



Royal Canadian Mounted Police Gendarmerie royale du Canada

CONFIDENTIAL

Your file Votre référence

October 4, 1982

Our file Notre référence

IP 371-9

The Honourable Bob Kaplan, P.C., M.P.,
Solicitor General of Canada,
Sir Wilfrid Laurier Building,
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Dear Mr. Kaplan:

In your letter of June 8, 1982 you asked for my advice concerning the continuing problem of the assessment of homosexuality as a factor in the security clearance program carried out by the Security Service under the authority of Cabinet Directive 35.

It is certainly a fact that since the decriminalization of homosexuality, a great many homosexuals have adopted an openness that makes it unlikely they could be blackmailed or coerced into committing a disloyal act on the basis of their homosexuality alone. The recent Commission of Inquiry in the United Kingdom headed by Lord Diplock recognized this fact but went on to note that in some circumstances homosexuality was still rightfully a matter of concern in the context of national security.

Specifically the Commission recommended, and the government of the U.K. has apparently accepted that in the Home Civil Service, male homosexual inclinations or relationships should not necessarily be treated as an absolute bar to a positive vetting clearance, but should be dealt with on a case by case basis, paying particular attention to whether the way in which the individual has indulged his homosexual tendencies casts any doubt upon his discretion or reliability. It was noted this position should not apply to the Diplomatic Service, to the holders of other positive vetting posts involving service outside Great Britain, or to the Armed Forces (in which homosexual acts remain a disciplinary offence). I am unable to explain why the British Commission made reference only to male homosexuality in their report while in Canada any such discussion would without a doubt take both sexes into account.

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Director General Security Service Directeur général du Service de sécurité

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The comparable Canadian policy statement is found in paragraphs 5 and 6 of Cabinet Directive 35. Homosexuality is not specifically mentioned, but has over the years been considered to fall within the meaning of "illicit sexual behaviour" and, "other aspects of character". Consequently, persons upon whom we report homosexual suspicions may be barred from "access to classified information unless after careful consideration of the circumstances, including the value of their services, it is judged that the risk involved appears to be justified".

While perhaps not as clearly stated as in the United Kingdom, the policy of the Canadian government also seems to place as much emphasis on the circumstances as it does upon the fact of homosexuality. As such, it requires the RCMP, as the agency charged with investigating and reporting, to go beyond the simple identification of an individual as a homosexual and provide as full an appreciation as possible of how the subject comes to terms with his homosexuality. The Department, for its part, is required to consider the circumstances of employment in arriving at its decision.

I do not feel that in the past we have always sufficiently emphasized the circumstances of a person's homosexuality either in our investigations or in our reporting to departments. There consequently may be some justification in the criticism that we have tended to assume that all homosexuals constitute security risks.

We have, in the recent past, been taking steps to correct this by removing the historic distinction that has been made between homosexuality and the other traits of character identified in Cabinet Directive 35 as relevant to the judgement of reliability for reasons other than loyalty. We have done so cognizant of the operational disadvantages this course poses because we believe it to be the only proper course to follow consistent with the letter and the spirit of the Privacy Act and the Charter of Rights.

We have, for example, ceased the practice of collecting lists of homosexuals and have proposed limiting the collection and reporting of information on homosexuals who are not subject of a security clearance investigation. A second policy initiative has been in the area of the homosexual file category. As you know, we have proposed doing away with the [REDACTED] category entirely and the destruction of a number of files judged to have no relevance for national security. We are awaiting your decision concerning the destruction of the irrelevant files, and as of June 11, 1982 we no longer open files in the [REDACTED] category.

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In spite of a more dispassioned general view of homosexuality today there are some circumstances where such activity would be a factor relevant to national security. Such circumstances could involve persons who wish to remain discrete in their homosexual activity for fear of discovery or those who may be subject to overseas travel where such activity is in violation of statute. These circumstances would in my opinion make the refusing of employment to a person on the grounds of "sexual orientation" perfectly legitimate.

While I do not know that public concern in respect to how the government deals with homosexuality as a factor relevant to national security can be completely dispelled, I do feel a public statement might be helpful. You might wish to discuss with your colleagues the direction such a statement would take with particular emphasis on the following elements which I would suggest be included:

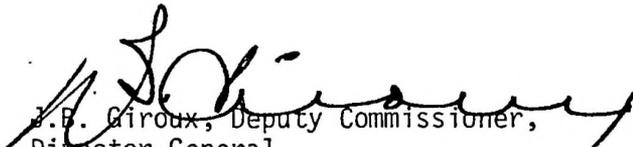
- (1) the government still considers homosexuality in some circumstances to be a trait of character which could lead to indiscretion or disloyalty.
- (2) As such, the RCMP is within its mandate in investigating and reporting suspicions of homosexuality where a person is an applicant for or the incumbent of a position in the Federal government requiring access to classified information.
- (3) In these cases, the RCMP is also required to report the full circumstances of how the person copes with his homosexuality and upon the basis of this report and in consideration of a range of factors the employing department will deal with each on a case by case basis.
- (4) The RCMP has no mandate for and does not investigate a person simply because he is a homosexual. To the extent the RCMP holds in its data bank information that a person is a homosexual, it must be and is collected directly as a result of a mandated investigation as required by Section 4 of the Privacy Act.
- (5) All files on homosexuals that do not relate to a matter of national security have been or are being destroyed.

(reliability)

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I look forward to further discussion of this question at your convenience.

Yours sincerely,


J. B. Giroux, Deputy Commissioner,
Director General.

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