



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

The Commissioner

Le Commissaire

JAN - 4 1985

The Honourable Elmer MacKay, P.C., Q.C., M.P.
Solicitor General of Canada
Sir Wilfrid Laurier Building
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P8

Dear Mr. MacKay:

Re: Sexual Orientation - Charter of Rights
and Freedoms, Section 15

I am sure that you are aware that the Department of Justice has developed a Discussion Paper on Controversial Equality Issues in advance of the proclamation of Section 15 of the Charter on April 17, 1985.

One of the issues highlighted in this document is the matter of sexual orientation and I am attaching, for easy reference, the relevant pages. As can be seen, the Canadian Forces has a Regulation which prohibits the employment of homosexuals and lesbians as members of the Forces. While I take the same position as the Canadian Forces, the Force does not have similar provisions either by law or policy. On the advice of Legal Counsel, copy of memo dated 84-12-18, attached, it would appear that the Force's position must be prescribed by law, at the very least, in order to be successful against a Charter challenge.

This is a subject which I discussed with your predecessor, however, we did not come to any final position. I believe it is essential that we have an early discussion so that I may benefit from your views with respect to the following:

- Commissioner's Standing Orders to provide for the discharge of a Regular Member found to be a homosexual, pursuant to Regulation 74 of the R.C.M.P. Regulations; and
- Regulations to make the same provisions under the proposed R.C.M.P. Act amendments.

Canada

DUPLICATE

AGC-4467

ADMIN. RECORDS
DOSSIERS ADMINISTRATIFS

85-01-31

REVIEWED
REVISEUR

38

.../2

2A
12/1
85-01-24

A0930776_1-000002

I wonder if we might discuss this issue at an early date.

Yours sincerely,

Original Signed by
Original signé par

R.H. Simmonds,
Commissioner.

Attachments