

WARD: I CHECKED WITH PMT'S OFFICE & THEY HAVE TOLD ME THAT THIS MEMO HAS NOT YET BEEN SIGNED. PMT APPARENTLY HAS IT & MAY HAVE DISCUSSED THIS WITH THE P.M., BUT THEY ARE NOT SURE BECAUSE THE ORIGINAL IS STILL WITH PMT.

s.19(1)

MEMORANDUM FOR THE PRIME MINISTER

RCMP Investigation of Homosexuals

Issue:

On April 27, 1992, Mr. Robinson raised in the House the issue of the treatment of homosexuals in the public service in the 1950s and 1960s. In reply you indicated that you had asked me to bring forward ways to examine what, on their face, were violations of the rights of Canadians.

Background:

The investigation of homosexual public servants by the RCMP on security grounds was examined by the McDonald Commission of Inquiry into certain activities of the RCMP. That Commission found that during the 1950s reports from Australia and the United States indicated that Communist intelligence services were relying on exploitation of the vulnerabilities of individuals rather than their ideological principles. Compromise techniques followed by blackmail and attempted recruitment had been used by the Soviets against several homosexuals in the Canadian government. As a consequence of this change in tactics during the Cold War by hostile intelligence agencies, the RCMP's Security and Intelligence Directorate began a Canada-wide programme collecting information about homosexuals.

The McDonald Commission in its 1981 report made several recommendations which resulted in limitations on investigations for and the denial of security clearances. As well the Security Intelligence Review Committee was given authority to review the conduct of security clearance investigations. Following another recommendation of the Commission, RCMP Security Service files which were opened solely on the basis of sexual orientation were destroyed.

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Under current Government Security Policy, homosexuality is not a barrier to employment or to a security clearance. If an individual is unwilling or unable to be open about his or her sexual orientation and hence could be vulnerable to blackmail or coercion, that vulnerability could become a factor in a security clearance investigation.

Options:

In respect of the past, the McDonald Commission has already examined the actions of the RCMP with regard to security clearances in the 1950s and 1960s and made recommendations which led to changes in process. This part of the issue has thus already been resolved. Any further action would have to focus on individual cases. Any such re-examination of individual cases would involve reopening 30-year old details of what was probably a very painful part of the lives of a number of individuals. Many may prefer not to have to face these events once more, particularly in any form of public forum.

While a re-examination could be pursued further through a low key private inquiry by someone under contract to review the cases of those individuals who do wish the issue raised again, I note that the destruction of the files would make any such re-examination incomplete if not impossible. This could be doubly troublesome since the demand for payment of compensation, once such a process starts, will be inexorable.

As to the present, Mr. Robinson, in his comments outside the House, apparently also referred to the problems faced today by homosexuals employed by the government. One might, therefore, consider whether to respond to Mr. Robinson by moving on these issues. However, as you will recall a decision has been pending for some time with respect to the restrictions imposed on members of the Canadian Forces who are avowed homosexuals (i.e. no promotion, limited opportunities for training). Up until now the Caucus has proved to be an insurmountable barrier to movement on this issue.

Similarly, proposed amendments to the Human Rights legislation which would deal with the issue of homosexuality are still pending. Mrs. Campbell had indicated she would like to bring those amendments forward, but there does not appear to be broad support in the Caucus for such amendments. At this juncture the legislation is unlikely to be tabled before the fall.

In the circumstances, it is, therefore, difficult to see much that can be done to respond to Mr. Robinson's question whether in respect of the past or the present, beyond the following lines:

- ° the McDonald Commission examined the issues and made several recommendations which were implemented;
- ° as the files in question were destroyed as recommended by the McDonald Commission review of individual cases is effectively impossible;
- ° under present security policy, homosexuality in the Public Service is not a barrier to employment;
- ° in cases where individuals are unable to be open about their sexual orientation and could, therefore, be vulnerable to blackmail or coercion, that fact may be taken into account in the granting of a security clearance;
- ° any complaint about a security clearance investigation may be referred to the Security Intelligence Review Committee.

How do you wish to proceed?

Paul M. Tellier

Attachment

Bloodworth/scc