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Ministère de la Justice Canada

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March 25, 1997

Leslie Day
Directorate of Law/Claims
Office of the Judge Advocate General
National Defence Headquarters
Constitution Building
305 Rideau Street
Ottawa, Ontario
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Dear Ms. Day:

Re: Andre Brule v. The Queen

Ms. Coady wishes to set up new dates for examination for discovery. She has suggested times during May. I am available on the following dates: May 12-16, May 28-30 and June 2-6. Could you please see whether Col. Unger is available on any of those dates.

When we broke off the examination for discoveries last time, we did so on the basis that we would examine whether there was any hope of settlement. I had hoped to be able to contact former officers who had commanded Mr. Brule in order to get their views, however, due to other commitments, I have not been able to do so to this date.

On the basis of the information learned to date, however, there is new grounds for believing Mr. Brule has a relatively strong case. Briefly, those facts are the following: Mr. Brule had a fairly successful career as a military policeman until he admitted to having engaged in homosexual acts. The interim policy on homosexuality was then applied to him. While the policy was subsequently cancelled and Mr. Brule transferred to a post at a new base, ie. CFB Ottawa, he continued to experience difficulties in his career. In our defence, we maintain that

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these difficulties had nothing to do with his sexual orientation and had everything to do with his failure to conduct himself in a professional manner. However, it will be difficult to convince a court that there is no relation between Mr. Brule being labelled a homosexual and being made subject to the interim policy on homosexuality and the subsequent deterioration in his military career.

From the testimony to date of Col. Unger on behalf of the Crown, it does appear that even after Mr. Brule was returned to Ottawa and the interim policy cancelled, there were certain events that occurred to him that the Canadian Forces might characterize as irregularities but that a court might very well link to the prejudice which Mr. Brule alleges homosexuals were subject to while in the Canadian Forces.

I will be on holidays from March 25 until April 14. On my return I will contact these former members to see whether their recollection differed from that of Col. Unger. If it does not, then I will be recommending to you that we take steps to see whether a settlement can be achieved.

Yours very truly,

Doreen Barry

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