

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

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ENCLOSURES
Annexes

DISTRIBUTION

The purpose of this paper is to outline, in a very preliminary fashion, a possible departmental policy with respect to homosexuality with the Department. In preparing the paper it is recognized that PCO is working on guidelines on the question of homosexuality that would be presumably applicable on a government-wide basis. The policy positions described below are not designed to pre-empt whatever may emerge from the PCO, and whatever decisions Cabinet may reach concerning the question of homosexuality. They are designed to serve, in the interim, as a basis for action within the Department. Further, even if a government-wide policy emerges, it undoubtedly will be recognized that there will need to be particular security criteria applied within the government in dealing with especially sensitive information affecting the national security. The predication in the preparation of this paper, is that the Department of External Affairs deals with such information.

PREMISE

2. In discussing homosexuality within the Department, a basic question has to be resolved at the beginning. Is homosexuality a factor in security different than heterosexuality or white or black skin or regional origin? The answer, as far as this paper is concerned, is "yes".

3. We conclude that the "risk" factor created by the existence of homosexuality in an individual is somewhat higher than those for the non-homosexuality. Why is this so? There are special factors - these include:

- (a) homosexuality is not yet accepted in Canada or generally in the world as a "normal" human condition. Neither the legal nor the social structure in Canada, or in the world, is so constructed as to permit a homosexual to live in a life style which is regarded as routine - i.e. marriage, family, etc. There is thus a pressure on most homosexuals to keep private the nature of their sexual proclivity. This in turn creates a situation which can be exploited

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by those who wish an individual or an institution ill, be they intelligence or criminal elements;

- (b) homosexuality is regarded in the international intelligence community as a "weakness" that can be exploited for intelligence purposes in the same way as can greed, excessive promiscuity, or knowledge of criminal activity. This is a fact and one where there is a body of evidence to indicate that intelligence services will not hesitate to seek to exploit this particular sexual proclivity of an individual;
- (c) homosexuality is not as widespread as is sometimes suggested and in many parts of the world, the practice of it is "underground". It frequently can be difficult for a homosexual to meet and enter into a meaningful relationship with others who share his proclivity. This can lead to a fairly open search for contacts. In turn, this can lead to opportunities for the exploitation of the individual and/or the institution he serves;
- (d) in some parts of the world (although not in Canada) homosexuality between consenting adults is illegal and can be the subject of criminal action.

For all of these reasons (and there are probably more) it is a reasonable conclusion that the degree of risk in security terms attached to the average homosexual is higher than the degree of risk in security terms which can be attached to the average non-homosexual.

4. The next series of questions thus is to what extent, if any, this higher degree of risk can be acceptable in terms of the operations of the Department of External Affairs. This should be looked at from two points of view, (a) recruitment policy, and (b) policy with respect to members of the Department.

RECRUITMENT POLICY

5. Given that the degree of risk in security terms attached to the average homosexual is higher than in other circumstances, it is only prudent that the policy emanating from the Department should be where possible, one of protection against risk. Therefore, as a matter of policy, where it is clearly established beyond a reasonable doubt that an individual applying for employment in the Department in rotational categories which normally have access to sensitive information is a homosexual, employment should be denied on security grounds and the individual should be informed that he does not fully meet the criteria of the Department.

6. There are some positions within the Department of a non-sensitive nature and non-rotational category. If the Department is fully satisfied that the position permanently will be non-rotational and under no circumstances would the incumbent have access to sensitive information, consideration could be given to employing a homosexual, if the individual is otherwise a responsible person and a desirable candidate. To illustrate, positions such as those relating to interior decorating could fall within

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this category. However, in each case a careful and individual judgment should be made.

POLICY WITH RESPECT TO MEMBERS OF THE DEPARTMENT

7. As outlined earlier in this paper, it is our conclusion that the degree of risk in security terms attached to the average homosexual is higher than that attached to the average non-homosexual. It is also the case that the Department of External Affairs produces, handles and has access to information of an especially sensitive nature. Such information includes material of a political, military and intelligence character that we know is of interest to the intelligence services of a number of nations throughout the world. In rotational categories, i.e., FS, ST, CR, CM, it is normal and frequently necessary for the individual employed to have access to such information in the course of his career in the Department of External Affairs. By and large, therefore, employees in rotational positions in this Department must be regarded as being particularly exposed to work of a much more sensitive nature than is frequently the case in other parts of the Public Service.

8. In these circumstances, it should be the general policy of the Department to separate known homosexuals from employment within the Department. This is because, as outlined earlier, homosexuality by virtue of prevailing social, political and legal circumstances throughout the world can be, and often is, exploited. The individual homosexual and the institution he serves is therefore exposed to a degree of risk which in most cases is unfair to the individual and unacceptable to the institution. To be more specific, on security grounds, it would not be possible to post a homosexual to scheduled countries, to many countries in the Middle East, to positions where especially sensitive material is handled or to positions at headquarters where knowledge of particularly sensitive material is required. As a matter of routine a security clearance for a homosexual normally should be no higher than CONFIDENTIAL and certainly should not be higher than TOP SECRET.

9. Given these circumstances as to postability, and as to level of security clearance, it is clear that career progression of a rotational employee will be affected by homosexuality; that the effectiveness of the institution in terms of the reliability which can be placed upon these employees will be affected if homosexuals are employed and that to retain homosexuals would create a "special security category" on a permanent basis which could be deemed to be unfairly discriminatory, or to have that effect.

10. Therefore, as a matter of routine, urgent consideration should be given in each case where a homosexual is identified in a rotational category, to urging that individual to resign voluntarily from the Department and seek employment elsewhere in the Public Service, or in the private sector. Should the individual not agree to resign voluntarily, the normal course of action should be to proceed under the provisions of CD-35 on the grounds that the individual is a "security risk" by virtue of his vulnerability to exploitation.

11. This is the general approach that could be taken in each case of homosexuality. Nevertheless, careful individual attention should be given to each instance before a decision is taken to proceed along the

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lines described above. This is because there may come a point where the other characteristics of an individual so outweigh the factors created by the individual's homosexuality as to lead to the conclusion that the risk in this specific instance is acceptable and the individual can, from a security point of view, participate normally in departmental work and pursue routine career progression.

12. It is, however, difficult to specify how such an instance could arise. It is perhaps easier to specify instances where the degree of risk would not be acceptable. These could include:

- (a) Homosexuals who have engaged in activities falling under the Criminal Code of Canada.
- (b) Homosexuals who do not wish it to be known by friends, colleagues or family that they are homosexuals.
- (c) Homosexuals who "cruise" and do not enjoy a stable relationship with a partner.
- (d) Homosexuals who are married to heterosexual females.
- (e) Homosexuals who, even if they do not cruise, are prone to change partners on a regular short-term basis.
- (f) Homosexuals who are engaged in a stable relationship with a partner who is himself vulnerable to exploitation by any means.

13. As can be seen, the criteria described above apply to virtually every situation where homosexuality exists. I believe the approach outlined also accords, in general, with policies followed by the USA and the UK. From the research we have been able to do, the criteria certainly apply to every case of known homosexuality over the past ten years and indeed, in each case, the individual has been counselled to leave and eventually has resigned from the Department. The one possible exception that might arise in the future would be one of a homosexual of such strength of character, capability and depth of self understanding that it could be concluded by all those concerned, including the Under-Secretary, that the individual's homosexuality does not render him in any sense susceptible to an unacceptable risk.

SUMMARY

14. To sum up therefore, the general policy of the Department should be to separate homosexuals when they are discovered either through persuasion or through invoking CD-35. Homosexuals should not be posted to scheduled countries, to the Middle East, to positions abroad requiring access to sensitive information, or to "SA" positions in Ottawa (for information, there are in excess of 400 such positions). Normally the security classification of a homosexual should be re-

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duced to CONFIDENTIAL at least. Each individual case should be examined carefully to see if there are any factors which render them irrelevant to the criteria described above.

16. I look forward to your comments.

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