

PUBLIC AFFAIRS CONSIDERATIONS

EQUALITY RIGHTS

OBJECTIVE

1. To provide an assessment of the public environment following the tabling of the government's response to the Equality for All report on 04 March 1986, and to outline a public affairs/communications strategy for the Department of National Defence and the Canadian Forces.

ENVIRONMENTAL ASSESSMENT

2. In the absence of any scientific survey data that might reflect changes in public perceptions and attitudes since tabling of the government response, this assessment is based on an analysis of media content and of initial reactions from Members of Parliament. It is clear that from a public standpoint, the issues of major concern are employment of women and homosexuals. The question of mandatory retirement has not attracted significant media attention. A more detailed examination of media comment and political reaction is set out in Annex A. Following is a brief analysis.

Parliament

3. Because it has considerable potential for embarrassing the government, the whole equality rights issue is one that Opposition MPs will want to keep alive. MPs will raise questions periodically, ostensibly to seek information as to what progress the Forces are making in meeting the government's commitment, especially with respect to opportunities for women.

4. The question of employing homosexuals would appear to offer somewhat less scope for raising embarrassing questions, particularly if politicians sense that public support for the gay/lesbian cause is weak. Some members of government caucus have been quoted in the press as saying they oppose the government position. At a Progressive Conservative Party national convention in Montreal over the weekend of 15-16 March, some delegates were critical of the government over recognition of homosexual rights.

News Media

5. If media content analysis provides a guide to what most Canadians believe, the public environment regarding the role of women in the CF would appear to support the

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government's view: that women be able to compete for all trades and occupations in the Armed Forces with the caveat that this policy be pursued in a manner consistent with the requirement of the Armed Forces to be operationally effective in the interests of national security.

6. However, judging from the tone of the editorials, if for some reason or other the department must make some exceptions, then those reasons must be documented carefully and explained publicly.

7. It would appear that the issue of employing homosexuals in the Armed Forces is much more complex and does not have the support of the majority. If media reaction accurately reflects the majority view, most Canadians would seem to support the present policy of denying employment to known homosexuals.

The General Public

8. For the foreseeable future, the equality issue can be expected to remain alive, occasionally appearing to subside only to emerge again in full vigour. Feminist groups in particular, and some Members of Parliament, will see to it that Canadians are reminded from time to time of the government response. DND/CF will be called upon periodically by pressure groups and MPs to outline what progress is being made in terms of meeting the government's commitment. Any court actions that might ensue, based on the Charter of Rights and Freedoms, will also serve to give the issue a high profile.

9. Gay and lesbian rights groups and some MPs may attempt the same tactics with respect to employment of homosexuals, but without as much impact as can be anticipated for the women's rights advocates. However, even though they do not appear to have the same degree of public support, the gay/lesbian "community" might attempt to force the issue by having a declared homosexual attempt to join the CF. The possibility of a court challenge on this issue also cannot be ruled out.

COMMUNICATIONS STRATEGY

10. Following the government's response to the parliamentary committee's report Equality for All, information and guidance

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concerning the implications for the Canadian Forces was relayed by CANFORGEN message from the CDS to commanders, bases and stations throughout the Canadian Forces. Further specific instructions were given by DG Info to DND Offices of Information and are summarized below.

Principal Themes

11. In responding to the government's new policy guidelines on equality rights, the Department will do its best to balance the rights of the individuals with the requirement to maintain the operational effectiveness of the Canadian Forces in the interests of national security.

12. Taking into account the unique nature of the Canadian Forces and the requirement to be operationally effective in the interests of national security, it is not possible to specify immediately what changes in policy and procedures can be expected. Departmental spokespersons and Canadian Forces members were cautioned against commenting or speculating publicly on what changes to policy may be required. However, they can mention that a Charter Task Force is being formed at NDHQ to "pursue vigorously" its mandate of examining all facets and implications of those equality issues affecting the Canadian Forces.

Addressing Myths

13. It is also recognized that DND/CF has a responsibility to help ensure as far as is possible that public and media do not misunderstand or misinterpret government's response as it affects the Canadian Forces, which must remain operationally effective in the interests of national security. In this regard, DG Info will continue to provide information to the public and the media to discourage the propagation of myths and misconceptions about service conditions and current policy, particularly as it affects sexual orientation, role of women and mandatory retirement.

14. DND/CF are therefore closely monitoring media reports concerning equality rights and recommending to DG Info courses of action to correct any misrepresentations of the DND/CF situation.

Questions and Answers

15. A series of questions and answers on the role of women in the CF, the subject of sexual orientation and

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mandatory retirement have been sent to DND Offices of Information to assist them in providing relevant information to regional media. This information will ensure the co-ordinated DND public information approach to equality issues.

CONCLUSION

16. High-profile coverage and commentary in the media have made Canadians aware of the equality rights issue as it affects the Canadian Forces. Whether media attention has enhanced public understanding and appreciation of the real problems DND faces in fulfilling the government's objective while maintaining operational effectiveness in the interests of national security is quite another matter. Indeed, there is every reason to believe that extreme positions taken by some of the more outspoken participants in the current debate have served to obscure the issue and create confusion.

17. Myths are being propagated and will continue to be propagated. It is essential that these myths be exploded and that Canadians be made aware of the realities if DND is to maintain its credibility in continuing to insist on imposing those restrictions that are vital to the maintenance of operational effectiveness.

EQUALITY RIGHTS -
A POST-ANNOUNCEMENT
ASSESSMENT OF THE PUBLIC ENVIRONMENT

1. Lacking any scientific data on possible changes to the various publics' perceptions of the equality rights issues of the employment of women in combat roles and the employment of homosexuals in the Canadian Forces as a result of the government's announcement on 04 March, this report must restrict itself to news media comments and the official parliamentary report, Hansard.
2. During Question Period in the House of Commons on 04 March, Member of Parliament, Mrs. Sheila Finestone (Mount Royal) asked the Prime Minister why he did not direct the Minister of Justice "to amend the Human Rights Act to guarantee that discrimination against women in the Armed Forces and on the basis of sexual orientation be truly prohibited." Mr. Crosbie replied: "We have now announced the government's policy that all trades and occupations in the Canadian Armed Forces be open to women. At the present time it is only 65 per cent. There is just one caveat. The policy is to be pursued in a manner consistent with the requirement of the Armed Forces to be operationally effective in the interests of national security. That, of course, has to be observed, and this is a giant step forward for the women of Canada."
3. During the same session, Mr. Svend J. Robinson (Burnaby) asked the Minister of National Defence if DND's policy prohibiting the employment or retention of "gays or lesbians" would be rescinded. The MND referred him to page 25 of the Government's response. In a supplementary question, the same Member asked: "In the event that a Canadian who happens to be gay or lesbian applies tomorrow to join the Canadian Armed Forces, will this Minister tell them they are not qualified?" After some prompting from the Leader of the New Democratic Party, the Minister read from the report, "The government believes that one's sexual orientation is irrelevant to whether one can perform a job or use a service or facility." The MND added: "The government will take its responsibilities and do whatever is necessary to achieve that principle."
4. In his column in the Toronto Sun, 05 March, Claire Hoy slammed the government for its position on sexual orientation. "The matter of homosexuality, however, is a deeply-felt moral and theological issue...It has to do with endorsing sexual activity which most people see as profoundly immoral."

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Mr. Hoy, however, did not object to employing women in combat: "Who knows why a woman would want combat duty, but if she does and can meet the requirements, why not?"

5. The Toronto Star editorial of 05 March, "A major step to legal equality", supported the government's position on both issues. In its editorial of 06 March, "A progress report on equality rights", the Ottawa Citizen agreed with the government's position on the employment of women but cautioned: "If there are units from which women must be excluded for reasons of gender alone, let the military explain why - with convincing documented evidence. There might be units - infantry, and especially commandos - where hand-to-hand fighting might counsel excluding women. But the military must explain why, with specific documented evidence."

6. The Globe and Mail, 06 March, editorial, "...and a matter of sex", pointed out that it is only a matter of time before the courts decide as to whether the armed forces and the federal police discriminate against women and homosexuals. It added: "Mr. Crosbie's assertion that the government fully supports the spirit of existing laws...should relieve the commanders of these organizations of any illusion that avoidance is a feasible policy."

7. In its editorial on 06 March, "Grand delusions", the Toronto Sun lashed out at the government's response to the Equality for All report: "Toward Equality is a flawed attempt to ensure that every Canadian is equal before the law, a concept so basic and good, it's beyond dispute." The editorial was particularly harsh on the announced policy regarding sexual orientation: "We share the view that homosexuality is more than just 'sexual preference' - that phrase makes it sound like a routine choice. It's fundamental morality."

8. The Calgary Sun editorial, 06 March, congratulated Mr. Crosbie on the approach taken to equality rights. It further commented: "The women in combat case goes beyond everyday feminism and job opportunities as a social issue. The RCMP and military need time to adjust to gay realities."

9. "The government has made a half-hearted and irresolute gesture toward non-discriminatory treatment of women and homosexuals in the Canadian Armed Forces", said the Winnipeg Free Press in its editorial, "Irresolutely to equality", on 06 March. However, it says, the government did about all it could given the strong sentiments in Canada and in the armed forces on these two equality issues. The editorial

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went on to give some advice to the forces. On sexual orientation, it said: "A secure fall-back position would abolish the military crime of being a homosexual but would punish sexual misconduct whether it is homosexual or heterosexual. A person should not be penalized for private preference. Overt behaviour that destroys military discipline can, however, fairly be stopped." Regarding the role of women in the CF the editorial said: "It is not vital that every military job be immediately open to women. It is vital that plenty of avenues to promotion all the way to the top of the Canadian Armed Forces should be open to talented and dedicated Canadians regardless of sex."

10. The Halifax Chronicle-Herald, 07 March, made an argument for barring homosexuals from the Canadian Forces in its editorial entitled, "A case for exemption." It questioned how seriously the Cabinet had studied this subject before making its announcement on 04 March and charged that "the government failed to provide the leadership which is their duty."

11. In an editorial entitled, "Equality for some", the Montreal Gazette, 08 March, declared itself as believing that the discrimination now practised by the armed forces against women and homosexuals is wrong: "If the armed forces choose to continue their antediluvian practices, as they may, victims of the discrimination will have to fight long and expensive battles before the courts." The Gazette urged Mr. Crosbie to decide if the armed forces are right or wrong. If the discrimination is wrong, it should be outlawed. "If he thinks he is justified, he should set it out in law (the Charter does permit some exceptions to be made) and let Canadian women and homosexuals know just what battleground they must fight on."

12. And finally, on 10 March the Edmonton Journal urged the Armed Forces to adjust their policies in accordance with the the government's direction: "Performance, not sexism, must set the standard in providing new opportunities for women."

13. Although there was much reporting of the government's announcement on equality rights in the French-language print media, no editorials or commentary were found.