

Government
of CanadaGouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

PA

TO
À

Solicitor General FOR CONSIDERATION

FROM
DE

Deputy Solicitor General

SECURITY - CLASSIFICATION - DE SÉCURITÉ

CONFIDENTIAL

OUR FILE / NOTRE RÉFÉRENCE

204-1

YOUR FILE / VOTRE RÉFÉRENCE

DATE

83.09.09.

SUBJECT
OBJETSECURITY CLEARANCES - [REDACTED]Sept 11 / 83
Kpl

Commissioner Simmonds wrote to you on September 7, 1983 to advise you of action taken in respect of the security clearance and employment of [REDACTED] a civilian member of the RCMP.

BACKGROUND

[REDACTED] was hired for a three month term on July 11, 1983 to work in the Security Service Records Section handling personnel screening records classified up to the level of Secret. To enable him to perform these duties he was granted an interim clearance of Secret. In keeping with the Commissioner's earlier policy that all persons employed in the Security Service should be cleared to Top Secret however, a full field investigation was commenced with a view to granting a Top Secret clearance.

At the end of July, information obtained during the field investigation showed that [REDACTED] was a homosexual. He did not attempt to hide the fact and we are informed that the security assessment so indicated. A decision was made not to grant a Top Secret clearance but to leave [REDACTED] in the position with an interim Secret clearance until October 10, 1983 when his term expired. On August 22, 1983 following complaints from his co-workers that he was causing embarrassment by flaunting his homosexuality, [REDACTED] was advised by letter that his security clearance was downgraded to Confidential on the grounds of homosexuality, and that he was not eligible to work in the Security Service. A position was found for him in a non-sensitive branch of the RCMP until his term expires.

It is understood that [REDACTED] has passed a copy of the letter he received from the RCMP to Mr. Svend Robinson, M.P. who is likely to take the matter up with you (copy attached).

.../2

011468

PROBLEM

The RCMP appears to have fallen into the familiar trap of using a security clearance requirement to take career action against a homosexual when the real objections to the individual have been related to management or personnel issues. The records that [redacted] was working on in the Records Section may have contained information on homosexuals in the public service and there was concern that [redacted] may have been tempted to use the information for personal reasons. There was no suggestion that national security would have been endangered. In addition, [redacted]'s overt flaunting of his homosexuality was creating an undesirable situation in the work environment that may have affected the efficiency of the section.

Should there be such a record? What is it for?

The RCMP added to their mistake by providing [redacted] with a letter which contained statements that cannot be supported on the basis of existing policy. This letter states:

"Your employment with the RCMP Security Service requires a 'Top Secret' security clearance."

Based upon the level of classified material to be accessed, the position would under Cabinet Directive 35, require a Secret clearance. A bulletin (AM-562) recently issued by the Commissioner appears to confirm that a Top Secret clearance is required only for regular members of the force but, by reference to C.D. 35, sets the requirement for all other employees to the level of access required. This indicates that the action taken in respect of [redacted] is at variance with the policy set out in the bulletin.

The letter further states that:

"The field investigation, confirmed by your behaviour while on the job, has identified you as a homosexual and the Force's position, in line with Cabinet Directive 35, precludes the issuance of a security clearance to such a level to persons of this sexual persuasion."

Cabinet Directive 35 does not preclude per se, the granting of a security clearance to any level to a homosexual. Homosexuality in fact, is not mentioned in C.D. 35. It is however, presumed to fall within "illicit sexual behaviour" but like all other features of character having a bearing on a security clearance, must be carefully considered in the light of it's

.../3

- 3 -

CONFIDENTIAL

relationship to or effect on loyalty. [REDACTED]'s homosexuality is avowed and there was no suggestion that it renders him particularly vulnerable to blackmail or coercion. In this respect, the action taken was not consistent with C.D. 35 nor was it consistent with the recently approved policy on homosexuality issued by the Commissioner in his bulletin attached hereto. This bulletin, which deals with the general aspect of homosexuality in the security clearance process, emphasizes that homosexuality can only be judged in the full contextual circumstance of how the individual copes with his homosexuality and whether he is vulnerable to compromise, blackmail or indiscretion. This judgment does not appear to have been made in this case. The bulletin was in effect at the time.

It appears that the principal reason why action was taken to remove [REDACTED] from the Records Section through the cancellation of his Secret clearance was because of his behaviour there which caused his co-workers to complain. No security reasons can be attached to this action. Control could have been exercised over [REDACTED] until his term expired on October 10, 1983 without any need for the clearance action that took place.

RECOMMENDATION

Given the apparent irregularities in the handling of this case and in the letter provided to [REDACTED], you should consider the following action:

- Respond to any questions raised by Mr. Svend Robinson or others with the statement "I am concerned that every case involving a denial of a security clearance within an agency of my Ministry is conducted in accordance with the policy on such matters and that the individual involved has been treated fairly and afforded every opportunity to resolve any doubts raised about his loyalty. For this reason, I have asked the Commissioner to conduct a full review of the case and to provide me with a report as soon as possible."
- You may wish to add: "Under Bill C-157, the issue of homosexuality in the security clearance process will be dealt with as an element of reliability only as it relates to loyalty. The connection will have to be clearly demonstrated

.../4

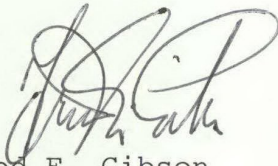
011470

- 4 -

CONFIDENTIAL

before any security clearance action of the nature raised here could be taken. Furthermore, in Bill C-157 we have ensured that a person in this position would be able to take his complaint to the Security Review Committee for a full and impartial hearing so that any alleged injustice could be investigated and corrected."

If you agree, a draft letter to Commissioner Simmonds requesting a review of the case is attached for your approval.



Fred E. Gibson

011471

AGC-0381_0004