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MEMORANDUM

V 2100-1 (CDS)

6 February, 1969

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CANADIAN FORCES POLICY - SEXUAL DEVIATES

1. I have become concerned with the possible impact on the Canadian Forces from proposed legislation which, if passed by Parliament, will permit homosexual acts between consenting adults.
2. Canadian Forces Administrative Order (CFAO) 19-20 sponsored by the Director of Personnel Legal Services details policy for handling sexual deviates in the Forces. Specifically, paragraph six states that, "Service Policy does not allow the retention of sexual deviates in the Forces".
3. Cabinet Directive (CD) 35, Security in the Public Service of Canada, in paragraphs five and six, states that a person who is unreliable, not because he is disloyal, but because of features in his character which may lead him to indiscretion or dishonesty, or make him vulnerable to blackmail or coercion such as greed, debt, illicit sexual behaviour, etc., may not be permitted to have access to classified information, unless, after careful consideration of the circumstances, including the value of his service, it is judged that the risk involved appears to be justified.
4. In 1967, the British Forces were faced with legislation that permits homosexual acts between consenting adults. The British Defence Liaison Staff has stated that the provisions of the British Army Act 1955, the Air Force Act 1955, and the Naval Discipline Act 1957 were exempted from the application of the Sexual Offences Act 1967 by Section 1 (5) of the said Act. The subsection reads as follows: "Subsection (1) of this section shall not prevent an act from being an offence (other than a civil offence) under any provision of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957". The general British policy is that a homosexual has no place in a disciplined force and must therefore be removed. This may be accomplished administratively or, in appropriate cases, as a result of the sentence of a court-martial.
5. I am of the opinion that any change which will weaken the policies contained in CFAO 19-20 and CD 35, insofar as they apply to sexual deviates, would have serious adverse affects on security, morale, discipline and efficiency in the Canadian Forces; and therefore, any attempt to change these policies should be resisted. In the event that a Canadian Sexual Offences Act, or a related amendment to the Criminal Code of Canada, appears

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likely to be passed by Parliament, and to cater specifically for the Canadian Forces requirements, steps should now be taken to ensure that present regulations for the Canadian Forces are exempted from the application of any new legislation related to homosexual acts between consenting adults.



J.V. Allard
General
CDS
2-5054

cc: DM

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