

Government of Canada / Gouvernement du Canada

MEMORANDUM / NOTE DE SERVICE

ADMIN. RECORDS / DOSSIERS ADMINISTRATIFS

86-06-19

REVIEWER / REVISEUR

SECURITY - CLASSIFICATION - DE SÉCURITÉ
CONFIDENTIAL
OUR FILE - N / RÉFÉRENCE CG 195-145-2
YOUR FILE - V / RÉFÉRENCE G 117-7-5 ✓

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DATE 85-09-04
SEP 6 1985
D.O.P.'s Office Bureau du D.-O.P.

TO / À D.O.P.

FROM / DE OFFICER I/C INTERNAL AFFAIRS BRANCH

SUBJECT / OBJET Discharge for Homosexuality

As instructed, we have developed a new draft policy permitting discharge of regular members for homosexual activity. This draft provides for a very carefully restricted form of "hearing". This approach was discussed with RCMP Legal Services and we believe it is sustainable in the form written (that is without presence of counsel).

2. Altering our approach in this fashion does, however, give rise to several serious concerns. Firstly, it implies that known homosexuals who do not engage in "homosexual activity" are acceptable as regular members. This implication seriously undermines a number of the points used in rationalizing our need to discharge homosexuals. In moving towards even the proposed type of restricted hearing should this policy become known, we will be placed in the position of leaving the Armed Forces on their own in a much more vulnerable situation than would be the case if we both followed similar methods of discharging homosexuals - thereby making either of our policies more vulnerable to challenge and possible defeat.

3. Should it be decided to expand the "hearing" portion of this policy any further than is proposed, we would have to, in fact, create an additional ground in A.M. 53 thereby getting this rather delicate matter in the full adversarial hearing contained in this document. This would also, I am advised, place us in a position where we would quite probably not be able to apply the policy to a homosexual who admitted to that status prior to the policy being published. In addition, going to a full hearing concept will definitely (and the attached draft may) bring the matter of homosexual activity within the ambit of Part 4 of Bill C-65 when that document becomes law. Homosexual activity will then have to be proscribed by the Code of Conduct and dealt

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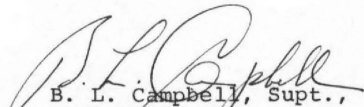
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with through a formal disciplinary hearing. This is, I suggest, a most undesirable method of handling the matter and creates the distinct possibility that certain types of homosexual activity could not be dealt with (e.g. in private between consenting adults).

4. If we are to have an reasonable chance of sustaining our long held position vis-à-vis homosexuality, we dare not go beyond the attached draft policy and should, I suggest, re-examine the viability of previously drafted administrative discharge for homosexuality.


B. L. Campbell, Supt.,
Officer in Charge,
Internal Affairs Branch.

attach.

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