

## Events

The Board of Directors met for a quarterly meeting in Washington, DC, June 17, 2022.

June 6, 2022, NIMJ collaborated with the Punjab Univ., Chandigarh, India, on “Military Justice: Reflections and Learnings.” The video recording is [here](#).

Following up on our Symposium last October, the Symposium on Military Justice-October 2021 is now online in the [J. NAT’L SEC. L. & POL.](#)

## Legislation

June 17, 2022. Rebecca Kneel, [Sweeping Military Justice Reforms Get New Life in Annual Defense Bill](#). Military.com. The NDAA 2022 changed how a selection of military justice cases will be prosecuted. However, the NDAA has much left on the table still to do. Here are two links for you:

A [summary of the current issues](#) in the Senate Armed Services Committee. [Commentary on CAAFlog](#) by regular contributor Zeke Kennen.

## Reports

Volume 7 of the NIMJ Guantanamo (observer) Reports is [now available](#) online.

## Other litigation

In [United States v. Pritchard \(Military Judge\) & Dial \(RPI\)](#), the ACCA has granted the Government’s Ex Writ Petition prohibiting LTC Dial from instructing the members that they must reach unanimous findings of guilt. This is one of the unanimous verdict cases in which the defense is arguing that [Ramos v. Louisiana](#) changed the “landscape” and warrants a new look at the lack of unanimous verdicts in courts-martial. There are other appeals in the various Services with a similar challenge, but so far, relief has been denied, and CAAF has yet to grant a petition on the issue.

LTC Dan Maurer has contributed to the discussion of ACCA’s decision in *Dial*. You can read his thoughts [here](#) and [here](#).

[Torres v. Texas Department of Public Safety](#), 597 U.S. \_\_\_\_ (2022).

(From the Justia.com summary) The Uniformed Services Employment and Reemployment Rights Act (USERRA) gives returning service members the right to reclaim their prior jobs with state employers. It authorizes suit if they refuse to accommodate veterans' service-related disabilities. Torres, a state trooper, was called to active duty in the Army Reserves and deployed to Iraq, where he was exposed to toxic burn pits. Torres, honorably discharged, returned home with constrictive bronchitis. Torres asked his former employer to accommodate his condition by re-employing him in a different role. Texas refused. A state court dismissed his claims based on sovereign immunity. The Supreme Court reversed.

The lack of speedy review of court-martial convictions is a concern. Appellate practitioners know that a case takes time to reach finality on appeal. [United States v. Williams](#) is an example of a case that hangs around. Convicted in 2013, this month, the Army Court of Criminal Appeals set aside a conviction because the statute of limitations had expired. With maximum good time credit and assuming no parole, he will be eligible for release sometime in 2026 and not 2032. There are many cases in which the appellant will have served their confinement, and any sentence relief is a Pyrrhic victory. Parole is not automatic, and with his charges and conviction, Williams is unlikely to get early parole.

### **Worth a look (new and old)**

Evan R. Seamone, [Disability Compensation for the Psychological Impact of Race Discrimination: Lessons from the Board of Veterans' Appeals](#). 74 ADMIN L. REV. 309 (2022).

Rory Fowler, [Plague of sexual misconduct in Canadian military cannot be solved internally—Parliament must act](#), GMJR, June 17, 2022.

For the past two and one-half decades, the Canadian Armed Forces (CAF) has received a cascade of warnings about the deep-seated crisis of rampant sexual misconduct in its ranks. There are no less than 13 senior Canadian military officers - current and former- who have been sidelined, investigated, or forced into early retirement. This includes two former Chiefs of the Defence Staff; four lieutenant-generals, two major generals.

So far, very little has changed. The existing crisis is having a certain impact on recruiting and retention as well as the hard earned reputation of the Canadian Armed Forces.

Rory gives a summary of the events that fuel the current crisis in leadership of the Canadian military.

Canadian Lawyer reports,

The Ministry of National Defence has announced that legislation to modernize the military justice system in Canada has fully entered into force.

On June 20, Bill C-77 came fully into effect two years after receiving royal assent. The bill amended the National Defence Act (NDA) to create new rights for victims of service offences and adopt a new summary hearing process.

“The full implementation of Bill C-77 enables essential mechanisms to ensure our members are safe, protected and respected, as they continue to accomplish their many vital duties, both at home and abroad,” Minister of National Defence Anita Anand said.

Katrina Eñano, [\*Legislation modernizing Canadian military justice system enters fully into force\*](#), June 30, 2022.

Cheers, Phil Cave, Editor