

10/11/91

09:47

NO. 7

P002/011

- 1 -

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MILITARY SET TO LIFT BAN

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CBC: Well, two years ago Michelle Douglas and Joshua Burch(?) lost their jobs in the Canadian Armed Forces; Joshua Burch because he was gay and Michelle Douglas because she's a lesbian. Both Douglas and Burch are fighting their dismissals in court, and so far it looks like they're both winning, especially after yesterday when Tory MP Don Blenkarn confirmed that the Department of National Defence is planning to repeal its 71 year old order banning gays and lesbians from the Armed Forces. It must now get through Cabinet and get approval there. That could prove difficult. I spoke with Michelle Douglas about the expected announcement. Here's what she told me at that time.

MICHELLE DOUGLAS: I feel good today about this decision by the military, and I hope that when the final announcement has been made that everything looks as good as it does at this point. And I'm optimistic generally. I mean, everything that I've heard says that they will remove all the barriers for gays and lesbians in the Canadian military. And that's just great! Obviously if there are any conditions

001285

10/11/91

09:47

NO. 71

P003/011

- 2 -

attached to that, you know, I'd like to see them and have a chance to really look at them. But on the surface certainly I'm really excited about this.

CBC: That was Michelle Douglas. She was fired from her job with the military police in 1989 after DND discovered she was a lesbian. On the line with me now is Joshua Burch. Mr. Burch was given a medical discharge from his job three weeks after he told his commanding officer he was gay. Good morning, Mr. Burch.

JOSHUA BURCH: Good morning.

CBC: Now, you probably heard Michelle say that this announcement is good news as far as she's concerned. Do you feel the same way?

BURCH: Yeah. Absolutely! It will be good news if it comes out the way it's been proposed. I think what's interesting and what's really distressing to me is the development that came up yesterday since you were talking with Michelle, and that is that apparently what's happened now is the military is ready to change their policies and the big stumbling block now is our government, is the Cabinet. That the military was ready to make this announcement yesterday and the Minister of Justice had made recommendations to the Minister of Defence, who agreed; the Chief of the Defence Staff agreed. So the military was on line. They had the press releases ready to go. They had informed the Pentagon. And then I guess it hadn't been brought to

001286



10/11/91

09:48

NO. 71

P004/011

- 3 -

Cabinet and then at the last minute when Cabinet members say it they said hold on here.

CBC: So what do you think might happen? A complete reversal of what appeared to be a movement on the part of DND? Or some sort of mid-movement?

BURCH: Well, I think there's too much inertia now. There's too much clarity in the fact that it's a necessity that they must change. It's too clear that it is unconstitutional. But, I suppose what I might expect coming out of the government now is a lot of delays and maybe some continued wrangling over exactly how they're going to deal with it.

CBC: What do you think the problem is here? I mean, it appears that it's the political end of the spectrum that's having difficulty with it, as you suggest. Does that mean public opinion getting involved here? Or is it purely along the lines of how you manage an armed force?

BURCH: I don't think it's either, to tell you the truth. What I saw from CBC's report last night was interviews with a couple of Members, who would seem to be standing in the way. It's just clear cases of individual homophobia. It's the individuals themselves, and the government can't see past their own prejudices.

001287

10/11/91

09:49

NO. 7

P005/011

- 4 -

CBC: Now, as I understand it there's sort of two levels here of restriction, or up until this moment, on gays and lesbians in the Armed Forces. One is that total ban that I mentioned off the top. It goes back generations, literally. And another is a restriction, but a kind of you can be here but you can't have full access to promotions or to sensitive jobs kind of thing, that maybe go back a decade or so.

BURCH: Yeah, that's right. What it is is there's a set of regulations that governs the day-to-day operation of the Forces, the Canadian Forces Administrative Orders. And one of the Administrative Orders, 19-20, says clearly that gays and lesbians will not be retained in the military. As soon as they're...it's confirmed that a member is gay or lesbian they will be dismissed immediately.

CBC: Now, your case, unlike Michelle, you actually volunteered the information. In Michelle's case she was sort of...she told me almost hunted down, where in your case you told a physician, as I understand it.

BURCH: No, actually I told my commanding officer first. Things had been...things had come up in my personal life that it seemed clear that in order to not have to go through pains or whatever at work, that I'd have to come up with an explanation of what was going on with me, so I confronted my commanding officer straightforward and told him that I was gay.

001288

AGC-2139\_0004



10/11/91

09:49

NO. 7

P006/011

- 5 -

CBC: Now they forced you out, as a result of that, even though you had a couple of years of obligatory service left.

BURCH: Mhm, that's right. Basically what had happened was I was put in the same position as Michelle. I...they applied this policy, the policy that they've been using for four or five years now, that...you see, they haven't used that Administrative Order that says they'll get rid of gays and lesbians. What they have been doing, I think has been even worse. Their policy has been to not fire gays and lesbians but to not give them promotions, postings or career training. So I was put into this position, which is a very uncomfortable position to be in the military. It means you're sitting as a dead end duck. And then what...once I was in that bad a position, they said to me well, if you don't like it you can quit. But at which point I realized hey, I've still got two years of obligatory service. And it was very clear that they weren't wanting to do me some kind of enormous favour by allowing me to quit even though I had obligatory service. The fact was they wanted to get rid of me but they didn't want to take responsibility for doing it.

CBC: Mr. Burch, would you rejoin if thing...if the air were to be cleared and there would be no question after this process, whatever it is, is completed?

BURCH: I'm not sure what I want precisely, along those lines. But I'm thinking now that I will continue this challenge

001289

AGC-2139\_0005

10/11/21

09:50

NO. 7

P007/011

- 6 -

of the military and their policies. Now, through the new avenues that have opened since Graham Haig and I won our Court decision two weeks ago which said that the Canadian Human Rights Act is unconstitutional in not providing protection for gays and lesbians.

CBC:                   Okay, well we'll follow that development, and we thank you for sharing your feelings with us this morning.

BURCH:                Oh sure, it was a pleasure.

CBC:                   That was Joshua Burch. He used to be a pilot in the Armed Forces. He was discharged for medical reasons after telling his commanding officer he was gay. Joshua Burch is now studying psychology at the University of Ottawa. Officials at DND by the way refused to comment on this. They say the current policy against gays and lesbians has been reviewed but as yet there's no set date when changes to the policy will be announced.

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001290

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