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November 4, 1987

MEMORANDUM FOR GLEN SHORTLIFFE

From: Ray Protti, Assistant Secretary to the Cabinet  
(Social Development)

Meeting on Sexual Orientation in the Armed Forces

- ° The purpose of this note is to report on a meeting which I held yesterday with representatives of National Defence and Justice, to discuss a new administrative order on sexual orientation. I held the meeting at Ross Reid's suggestion, following an inconclusive meeting on the subject which he had last week with the Ministerial staff of Messrs. Hnatyshyn, Epp and Beatty.
- ° Before February 1987, the policy of the Armed Forces was to exclude all homosexuals from the Forces, and Members were obligated to report suspected homosexuals. This policy was expressed in an Canadian Forces Administrative Order (CFAO) which is still in force. Last February, Mr. Beatty indicated to the Standing Committee on Human Rights that the exclusion of homosexuals would now be based on conduct rather than on orientation alone. He also indicated it would no longer be necessary for Members to report on suspected homosexuals.



A CFAO based on Mr. Beatty's statement has been drafted, but in view of the sensitivity of the issue, the Chief of Defence Staff (CDS) has sought Mr. Beatty's approval.

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- ° We understand that Mr. Beatty spoke to the Prime Minister about this issue, and that he was told to seek Mr. Hnatyshyn's concurrence with the proposed CFAO. In a letter dated June 29, 1987,

[REDACTED]

- ° The original CFAO on sexual orientation has not been withdrawn, but the Forces are not enforcing it since it is not consistent with Mr. Beatty's February statement. However, since February, 24 individuals have been identified as having homosexual activities, and could be dismissed in accordance with the new policy. DND representatives at the meeting indicated that homosexuality was the sole ground for releasing these individuals. DND is therefore pressing for having a new CFAO reflecting Mr. Beatty's statement in place shortly, so that they can take action on these cases. The most pressing case involves an individual who has been removed from an instructor's position. The individual is fighting dismissal and seeking redress, and has been waiting for the CDS's decision for five months. (I discussed with you last night the fact that there was a precedent involving heterosexuals in similar circumstances that did not result in dismissal.) We understand that the case may be brought to the attention of the media.

### Conclusion

- ° The problem for DND is therefore twofold:

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- DND must deal with 24 homosexuals who have been identified after investigation and whose careers have been suspended pending a decision on their dismissal.

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- ° I indicated at the meeting that because the Government has already taken a position on equality issues, the question cannot be resolved by Mr. Beatty alone. We would therefore recommend that the matter be discussed at the Operations Committee on November 23. You may want to raise this issue at the PMO/DPMO/PCO planning meeting this afternoon.

L. Lafontaine/mj