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**SECRET**

Serial No 17-77CBM

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Cabinet Minutes

A meeting of the  
Cabinet was held  
in Room 340-S,  
House of Commons,  
on Thursday, April  
28, 1977, at 10:00 a.m.

Present

The Prime Minister  
(Mr. Trudeau)  
in the Chair,  
The Minister of  
Industry, Trade  
and Commerce  
(Mr. Chrétien),  
The Minister of  
Labour  
(Mr. Munro),  
The Minister of  
Justice  
(Mr. Basford),  
The President of  
the Treasury Board  
(Mr. Andras),  
The Minister of  
Transport  
(Mr. Lang),  
The Minister of  
Supply and  
Services  
(Mr. Goyer),  
The Minister  
of Energy,  
Mines and  
Resources  
(Mr. Gillespie),  
The Minister of  
Agriculture  
(Mr. Whelan),  
The Minister of  
Indian Affairs  
and Northern  
Development  
(Mr. Allmand),

Procès-verbal du Cabinet

Une réunion du Cabinet  
a eu lieu à la  
pièce 340-S, à  
la Chambre des communes  
le jeudi 28 avril  
1977, à 10h.

étaient présents

Le Premier ministre  
(M. Trudeau)  
Président,  
Le ministre de  
l'Industrie et du  
Commerce  
(M. Chrétien),  
Le ministre du  
Travail  
(M. Munro),  
Le ministre de la  
Justice  
(M. Basford),  
Le président du  
Conseil du Trésor  
(M. Andras),  
Le ministre des  
Transports  
(M. Lang),  
Le ministre des  
Approvisionnements  
et Services  
(M. Goyer),  
Le ministre de  
l'Énergie, des  
Mines et des  
Ressources  
(M. Gillespie),  
Le ministre de  
l'Agriculture  
(M. Whelan),  
Le ministre des  
Affaires indiennes  
et du Nord  
canadien  
(M. Allmand),

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The Minister of State for Science and Technology (Mr. Faulkner),  
The Minister of State for Urban Affairs (Mr. Ouellet),  
The Minister of Veterans Affairs (Mr. MacDonald),  
The Minister of Communications (Mrs. Sauvé),  
The Leader of the Government in the Senate (Senator Perrault),  
The Minister of Public Works (Mr. Buchanan),  
The Minister of Regional Economic Expansion (Mr. Lessard),  
The Minister of Manpower and Immigration (Mr. Cullen),  
The Secretary of State (Mr. Roberts),  
The Minister of National Revenue (Miss Bégin),  
The Postmaster General (Mr. Blais),  
The Solicitor General (Mr. Fox),  
The Minister of Consumer and Corporate Affairs (Mr. Abbott),  
The Minister of State (Multiculturalism) (Mr. Guay),  
The Minister without Portfolio (Mr. Horner).

The Secretary to the Cabinet (Mr. Pitfield),  
The Acting Deputy Secretary to the Cabinet (Mr. Midwinter),

Le ministre d'Etat chargé des Sciences et de la Technologie (M. Faulkner),  
Le ministre d'Etat chargé des Affaires urbaines (M. Ouellet),  
Le ministre des Affaires des anciens combattants (M. MacDonald),  
Le ministre des Communications (Mme Sauvé),  
Le leader du gouvernement au Sénat (Sénateur Perrault),  
Le ministre des Travaux publics (M. Buchanan),  
Le ministre de l'Expansion économique régionale (M. Lessard),  
Le ministre de la Main-d'oeuvre et de l'Immigration (M. Cullen),  
Le secrétaire d'Etat (M. Roberts),  
Le ministre du Revenu national (Mlle Bégin),  
Le ministre des Postes (M. Blais),  
Le Solliciteur général (M. Fox),  
Le ministre de la Consommation et des Corporations (M. Abbott),  
Le ministre d'Etat (Multiculturalisme) (M. Guay),  
Le ministre d'Etat (M. Horner).

Le Secrétaire du Cabinet (M. Pitfield),  
Le Sous-secrétaire intérimaire du Cabinet (M. Midwinter),

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The Assistant Secretaries  
 to the Cabinet  
 (Mr. Snarr),  
 (Mr. Darling).

Les Secrétaires adjoints  
 du Cabinet  
 (M. Snarr),  
 (M. Darling).

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continues until then. Provided there is some rain before that period, there would be adequate moisture to permit germination of the seeds. Mr. Whelan indicated that the major pressures at the moment were on cattle ranchers whose water holes were drying up, thereby forcing distress sales of cattle. The Minister without Portfolio suggested that the federal government could purchase equipment to enable water to be pumped and transported to the dry areas, which could be rented to individual farmers. Mr. Whelan noted that the availability of equipment had been checked and would be dealt with in his memorandum.

Mr. Whelan suggested that the government should make some announcement that it was going ahead with plans to assess areas affected by the drought. The Prime Minister replied that he could, at his press conference in the afternoon, indicate that the government was actively reviewing contingency plans and was giving consideration to the establishment of a special ministerial committee to deal with the problem. The Prime Minister also noted that Mr. Whelan's paper should include proposals to provide publicity for the government's efforts specifically in the areas affected by the drought.

Bill C-25, the Canadian Human Rights Act;  
Sexual Orientation and Political Belief

Bill C-25, Loi canadienne sur les droits de la  
personne: penchants sexuels et opinions politiques

The Cabinet had for consideration the report of the Cabinet Committee on Security and Intelligence (189-77CR, April 27, 1977) on the memorandum of the Minister of Justice (Cab. Doc. 189-77MC, April 25, 1977) seeking direction from Ministers on the approach to be taken in dealing with public and parliamentary pressure for inclusion of sexual orientation and political belief as prohibited grounds of discrimination in Bill C-25.

The Minister of Supply and Services doubted that homosexuality should continue to be a characteristic which resulted in the exclusion of individuals from access to secret or top secret government information, thereby excluding them from certain types of employment. He thought that a homosexual was no more subject to blackmail than a married man with a girlfriend, and suggested that the discriminatory practice should be eliminated. The Minister of Justice replied that he had raised the issue for consideration because it was a topic that would inevitably be raised during consideration

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of the Bill. He noted that Committee discussion of his recommendation to continue the exclusion of homosexuals from certain types of employment had been extensive and that his recommendation was supported. If Ministers were disposed to reconsider the Committee's recommendation, it would be necessary to examine the subject intensively. He noted that any measure directed at regularizing homosexuals' rights would lead to intense political opposition, and he doubted that the government wished to take on that pressure at this time. If, on the other hand, members of the Opposition were prepared to take the lead on this issue by proposing in Parliament an appropriate amendment to the Human Rights Bill, he thought the government could then re-examine its position.

The Cabinet agreed that:

1. efforts should continue to avoid inclusion in Bill C-25 of sexual orientation and political belief as prohibited grounds of discrimination, on grounds of national interest, since:
  - (1) homosexual persons were not admissible for employment in certain parts of the Public Service (namely in defence, police and penitentiary establishments and in the rotational foreign service);
  - (2) homosexual persons were not generally admissible to Public Service positions requiring access to information classified Secret or Top Secret;
  - (3) persons holding certain extreme political views detrimental to the national interest were not admissible to Public Service positions requiring access to classified information.
2. officials of departments with responsibilities relating to (1) and (2) above (National Defence, External Affairs and the Department of the Solicitor General) should provide to the Minister of Justice explanatory matter for use in the Standing Committee on Justice and Legal Affairs, and elsewhere as necessary, relating to the problems likely to arise for the federal government, as employer, if sexual orientation were to be included in Bill C-25 as prohibited grounds of discrimination, and to policies and practice in dealing with homosexual employees and applicants for employment, to demonstrate that both the public and individual interests are taken into account in every case;
3. officials of the Privy Council Office should provide to the Minister of Justice similar explanatory matter on the problems likely to arise if political beliefs were to be included in Bill C-25 as prohibited grounds of discrimination;
4. the Solicitor General should consider and advise the Minister of Justice on the possibility of offering to the Justice and Legal Affairs Committee an in camera briefing on the security implications and concerns inherent in these and other aspects of Bill C-25.

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Le Cabinet convient que:

1. l'on essaie d'éviter que les penchants sexuels et les opinions politiques ne deviennent des motifs de discrimination illicites prévus par le Bill C-25, étant donné que:
  - (1) les homosexuels ne peuvent être admis à des emplois dans certains corps de la fonction publique (à savoir le défense, les forces policières et les établissements pénitentiaires, ainsi que le service étranger régulier);
  - (2) les homosexuels ne sont pas admissibles à des postes de la fonction publique où ils auraient accès, de par l'exercice de leurs fonctions, à des informations secrètes ou très secrètes;
  - (3) les personnes qui ont des opinions politiques extrêmes préjudiciables à l'intérêt national ne peuvent être admises à des postes de la fonction publique où elles auraient accès, de par l'exercice de leurs fonctions, à des informations protégées;
2. les fonctionnaires des ministères qui ont des responsabilités en ce qui à trait aux paragraphes (1) et (2) ci-dessus (Défense nationale, Affaires extérieures et le ministère du Solliciteur général) fournissent au ministre de la Justice des pièces explicatives dont il pourra se servir devant le Comité permanent de la justice et des questions juridiques et ailleurs, au besoin, pour démontrer qu'il est tenu compte dans chaque cas des intérêts du public et des individus, pièces explicatives qui se rapporteront aux problèmes qui risquent de se poser pour le gouvernement, en tant qu'employeur, si les penchants sexuels sont inscrits comme l'un des motifs de discrimination illicites prévus par le Bill C-25, ainsi qu'à la ligne de conduite adoptée avec les employés et les postulants homosexuels;
3. les fonctionnaires du Bureau du Conseil privé fournissent au ministre de la Justice des pièces explicatives du même genre sur les problèmes qui risquent de se poser si les opinions politiques sont considérées en vertu du Bill C-25 comme un motif de discrimination illicite;
4. le solliciteur général envisage la possibilité de proposer au Comité permanent de la justice et des questions juridiques qu'une séance d'information à huit clos soit tenue sur l'incidence qu'ont sur la sécurité ces aspects et d'autres du Bill C-25 et sur les préoccupations inhérentes à ceux-ci.

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Proposal for a Revised Cabinet Directive on  
Personnel Security Clearance

Projet de révision de la directive du Cabinet  
concernant l'habilitation au secret

The Cabinet agreed that:

1. the text of the proposed directive should be revised by officials, in particular with a view to:
  - (1) replacing the reference to "common-law partner" in Annex B (Personnel Security Clearance Questionnaire) with a more appropriate one such as "co-habitant";
  - (2) including more effective provisions to ensure frankness to individuals in the private sector, particularly mechanisms to provide information and a fair hearing, in cases where individuals might be adversely affected by decisions taken for security reasons, especially where dismissal was involved, and in this respect there should be consultation between the Department of National Defence and the Department of Supply and Services;
  - (3) providing a more effective definition, in Annex A (Criteria for determining personnel security clearance), of the criteria relating to loyalty, particularly those set out in I (b) (vi);
2. the draft directive as revised should be submitted to Ministers for consideration; and
3. the Minister of Justice should be authorized to inform the Standing Committee on Justice and Legal Affairs, if it seemed appropriate, in the context of its consideration of Bill C-25, that the Cabinet directive on personnel security clearance was under examination by the government, particularly with respect to 1.(2) above.

Le Cabinet convient que:

1. le texte de la directive proposée soit révisé par les fonctionnaires compétents de manière:
  - (1) à remplacer l'expression "avec laquelle vous viviez en concubinage" de l'annexe B (Demande d'habilitation au secret) par une expression plus appropriée telle que "avec laquelle vous cohabitiez";
  - (2) à y incorporer des dispositions prévoyant une plus grande franchise à l'égard des personnes oeuvrant dans le secteur privé, plus particulièrement des mécanismes permettant de leur donner de l'information et une chance raisonnable de se faire entendre, dans les cas où les décisions

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prises pour des raisons de sécurité pourraient leur nuire, surtout en cas de renvoi, et que les ministères de la Défense nationale et des Approvisionnements et Services se concertent à cet égard;

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- (3) que les critères relatifs à la loyauté, plus particulièrement ceux qui sont exposés au sous-alinéa I(b)(vi) de l'annexe A (Critères d'habilitation au secret), soient mieux définis;
- 2. le projet de directive, dans sa forme modifiée, soit soumis à l'attention du Cabinet; et que
- 3. le ministre de la Justice soit habilité à informer le Comité permanent de la justice et des questions juridiques, si cela paraît utile, dans le cadre de l'étude que celui-ci fera du Bill C-25, que le gouvernement est à examiner la directive du Cabinet sur l'habilitation au secret, plus particulièrement en ce qui a trait aux dispositions de l'alinéa 1.(2) ci-dessus.

Confirmation of the Decisions of Cabinet Committees

Confirmation des décisions des comités du Cabinet

The Cabinet confirmed the Decisions of the Cabinet Committees as contained in the following Committee Reports:

Le Cabinet confirma les décisions des comités du Cabinet telles qu'elles apparaissent dans les rapports suivants des comités:

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- 1. Negotiation of an International Sugar Agreement  
(Committee Report 158-77CR)

Négociation d'un accord international sur le sucre  
(Rapport du comité 158-77CR)

The Cabinet Committee on External Policy and Defence at a meeting on April 21, 1977, had for consideration a joint Memorandum from the Minister of Industry, Trade and Commerce and the Secretary of State for External Affairs (Cab. Doc. ITC-5-77DP and 158-77MC) seeking authority and guidance for Canadian participation in negotiations for a new International Sugar Agreement under UNCTAD auspices in Geneva from April 18 to May 27.

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