Afghanistan and acknowledges the bravery, dedication, valour and professionalism of all members of the Canadian Armed Forces who have served in Afghanistan and supported the mission.

Last Friday, several members of the Vancouver Artillery Association and the Royal United Services Institute – Vancouver, were privileged to attend a private viewing of the Memorial. It was a very moving experience.

## **Canada Doesn't have the Military to Back Up Its Foreign Policy**

Colin Kenny \_\_July 30, 2014

It was a sea of red on Colonel By Drive Friday at 1 p.m. as runners and walkers of all age and ability from the Canadian Armed Forces, DND and other non-government groups participated in the Canadian Forces Day Walk/Run in Red 2014. Stephen Harper likes to poke the bear – a.k.a. Vladimir Putin. The Canadian prime minister has slammed Putin's "expansionism and militarism" and called the Russian president a "throwback" to the evil mindset of the Soviet Union. In terms of the words Harper uses, I appreciate his forthright condemnation of Putin's behaviour in Ukraine. The 20<sup>th</sup> century was an ugly one for Europe, and the world can't afford leaders colouring outside the lines when it comes to annexing territory or messing with the internal affairs of its neighbours.

Historians J.L. Granatstein and William Kaplan co-authored an [article in the Globe and Mail](#), applauding the Canadian prime minister for being ahead of the pack in identifying Putin's nasty behaviour in Ukraine, exposing him as "a Stalinist using Nazi big lie techniques and Soviet-era disinformation tactics to camouflage his government's actions and shift blame." They commended Harper's exhortations to Canada's allies to mobilize to counter Russian expansionism – to activate NATO and to impose economic sanctions to make Putin think twice about throwing his weight around. All good. But these words are fluff unless Canada is willing to put its money where its mouth is when it comes to standing up to the Putins of this world. This government – which swaggers around in fatigues, pretending to be a friend of the Canadian Forces – has a lot to answer for when it comes to maintaining a military that can play its role in the world when these kinds of crises arise. Canada's defence budget as a percentage of GDP peaked at 2.0 per cent under the Trudeau government. It went into steady decline under the Chrétien Liberals, looked like it would expand long-term when the Harper government came to power, then plummeted. According the World Bank, it dropped from 1.4 per cent in 2009 to 1.0 per cent in 2013. Based on a number of signals that the government is going to keep tightening its military spending, that downward spiral is just going to continue.

Canadians don't expect their governments to spend as much on their armed forces as countries like Russia (4.2 per cent of GDP) and the United States (3.8 per cent). But when non-combative countries like Norway (1.4 per cent), Denmark (1.4 per cent) and Sweden (1.2 per cent) are spending more, you know you have a government that's putting the squeeze on our military.

The Department of National Defence is currently being hounded by Treasury Board, which had designed a system that makes it impossible for DND to manage its budget. As a result, the military keeps falling behind in equipment purchases and capacity keeps declining. The government could put an end to this stalemate if it wished to, but instead seems delighted that it is pocketing the unspent money to meet and exceed its deficit-fighting targets. Canadians already have a small military and it just keeps shrinking. Not in numbers, because the government knows the optics of reducing personnel – when juxtaposed with repeated failures to replace essential equipment – would confirm that the government isn't much interested in the military at all. But when you maintain personnel numbers and order cuts of 20 per cent in operations and maintenance expenditures, you're creating a dysfunctional organization that can't do what it is supposed to do.

Never has a government talked such big talk about investing in its military while allowing it to erode so dramatically. Canada's navy, for instance, is going to be without a lot of essential ships after this government has left the scene. The same applies to key aircraft for the air force. It's nice to hear strong words condemning Putin's perfidy in Ukraine. But they ring a bit hollow when they mask not-so-nice weakness in this country's capacity to back them up.

## **Hiring Foreign Pilots Helps Bottom Line, Air Force Says**

*The Royal Canadian Air Force reaps "significant" savings by hiring foreign military pilots but majority of pilot hires remain Canadian.*

**By: Bruce Campion-Smith** Ottawa Bureau, Published on Wed Jul 30 2014 Toronto Star

OTTAWA—The Royal Canadian Air Force reaps "significant" savings by hiring foreign military pilots to fly its aircraft, a briefing note says. Thanks to their past experience flying transport aircraft, fighter jets or helicopters, foreign pilots can quickly take place in the cockpits of Canadian military aircraft. "They represent significant training cost avoidance and immediately bolster the . . . occupation to which they are enrolled," reads the note, obtained under access to information legislation. The June 24, 2014 note was prepared for Gen. Tom Lawson, chief of defence staff, the day after a Star story detailed how Canada's air force has been recruiting pilots from foreign countries to train Canadian pilots as well as fly on operational missions around the globe. Titled "RCAF Foreign Pilot Support," the note sets out how the air force has used the expertise of foreign pilots to bolster its operations. At the time, the issue of foreign workers was in the news as the Conservative government brought in reforms to curb abuses as employers hired low-paid, low-skilled workers to fill positions. However, the note to Lawson says that efforts by the Canadian military to recruit foreign military pilots "have no linkage" to the government's controversial temporary foreign worker program. Instead, the note portrays the recruitment of former foreign military pilots as part of a larger effort to bolster pilot training and improve the experience levels within the ranks of the Royal Canadian Air Force.

The former foreign military flyers have been tapped to fly many of the aircraft in the RCAF fleet, including Hercules and Globemaster transport planes, CP-140 Aurora maritime patrol

aircraft and CC-150 Polaris jet, used as a transport and refueling aircraft. Using pilots who had previously served with foreign air forces is part of a “structured and deliberate” strategy to help the ranks of Canadian military pilots return to “healthy status” while bridging an experience gap and supporting the RCAF’s training capacity, the note says. According to an air force spokesperson, the RCAF enrolled 31 former foreign military pilots between 2009 and this spring. During that same time, the RCAF enrolled 501 Canadians to train as pilots as well as welcomed back into uniform another 43 ex-RCAF pilots who had left the military. Still, the briefing note cautions that the enrolment process for foreign pilots is “lengthy and expensive.” It says that the RCAF works with Citizenship and Immigration Canada to speed the “timely” processing of foreign applicants since they need to be permanent residents before they can fly for the military.

It can take about 12 months to process the applications and the prospective pilots are responsible for all expenses, including the move to Canada, the briefing note says. Another strategy to bolster the ranks of Canadian military pilots is on the “loan” of experienced pilots from foreign air forces, the briefing note says. In these cases, the pilots are still enrolled with the foreign military, which pays their salaries while the RCAF picks up the incremental costs. The RCAF has used such pilots to fill “pressing short term needs” such as instructors to help speed the training of Canadian pilots. As well, the “loaned” pilots assist the Canadian Air Force with the introduction of new aircraft into their fleet, such as the C-130J Hercules transport and Chinook helicopter. The note doesn’t put a tally on how much the hiring of foreign pilots saves the defence department in training. However, the air force has said it can take seven years — and \$2.6 million — to train a pilot to fly the CF-18, Canada’s frontline fighter jet.

## **Historian tracks down story of Ontario soldier killed in action at 22**

*DALE CLIFFORD | QMI AGENCY* July 21st, 2014

PETERBOROUGH, Ont. -- It was a story historian Peter McConkey knew had to be told, one that he first heard after corresponding with a United Church minister in Winnipeg. "Here was an intelligent man who had his life snuffed out at 22, and I felt I wanted to give his story," said McConkey. The 75-year-old retired French philosophy professor compiled the life story of RCAF Flying Officer Gerald William Fitzgerald of Peterborough, Ontario, who was killed in action when his Halifax bomber plane went down with five men aboard during a night bombing mission during the Second World War in Holland, on Aug. 3, 1943. Fitzgerald was the navigator on that plane, which had been struck by enemy ground fire and crashed on the Dutch coast. Fitzgerald, 22, was buried in a military cemetery in the village of Ternaard, Dongeradeel, in the province of Friesland, the Netherlands, alongside his brothers in arms. McConkey said he was moved to put together the story of the fallen officer after reading a letter published by QMI Agency in early July from Rev. Atze (Art) Veldhuis, asking readers for help tracing information about a Canadian soldier with Peterborough ties. The letter sparked McConkey's curiosity, and he went to work.

With help from family and other sources, McConkey not only tracked down all the information, he prepared a detailed history in a 35-page booklet, which took him about two weeks to compile, and sent Veldhuis a copy, one of five he had printed. The two have remained in touch through phone calls and emails. McConkey said Veldhuis, who hails from Ternaard and is now 78, was putting together his memoirs, including a recollection of that time. The extensive project McConkey put together is a complete history of the young officer, his family's Irish and local ancestry, and includes a host of photographs, ranging from his time in Peterborough to the churchyard in Holland where he is buried. McConkey, a second cousin twice removed by marriage to the officer, said he got a lot of his information, including documents and illustrations, from the city directory at the Peterborough Public Library and from Fitzgerald's



sister, Adele, who is living in Calgary. He also sent her a copy. "It is a wonderful thing Art did to write the letter and this has been very satisfying," McConkey said. "I had a very useful conversation with Adele and found her mentally alert with an excellent memory. She spoke about her personal memories of her older brother Gerald, and was able to give me much detail relating to her brother's life and his family background."

*Flight Officer Gerald William Fitzgerald, 21, is photographed in October 1942 after completing his navigational training at Malton, Ontario. This photo was taken at his family's home at 511 Stewart St. before he left for an overseas posting.*

When putting together the story, McConkey said one of the saddest moments was learning how the family didn't find out he was killed in action until four months after the incident.

They knew within days he was missing in action but no more information was provided. "Gerald's family had to endure four months of anguish and waiting before being informed," stated McConkey. "It was an excruciating time for them." Veldhuis, who now lives in Winnipeg, has been moved by the response. "I am very grateful," he said. "It shows there is still great interest in young men who served overseas. I wanted to know who these men were and who this Canadian was. Now I know. It has meant a great deal to me."

Fitzgerald was born on Sunday, Jan.16, 1921, at Nicholls Hospital, Peterborough. He was the son of Melville Alexander Fitzgerald and Cora May Blair. At the time of his birth, the family lived at 297 Hunter St. West, one of the oldest surviving structures in Peterborough, dating from 1844. Fitzgerald attended Queen Alexandra School for Grades 1-2, Prince of Wales School for Grades 3-8 and Peterborough Collegiate for his high school education, graduating in 1940. Fitzgerald enlisted in the RCAF, Peterborough, on the date of the Pearl Harbour attack, Dec. 7, 1941 and was an aircraft navigation trainee with the RCAF at their schools in Mont-Joli, Quebec, and Belleville and Malton, Ontario -- a process which took nearly a year. In October 1942 he was posted to England to continue as aircraft navigator trainee with the RCAF in the British Commonwealth Air Training Plan and continued in that program until June of 1943, when he began as an aircraft navigational flight officer on night missions.

McConkey said Fitzgerald was honoured with tributes in two countries: in a small churchyard in the Dutch village of Ternaard and at the cenotaph in Confederation Square in the city where he was born and lived out his tragically brief life. The name of Flight Officer Gerald William Fitzgerald is inscribed on the panel on the right of the base of a statue for all to see and remember.

## **Jurisdiction of Canadian Military Tribunals Questioned**

*Military justice system at a crossroad* By Gilles Létourneau, *Defence Watch* Guest Writer Jul 30, 2014

The Supreme Court of Canada (SCC) on July 24, 2014 granted leave to appeal in the Moriarity case. It should be recalled that in an earlier decision (*R. v. Moriarity 2014 CMAC 1*) the Court Martial Appeal Court of Canada (CMAC) ruled that the jurisdiction of Canadian military tribunals to try ordinary criminal law and federal statutory offences is conditional on the existence of a military nexus. In other words, the offence committed has to be “a service connected offence”. It is only at that condition that s.130 of the National Defence Act RSC 1985, c N-5 (Act), which imports into the Act all the Canadian Criminal Code and federal statutory offences, is not constitutionally overbroad. Three options are now open to the SCC in disposing of the case on its merits. The first is to affirm the decision of the CMAC. The second is to reverse the decision and conclude that the jurisdiction of Canadian military tribunals is not conditional on the existence of a military nexus and, therefore, the importing s. 130 is not constitutionally overbroad. Finally, the third option also implies a reversal of the CMAC decision, but a finding that s. 130, as claimed by the respondent, is constitutionally overbroad. This third option, if accepted, would bring Canadian military criminal justice in line with the military reform movement actually taking place around the world as well as international law and human rights trends. Ordinary criminal law offences would then be tried by civilian courts without prejudice to the military’s right to institute real disciplinary proceedings before military tribunals.

As the law stands in Canada, as a result of ss. 2, 60-65 and 130 of the Act, members of the Canadian Forces as well as civilians accompanying the Canadian Forces (children, other family members, workers under contract, dependants and journalists) who commit ordinary criminal law offences fall under the jurisdiction of military courts. If the SCC were to adopt the first option and rule out the necessity of a military nexus, the above persons will routinely be prosecuted before and tried by military courts for any ordinary criminal law and federal statutory offences even if they have no connection whatsoever with military discipline, efficiency or even morale of the military. Such prosecutions would fail to meet the objectives and the rationale for the existence of a separate military criminal justice system. In *R. v. Genereux, (1992) 1 S.C.R. 259*, Chief Justice Lamer wrote at p. 293 of his reasons for judgment: “The purpose of a separate system of military tribunals is to allow the Armed Forces to deal with matters that pertain directly to the discipline, efficiency and morale of the military” (emphasis added). Moreover, the SCC would be reversing its earlier decision in *Mackay v. The Queen(1960) 2 S.C.R. 370*, at a time when the status test established by the U.S. Supreme Court

in *Solorio v. United States*, 483 US 435 (1987), is under strong criticism and military justice systems around the world are depriving military tribunals of their jurisdiction over ordinary criminal law offences as well as over civilians. It would also be reversing its findings in the *Genereux* case.

Perhaps more disturbing is the fact that the SCC would be setting aside the only requirement or condition for the application of the exception to the constitutional guarantee of the right to a trial by a jury. In *R. v. Brown* (1995), 5 CMAC 281, at paras. 13-14, Justice Hugessen of the CMAC wrote that “it is now well settled that the exception to the guarantee of the right to a jury trial in paragraph 11(f) (of the Canadian Charter of Rights and Freedoms) is triggered by the existence of a military nexus with the crime charged”. The only justification I have found for such a far-reaching and detrimental exception to an accused rights is this statement of the then Attorney General of Canada: there never was a trial by jury in the British and Canadian military justice system. I should add that at that very same time there never was an entrenched Charter of Rights for an accused. One would have expected a better justification for such a deprivation of this fundamental right as well as others that remained available to accused prosecuted before civilian tribunals. Abolition of the military nexus requirement would mean that persons tried before military courts would lose the right to a jury trial, the benefit of hybrid offences, the benefit of a preliminary inquiry as well as the panoply of sentences available to civilian tribunals. The third option offers the SCC the opportunity to revisit the existing scope of the purpose of a separate system of military tribunals in view of the evolving guarantees of the Canadian Charter of Rights and Freedoms, changing circumstances and the development of international human rights.

In the *Mackay* case, *supra*, at pp. 380-81, Chief Justice Laskin and Justice Estey, in dissent, were of the view that persons charged with an offence under the ordinary criminal law should be prosecuted before civilian tribunals, “free from any suspicion of influence or dependency on others”. They went on to say: “There is nothing in such a case, where the person charged is in the armed forces, that calls for any special knowledge or special skill of a superior officer, as would be the case if a strictly service or discipline offence, relating to military activity, was involved”. They finally concluded that they “could not conceive that there can be in this country two such disparate ways of trying offences against ordinary law, depending on whether the accused is a member of the armed forces or not”. The majority decision in *Mackay* was rendered not long after WWII. The Cold War was on and the spirit of war was still around. In addition accused rights and protection were not constitutionalized in Canada. This is no longer the case. While I agree that discipline and efficiency are two fundamental military values, ordinary criminal law and federal statutory offences are not disciplinary offences. The prosecution of these offences should be left to civilian authorities and, as a general rule, the trial should take place before civilian courts. The military is a profession of arms and, as is the case for any other profession in Canada, whether it be the medical or the legal profession, to cite two examples, offenders can be prosecuted for conduct prejudicial to the profession, good order and discipline before the appropriate disciplinary board or tribunal.

## **Who is it?**

**Last Week:** Well, we recognised this fellow immediately. He is WO1 David Penman, who was RSM of 15 Fd Regt from 1956-66. The picture was taken between 62-66 (note stubby beer bottle, which came into use in 1962). This has to be an end of exercise 'smoker', possible even Dave's last. We don't know for sure who the other fellow is but he is a WOII (trying for a quick advancement?). Note the rank badge on his wrist. Someone suggested it might be George Chow.



**This Week** Our photo this week is of a group of officers of 15<sup>th</sup> Field Artillery Regiment, RCA. We know this for certain as the young chap on the left is none other than the founder of the Museum, Vic Stevenson. The date is the early 1950s or early 1960s. One distinctive item of officer kit at this time was the shooting stick, seen supporting the two officers on the right. This was a most useful device, but met its demise when, in 1968, the then minister of national defence, ordered a unified version. However, the locking nuts were set incorrectly, the contractor incorrectly confusing RCN with Army measurements, resulting in several unfortunate and painful (not to say, embarrassing) injuries to the



first to be issued with the new model, a cadre of general officers observing manoeuvres at Wainwright. Shooting sticks were henceforth banned. I'm sure some of you can identify the other smiling brass in the photo, having no doubt served with them, and possibly visited them in the buttock-care ward of VGH. Bonus points for identifying Vic's camera model. Answers can be sent to the editor or the author ([johnd. redmond@telus.net](mailto:johnd.redmond@telus.net)). Thanks in advance.

## **From the 'Punitentary'**

Give a man a fish and he will eat for a day. Teach a man to fish and he will sit in a boat all day drinking beer.

## **Murphy's other Laws**

If you can't convince them – confuse them.

## **Quotable Quotes**

You may make mistakes, but you are not a failure until you start blaming someone else.  
– John Wooden



## **Lower Mainland MFRC August Newsletter**

The August edition is now out. To view go to:

<http://www.familyforce.ca/sites/MainlandBC/EN/Documents/08Aug14News.pdf>

### **888,246 Poppies Pour Like Blood From The Tower Of London**

*One for each Commonwealth soldier who died during WWI*

What England has done to commemorate fallen soldiers is truly beautiful. In honor of the 100th anniversary of World War I, the historic Tower of London has been transformed by a massive art installation. This summer, the Tower Of London will be surrounded by a sea of crimson.

To see pictures of this event, go to:

<http://themetapicture.com/888246-poppies-pour-like-blood-from-the-tower-of-london>



## **BATTLEFIELD TOUR OPPORTUNITY 75<sup>th</sup> ANNIVERSARY OF THE MANNING OF THE GUNS AT YORKE ISLAND 12-14 SEPTEMBER 2014**

Here is your opportunity to join the Officers & Gunners of 15 FD RCA as they return to commemorate the manning of the guns at Yorke Island in August 1939.

Departure of the tour will be from the Bessborough Armoury at 6 PM on Friday, 12 September 2014, with transportation to Yorke Island on the morning of the 13<sup>th</sup> to attend a dedication ceremony at the gun position, BBQ lunch, tour of the island, and a reception

in the evening at the Village of Sayward Royal Canadian Legion. After an overnight stay at Sayward, the tour will return by ferry to the armoury on the afternoon of 14 September 2014.

There will be options for those who wish to stay overnight with the troops on Yorke Island, with the remainder being quartered in Cabins at a nearby resort.

Space still available. Email [bob.mugford@shaw.ca](mailto:bob.mugford@shaw.ca) for a tour application form and details