

ANNEX A

RESPONSES TO QUESTIONS  
MR. ALEX KORMAN

Questions 1 & 2

Records have not been maintained that show the number of individuals released because of homosexuality in each of the years from 1945 to 1992 inclusive. However, data are available for some years. For example, correspondence on old subject files indicates that the following number of Canadian Forces members were released pursuant to CFAO 19-20 because of homosexual orientation or conduct in each of the years 1982 to 1984 inclusive:

1982 - 45	} 137 (100+)
1983 - 44	
1984 - 38	

As well, the following number of non-commissioned members were released in each of the years 1985 to 1992 inclusive:

1985 - 18	1989 - 10	} 60
1986 - 13	1990 - 4	
1987 - 6	1991 - 2	
1988 - 7	1992 - 0	

Although a comparable record for officers was not maintained between 1985 and 1992, it is known that at least one officer was released in 1989 and another in 1990.

Questions 3 & 4

It is not known how many homosexual members of the military have been released over the years under Queen's Regulations and Orders 15.01 item 5(d) (Not Advantageously Employable) or 5(f) (Unsuitable for Further Service). Release items 5(d) and 5(f) may be awarded in recognition of the circumstances surrounding any given release. For instance, the sexual orientation of a member released under item 5(d) for misuse of alcohol, or under item 5(f) for misconduct such as theft, is irrelevant and consequently would not be recorded. If military members were released as a result of homosexual activity which did not, of itself, contravene the Criminal Code of Canada, the assigned release item normally would have been 5(d).

Question 5

It is unknown how many former members might have committed suicide within six months of their release from the Canadian Forces. Military records are kept on Canadian Forces members during their period(s) of service only.

Question 6

The current SIU mandate is limited to security matters consistent with recommendation 1 of the External Review of the SIU conducted by the Honourable Judge Rene Marin. The SIU has no role in investigating the private sexual lives of serving members except insofar as these activities, homosexual or otherwise, may be a factor in a security investigation as recognized by Judge Marin in his report.

Question 7

Prior to 1970, homosexuality was a criminal offence under the Criminal Code and SIU conducted their investigations as criminal investigations. After 1970, when homosexual activity between consenting adults was no longer considered a criminal offence, homosexuality was considered as an administrative matter by the Canadian Forces and SIU investigations were then conducted as administrative investigations.

Question 8

When the investigation of homosexual activity was conducted as a criminal matter, suspects were given the caution administered during such investigations. After 1970, these investigations were handled as administrative inquiries.

Questions 9 to 11

Under section 29 of the National Defence Act, a serving military member has the right to submit a request for redress of grievance if he or she considers that he or she has suffered any personal oppression, injustice or other ill-treatment. An application for redress of grievance may only be submitted before a member's release from the military. Federal Court actions launched by former members under the Canadian Charter of Rights and Freedoms have been and are being addressed on an individual basis. There are no plans to set up an inquiry or otherwise address the issue of the treatment of homosexuals in the military prior to the cancellation of CFAO 19-20.

Question 12

If the private property were confiscated while investigations were conducted as a criminal investigation, then it would have been disposed of in accordance with the direction of the service tribunal consistent with procedures in effect at the time. When the investigations were handled as an administrative process, the purpose of confiscating anything becomes questionable, as there was no tribunal process in which to present anything as evidence. However, it is possible that such things as photographic pictures may have formed part of the investigation report. If there are specific claims of property rights then the matter will be researched. We do not have the staff to follow up blanket allegations.

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Question 13

Inquiries among present SIU and security staff members failed to disclose any knowledge of "medication tranquilizers" for homosexuals or any knowledge of such proposals by SIU investigators. More specific information about any such allegation would be required before any further research is done on this matter.

Question 14

Investigations into homosexuality had to establish that a homosexual act had occurred. At what point is an individual deemed to be a homosexual? Before career decisions could be made, decision-makers required some specifics with which to resolve this question. It was also not unusual for individuals to seek to escape from career contracts by falsely claiming to be homosexual. Precise details of sex acts were not required but many homosexuals, once they had conceded that they were gay, furnished more detail than the investigators wished to hear. A complete investigative report would have included this additional detail whether it was desired or not.

Question 15

From January 1988 until October 1992, the following conditions applied to the release of a member for homosexuality:

- the member acknowledged his or her homosexuality and DND considered the member to be homosexual;

- the member desired to be released from the Canadian Forces; and
- the member did not object to being released under item 5(d) to QR&O 15.01 vice any other article.

If after being briefed on the above, the member accepted release from the Canadian Forces under 5(d), the release was effected as soon as administratively possible.

If the member did not wish to be released under item 5(d), he or she was retained in the Canadian Forces during this "interim policy" period. Certain career restrictions applied in this case, e.g.:

- No promotion
- No career courses
- no re-engagement or extensions of career plan

On 27 October 1992, the Chief of the Defence Staff ordered the cancellation of CFAO 19-20 and since then there is no restriction on homosexuals serving in the Canadian Forces.