

CONFIDENTIAL

55200-1

9/26 man

ISO	
CO-ORD 1	<i>[initials]</i>
CO-ORD 3	
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MAR 26 1969

MEMORANDUM

26 Mar 69

CDS

Sexual Deviates

1. Attached is a copy of my letter of 20 Mar 69 to the Deputy Minister of Justice concerning the pending amendment to the Criminal Code respecting homosexual acts in private between consenting adults together with the reply that has just been received.
2. As the Bill to amend the Criminal Code is sponsored by the Minister of Justice, I consider, in view of his deputy's remarks, that there might be some difficulty in convincing the Cabinet to agree to the amendment you seek. I can only suggest that you now take this matter up with the Minister if you wish to pursue it further.
3. If the homosexual provision is passed in its present form, we could proceed, by way of court martial, against persons involved in the activities mentioned. In the event that the court found the accused not guilty on the basis of the amendment to the Criminal Code, or if the accused were found guilty and succeeded in having the finding set aside by the Court Martial Appeal Court, the opinion expressed by the Deputy Minister of Justice would have been proven wrong. We would then be in a good position to seek an amendment to the Criminal Code specifically precluding the application to members of the Forces of the new section respecting homosexuals.

*H. A. McLearn*  
 H. A. McLearn  
 Brigadier-General  
 Judge Advocate General  
 2-2633

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