

CLERK OF THE PRIVY COUNCIL AND
SECRETARY TO THE CABINETGREFFIER DU CONSEIL PRIVÉ ET
SECRÉTAIRE DU CABINET

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MAIMEMORANDUM FOR [REDACTED]RCMP Investigation of Homosexuals

You have asked whether there may be other potential issues similar to the RCMP investigation of homosexuals some twenty years ago. I have had a review done in CSIS, DND and the RCMP. The Communications Security Establishment has not carried out any such investigations.

Canadian Security Intelligence Agency

Since the passage of the CSIS Act in 1984 and the inception of CSIS, CSIS investigations have been strictly limited to security clearances and threats to the security of Canada as defined in the Act. (espionage, sabotage, foreign influenced activities, politically motivated violence, and subversion).

Investigation of homosexuality, or any other sexual orientation, would be unlawful unless the activity were somehow directly related to one of these threats or revealed in a security clearance investigation.

In a security clearance investigation, sexual orientation is not specifically investigated but, if revealed by any source, is considered as one of the factors in the decision regarding the loyalty and reliability of the individual. If the individual is unwilling or unable to be open about his or her sexual orientation, he or she would be vulnerable to blackmail, and a potential security risk.

All CSIS investigations are subject to review by the Inspector General and by the Security Intelligence Review Committee. In the case of security clearance denials, the individual is specifically told of his or her right to complain to SIRC. There have been no cases of clearance denial related only to homosexuality since 1984.

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Department of National Defence

The Canadian Forces Special Investigation Unit (SIU) continued to investigate homosexuality related to contravention of the Forces policy until August 1990. Between 1984 and 1990, there were approximately 300 such investigations, some related to members of the Forces who claimed homosexuality to avoid a period of obligatory service following free education. Allegations of homosexuality are still investigated within military units in relation to the current DND administrative policy, but not by police or security authorities.

Security clearances for DND are investigated by the SIU, using the same criteria as CSIS. Military members and civilian employees of DND have the same right of appeal to SIRC, if denied a clearance on any grounds. Since 1984, no one in DND has been denied a clearance based only on sexual conduct.

You may be aware of the case of [REDACTED] an SIU officer who was released from the Forces under the current homosexual policy. [REDACTED] Top Secret clearance was denied, not because of [REDACTED] homosexuality, but because [REDACTED] improperly accessed a classified report related to a friend and then told that friend about its contents. In the Chief of Defence Staff's view, that action provided a clear indication that [REDACTED] placed [REDACTED] loyalty to a friend ahead of [REDACTED] loyalty to the Forces and her duty.

Royal Canadian Mounted Police

Since 1984, the RCMP has only investigated sexual conduct or sexual behaviour related to specific criminal offences. The RCMP conducts its own security clearance investigations for members of the Force and RCMP civilian employees. The Force uses the same criteria as CSIS, and personnel have the same rights of appeal to SIRC, should a clearance be denied for any reason. Since 1984, no clearances have been denied solely on the basis of sexual orientation.

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