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BY FAX

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MICHELLE DOUGLAS AND
HER MAJESTY THE QUEEN

In my letter of 1 March 1991 (part of my response to the Douglas-specific undertakings) I did not address Brigadier-General Munro's reply to question 46 on page 15 of the transcript. However, on review, I believe some clarification is desirable. Further, my response to question 49 is potentially misleading.

It is unclear from question 46 whether Ms Sachs was seeking a statement of the current policy concerning investigations, the policy as it was in 1988 and 1989, or both. General Munro's response does not identify the time frame to which it applies.

In 1988 and 1989 a commanding officer who had reason to believe that a member of the Canadian Forces had committed a homosexual act was required to investigate and determine the facts of the matter. This action was required by CFAO 19-20 (Exhibit 1, Tab 46) as amended by the message ADM(Per) 018 issued 101800Z FEB 86 (Exhibit 1, Tab 50). If that investigation tended to substantiate the belief, the commanding officer was then obliged to call in the local Special Investigation Unit (SIU) to investigate further. That general policy was still in effect in October 1990 when General Munro appeared for discovery.

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However, unbeknown to General Munro, the investigation of homosexuality had been removed from the mandate of the SIU on 29 August 1990 (see memorandum at Serial 9 to my letter of 22 March 1991 responding to the common Charter issues). Thus, although a commanding officer was still obliged to call in the local SIU, after 29 August 1990 the SIU would not have undertaken an investigation into alleged homosexuality per se. On 21 November 1990, this obligation for the commanding officer to call in the local SIU was cancelled by a message from the Assistant Deputy Minister (Personnel) (see Serial 10 to my letter of 27 March 1991). Moreover, that message requires a commanding officer to refer to specified staff at National Defence Headquarters before commencing any formal investigations into alleged homosexuality. That policy remains in effect.

Turning now to my response to question 49, I advised that in 1988 and 1989 CFAO 19-20 required a commanding officer to investigate any report that a member of the Canadian Forces is a homosexual. That statement was not factually correct. In 1988 and 1989, CFAO 19-20, as amended by the message of 10 February 1986 (see above), only required a commanding officer to investigate if there was reason to believe that a member had committed a homosexual act. As stated above, if that investigation tended to substantiate the belief, the commanding officer was then obliged to call in the local SIU to investigate further.

You will note that in the above comments I have omitted any reference to "openly declared" homosexuals and to real or imagined breaches of security. These were not elements of the policy in 1988 and 1989 and they are not elements of the policy today.

As we discussed last week, I hope this clarification will be helpful. If not helpful, I hope that it will not be too damaging.

Yours truly,

George L. Logan
George L. Logan
Director Personnel
Policy 2

cc: Barbara McIsaac
~~Debra McIsaac~~ Rhea Hoare
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**Pages 2497 to / à 2502
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