

18.55.9-1

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Briefing Notes for ICSI Meeting - 1000 Hours, 21 April 77

The Minutes of the last ICSI meeting, held on 14 October 1976, are on the facing page, opposite these notes.

The Agenda for to-day's meeting is under the Agenda Tab, and comprises three items:

Item 1: Homosexuality, the Public Service, and National Security.

The supporting material for this item is under Agenda Tab 1, and comprises two up-dated papers, dated 25 March, 77.

*The material supporting this item clearly examines all aspects of the difficulties encountered when employing homosexuals in the Public Service.*

*Under existing policy, homosexual tendencies are one factor in determining reliability before granting a security clearance. However, having considered all factors, great latitude is given to the Deputy Head as to whether a clearance will be granted.*

*In the case of the RCMP, the Commissioner, for a variety of reasons, must continue to exercise his authority.*

*In the case of other departments, this item recommends that, having considered all factors, Deputy Heads should not clear homosexuals beyond the "Confidential" level and, if they are likely to require higher access in future, they should not receive a security clearance at all.*

*The Security Service agrees with this recommendation. A more detailed briefing note follows:*

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The first of the two supporting papers for this item: "Homosexuality, the Public Service and National Security" (Tab A), provides a recapitulation of developments over a number of years. The "Observations and Conclusions" sections of the paper (Tab B), remind us there is no statement of government policy concerning employment of homosexuals in the Public Service generally, and states that the policy set out in CD 35, regarding security clearances, is difficult to apply because of the considerable degree of discretion left to officials. It states also that, in this period of emphasis on the precise delineation of rights, and the strong representations received from interest groups such as the Gay organizations, the problems seem particularly acute. The document also points out that although there are difficulties in administering the flexible policy set out in the Cabinet Directive on personnel security clearances, it is unlikely that a solution will be found in providing more precision in the policy. It suggests that an alternative may be to provide guidance, within the policy, which might assist departments in making and justifying decisions.

To help provide this guidance, the second draft document (Tab C), "Homosexuality in Relation to Employment", has been prepared. It outlines what appear to be the

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main "considerations" involved in making a judgment, and provides "guidelines".

The "Considerations" section of this paper (Tab D), reminds us that homosexuals continue to be "special targets for attention from foreign intelligence services". Cabinet Directive 35 provides for no categorical exclusion of homosexuals from access to classified information; the only reasons for exclusion is their susceptibility to indiscretion, or vulnerability to blackmail or coercion. Thus, the requirement is that this characteristic be considered as a factor in deciding whether access to classified material can be granted.

The "Guidelines" section of the paper (Tab E), suggests that if homosexuals meet the susceptibility, and vulnerability considerations, it is possible they might be considered suitable for access to Confidential level. However, they should not be given access to the higher levels of classified information (Secret and Top Secret), and persons likely to require such access in the future should not be given a security clearance.

The two papers briefly described above, and two similar but earlier versions (14 December 76 - not provided) have been reviewed by the Deputy Commissioner (Admin); by the Director Organization and Personnel; by the Officer i/c A Ops. The current versions (25 March 77) were also reviewed by F Ops.

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The Deputy Commissioner (Admin), in his remarks (Tabs F & G), emphasized that the RCMP must have authority to reject homosexual or lesbian recruit applicants. He points out that there would be "virtual revolution" within the Force, and marked public reaction, should it be thought that such persons might be posted to youth or juvenile details. The Deputy Commissioner (Admin) believes we should not shrink from making our views and policies known to the public.

The remarks of the Director Organization and Personnel (Tab H), referring to the earlier versions of the paper, reflect his concerns about promiscuous homosexuals, and the possibility that these persons, if in positions of influence, would tend to hire persons with similar characteristics. The concerns expressed by the Director Organization and Personnel appear to have been dealt with in the 25 March 77 versions of the papers, which are to be considered at to-day's meeting.

The Officer i/c A Ops, (Tab J) considers that the two papers adequately cover all considerations.

The Officer i/c F Operations (Tab K) agrees with the proposed "guidelines". Supt. GAVIN also draws attention to the recent hearings on the Human Rights Act (Bill C-25) during which the Gay groups made representation to ensure that homosexuals are protected against

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discrimination in the Act. He states further that, if the Gays are successful, we will require legal counsel to determine how Cabinet Directive 35 can be applied against an Act of Parliament.