



ICSI

POLICE AND SECURITY PLANNING
AND ANALYSIS GROUP

CENTRE DE PLANIFICATION ET
D'ANALYSE DE LA POLICE ET DE LA SÉCURITÉ

April 19, 1977

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VU PAR
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M E M O R A N D U M

TO: Deputy Solicitor General *JA / LS*
FROM: Director, Security Policy, (Police & Security)
SUBJECT: DSG BRIEFING NOTES: IAC AGENDA ITEMS FOR ICSI 21 APRIL 77

ITEM 1

Doc 1: "Homosexuality, The Public Service and National Security"
Doc 2: "Homosexuality in Relation to Employment (Draft)"

These two support documents to Item I were prepared by the Security and Intelligence Secretariat of the PCO as base papers from which to derive policy concerning homosexuality (male and female) in relation to the question of maintenance of National Security and, in terms of general employment of homosexuals in the Public Service. The question of homosexuality, both generally and in this specific context, is one on which several members of the ICSI (RCMP and DND) have strong views. The question is also one which admits no easy answer.

The focus of the question at this time lays, to a great extent, in the pressure being placed on the Minister of Justice, by the Gay movements and other pressure and interest groups, to include provisions in Bill C-25 which would make sexual discrimination illegal. This proscription would extend to include homosexuals. The point you may wish to consider here is that although the Minister of Justice is under great pressure it should not be assumed that his personal or general inclination is to accede to such demands. Rather, the ICSI should reflect on their ability to provide to Mr. Basford and his officials sound arguments as to why he should not bend or agree to these demands. In other words, no final decision has been taken and, depending on the strength of their arguments the ICSI should assume it can sway the outcome.

There are two basic issues involved. Firstly, the right of homosexuals to obtain employment and derive their livelihood through public service. Secondly, similar rights for homosexuals when such employment involves or requires access or participation in the National Security process.

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In respect of the first case PSPB is of the opinion that, with selective exceptions, homosexuals can be employed in the Public Service without detriment to the Government as a whole. To this end, the second of the noted documents, intended for use by Deputy Heads on request, lays out guidelines for such service. It should be remembered however that at the present time no proscription (in CD 35 or elsewhere) exists which prevents such public service by homosexuals. That being the case, it might be advisable to consider the need or the value of enshrining in legislation the right of homosexuals, either explicitly or by inference, to such employment.

The second case, that of homosexuals and National Security, is far more difficult. In their main support document on homosexuality and National Security, which draws together major research conclusions on this subject made by various experts and government commissions (British), the PCO make it clear that there is not, nor is there likely to be, a resolution to the question of whether homosexuality is a medico-legal deviate problem or, whether it is a natural human condition. In the face of this dilemma a half-solution, which PSPB finds unacceptable, is offered. You will be asked to consider whether, in view of the inability to answer this dilemma, a solution which would explicitly allow homosexuals access to Restricted and Confidential but not Secret and Top Secret levels is unacceptable to you.

This proposal is unacceptable to PSPB for several reasons. First, no explicit denial of access to the National Security process for homosexuals now exists. As noted above, the ICSI might reflect on the need to enshrine such right to access in legislation. Second, while no resolution of the status of homosexuality seems possible, the authors of the proposal implicitly admit that homosexuality is indeed a question affecting an individual's reliability. That is to say, while the authors of the document are willing to allow homosexuals access to Restricted and Confidential categories of classified information they are not sufficiently sure of the reliability factor of homosexuals sufficient to allow such people access to Secret or Top Secret levels. Faced with this quandary a half solution is proposed which satisfies neither the State nor, in any likelihood, the affected individuals. This resolution is not a compromise, it is indeed a non-solution which is explicitly discriminatory. Moreover, quite apart from individual considerations, administrative requirements demand a firm decision as to whether homosexuality is or is not a serious problem affecting a person's reliability. If it is not, then full access should be allowed. If it is then no access should be allowed. It is not possible to be half-reliable.

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Half-measures such as those proposed run counter to the security community's belief that homosexuals by virtue of their condition are not reliable in terms of National Security requirements and therefore should be denied access absolutely. In this case, it is the question of the rights of the State over those of the individual. And moreover, of making a judgement on the group based on an appreciation of the individual. Though the Security Service and our Allies state that the specific risk of giving access to homosexuals can only be resolved on a case by case basis, they do point out that homosexuals are prime targets of hostile intelligence services, that they are marked out for exploitation and, when identified either at home or abroad will, when possible, be blackmailed or coerced to commit treason. That is the fact of espionage and subversion as it exists. PSPB feel therefore that to protect the State as well as the individual the value of homosexuals to groups hostile to Canada should be reduced by forbidding them access to State secrets.

Generally, similar arguments hold true with respect to employment of homosexuals in selected areas of government service, ie rotational service abroad in such departments as External Affairs or with RCMP, Canadian Armed Forces, Penitentiary Service or youth programs. In the case of External Affairs foreign service makes homosexuals more likely to blackmail or coercion or, indeed subject to criminal charges in countries where private acts between consenting adults are illegal. In respect of the police-military environment, the responsible departments and agencies have made it clear that under no circumstances will they allow employment to homosexuals.

In view of the foregoing you may wish to consider whether, apart from general agreement that homosexuals should be employed in the Public Service,

- a) it is advisable to identify such a right in legislation
- b) homosexuals should be allowed, in terms of the proposed employment guidelines, any degree of access whatsoever to classified national security information
- c) it is necessary or advisable to explicitly define the specific areas of government from which homosexuals will be denied accepting that affected organizations will not, in any case, allow such employment.

Item 2

Document: "Intelligence Advisory Committee, Review of 1976 And Forecast for 1977"

Comprehensive summary of Communications Security Establishment activity. No comment, acceptable to PSPB as is.

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Item 3

- Document 1: D.W. Hall, 6 April 1977, Memorandum to ICSI, Security Clearance Procedures and 'Client-Personal Data'
- Document 2: A.E. Gottlieb letter, 11 Feb. 77, to R.G. Robertson
- Document 3: R.E. Robertson letter, 1 March 77, to A.E. Gottlieb.

In his letter of 11 Feb 1977, Mr. Gottlieb asks for agreement that 'Client personal data' handled following the amalgamation of M&I and the UIC not require the national security information designation Confidential. In his letter of 1 March 1977 Mr. Robertson noted his agreement and a suggestion that the matter be raised at ICSI. Mr. Hall supports Mr. Robertson's response to the Deputy Minister, Manpower & Immigration.

PSPB agrees with the suggested exclusion of this information from the Confidential category. You will recall that PSPB is currently drafting a document on information classification for eventual consideration by Cabinet.

I would be pleased to provide you with any additional information on these subjects at your convenience.

Owen Davey

Owen Davey
Director, Security Policy
(Police & Security)

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