

PAGE.005 813 966 918 50:21 16 10 1985  
PAGE.004 813 966 918 50:21 16 10 1985

may 1991  
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*new*

Also, it is important to remember that the Canadian Forces already has homosexuals. The results of the External Survey suggest that 7 percent of the men and 7 percent of the women now serving may be homosexuals or may have had homosexual experiences. If the policy of exclusion no longer exists, there is no evidence to suggest that there will be more homosexuals in the Forces. Anybody who acts improperly, i.e. commits a criminal offence, harasses another person, etc. ~~will~~ be dealt with. The question that cannot be answered is whether or not the absence of a policy of blanket exclusion will cause more people to declare themselves as homosexuals. We have discussed this with a number of the experts whom we have interviewed as well as senior Forces personnel who have been interviewed as possible witnesses. The prevailing consensus or impression is that there is not likely to be a greater acknowledgement of homosexuality by serving members. That may come in the future, but only as societal norms change, if they do, and homosexuality becomes less unacceptable in society and, more importantly, in the Canadian Forces.

*← can be*

*← extent of problem to effect on effectiveness.*

Recruits, Cadets and Attrition

There is no evidence that the Canadian Forces will have trouble recruiting or that it will lose members if it does not have a policy excluding homosexuals. While the results of the survey conducted by the Charter Task Force and the results of the survey conducted by Dr. Harvey both suggest that there may be some people who would alter their plans and leave the Canadian Forces or who would not join the Canadian Forces if there was no policy, it is not possible to say that the numbers would be significant or have any effect on operational effectiveness.

Presumably there are people who leave or might alter plans to join as a result of any decision with which they disagree, whether it be uniform design, the admission of women to combat roles, or the cutback to military funding.

Similarly, there is no evidence to suggest that there will be a problem with cadets. The problem with cadets is likely to be a problem with a specific individual who in some manner harasses or otherwise acts inappropriately with cadets. The same potential problem already exists with male instructors and female cadets. One cannot say with any precision what, if any, problem will arise if a cadet instructor happens to be a homosexual, or that any problems have to be dealt with by a blanket policy rather than by a solution directed toward the specific problem. It cannot be said that this area of concern is sufficiently severe so as to have such an impact on the effectiveness of the Canadian Forces that a violation of section 15 of the Charter would be justified under section 1.

*← Refer to Feb external*

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Leadership and Discipline, (including refusal of duty)

Again, there is no evidence to support the proposition that there

MAY 10/91  
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will be an effect on the elements of Leadership and Discipline if there is no policy excluding homosexuals from the Canadian Forces. There may be isolated problems in individual situations, but it cannot be said that these will be of a special nature or of any greater magnitude than occasionally arise for other reasons when somebody is placed in a leadership role which they cannot handle.

not the real issue

Individuals in the Canadian Forces who are promoted to leadership roles must demonstrate their leadership skills, and the Forces prides itself on its leadership training and identification of leadership potential. There is no evidence that homosexuals cannot be leaders, and it actually becomes counterproductive to make the argument that homosexuals will become leaders within the Force if they do not possess the necessary skills.

Internal?

The ~~external~~ Survey results, which are discussed more fully below, do not support the proposition that there will be a breakdown in discipline. To the extent that there is evidence of a reluctance to be commanded by a homosexual, there is ample evidence of a willingness, albeit perhaps somewhat grudging, to co-operate. There is no evidence as to how often the scenario of a homosexual commanding officer or other leader will arise. Common sense suggests that there will not be many declared homosexuals in leadership roles, and those who have declared their sexual preference and who have continued to maintain their credibility as leaders will not present a problem.

may take issue with this

Cohesion and Morale

We have been unable to find any further evidence to support the proposition that the cohesion and morale of the Canadian Forces will suffer if there is no policy excluding homosexuals. What is more likely is that there will be a problem if the Canadian Forces is unable to deal with specific incidents, if they arise, and there is no question that such incidents, ie. harassment, etc. cannot be dealt with in the same way that similar incidents of heterosexual conduct are dealt with.

cohesion and morale in a separate manner

Privacy

We have dealt with this element of the defence last because we were always of the view that it was the one which was most likely to support the policy. We have the results of the ~~I~~nternal survey which tend to support the supposition that people will feel uncomfortable if they are required to live in intimate situations with somebody of the same sex whom they know to be a homosexual.

(?)

We have obtained an expert report from Dr. Peter Suedfeld in which he addresses privacy as a concept and explains what social scientists have observed in human behaviour, what people need by way of privacy, and how they order their lives in order to achieve privacy. The difficulty is that Dr. Suedfeld has done no work specifically relating to issues of homosexuality and that he is not terribly comfortable in going too far with any further comments regarding the presence of known homosexuals in the Canadian Forces

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solely on the basis of the Charter Task Force findings or the findings of the External Survey.

We have been unable to find a witness to identify why it is that people feel the way that they do, and the External Survey suggests that there will be a great deal of variability both between men and women, and within the two groups in the reaction they are likely to have to the presence of homosexuals in intimate living situations.

In short, our expectations that we would be able to put together a viable argument relating to the privacy concerns simply has not panned out. All we have is a great deal of unsubstantiated speculation of what the effect will be.

base beyond attitudes - customer preference arguments