

DRAFT

SECRET

MEMORANDUM TO DEPUTY MINISTERS AND
HEADS OF AGENCIES

Homosexuality and National Security

In recent years there have been increasing pressures in favour of unrestricted employment in the public service of homosexuals, demands for removal of any restrictions on such employment, and demands for justification of any restrictions imposed.

There are in fact no restrictions in this regard in the legislation and regulations governing employment in the Public Service. However in the context of access to classified information, policy is set out in Cabinet Directive No. 35 of 1963. This policy does not relate specifically to homosexuality but to "illicit sexual behaviour" which is listed, along with greed, debt, drunkenness, drug addiction, mental imbalance, as an example of "features of character" which might seriously affect reliability because of vulnerability to blackmail or coercion. In the case of such features of character, persons may not be permitted to have access to classified information, "unless after careful consideration of the circumstances, including the value of their services, it is judged that the risk involved appears to be justified." Thus the area where departmental judgment must be exercised is even broader than that required where loyalty is concerned.

With a view to assisting departments in exercising their responsibilities in this difficult area, the following Considerations and Guidelines are set out. Departments are reminded that these Considerations and Guidelines are intended only to supplement the policy set out in CD 35, which remains in effect.

.. 2

SECRET

S E C R E T

- 2 -

Considerations

1. Many facets of homosexual conduct remain largely unknown. In general it can be said that it is not a simple phenomenon, that there are no stereotypes. Few if any categorical statements can be made validly about homosexual activity.
2. If homosexuality is a medical problem, there does not appear to be any known cause, cure, or effective treatment.
3. Many people, particularly those who criticize restrictions on employment of homosexuals, take the view that there is no illness that needs cure, no immorality that justifies censure, pity, or discrimination. Rather homosexuality is viewed as a preference, an orientation, which is the business only of the individual.
4. The policy set out in CD 35 provides for no categorical exclusion of homosexuals from access to classified information. Rather the requirement is that it be considered as a factor in deciding whether access can be granted.
5. From the point of view of security, there is evidence to indicate that homosexuals continue to be "special targets for attention from foreign intelligence services" (Royal Commission on Security Report, para. 100).
6. From the point of view of security clearance, the only reason for exclusion from access to classified information on grounds of homosexuality is vulnerability to blackmail or coercion. The granting or denial of security clearance of homosexuals must not be decided on the basis of other factors: e.g. the level or potential level of employment involved, the potential adverse effect on the individual (e.g. arrest abroad).

.. 3

S E C R E T

S E C R E T

- 3 -

Obviously the homosexual who is frank about the characteristic cannot be excluded from access under CD 35, since blackmail or coercion would not be relevant.

7. The following appear to be the main facets of homosexual relationships which merit consideration in determining suitability for access:

- open or covert
- stable or inconstant
- aggressive or passive
- proneness to proselytize
- preference for young partners (children? minors?)
- past experience with arrest or conviction, or proneness to situations where arrest or conviction might occur.

(These are taken mainly from the Report of the Royal Commission on Security (1969), para. 100.)

8. Experience indicates that most likely candidates for responsible positions, including those involving access to classified information, prefer to keep their homosexuality secret from family and friends.

9. Experience indicates that most homosexuals, when the characteristic is raised with them, are receptive to understanding the security implications of their orientation and the fact that their own interests are involved.

Guidelines

1. Each case of a homosexual being considered for security clearance, or for any position where security clearance might eventually be involved, must be examined, and judgment made, in the light of the considerations set out above and all other relevant circumstances that can be known, weighed in relation to the degree of access and vulnerability involved.

S E C R E T

.. 4

S E C R E T

- 4 -

2. Medical (including psychiatric) advice should be obtained on the basis of the information available, before making a decision, wherever there is reason to believe that this would be helpful. In cases where decision is made to permit access, effort should be made to encourage medical or other assistance where this seems appropriate.

3. In general, homosexuals should not be given access to the higher levels of classified information (Secret and Top Secret) and persons likely to require such access in future should not be given security clearance. This is true whatever the nature of the relationships.

4. In the case of clearance to the level of Confidential, clearance may be given but the limitation concerning higher levels should be made clear. (See 6 below)

5. Where the denial of security clearance is decided upon, the individual should be told the reason, and the considerations involved should be explained. Disclosure of the reason should present less difficulty than is the case where the adverse information relates to loyalty, as the sources of information are likely to be less sensitive. Maximum possible frankness is especially important where dismissal is being considered. (It should be noted that if dismissal occurs on security grounds, the employee has recourse to the procedures set out in the Public Service Security Inquiry Regulations.)

6. Where a decision is taken to permit access, the situation should be discussed as frankly as possible with the individual. The risks involved, both to national security and to the reputation and career prospects of the individual, should be pointed out. The individual should be required to

.. 5

S E C R E T

TOP SECRET

S E C R E T

- 5 -

report immediately any indication of blackmail or coercion. The following factors should be emphasized:

- except for private acts between consenting adults, homosexuality in Canada is an offence under the Criminal Code;
- in some countries e.g. communist bloc and South American, legal sanctions concerning homosexuality are severe.

7. In cases where homosexuality is not concealed, denial of security clearance must be justified on grounds other than security, such as possible lack of public acceptance, danger to the individual, etc.

8. Cabinet Directive No. 35, Prime Minister Pearson's statement, the Personal History Form, and the Public Service Security Inquiry Regulations are relevant only where national security is concerned. Policy and procedures covered therein should not be applied beyond this area, to employment practices in general. General guidance on employment policy and procedures must be obtained from appropriate authorities. However it is obvious that there are many areas not involving national security where employment of homosexuals would present serious difficulties, e.g. in representational positions, especially abroad, in postings to remote and isolated areas, in ships, in military and police environments, in schools and any employment involving the young. In such areas the public would likely consider it had a right to expect the exclusion of persons with characteristics which would diminish their effectiveness in performing their duties or hinder others from performing theirs.

.. 6

S E C R E T

~~TOP SECRET~~

S E C R E T

- 6 -

9. Departments are encouraged to discuss problems relating to the granting of security clearance to homosexuals with the Privy Council Office Security, Intelligence and Emergency Planning Secretariat.

S E C R E T