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MEMORANDUM

5760-1 (D/DPPS)

15 Nov 89

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INTERIM REPLY TO DEPARTMENT OF JUSTICE REQUIREMENTS

Refs: A. 1461-31 (DPCAOR) 27 Oct 89
B. 5760-1 (DPPS) Aug 89

1. The Department of Justice risk assessment distributed under cover of Ref A has been reviewed. In general, I find little encouragement in the Justice comments, particularly as the quality of additional behavioural science evidence to be submitted is not likely to constitute a substantial improvement over materials already presented. In any case, I would like to comment on the DPPS issues contained in the "Overall Conclusions" section of the paper and clarify the taskings.

2. Privacy. We are continuing in our attempts to identify an appropriate expert witness on personal-space privacy. The following comments are offered on the specific points/taskings associated with this issue:

- a. The scientific defensibility of the CTF survey is currently being evaluated by an external reviewer, with a reply expected about mid-November;
- b. I'm not sure what is intended by the comment on the applicability of the American survey to the Canadian context. I don't think we should be distracted by cultural uniqueness arguments bearing on "Canadian identity" and other "distinct society" issues. The point of citing the American research (which, incidentally, was published in a refereed APA journal - hence, scientifically reputable) was to demonstrate that, in North America at least, the CTF survey findings were not idiosyncratic but generalize to a larger population. No further commentary will be made on this point;
- c. As indicated at our most recent SOWG meeting, questions of "homosexual attraction", how such attraction would manifest itself in the military, and the likely reactions of heterosexuals to homosexual advances (points c, d and e of sub-para 110-14), involve areas of human behaviour that are beyond the mandate and

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expertise of the PSe1 Branch. PSOs are not trained in clinical psychology, nor are they employed in the study/treatment of psychosexual behaviour or any other form of behaviour which might be loosely classified as "deviant" or "abnormal" (note, however, that homosexuality is no longer categorized in this way by the American Psychological Association). What we can do, by way of limited assistance on these issues, is provide a summary of what major authoritative sources (eg, Masters and Johnson) have to say about these areas of sexual behaviour, if anything. For expert opinions, however, you will have to seek advice, possibly through DMTS, from a psychiatrist, a clinical psychologist, or a specialist in sexual behaviour. A similar approach will be required should you wish to use an expert witness in this area. However, as our informal contacts with clinical psychologists (identified as experts on homosexuality by the Ontario Psychological Association) have shown, most accredited psychologists are likely to be unsympathetic to any efforts which might be construed as limiting the rights of any minority groups, including homosexuals. This position is based in part on the humanitarian principles of the profession. In the particular case of homosexuals, this position is also based on the failure of scientific research to demonstrate conclusively that homosexuals, as a group, show a higher incidence of deviant behaviour than heterosexuals. To claim otherwise, or use the limited available information selectively, would be unethical.

- d. As indicated by the CTS survey findings, heterosexuals' reactions to homosexuals can be explained to a considerable extent by their attitudes toward homosexuals and by their reactions to first-hand contact with homosexuals. We will elaborate further on this point in a forthcoming summary paper; and
- e. I am opposed to conducting a "fresh" survey of CF members. The information gain would be negligible whereas the research effort required would be extraordinarily high. In any case, arguments have recently been presented in our research summary on privacy issues which support the temporal stability of the 1986 findings. No action will be taken on this recommendation.

3. Cohesion and Morale. I agree with the conclusions of the Justice reviewer. Material has not been submitted which would conclusively establish the necessary erosion of cohesion and morale as a result of a non-exclusionary policy. Scientific

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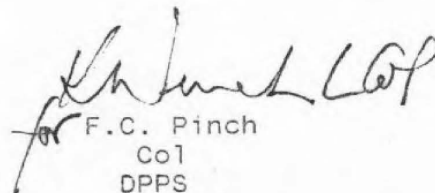
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evidence on this issue cannot be provided because it does not exist. As explained at length in Ref B, some kinds of social research simply cannot be done.

4. Recruits and Cadets. The arguments concerning potential negative effects on recruits and cadets again involve discussions of sexual behaviour about which we are not qualified to offer expert opinion. This issue also should be referred, through DMTS, to a psychiatrist, clinical psychologist or expert in pedophilia.

5. Leadership and Discipline. The best evidence we have on this issue is from the CTF survey, specifically, the responses to the questions on willingness to work for a homosexual supervisor. The Justice reply has accurately assessed the overall argument as being based on possible (or, in their word, speculative) outcomes. We will have little to add which might reverse this opinion. Likely reasons for gaps in the scientific literature on this issue were presented in Ref B - - ethical and other constraints on doing certain kinds of research involving human subjects.

6. As a general comment on the risk assessment, I must caution the SOWG against over-reliance on the available scientific evidence in defending the CF position. On most issues of concern, the evidence is mixed or inconclusive, and what arguments can be assembled must be based largely on extrapolations from attitudinal data or speculations from theory, so that any behavioural scientist serving as a witness would be obliged to admit as much if asked. According to the Department of Justice, this kind of evidence will probably not be good enough. Therefore, where actual behavioural data exists (eg, police reports or medical records), a special effort should be made to collate and evaluate this information. There is a chance, or course, that such data will be equally tenuous as evidence in support of the CF policy, in which case it might be advisable to reconsider the intent and substance of the proposed policy.


F.C. Pinch
Col
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