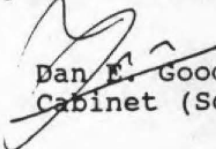


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February 22, 1991

Memorandum for Dan Gagnier

cc. Dick Gentles
Margaret Bloodworth

From:  Dan F. Goodleaf, Assistant Secretary to
Cabinet (Social Development)

DND Surveys on Homosexuality

I understand that Senator Murray's Communications Committee decided to deny DND permission to conduct an external survey on attitudes toward homosexuality. The decision deprives Justice and DND of data they deem necessary to appropriately defend several current court cases.

The issue of sexual orientation and DND has been a long standing policy concern of both the Foreign and Defence and Social Development Secretariats. It has been addressed in the context of a proposed Canadian Forces Administrative Order, proposed amendments to the Canadian Human Rights Act and the cases before the courts.

I understand that at a December meeting between the concerned Ministers, Ms Campbell agreed to try to defend the cases and Mr. McKnight agreed to conduct the surveys needed to support DND's position. Although the internal survey was approved earlier and is almost complete, the external survey is also considered necessary to the cases.

Both methodological concerns and strategic policy considerations led you to advise the Committee not to approve the external survey. Justice lawyers are aware of the methodological weaknesses of the survey but, based on the advice of outside expertise, still would like the survey results to supplement their defence. They are aware of the possibility that the survey results might not be accepted into evidence but

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are willing to accept that risk. A decision to defend these cases would bring DND's policy on homosexuality to public attention in any event and the methodological concerns about the survey would probably be incidental. Since the narrow purpose of the external survey is to frame most appropriately a legal defence rather than for any broader communications objectives, the judgement of counsel on the desirability of the survey should be determinative. The government will have to confront this sensitive policy issue in the near future.

Unless Ministers make a contrary decision, I think that it is incumbent upon us to support Justice lawyers in developing what they deem is the strongest defence for DND to the court challenges facing them. I urge you to revisit this matter with Senator Murray so that the external survey might be completed as quickly as possible.

C. Latimer

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