

Canada

MICHELLE DOUGLAS CASE

Former officer puts National Defence military policy on trial over gay rights

TORONTO

Michelle Douglas is finally getting her day in court. Three years after she was forced to give up a promising air force career because she is gay, the former lieutenant is putting the Canadian military's policy against homosexuals on trial.

The 28-year-old Ontario woman's \$550,000 lawsuit against the Department of National Defence is scheduled to begin Tuesday.

Besides seeking monetary damages, Douglas's lawyers are also asking a Federal Court judge to rule that the military's policy against employing or promoting homosexuals violates the Charter of Rights and Freedoms.

It is the first of five similar cases to come to trial.

"I'm glad to finally have my day in court, it has been a long wait," said Douglas, who now works as a Revenue Canada investigator. "This is not simply for me. It's for the people who are still in the Canadian Armed Forces and for those who never had the chance to take this to court."

"There's no question there are still people being harmed by this policy and for them it is critically important that we get it changed and now."

Last October, the chief of the defence staff dropped plans to end the no-gays policy because of a last-minute revolt by some Tory backbenchers.

Lawyers representing the defence department won't say how — or if — they



STEPHEN BINDMAN

JUSTICE

will defend in court the department's policy on homosexuality. However, their task was made more difficult by a leaked memo last year about the proposed change which said: "The Minister of Justice recently advised the Minister of National Defence that the policy was contrary to the charter and that it should be revoked."

Douglas joined the forces in 1986 and graduated at the top of her basic training class. Ironically, she was posted to the special investigations unit, which had as one of its main tasks weeding out suspected homosexuals.

In 1988, an investigation was begun into Douglas's sexual orientation when she formed a "close relationship" during a French course with another suspected lesbian. Following a probe later described as "deplorable", she admitted she was gay but refused to identify other homosexuals in the military.

She was transferred to a less sensitive job, stripped of her top-secret security clearance and in 1989 was recommended for release from the forces because of her "admitted homosexual activity."

On June 8, 1989, Douglas reluctantly accepted her release because of what she described as the "archaic, discriminatory and blatantly unjust" policy regarding homosexuals.

In 1990, the independent Security Intelligence Review Committee recommended that Douglas regain her security clearance and her job and said the policy on homosexuality was clearly discriminatory. Committee member Paule Gauthier said Douglas was treated "in a manner which strains credulity" after her superiors suspected she was gay.

She was taken to a hotel room under false pretenses and grilled about her sexual activities by two men, was virtually forced to take a lie-detector test and was not allowed to seek legal advice, Gauthier concluded.

The defence department's policy "creates by its very existence a class of persons who must maintain the highest possible degree of secrecy about their sexual orientation lest their careers be ruined," Gauthier said in the report.

But after the Supreme Court of Canada ruled earlier this year that the committee's recommendations were not binding on the government, the military rejected Gauthier's conclusions and refused to rehire Douglas. As part of its defence, the military paid \$141,000 to survey members on attitudes toward allowing gays in their ranks but scrapped the poll because of a computer glitch.

The trial is expected to last three weeks.

(Stephen Bindman is a writer for Southern News)

A struggle for rights

- Nov. 26, 1986 — Michelle Douglas joins Canadian Forces at age 23
- March 1987 — Graduates top of class; promoted to 2nd lieutenant
- June 1988 — Assigned to Special Investigations Unit in Toronto
- July 1988 — After extensive questioning, admits she is homosexual
- April 17, 1989 — Stripped of her top-secret security clearance
- May 1989 — Notified of intent to release her because of "admitted homosexual activities"
- June 1989 — Reluctantly accepts release
- January 1990 — Launches \$550,000 lawsuit
- August 1990 — Security Intelligence Review Committee (SIRC) recommends she be rehired and regain security clearance; calls anti-gay policy unconstitutional
- October 1991 — Chief of defence staff set to announce end to policy against gays but opposition from some Tory MPs scuttles plan
- March 1992 — Chief of defence staff rejects SIRC recommendation s and refuses to re-instate her
- Oct. 27, 1992 — Trial set to begin in Federal Court

The policy backbench Tories scuttled

Southern News

TORONTO — Here is the statement that was scheduled to be released Oct. 9, 1991, by the Department of National Defence but was scuttled by a last-minute revolt by some Tory backbenchers:

"The Chief of the Defence Staff, Gen. A.J.G.D. de Chastelain, announced today that persons who have engaged in homosexual conduct will no longer be prevented from serving in the Canadian Forces.

"This decision, which is effective immediately, follows a lengthy re-examination of the Canadian Forces policy towards homosexuals. It is fully consistent with the government's acceptance of the recommenda-

tion s of the Parliamentary Sub-Committee on Equality Rights to ensure that sexual orientation is a prohibited ground of discrimination.

"The policy change will not in any way impede the Canadian Forces' ability to deal with sexual misconduct, including sexual harassment, either heterosexual or homosexual, which can be demonstrated to have a disruptive effect on operational effectiveness.

"The Canadian Forces of today believe an individual's sexual orientation is irrelevant to whether or not that individual can perform his or her job," said Gen. de Chastelain.

Riots renew fear