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. •					
		i			
•	-			and a second	
		TABLE OF CONTENTS	-		
54 14					
			Page		
	Ι.	INTRODUCTION	1		
	II.	DISCUSSION			
		A. An Overview			
		B. Homosexual Development			
		C. Extent of DeviancyD. Public Attitudes			
		E. Employment of Homosexual Police OfficersPeer	10		
		Attitudes	14		
	III.	CONCLUSION	16		
2.	IV.	RECOMMENDATIONS	18		
and the second second					
	۷.	IMPACT OF RECOMMENDATIONS	20		
	·	CLOCING			
• 2:	VI.	CLOSING	21		
	VII.	SELECTED BIBLIOGRAPHY	22		
1					
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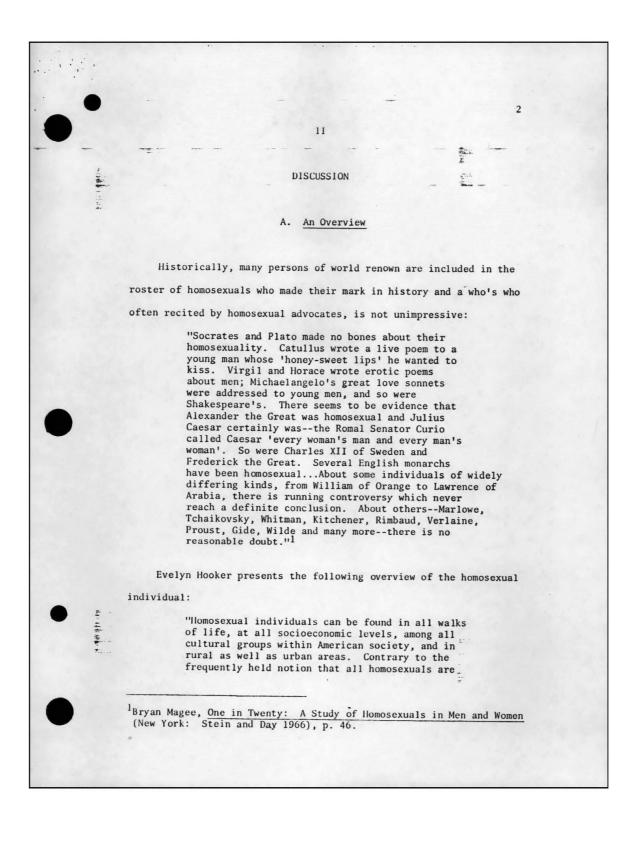
INTRODUCTION

Public police agencies today are not only required to carry out mandates from the legislature and courts in their legal policing functions, but are also required to make internal personnel changes based on decisions related to fair employment practices. As one of the most highly visible public agencies, the police hold a particularly vulnerable position in a society which is undergoing rapid social and value changes. One area of significant change currently having an important impact on the police, in terms of their relationships with the community and within the police agencies themselves, involves changing attitudes and laws about homosexuality, including the rights of homosexuals in society today.

Traditionally, overt homosexuals have been excluded from employment in most government agencies, including police departments in the United States and Canada. In recent years however, organizations dedicated to upholding the civil liberties of both individuals and groups of minority individuals have challenged, both through the media and the courts, the rights of organizations to exclude them from employment. This study will attempt to examine whether homosexuality is still considered to be a deviancy, what impact the hiring of homosexuals could have on the morale and effectiveness of members of the Royal Canadian Mounted Police and the impact of such hiring on the general public.

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3

alike, they are in fact very heterogeneous. Homosexual individuals vary widely in terms of their emotional and social adjustments. Some persons who engage in homosexual behaviour function well in everyday life; others are severely maladjusted or disturbed in their functioning. There are those whose total life is dominated by homosexual impulses and those whose sexual behaviour is just one component of their total life experience. There also is wide diversity among homosexual individuals in terms of their sense of responsibility. The individual who engages in sexual behaviour only with another consenting adult in private must be viewed differently from the one whose sexual behaviour is with children and adolescents or who otherwise violates public decency. Homosexuality presents a major problem for our society largely because of the amount of injustice and suffering entailed in it not only for the homosexual but also for those concerned about him."2

The attitude of various countries of the world must also be considered. "Among the large countries of the world, none punishes sodomy more severely than the United States and the Soviet Union, and a large number of jurisdictions do not include the offence in their criminal law. In Japan, there is neither legal nor ethical objection to homosexuality, though extreme homosexual relations are regarded as somewhat puzzling."³ In England in 1965 the British Parliament carefully studied the Wolfenden Report which "recommended that consensual homosexuality in private would no longer be a criminal offense."⁴ "Sir Cyril Osborne, in the House of Commons told members that he was rather tired of democracy being made safe for the pimps,

²Joseph A. McCaffrey, <u>The Homosexual Dialectic</u> (Prentice-Hall, Inc. 1972), p. 146.

³Gilbert Geis, Ph.D., <u>Not the Laws Business</u> (National Institute of Mental Health for Studies of Crime and Delinquency, Rockville, M.D., 1972), p. 35.

⁴Ibid., p. 45.

006537

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4

the prostitutes, the spivs, and the pansies and now the queers."⁵ The Home Secretary, Roy Jenkins, speaking as an individual, argued in favour of the bill saying that, "the great majority of homosexuals are not exhibitionistic freaks but ordinary citizens. Homosexuality is not a disease but is more in the nature of a grave disability for the individual, leading to a great deal of loneliness, unhappiness, guilt and shame."⁶

In 1968, the Canadian Parliament amended the Criminal Code of Canada to permit consenting adults, 21 years of age, in private to participate in buggery. "In West Germany, the legislature in May 1969, matched the Canadian procedure by removing consensual homosexuality from the Criminal Statutes, which had not been revised since 1871."⁷

B. Homosexual Development

There are many theories as to how a person develops to be a homosexual rather than a heterosexual. "Most experts agree with the layman's view that male homosexuals tend to have dominating, possessive mothers who, from infancy onwards, smother their sons with maternal over-solicitude, keep them tied to the proverbial apron strings, and crush their early attempts to assert masculine independence."⁸ In contrast, "the fathers of male homosexuals are described as either

⁵Ibid.

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⁶Ibid.

⁷Ibid., p. 47.

⁸D. M. Hamilton, "Some Aspects of Homosexuality in Relation to Total Personality Development," <u>Psychiatric Quarterly</u>, 13, (1965), pp. 229-244.

006538

weak, ineffectual men who let their wives rule the home, or else cold, remote, unsympathetic personalities who shirk family responsibilities and take little interest in their sons, except perhaps to criticize or complain."⁹

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Kinsey offers the following interpretation of homosexuality:

"The inherent physiological capacity of an animal to respond to any sufficient stimulus seems...the basic explanation of the fact that some individuals of their own sex--and it appears to indicate that every individual could so respond if the opportunity offered and one were not conditioned against making such responses. There is no need hypothesizing peculiar hormonal factors that make certain individuals especially liable to engage in homosexual activity, and we know of no data which prove the existence of such hormonal factors. There are no sufficient data to show that specific hereditary factors are involved. (Our) data indicate that the factors leading to homosexual behaviour are (1) the basic physiological capacity of every mammal to respond to any sufficient stimulus; (2) the accident which leads an individual into his or her first experience with a person of the same sex; (3) the conditioning effects of such experience; and (4) the indirect but powerful conditioning which the opinions of other persons and the social codes may have on an individual's decision to accept or reject this type of sexual contact." 10

Another well known author on the subject, Irving Bieber, conducted a psychoanalytic study of male homosexuals, dealing with 106 patients in an attempt to determine the cause of homosexuality, its classification, and its curability. The essential conclusions

⁹M. Shearer, "Homosexuality and the Pediatrician: Early recognition and preventive counselling," <u>Clinical Pediatrics</u>, 5, (1966), pp. 514-518.

¹⁰Alfred C. Kinsey, Wardell B. Pomeroy, Clyde E. Martin, and Paul H. Gebhard, <u>Sexual Behaviour in the Human Female</u>, (Philadelphia: Saunders, 1953), p. 447. But see Robert C. Kolodny, William H. Masters, Julie Hendryx and Gelson Toto, "Plasma Testosterone and Semen Analysis in Male Homosexuals," <u>New England Journal of Medicine</u>, 285 (November 18, 1971), pp. 1170-1174. Quoted by Gilbert Geis, Ph.D., <u>Op</u>. <u>Cit</u>., p. 20.

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are as follows:

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1 "In our view, the human has a capacity for homosexuality but tendency toward heterosexuality. The capacity for responsivity to heterosexual excitation is inborn. Courtship behaviour and copulatory technique is learned. Homosexuality, on the other hand, is acquired, and discovered as a circumventive adaptation for coping with fear of heterosexuality. As we evaluate the maturational process, a homosexual phase is a symptom of fear and inhibition of heterosexual expression. We do not hold with the now popular thesis that in all adult males there are repressed homosexual wishes. In fact, most adult heterosexual males no longer have the potential for a homosexual adaptation. In the comparison sample, one-fourth of the cases revealed no evidence of homosexual propensities -- conscious or unconscious. If we assume that homosexuality is a pathological condition, and our data strongly support this assumption, we would no more expect latent homosexuality to be inevitable among well integrated heterosexuals than we would expect latent peptic ulcers to be inevitable among all members of a healthy population."11

In support of Shearer's findings, Bieber <u>et al</u>. conclude that "our findings are replete with evidence of a close mother-son relationship and confirm the observations of Freud and other investigators that 'mother fixation' is related to homosexuality."¹²

C. Extent of Deviancy

Supporters of the Gay Liberation movement insist that homosexuality is not a serious form of deviant behaviour and the term "pathological condition" should no longer be used when referring to homosexuality. This belief is not supported by the New York Academy of Medicine,

¹¹Irving Bieber et al., A Psychoanalytic Study of Male Homosexuals (New York: Basic Books, 1962). Quoted by Joseph A. McCaffrey, <u>Op. Cit.</u>, p. 86.

¹²Ibid., p. 89.

"which declares flatly that homosexuality is indeed an illness and that the homosexual is an emotionally disturbed individual who has not acquired a normal capacity to develop satisfying heterosexual relationships."¹³ It further declares that "homosexuals are victims of arrested development, the consequence of neglect, rejection, overprotection, and overindulgence by parents."¹⁴ The Florida Legislative Investigation Committee in their report to the Legislature in 1964 said "they were convinced that many facets of homosexual practice as it exists in Florida today pose a threat to the health and moral well-being of a sizeable portion of our population, particularly our youth."¹⁵ Further, the Committee states that "the plain fact of the matter is that a great many homosexuals have an insatiable appetite for sexual activities and find special gratification in the recent recruitment to their ranks, of youth."¹⁶

Edwin M. Schur in his book, <u>Crimes Without Victims</u> postulates that "today the view is widely accepted that homosexuality constitutes or at least reflects, some kind of psychological disturbance."¹⁷ When one is considering homosexuality as a deviancy, an important aspect is how the homosexual person feels toward himself. "The findings of

14 Ibid.

244

¹⁵Florida Legislative Investigation Committee, Homosexuality and Citizenship in Florida, 1964. Quoted by Jonathan Katz, <u>Government Versus Homosexuals</u> (Arno Press, New York, 1975), p. 2.

¹⁶Ibid., p. 9.

¹⁷Edwin M. Schur, Crimes Without Victims, (Prentice-Hall Inc., Englewood Cliffs, N.J., 1965), p. 7,.

¹³New York Academy of Medicine, Committee on Public Health, "Homosexuality" <u>Bulletin of New York Academy of Medicine</u>, 40 (July 1964), p. 576. <u>Quoted by Gilbert Geis, Ph.D., Op. Cit.</u>, p. 28.

Hooker suggest that some homosexuals may be relatively well-adjusted individuals, 18 however, "this does not mean that identity ambivalence and low self-esteem may not still be present in many or even most cases. It is interesting that homosexual life is called 'gay', but it would seem a mistake to infer from this that the invert society is a predominantly happy one."¹⁹ In another study of 300 male inverts, all but a handful stated "they did not want to change their own sexual orientation, but the same respondents overwhelmingly stated that they would not want their sons to be homosexuals."20 Williams and Weinberg examined the concept of self and found that "the most serious problem faced by the labelled deviant, as we have mentioned, is that his deviance becomes the basis upon which other people build their identification of him. Thus, no matter what other identities he may claim for himself or what valued social attributes he may possess, his deviant identity is the one that becomes paramount in social situations. One response to this on the part of the deviant is to claim that, apart from his deviance, he is no different from others of the same social background."²¹ They further commented on the social effects of being officially defined as deviant:

> "Thus it might be expected that these social consequences have psychological effects that are also adverse. For example, the labelled homosexual might show more symptoms of stress after having his transgression forcibly brought

¹⁸Ibid., p. 102.

¹⁹Ibid., p. 103.

²⁰Irving Bicber, et al., Op. Cit., p. 38.

²¹Colin J. Williams and Martin S. Weinberg, <u>Homosexuals and the Military</u>, (Harper and Row, New York, 1971), p. 15.

006542

home to him than the homosexual whose deviance remains a secret. Questions that referred to such things as anxiety, happiness, the use of drugs and alcohol and so forth were asked with the expectation that the labelled homosexual would show less personal adjustment. This is not to say that secret deviance does not produce similar psychic costs."²²

West, in his recent book on homosexuality comments on the social problems. "Many individuals recognize only too clearly that they are homosexuals, but do so with a deep sense of shame. Infected with the traditional view that they are dirty, unfit to assume responsibilities or to have any place in respectable society, they suffer a perpetual sense of inferiority."23 "Their chronic guilt and fear of exposure make them oversensitive to social slurs, anxious about their positions at work, and unwilling to take on jobs that might interfere with their imagined need for extreme privacy."24 Further, "the frequency with which teachers and youth workers are discovered to have sexual contacts with boys in their charge (Plant, 1960; Banis, 1966), in comparison with the relatively small numbers convicted for interfering with girls, has helped to reinforce the belief that persons of homosexual orientation are particularly liable to molest children."²⁵ West, although open-minded to the views of those who endorse homosexuality, summarizes as follows:

> "Sexual non-conformity can reflect an individual's love and sex, and these problems cannot be blamed

²²Williams and Weinberg, <u>Op</u>. <u>Cit</u>., p. 22.

²³D. J. West, <u>Homosexuality Re-Examined</u>, (University of Minnesota Press, 1977), p. 205.

²⁴Infra.

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²⁵1bid., pp. 213-214.

entirely upon the attitude of 'straight' society. For these reasons I do not agree with an attitude of complete neutrality towards the development of sexual orientation. On the whole, being heterosexual enhances a person's happiness and social integration."²⁶

There are numerous reports on the frequency of individuals

becoming homosexual, however:

"Kinsey's incidence figures for homosexual behaviour are so important and relevant they will bear quoting yet again. '37 per cent of the total male population has at least some overt homosexual experience to the point of orgasm between adolescence and old age. The orgasm experience of 13 per cent of the population has more of the homosexual than the heterosexual for at least three years between the ages of 15 and 55, and 8 per cent of the males are exclusively homosexual for at least three years between 16 and 55. Finally, 4 per cent of white males are exclusively homosexual throughout their lives after the onset of adolescence." The incidence figures for females were much smaller."27

D. Public Attitudes

The most important factor to be considered, is the attitude of the public for whom on a daily basis, the peace officer works. The public attitude toward his/her moral values, integrity and professionalism will have a direct bearing on how effective the peace officer will be able to perform his/her duties. It is therefore necessary to examine some of these attitudes respecting a homosexual in a position of authority.

> "The most comprehensive recent poll of public opinion is that by Louis Harris, conducted in 1969. Harris put the following question to a cross section of 1,895 households in the United States and compared the results to a similar survey conducted in 1965."²⁸

²⁶<u>Ibid.</u>, p. 246.
²⁷<u>Ibid.</u>, p. 12.
²⁸Gilbert Geis, Ph.D., <u>Op. Cit</u>., pp. 38-39.

006544

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Following is the question asked of the householder:

"America has many different kinds of people in ft. But we would like to know whether you think each of these different types of people is more helpful to American life or don't they help or harm much one way or the other?"²⁹

"Sixty-three per cent of the respondents indicated that they believed that homosexuals were more harmful than helpful to American life."³⁰ "The Harris Poll, it might be noted, is contrary to an Australian poll taken at about the same time 'which indicated that a much larger percentage of the population oppose the liberalization of the laws relating to homosexuality than those relating to abortion and prostitution.'³¹ The larger, more comprehensive surveys show quite unequivocally that there now exists a considerable and deep feeling of opposition to homosexual behaviour, which would very likely manifest itself in a strong reaction against attempts at the moment to change legal attitudes toward the behaviour."³² Schur, in his book Crimes Without Victims states:

> "Conceivably one could argue that no special public policy toward homosexuality is needed at all; an individual's sexual inclinations and behaviour are strictly his own business, and inversion is just one of the possible alternatives from which people can choose. This view, according to which any attempt at controlling homosexuality is uncalled for, will

²⁹Infra.

³⁰"Public Tolerance is Little Changed," <u>New York Times</u>, Oct. 21, 1969. Quoted by Gilbert Geis, Ph.D., <u>Op. Cit.</u>, pp. 38-39.

³¹Paul R. Wilson and Duncan Chappell, <u>Australian Attitudes Toward</u> <u>Abortion, Prostitution and Homosexuality</u>, (Australian Quarterly, 40, June 1968), pp. 7-17. Quoted by Gilbert Geis, Ph.D., Op. Cit., p. 39.

³²Gilbert Geis, Ph.D., <u>Op</u>. <u>Cit</u>., p. 40.

be acceptable to few people in our society. There is a strong and sound belief that heterosexuality is the preferable adaptation (both for society and the individual) and that homosexuality should at least be discouraged--to the extent that discouragement is possible."³³

The results of three Canadian opinion polls are reported in a Policy Planning Report prepared for the Canadian Human Rights Commission in 1979. "Data Laboratories Research Consultants Survey published in 'Weekend Magazine,' December 1977, Toronto Star Survey, June 29, 1977 and the Canadian Human Rights Commission's own question on the issue included in the survey conducted by Complan Research Associates."³⁴ The results are as follows:

> "The first poll reveals that 69.9% of Canadians agree that homosexuals should not be designated criminal because of consensual, sexual acts in private...The second poll indicates that 52% of Canadians agree that sexual orientation should be included in human rights legislation. The Commission's survey reveals 68% of Canadians are in favour of professional qualifications taking precedence over sexual orientation in employment hiring policy."³⁵

Ward explains that there were, however, problems with the

Canadian surveys:

"Research studies such as these are clearly supportive of the Commission's stance on the issue. However, a cautionary word is in order. The wisdom of generalizing the results from these opinion polls to the larger Canadian population is open to serious question. A spot check of the sampling procedure utilized in the first poll cited revealed methodological weaknesses which vitiate the results. The response

³³Edwin M. Schur, <u>Op</u>. <u>Cit.</u>, p. 104.

³⁴Marjorie L. Ward, "Sexual Orientation: A Policy Planning Report", (Prepared for the Canadian Human Rights Commission, Ottawa, Ontario, 1979), p. 32 (Mimeographed).

35 Ibid.

13 rate for that poll was 38.1% which the authors of the survey blithely declare to be lower than we would normally consider acceptable. That kind of response rate is totally unacceptable since the validity of a response rate of even 80% may be called into question."36 The results of the Canadian polls, if valid, indicate an apathetic attitude toward homosexuality which is hard to find in similar polls, particularly in the United States. "In a major four year investigation (Levitt and Klassen, 1974), which sought to measure the prevalence and interrelatedness of attitudes and perceptions concerned with homosexuality and the relationship of such attitudes and perceptions to demographic behavioural characteristics of the American public, it was found that the public's bias against homosexuals extends beyond moral disapproval. Substantial majorities of the sample distrust the homosexual in positions of public responsibility, particularly when this explicitly involves moral leadership. Almost three-quarters of the adult population believed that there is at least some truth to the notion that homosexuals seem to become involved with children. Almost two out of five feel that more than half of the homosexual population tends to corrupt their co-workers. Two-thirds of the population finds homosexuality very much obscene and vulgar. A substantial majority (74%), however, believed that homosexuals should have the right to deal with their social problems. Three-quarters of the population considers homosexual activity to be immoral always. Contrary to the findings of the American Psychiatric Association that homosexuality is not pathological, 62% of the population finds at least half of the homosexual population to be sick and 40% believes this true of the entire homosexual population. Eighty per cent of the population prefers not to associate with homosexuals." 37

Even police officials who favour hiring gay officers doubt that

³⁷Judith B. Swerling, <u>A Study of Police Officers' Values and Their Attitudes Toward Homosexual Officers</u>, (University Microfilms International, Ann Arbour, Mich., 1977), pp. 30-31.

³⁶ Ibid.

the public is ready for them: "After Portland Police Chief Bruce Baker assured an Oregon gay-rights group that he would accept applications from homosexuals, he received a barrage of phone calls and letters. Ninety-nine per cent were stridently against gay police."³⁸

Patrick Devlin probably sums up public attitudes in the following: "Societies disintegrate from within more frequently than they are broken up by external pressures. There is disintegration when no common morality is observed and history shows that the loosening of moral bonds is often the first stage of disintegration, so that society is justified in taking the same steps to preserve its moral code as it does to preserve government and other essential institutions."³⁹

E. Employment of Homosexual Police Officers - Peer Attitudes

"I don't feel I should have to dress or undress at work in a locker room with a homosexual officer standing next to me at his locker, possibly looking at my body."⁴⁰ This was the remark of officer Ronald Hansen of the San Francisco Police Department in an article in the Police Officers Association's newsletter.

The Los Angeles Police Department is now faced with the ruling that homosexuals and heterosexuals be considered for employment on an

³⁸Randy Shilts, "Police Come to Terms with the Gay Community", Police Magazine, Vol. 3, No. 1, 1980, p. 44.

³⁹Patrick Devlin, <u>The Enforcement of Morals</u>, (London: Oxford University Press, 1965), p. 13.

⁴⁰ Randy Shilts, Op. Cit., p. 44.

equal basis. Working on the requirements for a degree of Doctor of Philosophy in Psychology, Judith B. Swerling submitted a dissertation in 1977. The subject was "A Study of Police Officers' Values and Their Attitudes toward Homosexual Officers." This study centered around 640 Los Angeles P.D. officers from four divisions. A summary of this study follows:

> "Hypothesis 1 proposed that responses of subjects of all ranks and in all divisions would be highly negative toward working with overt homosexual officers."41 Results of hypothesis 1: 'In this population, 84 per cent of all respondents gave the most negative response possible on the social distance scale. Items related to feelings about working with overt homosexual officers."⁴² "The results indicate the intention to act in a manner strongly disapproving of the Department should honosexual officers be hired (i.e. open protest)."43 "The results of the attitude section of the study indicated a strong resistance on the part of the police officers toward the hiring of overt homosexual officers, to the extent that 18.9 per cent of all respondents stated an intention to quit the Department should overt homosexuals be hired."44 "The problem is clear. In the face of evidence that the public, of which the police are a part, does not wish to see homosexuals in positions of public authority or in government service in general, it appears that the courts and legislature are nevertheless moving in the direction of opening police sworn duty to homosexual applicants."45

⁴¹Judith B. Swerling, <u>Op. Cit.</u>, p. 78.
⁴²Ibid.
⁴³Ibid., p. 80.
⁴⁴Ibid., p. 145.
⁴⁵Ibid., p. 5

III

CONCLUSION

Public debates on whether homosexuals should be admitted to the police profession usually seem to generate more heat than light. During these debates we tend to hear the extreme positions, ignoring the many nuances of this highly complex issue. We must concern ourselves more with the facts of specific conduct rather than the more subjective state of mind implied by the terms "homosexuality" or "homosexual tendencies." While there are many facets of homosexual conduct which remain largely unknown, including some questions which would be extremely significant, we do know enough to realize that it is not a unitary phenomenon, that there can be no stereotypes.

One can understand that homosexuals, civil rights groups and indeed the courts believe in the rights of homosexual persons, but do they understand the grave responsibility placed on the Force to monitor its personnel as it relates to public interest, including the morale of the members?

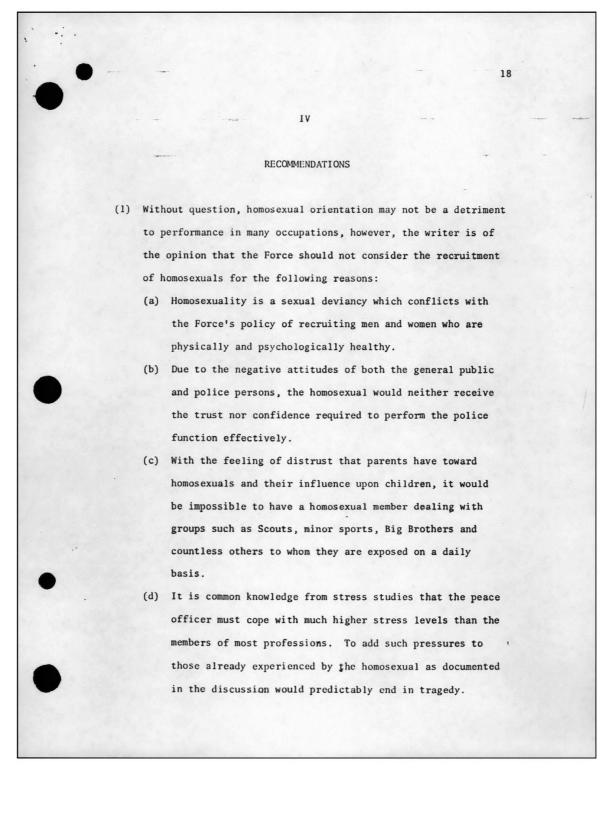
Homosexuality is considered a "deviancy" by a large majority of the medical profession and the general public, who without question, are not ready to accept the homosexual peace officer. Consequently, one can predict an intolerable attitude when a person is the subject of a search by a police person of the same sex who is believed to be homosexual. At the same time, problems would most certainly exist with regard to members of the Force working with youth groups such as

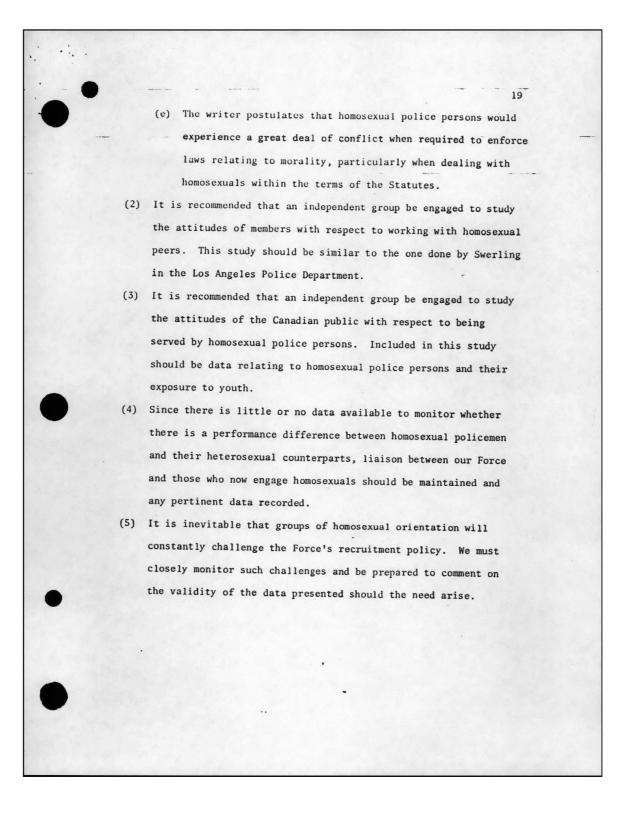
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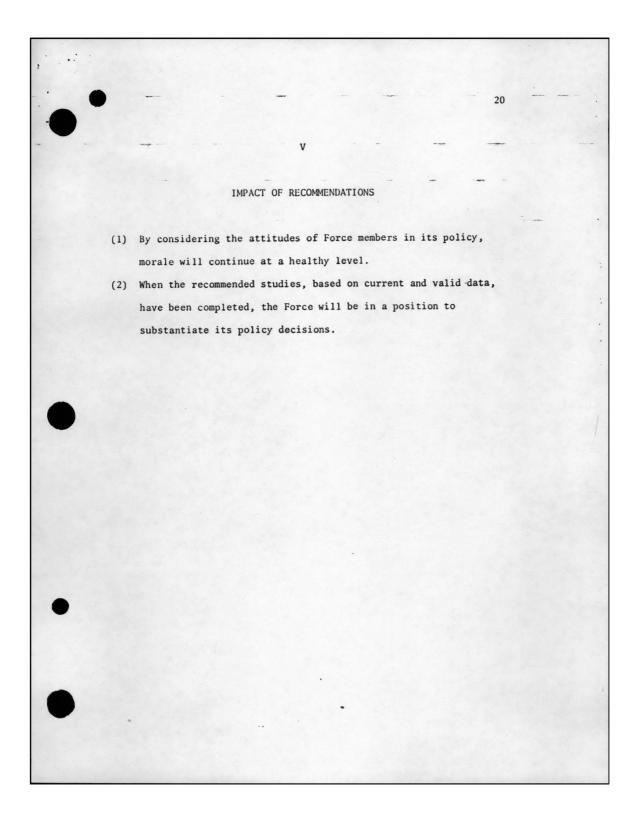
the Scouting movement, minor sports and various others with whom members are extensively involved. In a society where homosexuality is viewed with such negative feelings, it would appear to be next to impossible for peace officers of a homosexual orientation to function. Due to the resulting stereotyping, the public suspicion would also be projected to the heterosexual members. This would have a devastating effect on the morale of all members. While not of the same magnitude, as the problems already stated, one can also predict that the enforcement of the law respecting morality could be viewed with less responsibility by the homosexual police person.

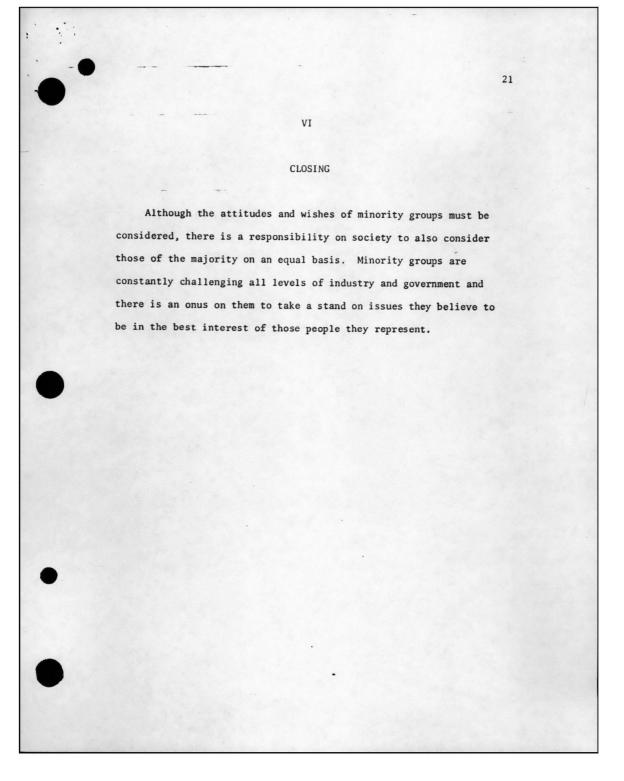
Lack of Canadian studies and public opinion polls are somewhat detrimental to a truly objective and accurate mandate to deal with homosexual applicants for the Force. If we are to set policy, we must arm ourselves with statistics which are "closer to home" than those we have obtained from our U.S. counterparts, even though one can probably predict that both will correlate.

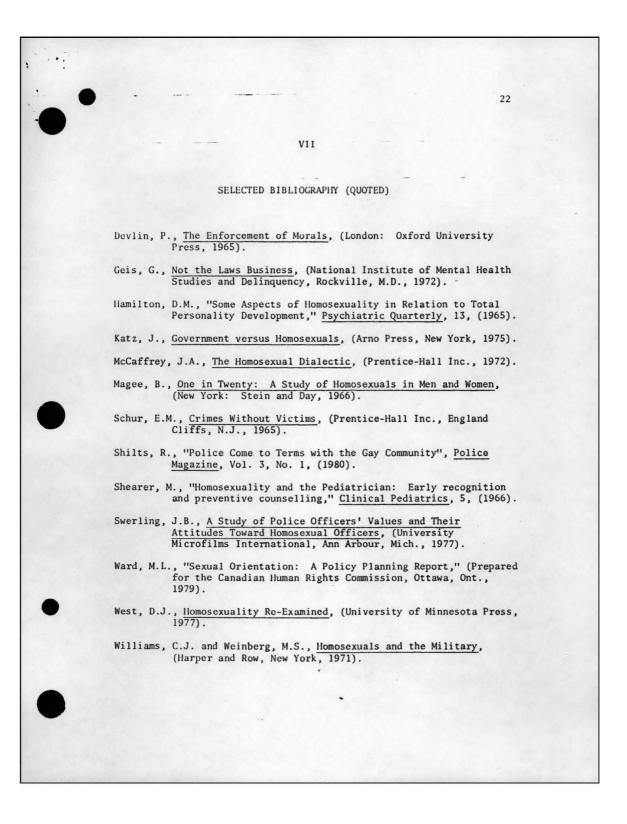
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