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FMC 1745-1 (Comd)

OFFICE OF THE COMMANDER  
MOBILE COMMAND  
ST. HUBERT, QUEBEC J3Y 5T5



CABINET DU GÉNÉRAL COMMANDANT  
LA FORCE MOBILE  
ST-HUBERT, QUÉBEC J3Y 5T5

26 November 1986

Chief of the Defence Staff  
National Defence Headquarters  
Ottawa, Canada  
K1A 0K2

EQUALITY RIGHTS  
CF POLICY ON SEXUAL ORIENTATION

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NDHQ - CDS/VCDS/D Sec GENERAL OFFICE		
REFERRED TO	DATE	BY
EA/CDS	1/12/86	(Signature)

- References:
- A. 1745-42-9 (CDS) 13 Nov 86
  - B. Charter Task Force Final Report - Sep 86
  - C. Minutes of Standing Committee on Justice and Legal Affairs on Equality Rights - Oct 1985
  - D. MARC: 1461-1 (DComd) 17 Nov 86

1. I wish to state at the outset of this letter that I fully endorse the recommendation of the Charter Task Force report that we continue with our present policy of precluding homosexuals from serving in the Forces. Our policy in this area must not be based on premonitions of public resistance. Since the decision to uphold our current policy represents a position diametrically opposed to the recommendation of the Parliamentary Committee on Equality Rights that we bring our employment practices into conformity with the Canadian Human Rights Act, we may have to face the task of persuading the Government of Canada, possibly before a Human Rights Tribunal, that our policy is justified. Clearly, based on the evidence provided in the Charter Task Force report, this will not be an easy task.

2. I think we must base our position firmly on the two arguments that you have presented so forcefully to the Minister; that is, operational effectiveness and the rights of all serving members. Other, more detailed argumentation at this time may be counter productive if we are to retain the freedom to present a more properly researched defence against future legal or political challenges.

3. Currently there are grave disagreements between the two opposing camps; military leaders on one side and the idealists on the other. The fundamental cleavage in ideology will not be easily bridged. Nevertheless, I am confident that our Government, composed of people who are sensitive to the attitudes and reactions of both the public they serve and the views

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of other nations, will reach a rational decision. We can assist them by explaining the complexities of military operations and operational concepts and making them aware of the risks involved in the degradation of national security. Certainly implications to the morale of other members, particularly our Non Commissioned Officers, are real and urgent and I think should be stressed.

4. Our case will have to be made in terms that are simple, logical and easy to understand. This issue will challenge the Government in areas of social discipline, strength of will and attitude for national defence. If the Government is willing to face this challenge realistically then it should not be difficult for the Forces to explain the inter-relationship between morale, unit cohesion and operational effectiveness. I note that the US Department of Defence has been successful in upholding their policy of dismissing homosexuals and that US courts have determined that this policy does not violate constitutional rights.

5. As an army commander I must view any perceived weakness in our forces in the eyes of our potential adversaries as contributing to a weakening in the deterrent we have strived to achieve over the years. I am convinced, for example, that any potential enemy would attempt to exploit the employment of homosexuals in our army. The Soviets are masters at various non-military forms of war particularly in the political, economic and psychological fields. This is simply to state that we must always be cognizant of the threat.

6. In relation to our present policy of not retaining homosexuals in the Forces, it would appear that we have achieved a state of "peaceful coexistence" in that we neither actively discriminate against homosexuals who are silent on entry into the Forces, nor do we actively attempt to seek out homosexuals who do gain entry. As long as they remain silent and do not allow their sexual orientation to become obvious, it is conceivable that some homosexuals could serve in the Forces for a full career. The fact that only 164 members were released for homosexuality between 1981 and 1984 seems to prove this point. In the majority of cases homosexuals requested release once they determined that their personal life was incompatible with military service.

7. In conclusion, Mobile Command unequivocally supports adherence to the current CF policy pertaining to the non-retention of homosexuals and would view any capitulation on this issue as a military weakness that would be exploited by our enemies both in peace and in war. Failure to take a firm stand on this issue may have far-reaching effects and set precedents for the future that would seriously erode the fundamental military tenets of morale and teamwork. It is very important to maintain the status quo. High intensity conflict will stretch human endurance to

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extreme limits. Soldiers depend on us, their leaders, to create the best possible environment for them to survive and win. Achieving this may severely challenge our credibility and expertise as military officers, but I am confident that we can uphold our principles and gain the support of Government with simple, straight forward arguments and clear justification of our bona fide occupational requirements.

8. I appreciate that we have not produced better argumentation for you here but that is because I believe you have already arrived at the best technique of presentation. Needless to say we would be ready to help in further presentations in whatever way you feel might be helpful.



J.A. Fox  
Lieutenant-General  
Commander

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