

17 Mar 85

CANADIAN FORCES POLICY

ON

SEXUAL ORIENTATION (HOMOSEXUALITY)

REGULATIONS AND ORDERS

1. Canadian Forces Administrative Order 19-20 (Homosexuality - Sexual Abnormality Investigation, Medical Examination and Disposal).

POLICY

2. The Canadian Forces does not enrol or retain known homosexuals.

POLICY AMPLIFICATION

3. The Canadian Forces enrol, and retain, only such persons as are capable of performing all military tasks that may be assigned to them and whose life-styles are compatible with a military environment. It is the considered view of the Canadian Forces that homosexuals unacceptably detract from the operational effectiveness of the force. Accordingly, Canadian Forces policy is that homosexuals are not knowingly enrolled or retained. A member who is to be released from the Canadian Forces in accordance with this policy is normally honourably released under Item 5(d) of the Table to Article 15.01 of the Queen's Regulations and Orders for the Canadian Forces; that is, "Not Advantageously Employable."

RATIONALE

4. The Canadian Forces maintains the cited policy for the operational reasons outlined in the following paragraphs.
5. Discipline. A military force requires a hierarchical rank structure with strict obedience to commands. Members who are given authority must be able to earn respect from those they lead. To do so, leaders must be seen to use their authority only for proper and lawful purposes, and with fairness and impartiality. The development of a homosexual relationship between a superior and a subordinate would be detrimental to the image of the leader, and would

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invite the perception of preferential treatment, either real or imagined. If authority were used to solicit or coerce a subordinate into such a relationship, the effectiveness of the chain of command would be critically eroded. Moreover, discipline has been affected by open altercations among homosexuals. In some cases, discipline has been seriously breached by peers physically assaulting discovered homosexuals. Thus there is potential impairment of an effective military chain of command from the presence of homosexuals, whose lack of acceptance by peers has led to break-downs of discipline in the past.

6. Cohesion and Morale. The effectiveness of a military unit is very much dependent upon a sense of mutual trust and teamwork. Experience has shown that discovered homosexuals have often been shunned and treated as outcasts, to the detriment of unit cohesiveness. The presence of homosexuals also has been seen by other members to be inimical to the image of a military unit, and their continued presence would diminish the pride and esprit de corps of the remainder.

7. Living Conditions. Members of the forces frequently are subjected to living conditions which are different from those normally found in other professions. Isolated posts, barracks life, mess decks in ships, and field operations place people in constant close contact, with little or no privacy. Married quarters areas similarly place families in close communal conditions. For these reasons, it is extremely difficult for members to lead a social life which is private from their work associates; indeed, much of the social life is centered around other members of the unit. The constant close contact may encourage homosexual advances. Conversely, these conditions raise the sensitivity and intolerance of other members to the presence of homosexuals, whose discovery is made more likely by the lack of privacy.

8. Because members of the forces often have little or no choice as to their living environment, their work associates, or their neighbours, the Canadian Forces has an obligation to provide a milieu which is not offensive to them. Thus, what may be accepted elsewhere because of the recourse to privacy, and the greater freedom of choice of living, working, and social conditions, cannot be permitted in the Canadian Forces.

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9. Legality. Homosexual activity is illegal in some foreign countries where members of the Canadian Forces are required to serve. Homosexual acts may also be illegal in Canada if persons under the age of 21 are involved, with or without their consent, or when committed in public places. Thus the mobility of homosexual members would be limited, and the youth of many service members, communal life, and lack of privacy would cause a high risk of illegal acts which would be detrimental to the discipline and effectiveness of the Canadian Forces.

10. Security. It is known that homosexuals are a specific target for subversion by foreign intelligence agencies. There are indications that the social stigma and trauma of public exposure still represent an increased risk for successful blackmail. Even admitted homosexuals may indirectly be at greater risk if they become involved with a partner whose sexual preference is not public knowledge. Therefore, the security level at which homosexuals may operate may be limited, thereby reducing the flexibility of the forces.

11. Public Image. Because the Canadian Forces is a voluntary force, a primary concern is the ability to recruit and retain adequate numbers of new members to maintain the authorized strength. The ability to do so is very much dependent upon the perception of the forces held by potential recruits, their parents, and their peers. It is considered doubtful that the public would consider as a suitable environment for friends, sons, or daughters, a force which approved homosexuals, particularly in positions of authority, given the requirement for obedience and the close living environment.

#### ADDITIONAL CONSIDERATIONS

12. The Canadian Charter of Rights and Freedoms. The Canadian Charter of Rights and Freedoms and The Canadian Human Rights Act do not specify sexual orientation as a prohibited ground of discrimination. Even if discrimination were prohibited on the ground of sexual orientation, it is the Canadian Forces view that such a prohibition would not apply to the Canadian Forces, in light of the special requirements which are essential to the effective operational capability of the forces.

#### 13. Allied Armed Forces Positions on Homosexuals

- a. United Kingdom: The Army Act, the Naval Discipline Act and the Air Force Act all

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proscribe homosexual conduct on the part of servicemen and servicewomen and render such conduct offences under the respective Acts. Homosexuals are not recruited, and if it is determined that a member is a homosexual, that member is released.

- b. United States: The United States Army, the United States Air Force, the United States Navy and the United States Marines all share a common policy of discharging known homosexual service members and preventing entry of homosexuals into their respective services.
- c. Federal Republic of Germany: German authorities consider that it is impossible for homosexuals to function in an unrestricted manner in their armed forces. Although homosexuals may be enrolled (the denial of their enrolment would provide an easy excuse to avoid conscription), they are not permitted to hold positions of command or control.
- d. The arguments used in support of the policies of the United Kingdom and the United States are, in the main, the same as those advanced in support of Canadian Forces policy.

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SUPPORTING INFORMATION

GENERAL

1. Canadian Forces records contain substantial information on problems which have arisen through the presence and activities of homosexual members. Representative examples taken from specific incidents are described in the following paragraphs. Of necessity they are described in general terms to protect the privacy of the individuals involved. Some anecdotal information is also provided together with detailed statistical information.

DISCIPLINE

2. The use of rank or authority to effect or influence sexual activities is both reprehensible and corrosive of discipline. The rank and authority structure of the Canadian Forces, an essential element of any armed force in which members must be conditioned to accept orders which may place their lives at risk, has the potential for abuse which in turn may undermine the effectiveness of the structure itself:

- a. Incident 1. A sergeant involved a private in homosexual activity and allegedly told him "that he (the private) could get promoted fast as he knew a high ranking officer with influence".
- b. Incident 2. A corporal made sexual advances to a private and threatened him by telling him he would charge him for disobeying a lawful command because the private would not accompany him to a club.

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- c. Incident 3. A captain performed sexual acts on a private. The private was offered his requested posting and was told that if he said anything about the acts, nobody would believe a private confronted by a captain.

3. Discipline can also be impaired by the lack of acceptance of homosexuals by their peers and their subordinates. On occasion, this has led to physical assaults, or the threat of assaults, on known homosexuals. Such activity is not tolerated by the Canadian Forces and constitutes an offence. Nevertheless, the presence of homosexuals can give rise to problems which would otherwise not occur:

- a. Incident 4. Two privates beat up a master corporal and put him in hospital with injuries because he had made homosexual advances towards them.
- b. Incident 5. A private punched another private in the face after receiving sexual advances.
- c. Incident 6. A homosexual warrant officer took a drug overdose after receiving verbal threats.

COHESION AND MORALE

4. The presence of homosexuals has the potential to prejudice unit cohesion and morale which is essential to the successful completion of team tasks:

- a. Incident 7. A voluntary unit recreational activity was rejected by many unit members because the activity was dominated by homosexuals.
- b. Incident 8. Jealousy, arguments, possessiveness, and abusive language characterized the activities of a clique of homosexuals in a small unit.

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LIVING CONDITIONS

5. Living conditions in the Canadian Forces do not, in many cases, provide the privacy necessary for homosexuals to conduct their relationships discreetly and without giving offence to other members. Living quarters are frequently shared with common ablution areas and shower facilities. Non-homosexual members have been known to move out of single quarters rather than be exposed to the activities or the advances of practicing homosexuals.

6. Recent press reports have given prominence to the release, in 1984, of a number of homosexual females from Canadian Forces Station Shelburne. The Editor of the Canadian Forces Personnel Newsletter received a telephone call from a female service member in the week of 28 Feb 85. This service member expressed concern that public reaction to the releases might cause the Canadian Forces to change its policy on homosexuality. The basis for her concern was the contention that the physical closeness of military life makes the Canadian Forces exactly the wrong place to tolerate homosexual activity. She stated that she felt that if she had to live in a barracks and shower in a common washroom she should be able to do so without being either sized up for a relationship and/or being blatantly ogled.

LEGALITY

7. Members of the Canadian Forces are, in many cases, recruited at an early age. Moreover, the Canadian Forces also provides support to the Canadian cadet movement: some 60,000 cadets between the ages of 13 and 19 are involved. The acceptance of homosexuals in the Canadian Forces would place these youths at risk of being targets of homosexual advances and illegal acts:

- a. Incident 9. A sergeant offered a cadet the unlimited use of a vehicle in exchange for his sexual services once a month.

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- b. Incident 10. A captain fondled a cadet while on tour. The cadet was asked to share a room with the captain: he did not want to do this but "due to the captain rank he was afraid to refuse".

SECURITY

8. The risk to security posed by homosexuals varies depending on the individual and the nature of his or her relationships. Admitted homosexuals may not be at as much risk as those who have kept their sexual preferences confidential. However, a partner is inevitably involved and the partner may fear public disclosure: both individuals thus become vulnerable.

9. The threat or actuality of public disclosure of an undisclosed homosexual can be devastating to the individual. For this reason, the Canadian Forces processes confirmed homosexuals for release with speed, compassion and discretion.

PUBLIC IMAGE

10. The public image of the Canadian Forces is an essential concern for a voluntary military force which requires an annual intake of about 10,000 new members. Not all homosexuals are promiscuous, but those who are have the potential to do grave damage to the public image of the forces. Moreover, it is believed that many service members do not wish to be associated with homosexuals: support for this belief is found in the general level of non-acceptance of known homosexuals. This non-acceptance, of course, is based in most cases on personal assessments of the damage homosexuals can do to a military organization in terms of discipline, unit cohesion and morale, and public image. There is no evidence that service members extend this lack of acceptance to the wider civilian community: the rejection of homosexuality by service members appears to be limited to the presence of homosexuals in the Canadian Forces.

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STATISTICS

11. Each year a number of cases of homosexuality/suspected homosexuality are reviewed by personnel staff in National Defence Headquarters. Each case is reviewed most carefully. When it has been confirmed that the individual is a homosexual, that member is released: no career action is taken when there is insufficient confirmation. Statistics for the past four years are as follows:

	<u>Total Reported</u>	<u>No Career Action (Inadequate Confirmation)</u>	<u>Released</u>
1981	43	6	37
1982	60	15	45
1983	61	17	44
1984	48	10	38