



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
A

SOLICITOR GENERAL
FOR INFORMATION AND SIGNATURE

FROM
DE

DEPUTY SOLICITOR GENERAL

SUBJECT
OBJET

PROPOSED REPLY TO SVEND ROBINSON
LETTER OF MAY 26, 1986 (M9261)

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N / RÉFÉRENCE
YOUR FILE - V / RÉFÉRENCE M9261
DATE SEP - 6 1986

This is in response to your predecessor's request to review this proposed reply (Tab A) to Mr. Robinson prepared by the RCMP.

MR. ROBINSON'S LETTER

Mr. Robinson, in his letter of May 26, 1986 (facing) raises questions concerning the propriety of RCMP security/reliability interview practices. Mr. Robinson's letter attaches copies of the RCMP Security/Reliability Interview report form and related section in the RCMP Administration Manual. Question 12 of the report form poses the question "has the applicant/employee ever indulged in illicit or deviant sexual behaviour". Mr. Robinson claims that your predecessor had provided assurances to the effect that RCMP applicants would not be asked questions with respect to their sexual orientation. He asks whether any steps have been taken to redraft the interview form and the instructions set out in the RCMP Administration Manual dealing with security clearances.

The second part of his letter asks for copies of internal background material on the subject of RCMP policy on homosexuals.

BACKGROUND

On June 18, 1986 Treasury Board promulgated a revised Security Policy of the Government of Canada which replaced the previous direction given by the Privy Council Office and Cabinet on this subject. In addition to revising the security classification and procedures relating to government information and assets, the revised policy also

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sets out specific conditions relating to security clearances which apply to all departments and agencies listed in Parts I and II of the Public Service Staff Relations Act, including the Canadian Armed Forces, the RCMP and CSIS.

Appendix G to the Security Policy entitled "Conditions relating to Security Clearances" (Tab B) states in part that:

"Persons should be denied a security clearance if there are reasonable grounds to believe:...

- because of ... features of character ...

- . they may act or may be induced to act in such a way as to constitute a "threat to the security of Canada"....; or
- . they may disclose, may be induced to disclose or may cause to be disclosed in an unauthorized way, government information classified to the national interest."

Sexual behaviour may be considered a feature of character of importance in the preparation of a security assessment but only if an appraisal shows how this feature induces or may induce a person to act disloyally and an identifiable connection can be made to actual or potential disloyalty. Nonetheless, the phrasing of question 12 on "deviant" sexual behaviour is tendentious and runs counter to the Government's position on equality rights that sexual orientation per se is a prohibited ground of discrimination. One might also question the propriety of highlighting sexual orientation from a number of features of character which may provide grounds for the refusal of a security clearance.

On June 18, 1986, the Senior Assistant Deputy Solicitor General and other officials of the Police and Security Branch met with Mr. Robinson and the Executive Assistant to Mr. Nunziata to apprise them of the Security Policy Initiative (SPUR) to be announced later that day (Tab C, Note to File, refers).

During the briefing, which took place in the Deputy Solicitor General's Boardroom, Mr. Shoemaker referred to the matters raised in Mr. Robinson's letter to Mr. Beatty of May 26, 1986 and indicated the following:

- (i) It would be inconsistent with the new SPUR policy to ask an applicant security clearance questions of the type identified in section 12 of the noted RCMP form.

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- (ii) The Treasury Board would be responsible for developing new forms for Government use which ensured consistency with the revised administrative security policies approved by the Government.


RCMP Departmental Security Branch officials are currently redrafting the questionnaire and the guidelines. It is expected that reference to deviant or homosexual behaviour will be replaced by reference to any compromising sexual activity which would make the applicant ineligible for the issuance of a security clearance.

CONCLUSIONS

Officials have not been able to identify when your predecessor gave the assurance to which Mr. Robinson referred that RCMP applicants would not be questioned on their sexual orientation (Tab D attaches a copy of some of the reported comments of Mr. Beatty on this issue). Question 12 of the Security/Reliability report form as well as the Security/Reliability guidelines are currently being revised by the RCMP. The security screening practices of departments and agencies, including the RCMP, will be subject to Treasury Board review in the near future. Departmental Legal Counsel confirms that the requested documentation on Secretariat files would, most probably, be exempt from disclosure under section 21 of the Access to Information Act should Mr. Robinson wish to make a formal Access request.

RECOMMENDATION

The RCMP has already taken steps to remedy the concerns raised by Mr. Robinson. The attached proposed replies to Mr. Robinson and the Commissioner of the RCMP make reference to this initiative. It is recommended that you monitor the Force's efforts in this regard and the proposed letter to the Commissioner asks to be informed how the Force plans to deal with the question of sexual orientation in the security/reliability screening process.


John C. Tait

Attachments

- Tab A - proposed reply prepared by RCMP
- Tab B - Appendix G, Security Policy of the Government of Canada
- Tab C - Note to File, Director General, Security Policy & Operations, August 14, 1986
- Tab D - Montreal Gazette, March 8, 1986
- Proposed reply to Mr. Robinson
- Proposed letter to Commissioner Simmonds

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