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MEMORANDUM

Nov 86

CDS

THE CHARTER TASK FORCE REPORT -
RECOMMENDATIONS TO THE MND
ON SEXUAL ORIENTATION

Ref: AFC Meeting 19 Nov 86

1. At the ref meeting you asked the members of AFC to make recommendations to you on how we might wish to proceed in making proposals to the MND on the question of sexual orientation as a basis for discrimination in the CF. I believe that part two of the Task Force Report makes a good case, but I would stress two particular areas of concern.

2. Operational Effectiveness. The points are as follows:

- a. There will be some who believe that we over-use this particular factor but it is fundamental to our position on discrimination.

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Government has tasked the CDS with ensuring the operational effectiveness of the CF. Thus anything that will have a negative effect on operational effectiveness has to be taken into consideration. If the Government had absolved us of the need to consider operational effectiveness in the pursuit of the Charter's requirements, it would be a different matter. But the Government did not.

- b. Morale is an integral factor in operational effectiveness and group cohesion is an integral part of morale. Thus the attitudes of servicemen and servicewomen towards the idea of having homosexuals serving openly among them, particularly the attitudes of members of the CF at the lower rank levels, is important. It might be reasonable to conjecture that, given the more tolerant attitude in Canadian society towards homosexuals in recent years, young Canadian CF personnel might feel that having homosexuals serving openly among them is not a problem - as it is so perceived by older members of the forces whose service has been

predominantly in a period when society was not at all tolerant of homosexuals. It is for this reason that it was necessary to conduct a poll of the members of the CF. The poll indicated that a significant number of CF personnel are against the idea of admitting homosexuals to the Forces, and that morale would be adversely affected if they were admitted.

- c. The Forces' position against permitting homosexuals to serve in the CF is based on reasons of operational effectiveness as it affects uniformed members. Where the factor of operational effectiveness does not apply, as it does not in the case of civilian personnel in the Defence Department who are not required to live day and night as part of a close-knit group, the CF has no concerns about the employment of homosexuals.

3. Human Rights of Heterosexual Members of the CF.

The points are as follows:

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- a. The push to ensure that the human rights of homosexuals are observed has blurred the factor of the human rights of the majority of heterosexuals. Life in the CF obliges individuals to live in close proximity to one another, and to wash, sleep and eat in close contact with individuals not of their own choosing. Individuals have the right to believe that they will not have to take communal showers, to dress and undress, and to sleep in close proximity, with other individuals who may find them to be sexually desirable. The CF is able to protect the rights of individuals of the opposite sex in this regard, but the CF could not do so if homosexuals of either gender were permitted to serve in the Forces. Permitting homosexuals to serve in the Forces would thus force the CF to deny the majority heterosexual servicemen and servicewomen their rights. The CF are not prepared to do that.

b. Recruiting would probably suffer if homosexuals were permitted to serve in the CF. Not only would young heterosexual Canadians be reluctant to give up their rights to privacy in the company of homosexuals, but the parents and relatives of the young men and women who are the prospective recruits of the future, might well be unprepared to allow their children to serve in the CF under those circumstances. Similar arguments apply to the rights of those young men and women currently serving, who accepted the conditions of the service knowing that measures were in place which protected their rights. Potential problems in recruiting bring the argument back to operational effectiveness.

4. There is nothing new in any of the above arguments, but I believe that they should be stressed when we make our recommendations to the Minsiter.

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