

Existing security policy concerning employment in government departments and agencies is based on Cabinet Directive No. 29 entitled "Security Screening of Government Employees" dated December 21, 1955. This directive states that persons who are unreliable from a security standpoint because of character defects which may lead to indiscretion or dishonesty, or which may make them likely suspects for blackmail, must not be employed in any position where they may have access to classified information. It also states that persons with such defects of character may be unsuitable for employment on grounds other than security. The directive makes no distinction insofar as access to classified information is concerned, between persons with character weaknesses and persons whose loyalty is suspect on ideological grounds.

Cabinet Directive No. 29 continues:

A security assessment and clearance will be made by the following means. These represent security criteria and procedures which are consistent with present investigative facilities available interdepartmentally; they are minimum standards and do not limit in any way the right of the armed forces to conduct field checks through their own resources of personnel employed with or on behalf of the Department of National Defence.

(i) Persons to have access to TOP SECRET information

Before a person is employed in a position requiring access to Top Secret information he must be the subject of an investigation in the field by an appropriate investigative agency, his name must be checked against the subversive records of the R.C.M. Police, and he must be the subject of a fingerprint check by the R.C.M. Police. These procedures are mandatory.

(ii) Persons to have access to SECRET information

(a) Before a person is employed in a position requiring access to Secret information his name must be checked against the subversive records of the R.C.M. Police, and he must be the subject of a fingerprint check by the R.C.M. Police. Both these procedures are mandatory.

(b) When the Chairman of the Civil Service Commission or the deputy head of a department or agency, or a security officer appointed by them, considers that information provided by the means set out in paragraph 13(ii)(a) may be clarified by an investigation in the field, or that such an investigation is necessary to satisfy him as to an applicant's or employee's

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loyalty, integrity or discretion, he may request that an enquiry be made of a person's background by a field investigation to be carried out by an appropriate investigative agency. Where it appears that requests from a department or agency dealing with the R.C.M. Police as the investigative agency exceed what seems to be a normal requirement, the R.C.M. Police may ask the Security Panel to allot priorities.

(iii) Persons to have access to CONFIDENTIAL information

Before a person is employed in a position requiring access to Confidential information, his name must be checked against the subversive records of the R.C.M. Police, and he must be the subject of a fingerprint check by the R.C.M. Police. Both of these procedures are mandatory.

(iv) Responsibility for granting clearances

The deputy head of a department or agency will be responsible for granting or withholding and will assume a continuing responsibility for a person's access to Top Secret, Secret and Confidential information.

2. The following extracts dealing with the problem of character weaknesses were taken from the paper "Homosexuality Within the Federal Government". This paper was submitted to the Security Panel for discussion. It was approved by the Commissioner and represents the views of this Force on this particular problem.

Under Security Panel Directive No. 29 it is indicated that the department should be advised as soon as we have factual information. However in this particular investigation, it is difficult to decide whether we should advise the department as soon as a corroborated allegation is received or should we wait until after an interview has taken place and if after an interview should we advise immediately or at our own discretion. In respect to advising the department immediately after an interview we have already experienced some difficulties in our investigation arising from departments discharging homosexuals who have admitted their weakness rather than complying with those terms in Security Panel Directive #29 which provide for the transfer of such persons to non-sensitive positions. We firmly believe that if it becomes a general practice to discharge homosexuals who co-operate with us these people will refuse to talk, and without their assistance this type of investigation cannot achieve complete success. It is therefore imperative that the department take no action which will interfere in any way with the investigation.

We also feel that the decision as to when a department is to be notified that a homosexual is employed in a department, either in classified or non-classified work should be left in the hands of the Force which will be guided by the circumstances and their effect upon allied investigations.

In the event that agreement cannot be reached on the above proposals there appears to be two other possibilities

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courses of action to guarantee that self-admitted homosexuals will not be immediately discharged. One suggestion is that the results of our investigation not be disseminated until such time as the success of the over all investigation is fairly well established. However, this would not only prevent discretion being used to advise on any particular case during the investigation thereby jeopardizing a department's administration but could also result in a considerable back log of information on our files. The second suggestion is that the departments be advised that no action, even the transfer to non-sensitive positions, is to be taken against self-admitted homosexuals without the prior consent of the Security Panel.

The question also arises as to how best to handle information dealing with homosexuals employed in non-sensitive work. Because these people constitute an administrative problem to the department we are finding that under our present procedures when we notify a department that information is available which may have a bearing on the persons' security status the department usually asks to be given the information even in those cases where access to classified material is not involved. In keeping with our previously expressed views on the danger involved through this character weakness, we believe that the department should be provided with the information with the proviso that no action is to be taken without authority from the Security Panel.

A quorum of the Security Panel met on June 24, 1960 to discuss the memorandum prepared by the R.C.M.P. entitled "Homosexuality Within the Federal Government Service". At this meeting the Commissioner requested more explicit guidance from the government as to the manner in which investigations were to be made concerning homosexuality, the extent of these investigations, and the means and timing of informing the departments concerned. He further stated that it was not the intention nor the desire of the RCMP Police to withhold information relevant to the security of the Departments and agencies concerned even though he felt the investigations could be conducted more effectively if employing departments were not aware of them. A great deal of discussion ensued but no clear cut policy was formulated regarding the dissemination of our adverse information to the department concerned. Since the above mentioned meeting several meetings of the Security Panel have been held to discuss this subject but at the present time no broader terms of reference or clear directives have been formulated by the Security Panel to give guidance to the Force in this investigation.

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Without any clear cut directives from the Security Panel on the dissemination of adverse information dealing with homosexuality it was necessary for the members in "A" Branch responsible for this particular phase of the work to formulate their own policy. As a result the following basic policy was instituted, however, depending on the circumstances other approaches are sometimes used. If we have previously cleared a person or we are certain he is in a sensitive position we feel that we are almost duty bound to acquaint the respective department with the additional information. If we have not previously cleared the person we write to the department concerned requesting them to advise us if the person has access to highly classified material. If they reply in the affirmative the information is forwarded to them with the condition that no action be taken against the person without the prior consent of the Security Panel. This last condition is appended so that there will be no indiscriminate firings or transfers to non-sensitive positions of employees by security officers which might endanger the success of our overall investigation.

The particular problem involved arises from the manner our term "high classified" is interpreted by the different security officers. Under our present method we try to place the onus as to whether or not the information should be disseminated on the individual security officers. As a result each security officer is particularly anxious to receive the information available and we are the recipients of numerous vaguely phrased replies which do nothing to answer our question as to whether the person has access to highly classified material. As a result we are again placed in the unfortunate position of having to make a decision which under normal circumstances we would not have to make. If we forward the information we may endanger the future of our whole investigation to some extent, while if we do not forward the information after receiving the letter from the

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department we are infringing on the basic rights and authority of the security officers and placing ourselves in the position of a deciding body which was not what we were intended to be.

I might also add at this time that by acquainting the security officer with the fact that we do hold adverse character information on a person we felt that this would certainly act as a deterrent to their placing this person's name up for advancement to a more highly classified position even though they were not in receipt of the actual adverse character information.

To sum up our problem I feel that it is unfair that the onus regarding the dissemination of adverse information should be placed on the R.C.M.P. As a result we are fulfilling not only our original function of a fact finding agency but also the duties of an arbitrator who decides if and when the information should be disseminated. It is not the function of the Force as described by Security Panel Directives to act as both judge and jury in matters dealing with security.

To alleviate the present difficulty we find ourselves involved in, I would suggest that any of the following procedures or a combination of them would help somewhat to rectify the situation.

(1) If it is felt that we must not disseminate information on persons employed by the government in non-sensitive positions and disseminate it only if a person is employed in a highly classified position as we are presently trying to do, I feel that the security officers in all government departments or agencies must be instructed that the term "highly classified" as presently used refers to those persons cleared to "Top Secret" and beyond and when replying to our letter that this fact be borne in mind.

(2) The creation of some form of inter-departmental committee to which all adverse character reports would be forwarded. They in turn would discuss the individual merits of each case and would be responsible as to whether or not the adverse information is disseminated to the department concerned. The formation of such a committee would take the onus from the R.C.M.P. as it exists presently.

(3) Utilize the good offices of the Security Panel as we are now doing but on a broader base to encompass all adverse character reports. As previously stated we are presently using the Security Panel to prevent the wholesale firing or transferring of persons who are the subject of adverse character reports so as not to endanger the overall aspects of our investigation. The Security Panel would in this way then be responsible for deciding who should or who should not receive our adverse character reports.

I fully realize that if either (2) or (3) were ever to be implemented it would only be accomplished after a considerable amount of time had elapsed and by then we may have received more concise directives regarding this investigation from the Security Panel. In the meantime I would suggest that a letter be prepared to all Security Officers explaining to them that unless the person has access to either Top Secret or higher information he cannot be classed as having access to highly classified material and therefore does not fall within the category where we can disseminate the information to them at this particular time. If this does not appear feasible I can only suggest that we disseminate our information to the department on receipt of a letter from the Security Officer stating that the person does have access. In this way the onus of making the decision would rest with the individual security officer and not with us. If neither of these

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suggestions are considered suitable I would suggest that as a last resort we would continue to disseminate information on the same basis as is presently being done where the onus for the decision rests with us and each individual case is received on its own merits. This would only be in anticipation of an early decision by the Security Panel which should lead to the formulation of more explicit instructions regarding the dissemination of adverse information.

*The original copy of this Draft was
given to Insp. Banette*

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