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Assistant Judge Advocate General
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Maritime Command Headquarters
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Distribution List

INVESTIGATION OF ALLEGED HOMOSEXUAL ACTIVITIES
CADET INSTRUCTORS LIST (CIL) OFFICERS

Reference: A. 2120-4 (Det Comd) 8 Jan 81 (copy attached)

1. The problem raised in Reference A regarding investigation of CIL officers' alleged homosexuality has been thoroughly considered by this office. While CIL officers are Reserve Force members and thus subject to the Code of Service Discipline only when undergoing training, the fact that investigation of alleged homosexual activities would in all likelihood involve an examination of their lives during periods when they were not subject to the Code is not seen as an impediment to investigators.

2. The foregoing opinion is based primarily on the provisions of Appendix I to Annex A to CFAO 49-6. One of the categories of basic enrolment standards which must be met by CIL officers pertains to their character. More particularly, they must have good standing in the community and be recommended by the cadet corps CO and by the local sponsor or league or both of the appropriate cadet corps. It is obvious that, when they apply for enrolment, CIL officers implicitly hold themselves out as meeting those prerequisites. It is equally obvious that the Canadian Forces have a vested interest in ensuring that those prerequisites are met. In order to obtain such assurance, it is only logical that a CIL officer's standing in the community may be ascertained and a corps CO or sponsor or league recommendation may be verified. An allegation of homosexuality, if correct, would have a direct effect on an individual's good standing and on any recommendation made as to that person's suitability for employment with a cadet corps. Thus, such an allegation falls within those matters one would expect to be checked if a person's

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-2-

character were being verified. There is no perceived impropriety in a military authority conducting such a verification if requested to do so through proper channels.

3. While perhaps trite, it is necessary nonetheless to comment on the nature of the investigation to be conducted. It must be completely discreet and should be conducted, insofar as possible, during periods when the individual involved is subject to the Code of Service Discipline. Certainly, any interview of the CIL officer would best be conducted on a training night. Investigators must be ever mindful of the damage such allegations, even if unfounded, can do to the reputation of persons concerned.

ORIGINAL SIGNED BY:
J. B. FAY,
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