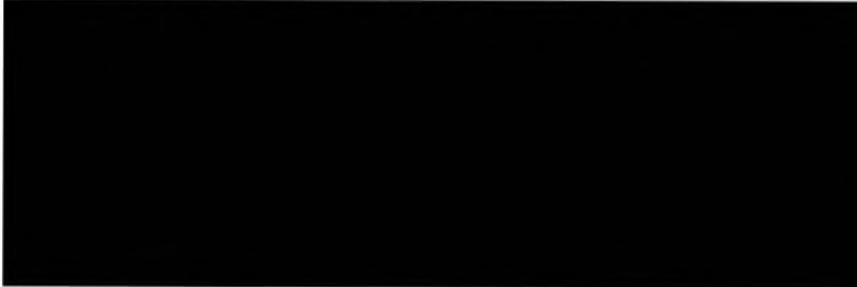



SPEAKING POINTS ON CHANGING CANADIAN FORCES POLICY ON SEXUAL ORIENTATION

- The issue of whether the Chief of the Defence Staff (CDS) should announce the change of Canadian Forces policy on sexual orientation *now*, or proceed to court with the first of five cases, has been before the Operations Committee of Cabinet on two separate occasions; and has also been discussed at Priorities and Planning twice. Caucus has been formally briefed two times, in addition to further informal briefings and a briefing to opposition MPs.
- At the Cabinet Committee on Operations on December 10, Ministers agreed that caucus should be further briefed by the Deputy Prime Minister or the Chairman of the Operations Committee on December 11, with a view to having the CDS announce the policy change on Thursday, December 12.
- In presenting this issue once again to caucus, you may wish to consider the following points:
 - In response to the Standing Committee report, Equality For All, the Government agreed in 1986 that the Canadian Charter of Rights and Freedoms would be interpreted to include sexual orientation as a prohibited ground of discrimination.
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 -  the Canadian Forces reviewed their policy and the CDS concluded that the policy no longer serves the best interests of the Canadian Forces (CF) and its members:
 - the original CF policy on homosexual conduct was one which reflected long-standing national attitudes towards homosexuality and was consistent with Canadian legislation prior to the enactment of the Canadian Charter of Rights and Freedoms.
 - In 1986, even after the constitutional change came into effect, a CF Task Force on the Charter recommended

that the policy with respect to homosexual conduct should remain, in order to maintain operational effectiveness. The section of the Charter authorizing reasonable limits on individual rights was considered by the CF to be applicable.

- Over the past five years, there has been a concerted effort to ensure that the policy accurately reflects the needs of the CF. This has involved consultation with CF members at all rank levels, interviews with experts on sexual and social behaviour, consideration of legal requirements, review of the policies of foreign military forces, examination of the relevant literature and a variety of other steps to develop a sound basis for a policy decision.

Based on these considerations, the CDS recommended to the Minister of National Defence that the policy be revoked.

- Upon receiving the recommendation, Mr. Masse agreed and presented the decision to the Operations Committee on October 7. Priorities and Planning ratified the decision the next day. Caucus was informed on October 9, with the CDS's announcement scheduled to be released that afternoon.
- Members of caucus will be aware that the announcement was leaked by the U.S. Air Force because they had received an advance briefing package. Therefore, the entire rationale to proceed with the change in policy is now in the public domain.
- If we were to wait for the courts to settle this issue,



- Some people have suggested that the reason for announcing this now, instead of proceeding to court, is to avoid embarrassing the CF. However, it should be clearly stated, that this is not the case. The CF has already suffered substantial embarrassment by not having a definitive policy.
- Indeed, one of the reasons for proceeding immediately is to stop undercutting the leadership of the CDS, who had been seeking to explain why the policy had to be changed. The lack of a decision to proceed is being seen by some members of the CF as a lack of Government support for their senior military leaders.

[REDACTED] Just as in
the case of the RCMP permitting homosexuals on their force,
there will be no impact on other government decisions.

- In summary, colleagues, after careful consideration of all the options, we have concluded that the advantages of proceeding to announce the policy change *now*, significantly outweigh the disadvantages. Therefore, following this meeting, the CDS will be instructed to issue his press release.
- In terms of timing, the CDS will issue a general message to all CF personnel late this afternoon (Wednesday). On Thursday, December 12, the CDS will issue his press release.