

Postwar Policy: The Rise and Fall of Psychiatry

The military itself imposed a framework on the positions could be argued and those thoughts which were best left unspoken. It is unwise to assume that arguments, as they were articulated, corresponded to the private sentiments of the officers charged with managing homosexual servicemen and women. There is evidence that some psychiatrists, for instance, were sympathetic to homosexuals who had become entangled in the web of military discipline and punishment. S/L Kershman, for instance, argued strenuously on behalf of several airman who had been imprisoned and now faced discharges for misconduct: "I cannot urge strongly enough that these men be discharged under KR(Air) 195(17) 'services no longer required', as I feel that they have been severely punished already for a medical illness which should have been handled as such instead of by the methods used."¹ His interventions on their behalf suggest a heartfelt compassion. However, during the war years, his defence was as far as an official was willing to push the envelope containing the policies on the disposition of homosexuals.

The issue had been raised at a conference on July 19, 1945 at Air Force Headquarters, where, the CAS reported, "it was recognized that homosexuality has both medical and social implications, and in view of the latter disciplinary action sometimes results." The CAS reported to S/L Kershman that it had been agreed "that cases disclosed initially to the Medical Branch should be dealt with according to medical findings and that no disciplinary action should be initiated." However, when discharges were the result

of servicemen having been discovered and prosecuted, no subsequent medical diagnosis could change the grounds of discharge.²

If homosexual men actually did commonly disclose their secret to doctors, there is no evidence of it in their medical records. In fact, the distinction was more generally between those against whom enough evidence had been collected to proceed to trial and those who were merely suspected. The police initiated the action in both cases. For instance, a special investigator's report in 1948 concerning two airmen shows how suspects could find themselves in a psychiatrist's office: "There would appear to be little doubt that both are homosexuals, in fact the Service Police at this unit have suspected as much for some time from their general physical characteristics and mannerisms, and from station rumours. Although there is no basis for a charge at this time, it is considered that these airmen should be examined by a Psychiatrist and discharged from the service, or at least posted from this unit."³

Moreover, the special investigators, while certainly more intrusive, aggressive and dangerous for their homosexual prey, used rationale consistent with the medical experts to justify their work. The investigator in charge of the above case stated: "On a unit of this nature a young airman who is 'borderline' could very easily be led into homosexuality by a confirmed homosexual." The DMS (Air) had similarly distinguished between sexually-adventurous youth and confirmed "perverts": "These youngsters are entitled to medical aid. They must be differentiated from the pervert who is a constitutionally psychopathic individual. The latter should be discharged as soon as identified ...".⁴

Investigations could have consequences that reached beyond the military. During the war, the military police developed relations with the civilian forces in order to streamline their operations. The postwar special investigators used those police networks to expand the surveillance of gay men throughout Canada. For instance, investigators looked through the personal effects of suspects for hints that they were homosexual. W/C R. Dennis reported to AFHQ that steps would be taken to investigate the civilian correspondents named in letters that had been discovered among the belongings of a suspected homosexual airman: “Should the results of such an examination reveal that these personnel possess homosexual tendencies they too will be discharged. Action is also being taken by this CHQ to bring to the attention of the Toronto City Police Department, through RCAF Station Toronto, the information regarding the civilian residents of that City named in [the report].”⁵

A/V/M Middleton wrote to CAS Headquarters about the conundrum that homosexuality presented for the morale of the troops: “This case first came to light in 10 Sep 48 and every effort has been made since that time to proceed with it to its present stage as expeditiously and as secretly as possible. However, this type of case makes excellent gossip material and the longer it takes to finalize, the more difficult it will be to keep the facts, both real and fictional, from spreading to the detriment of the RCAF.”⁶ In fact, the more secretive the military became about incidents of homosexuality in the ranks, the more gossip it generated. By hiding the facts, the Air Force shrouded homosexuality in mystery and made it increasingly taboo. It was dangerous and destroyed careers and reputations. Homosexual servicemen and women were driven

underground, and the military fostered a cottage industry of speculation on the sexual lives of comrades and the reasons for discharges.

The RCAF procedures poisoned the environment not only for the homosexual servicemembers, but for a great number of ‘innocent’ bystanders. In 1953, there were reports of “unsatisfactory conduct” among airwomen at a number of training units. The AOC in charge of Training ordered investigations to “eliminate an undesirable influence and improve the morale of the airwomen within his Command.” As the deputy minister of national defence later reported to the secretary of the treasury board, even the RCAF was concerned with the way that the investigation had been conducted: “The Security Branch was somewhat overzealous and undiplomatic in this instance... .” The hunt for lesbian women in the forces meant that even ‘decent’ airwomen had to suffer the indignities of interrogations and searches: “A number of the reports investigated were proved to be unfounded and the airwomen concerned were completely exonerated. However, although the method of investigation may have left something to be desired, information was obtained of a nature that warranted the release of 12 airwomen as admitted or suspected sex deviates.”⁷

The RCAF had ordered the investigation of the rumours in order to attain its goal of an exclusively heterosexual, and therefore ‘decent’, workforce. The AMP justified the investigation on the basis that “innocent women were being influenced, and the prestige and respect enjoyed by all airwomen of the RCAF was being jeopardized.” However, rather than comfort servicewomen that they were in good and decent company, secretly discharging lesbians from the service increased the level of speculation and gossip. The routine order entry which published the release of homosexuals cited only “unsatisfactory

conduct” as the reason for discharge.⁸ Because of this imprecision, one group commander explained to the CAS, “it is impossible to prevent a certain amount of conjecture on the part of other station personnel in almost every case of release of airwomen.”⁹ It is doubtful that his proposed resolution would have done much to quiet the rumours: “It is considered that somehow more secrecy should be attached to the release of airwomen regardless of the grounds for release, if discontent is to be avoided. The present system of publishing release information in DRO’s affects not only the person being released but also the acquaintances and friends of that person.”¹⁰

It is not surprising that the incident that triggered the review of the policy written during wartime involved servicewomen. Since their official entry into the man’s world of the military during the Second World War, servicewomen had been vulnerable to attacks on their moral character.¹¹ The Canadian military had been built by men, was responsible for controlled violence, and had defined manliness for generations in Canadian society.¹² Women had to live within that legacy and with the prevailing gendered constructions of military service. In the context of Kinsey’s 1953 publication into female sexual behaviour in North America, the sexuality of any woman who voluntarily assumed a male social role was grounds for speculation.¹³ Even secret investigations into lesbianism in the service could not be contained. While morale was not strengthened by the searches, the reputation of the RCAF and, in particular, its female members, suffered in the estimation of the broader Canadian society when suspicions about the kind of women who would join the quintessential male organisation were validated. The tabloid press can be a helpful gauge of social attitudes.¹⁴ In Toronto, *Flash* was one of several scandal sheets that regularly exposed corruption in high office. While disrespectful of all authority, it

was fundamentally conservative in outlook. Its reporting of the investigations reveals much about the gendered assumptions in Cold War Canada and the particular problem that women in the military would continue to face throughout the century.

Quoting letters from airwomen affected by the investigations, *Flash* framed the issue in terms of four interested parties. First, the most sympathetically treated were the young, pretty, innocent women who were being victimised by all of the other players. The second group was the military police who used heavy-handed tactics that had the effect of “blackening a girl’s name for the rest of her life.” Third were the actual lesbians who preyed on the innocent “girls”: “for this type of sex deviate life in barracks must seem an ideal haunt for trapping innocent girls.” Finally, *Flash* identified the source of the problem as the female officers who resented young “girls” who were more successfully feminine: “some of the women who become officers in the services are embittered people who use their rank and authority to work off unconscious grudges and perhaps sneakily retaliate against girls who are more popular and attractive than themselves. Given the green light by R.C.A.F. brass, these angular Amazons can – and apparently do – make life hell on earth for any girl who draws their spiteful attention through their innocent vivacity, good looks and youth.”¹⁵ In these constructions, *Flash* seems to draw upon stereotypes that were popularised in film noir and paperback novels during the period, often situated in female prisons.¹⁶ There is no evidence presented that would verify the physical or psychological characteristics of any of the people involved.

The need to protect youth from older sexual perverts was not new. As I have shown, during the war years it was a common concern. However, young women seemed to be more at risk than young men had been during wartime. “Girls” were described as

more vulnerable, innocent and in need of protection than young males. The corruption of “innocent vivacity, good looks and youth” was used to discredit RCAF society. The military was in a difficult position. If it secretly purged lesbians (and homosexual men) from its ranks, it fed gossip, discontent and a situation whereby the friends of anyone released for ‘unsatisfactory conduct’ could also be suspected. On the other hand, by openly discharging homosexuals, the military advertised the ‘corruption’ within its ranks, thereby compromising its public image. Under the wartime conditions of conscription, the forces could afford to periodically disgrace a serviceman (never a woman) for homosexual misconduct; but in peacetime conditions, they did want to draw such unfavourable attention to themselves. And, because lesbian activity could only be uncovered after extensive and intrusive investigations, the true victims of lesbian “witch hunts”¹⁷ were seen to be young, innocent heterosexual women. “Confirmed” lesbians, like homosexual men, were the ultimate source of the problem.

The wartime policy regarding the treatment of homosexuals had been under review since 1950, when DPA advised that the wartime policy was no longer appropriate for peacetime conditions.¹⁸ While women in the Navy and Army served only in the reserves at this time, the RCAF recruited them into the regular service. RCAF investigations into lesbiansim had been ongoing since 1950. Discharging male and female homosexuals for “unsatisfactory conduct” was itself seen as unsatisfactory. As the AMP wrote to JAG, “It is recognized that the conduct of all personnel, implicated in incidents involving sex deviates, may not be unsatisfactory, and policy instructions in this respect are being rewritten... .”¹⁹ The new policy was being rewritten in the context of the novelty of female homosexuals in the regular force, the notoriety resulting from police

investigations into sexuality, the fact that homosexuals were not necessarily bad servicemembers and changing notions of the dangers posed by homosexuals.

In its draft forms, the policy was re-organised around whether illicit behaviour was commonly known or not.²⁰ It proposed that where there was evidence of homosexual activity, “but the facts are not generally known to personnel at the unit”, that the CO was to make a report of all the facts and that AFHQ would decide whether to retain or release the subjects. In the margins of the draft, the DMS asked, “Shall we retain proven offenders particularly where we have so many children on our stations.”²¹ Arguments and observations propounded by the personnel, police and medical officers were rooted in particular constructs of homosexuality. Although the policy was meant to cover both men and women, the officers consistently defaulted to their understanding of male homosexuals. The notion of the sexual psychopath – male, homosexual, and a child molestor – was gaining currency in the early years of the Cold War Canada. In insisting on the release of homosexuals, the DMS saw himself as protecting the children on military bases. Where lesbians were concerned, he advised that “it must be detailed somewhere that the whole thing is not to be handled entirely by male service police.”²²

While personnel officers wanted to release homosexuals quietly and doctors wanted to protect children from ‘molesters’ and women from male investigators, the military police saw the policy proposal as effectively condoning proven homosexual offences by merely discharging criminals. The DAFS chided DPA: “Your draft policy letter appears to create a situation where the publicity attached to a homosexual act decides whether it is culpable. To institute disciplinary proceedings against only those personnel who

commit homosexual acts accompanied by wide publicity creates a situation where what is sauce for the goose is not equally sauce for the gander.”²³

The CAS asked that the issue be referred to the RCAF’s Consultant in Neuropsychiatry for advice. Doctor Adamson of the Winnipeg Clinic had been instrumental in developing the wartime policy and had continued to advise the RCAF in peacetime. He echoed the principles that had been the basis of the 1944 policy, implicitly arguing that not all homosexual acts should be seen as criminal and that psychiatrists should be the ultimate judge of culpability. In fact, his language was remarkably similar to that which had informed the 1944 policy: “The individual cases range all the way from the confirmed, aggressive, deliberate, active homosexual who often has no desire for treatment or any process which would alter his needs, to the immature individual who is led without realization to abnormal practices and who is detected either alone or in association with an aggressive, confirmed pervert; therefore, I feel that the psychiatrist should play a greater part in elucidating these situations”²⁴ However, the introduction of women into the debate complicated further the issue of whether to prosecute or release proven homosexuals. The discussion assumed male subjects and male homosexual stereotypes. For instance, A/C Corbet, DMS, noticed: “With males homosexuality is a criminal offence; in the case of females it is not and there is no punishment whatever under Civil Law for lesbianism. Consequently, this will logically preclude severe disciplinary action on the part of the Service of female offenders.”²⁵ In a service which included men and women, it would not be possible to write a policy based on the universality of service.

The order that resulted from these discussions was finally published in 1956. It was divided into three sections: one that described the problem in general terms and then a section for “Homosexual Acts by Women” and another for “Homosexual and Grossly Indecent Acts of a Criminal Nature by Male Personnel.” It had expanded greatly since wartime, a sign of the increasing social concern of the homosexual menace during the Cold War. It was filed under “Medical Services – Mental Disorders,” which reflected how the psychiatrists had asserted themselves as the authorities on the problem. Nevertheless, the police influence was evident throughout the details of the order. First, it effectively increased the service police force by making everyone in the Air Force responsible for reporting any homosexual act to his or her CO immediately. All those convicted would continue to be released for “unsatisfactory conduct”, a clause that took discretionary power away from court-martial boards. Everyone diagnosed by a medical board was to be released “for reasons other than misconduct, inefficiency or medical unfitness.” Once released, homosexual men and women were to be referred for “counselling and rehabilitation” by accredited social welfare workers. At the same time, local civil police and welfare authorities were to be advised by AFHQ. Thus, once marked as homosexual, the state maintained (at least in principle) a pervasive surveillance on both the body and the soul of the subject through an increasingly complex and state-run social welfare system. Medical officers were responsible for investigating women suspected of homosexuality, whereas security officers (acting under the direction of a doctor – a major irritant to military police) were to investigate men. Female suspects were to be treated “in such a manner that the alleged offender will be caused the minimum embarrassment.” No such direction was stipulated in the case of men.

Procedures for both male and female suspects addressed how to handle the juveniles that it was anticipated would be involved in homosexual cases, notwithstanding the fact that the investigations had seldom encountered the problem.²⁶

The 1956 policy is a reflection of the tensions that ordered the issue of homosexuality in both the Canadian and American forces at the time. It tried to balance the presumed negative influence of homosexuals on morale, the value to the service of some homosexually-active persons and the problem of discrediting the RCAF with unfavourable publicity. The main struggle was for the control of the problem of sexual deviance among the administration, commanding officers, medicine and service police. However, while all of those groups attempted to maximize their relative position, it is unlikely that any would have been happy with total control over homosexual servicemembers. The police needed psychiatrists to get rid of suspects that had not given up enough evidence to warrant prosecution. The doctors did not want to help all homosexuals for the very reason that most homosexuals were not interested in their help. [interviews] Personnel officers needed both the doctors and police to point out the problem cases. Since reports of suspected homosexual activity were first reported to the commanding officer, he or she was in the best position to decide whether or not to pursue the matter. The presence of women and the fact that only male homosexuality was a crime meant that they would have to be treated differently. It was further stipulated that no service charges were to be proffered against homosexual women, i.e., “conduct to the prejudice of good order and military discipline.”

It is easy to notice, from a historical perspective, that the one interested party that had no voice in the policy debates was homosexual men and women. The

characterisations of sexual “perverts” that were offered by police and doctors were based on defamatory stereotypes. However, if the forces had studied their own extensive records from the Second World War, they would have found that homosexual men had not been a problem for cohesion and that even where it was seen as a serious breach of decency and masculinity, many comrades learned to look beyond it in judging the worth of their colleagues. Court-martial proceedings would have shown that, not only comrades, but commanding officers commonly offered very favourable evidence as character witnesses at trials for those “crimed” for homosexual offences.

Medical officers had considerable control over the “disposal” of proven and suspected homosexuals as a result of the 1956 order. A year later, an item submitted for discussion at the Medical Services Conference in Ottawa drew attention to the problems attached to the doctors’ role: “Entirely aside from the legal aspect of labeling [an individual who has not been convicted] with this diagnosis, the possibility of repercussions against the air force in general and the MO in particular in a case of unproven homosexuality are formidable.” While this concern seems to have been motivated by the vulnerability of both individual medical offices and the institution to legal challenges, it also may have drawn attention to the homosexual people who were being most affected by the policies. At the same time, some medical officers were no more comfortable than the military police with the procedure of releasing men and women who had not been convicted and yet had admitted to committing homosexual acts. The doctors understood the serious repercussions that followed for individuals labeled homosexual. As a body, they did not challenge those effects, but wanted to ensure that only the ‘guilty’ were punished. Some doctors felt that to release such men and

women ““for reasons other than misconduct, inefficiency, of medical unfitness’, does not represent the true condition of affairs in the admitted case of homosexuality.”²⁷ The DGMS advised the members at the conference that two new orders were under consideration which would, in fact, further “diminish the emphasis on the criminal nature of homosexual acts and the necessity for disciplinary action.” In relation to the legal issue, it was advised that a specialist in psychiatry would be required to confirm the diagnosis and the responsibility for approval would rest with the DGMS(Air). The general discussion at the conference focused on the “problem of substantiating a diagnosis of homosexuality” and how to handle admitted and suspected cases.²⁸

The discussion at the Medical Conference highlights the catch 22 circumstances facing homosexual servicemembers. The way to avoid disciplinary action was to disclose the truth of one’s sexual deviance to the medical officer. However, the orders stipulated that such admitted homosexuals would no longer be retained in the service.²⁹ Furthermore, once discharged from the forces, a homosexual would be under the gaze of the police and welfare officers to ensure that neither he nor she succumb to their presumed predilection for children. So, to ‘confess’ one’s secret meant discharge and a life under the watchful eye of the suspicious state. However, once suspected, both men and women faced the indignity of aggressive interrogations, prison terms (for men) and discharge.

The policy continued to evolve over the next decade. It was modified slightly in 1959 to diminish the role of disciplinary action against men in favour of releases. It was again stipulated that women were to face no service charges and were to be treated respectfully.³⁰ In 1963, the differences between the handling of male (criminal) and

female (non-criminal) homosexuals was again questioned. By 1962, the policy allowed the COs to use their discretion in choosing agencies to investigate legitimate information. G/C Manson of DPA felt that the Special Investigation Units (SIU), would be most effective in uncovering female homosexuals. He wrote: "Recent reports indicate that there is an increase in homosexual activity with respect to airwomen personnel in the RCAF. It is considered that investigation of this activity would most appropriately be conducted by SIUs, in that they have trained personnel available and channels of communication between each other."³¹ Thus, by 1963, women were again being singled out for special consideration, but this time it was not the deferential treatment that had been recommended in the previous decade, but the heavier hand of the SIU investigators. In the end, the policy that was devised by 1964 reversed the postwar trend that had seen the increase in psychiatrists' influence and handed investigations, for both men and women, back to the special investigators.

In 1967, the Canadian Forces came into being as a result of the integration of the command structures of the three services and the unification of all ranks into a single body. The separate regulations in force in the army, navy and air force were consolidated. All personnel were henceforth subject to Canadian Forces Administrative Order (CFAO) 19-20, Sexual Deviation – Investigation, Medical Examination and Disposal.³² As justice minister, Pierre Trudeau oversaw the introduction of legislation that liberalised various laws relating to sexuality. "The bill called for the lifting of sanctions against buggery and gross indecency for private acts between consenting adults of twenty-one and older."³³ The bill became law in August of 1969. As a result, the military was no longer in step with civilian codes of criminal behaviour.

Homosexuals Fight Back

Major social and political transformation in the 1950s and 60s fundamentally altered the relationship between homosexual servicemembers and the the armed forces of both Canada and the United States. The success of civil rights movements in both countries broadly challenged authoritative structures in areas of the economy, social policies and government personnel practices. As major employers in both countries, the armed forces became targets of political campaigns for equality. Moreover, since opposition to the war in Vietnam had been one of the primary catalysts for political activism, military authority was challenged by increasing numbers of people. The social role of ‘the expert’ had been displaced by ‘subjects’ who insisted on defining their own lives. Nowhere was that shift more evident than in the relationship between homosexuals and the medical profession.

Since the psychiatric profession had been the source of much misery for gay and lesbian people in the postwar period, it was targeted by the gay liberation movement in the 1970s.³⁴ In 1972, the movement successfully lobbied the American Psychiatric Association (APA) to remove ‘homosexuality’ as a category of mental disorder from its subsequent DMSs. As demonstrated above, psychiatrists had played central roles within the militaries in both Canada and the United States in disseminating ‘expert knowledge’ about the nature of homosexuals and homosexuality. While the legacy of psychiatric constructions of homosexuals as diseased persons and child molesters would continue to inform stereotypes and order social relationships after 1972, the APA conceded that they

had been based on prejudice, not science. While psychiatrists had lost ground to investigative and administrative interests in the Canadian military throughout the 1960s, the about-face by the medical profession regarding homosexuality may have influenced amendments to CFAO 19-20 in 1976. Prior to that date, the order had read that “service policy does not allow the retention of sexual deviates in the Forces.” In 1976, it was altered to stipulate that “service policy does not allow homosexual members or members with sexual abnormality to be retained in the CF.” As David Garmaise of the National Gay Rights Coalition (NGRC) perceptively noted at the time: “The armed forces probably foresaw that it would someday have trouble proving that homosexuality was a sexual deviance, so it decided it had better specifically include gays in the regulation.”³⁵

Gay men and lesbians had found a public voice and began to define themselves in the culture and, especially, to expose prejudicial and stereotypical characterisations of homosexuals. The movement was led by activists who had traded the security of the closet for the chance to fight social oppression. In the 1970s, the struggle was based on expunging social, judicial and medical sources of sexual oppression and achieving basic human rights for homosexuals. The movement focused on having sexual orientation included in Human Rights legislation that was being passed at both provincial and federal levels.³⁶ However, in the 1970s, it was not easy to find individual gay men and lesbians who would come forward to describe the mistreatment they had experienced in order to demonstrate the need for such protection. However, the constant releases of homosexual servicemen and women from the armed forces under CFAO 19-20 provided activists with human stories to accompany their political demands. In the course of briefs presented to MPs on the Canadian Human Rights Act, the NGRC publicised the 1974 expulsion of

Private Martin Hogarth from the army. In 1977, Private Barbara Thornborrow was undergoing an SIU investigation at an opportune moment for the gay liberation movement. Her case illustrates the changes that were taking place in the 1970s that would finally undermine the military's policy.

On May 9, Private Thornborrow was called into the office of a sergeant with the SIU and a military policewoman. She was told that she was being questioned for reasons of national security and confronted her with allegations of homosexual activity. They then searched her room, confiscating belongings that could be used against her. When she admitted that she was lesbian, the investigators told her that she could either agree to psychiatric counselling or sign a document confirming that she was a lesbian, which would lead to her release. Instead of doing either, she sought help from two local gay groups, Gays of Ottawa and Lesbians of Ottawa Now. Toronto's young gay newspaper, *The Body Politic*, reported: "Barbara was told there probably wasn't any way for her to keep her job in the service, but she could try to help the situation of Lesbians and Gay men by publicizing her case. She agreed." The Standing Committee on Justice and Legal Affairs was at that time reviewing the Canadian Human Rights Act and was expected to vote on an amendment that would add sexual orientation to the prohibited grounds for discrimination the following evening. Private Thornborrow's story was used by the activists to draw attention to the need for such protection from employers such as the military.³⁷

The military was prodded into responding after the *Ottawa Citizen* published Private Thornborrow's story on the front page. Defence spokesmen said that "homosexuals are asked to leave for their own safety because they are susceptible to

blackmail.” Thornborrow countered that argument: ““That’s ridiculous . . . If I’m open about it, how can I be blackmailed.””[ibid.] The following day, the military argued that she had asked to leave the forces and had been granted permission before it was discovered she was a lesbian.³⁸ Although Thornborrow had not been advised that her release had been approved at the time of the investigation, the military’s statement seemed to suggest that the reason for her release was academic.³⁹ However, nothing in the Army’s assertion addressed the real issue of the harassment of homosexual servicemembers. A defence department spokesman told the *Globe and Mail* that “homosexuals are discharged because their presence in such confined quarters as barracks and ships could lead to conflicts of interpersonal relationships that could affect morale and efficiency. He said they are also asked to leave because they are susceptible to blackmail.”⁴⁰

The CF found themselves in a new era and they were not prepared for homosexuals who fought back and could arouse a measure of public sympathy. Many reporters were well-informed on issues pertaining to human rights legislation and distrusted the military on the issue.⁴¹ Stories in the mainstream press were generally sympathetic to homosexual servicemembers who had been mistreated by the military. The emerging gay press saw the CF, with good cause, as an enemy that harassed homosexuals and perpetuated prejudice and stereotypes. There was a randomness to the rationale for the exclusion of homosexuals that military spokespersons propounded. Gay and straight readers could easily have suspected that the CF seemed to have too many reasons for discharging homosexuals. For gay readers, the military epitomised the hypocrisy with which they lived every day in a heterocentric world. The two pillars of the military’s position seemed

suspiciously designed to cover all possible cases. Those who remained in the closet were security threats since they could be blackmailed by foreign agents. However, those who were open about their homosexuality, as Barbara Thornborrow had been since her teenage years, were a threat to unit cohesion. Consequently, homosexual servicemen and women could not hide their sexual orientation and could not disclose it. When the eight-year career of Master Corporal Gloria Cameron came to an end because she was a lesbian, she tried to appeal her discharge. General Dextrase, CDS, wrote to her that the “presence of homosexuals in confined quarters such as barracks and ships might lead to problems affecting morale and efficiency.” Cameron said, “They feel we may impose ourselves on other members who are not gay ... If I went around imposing myself on other non-gay members I would have been put out of the forces long ago.” Like an increasing number of the victims of the SIU investigations, she wanted “to put pressure on the federal government through group action to amend proposed human rights legislation to prevent discrimination against homosexuals.”⁴²

The issue of homosexuals in the military was closely tied in the public discourse to expanding the roles for servicewomen to include combat. In that way, ‘homosexual’ was understood to mean the gay *male* soldier; ‘women’ in the military were left unmarked by sexual orientation and, therefore, presumed to be heterosexual. In 1983, Vice-Admiral James Fulton, Commander of Maritime Command, said, in reference to women, “I’m sure they can do the job. That is not the issue. But I do not want them on ships for the same reason I do not want homosexuals. ... There is no room for intimate relations on a warship. There can only be one occupation and that is the work at hand.”⁴³ However, most press coverage was given to the periodic purges of lesbians from the services. Since

the military claimed to keep no records on the number of homosexuals released, it is difficult to determine if women were targeted more than men for their sexual orientation by the Special Investigation Unit.⁴⁴ It is possible that the media preferred to report stories of lesbians mistreated by the service in the way that the tabloid press had sensationalised the issue in the 1950s. Alternatively, gay men may have been less inclined than women to come forward to discuss such releases; military men may have been more ashamed at being marked as homosexual in the man's world of the military. Or, if women were indeed released more frequently than men for homosexuality, it may have been because there were, per capita, more lesbians than gay men in the service. Since the upper echelons were not happy with the incursions women were making into the services, searching for lesbians may have been a way of purging the forces of the female element that they thought was most likely to assume the male role of combat.⁴⁵

In 1980, the Liberal government's proposed Charter of Rights and Freedoms was being hammered out in committee. Svend Robinson, a gay MP on the Special Joint Committee of the Senate and the House of Commons worked to have sexual orientation added to section 15 as a prohibited grounds of discrimination. While he was unsuccessful, he did manage to ensure that the wording of Section 15, which was to come into effect on April 17, 1985, could be interpreted to include sexual orientation: "that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination."⁴⁶ At that time, the CF asked the all-party Sub-committee on Equality Rights if the section applied to homosexuals. Deputy judge-advocate Waterfield told the Committee that "if it is determined the Charter prohibits discrimination on the basis of sexual orientation, it is uncertain whether defence

policies could still be upheld.” Since the first section of the Charter stipulates that all rights are subject to “reasonable limitations that must be demonstrably justified in a democratic society”, the CF set about determining how it could argue for the need for exclusion.⁴⁷ In a position paper leaked to an Ottawa newspaper in May, 1985, the upper echelons of the military made clear that they would oppose any attempt to open the forces to homosexuals or combat positions for women.⁴⁸

On October 25, 1985, the Commons Subcommittee on Equality Rights tabled its recommendation that the Canadian Human Rights Act be amended to include sexual orientation and that the RCMP and the armed forces be required to comply with that amendment.. The CF, the *Body Politic* reported, would try to take advantage of the clause that made “military compliance conditional on the Forces’ ability to remain ‘operationally effective,’ something which, according to the generals and admirals, only they could properly evaluate.”⁴⁹ However, the justice department made it clear that it would not allow the armed forces to escape the recommendations. [On the cool reception of the military to the ruling, see *Globe and Mail* “Rule bars bias against homosexuals” 1986/03/05, page A4]

Nevertheless, the CF had considerable support for its exclusionary policies. Many Conservative and some Liberal MPs argued that they would oppose homosexuals in the CF.⁵⁰ Justice Minister John Crosbie accepted in principle the Committee’s recommendations in a speech in the House of Commons.⁵¹ Later that month, Crosbie was put on the defensive by angry delegates at the Conservative convention. Opponents of homosexual rights had considerable support within the party at all levels and across the country. The *Globe and Mail* reported that one delegate from the Fraser Valley “was

applauded when he said homosexuality is an abnormal ‘hormonal problem’ and homosexuals should not be recognized in law as a group requiring constitutional protection against discrimination.” A female delegate from Toronto said the Government’s policy “seemed to be giving homosexuals ‘a licence to recruit’ young people.” Another delegate claimed, “I don’t want my 10-month-old child to learn in school that homosexuality is okay.” It was imagined that protecting homosexual people meant sacrificing the nation’s children, all presumed to be heterosexual. The constructions of gay men as child molesters and lesbians as corrupters of youth that had been propagated for decades by state and professional authorities were now impediments to political progress, necessitated by the courts. Conservative politicians did not want to be associated with the cause of homosexual rights and yet were aware that they could not be seen to promote discrimination. In defending his government for accepting the progressive recommendations of the Sub-Committee, John Crosbie apologised to his constituency, affirming, “We don’t approve of homosexuality. This isn’t a sign of approval.”⁵²

Military groups continued to present evidence that homosexuals were incompatible with military service. The armed forces’ Charter Task Force had studied the issue throughout 1986 and released its recommendations in December. It concluded that the “over-all effect of the acceptance of homosexuals in the CF would be a serious decrease in operational effectiveness.”⁵³ Significantly, Defence Minister Perrin Beatty refused to comment on the recommendations, saying that it would be up to cabinet to make the final decision.⁵⁴

Beatty tabled the report in the House of Commons in February of 1987. On top of the argument that “operational effectiveness” would suffer were homosexuals to be allowed to serve, he accepted the senior officers’ concerns over modesty in the CF. The report said that, were homosexuals to be allowed to serve, “four set of accommodations and hygiene would appear to be a prerequisite for the employment of homosexuals in the Canadian Forces, ... The exceptional impact on personal privacy results in the presence of homosexuals being highly disruptive on armed forces.” However, as a result of an anonymous survey, the same report estimated that “up to” five percent of the Forces’ 85,520 regulars were homosexual. How the CF was managing the disruptions that that element should have been already causing was unaddressed. The senior officers qualified the percent of homosexual servicemembers as probably an over-estimation. However, it would seem more likely that, even in an anonymous survey, people would have been reticent to acknowledge their homosexual orientation. Beatty told the House that the policy of not employing homosexuals would continue, although the obligation to report suspected colleagues would be discontinued and that homosexual behaviour, rather than orientation, would be the sole criterion for subsequent discharges.⁵⁵

As a result, the CF had established a default policy that was effectively the forerunner of the American ‘Don’t Ask, Don’t Tell’ regulations, unveiled six years later. In 1988, National Defence modified the policy to allow practicing homosexuals to serve, however, as Rosemary Parks has documented, “under severe restrictions of no promotion, no career courses, no occupational transfers, no advancement in qualification level status, and ineligibility for reengagement, subsequent periods of engagement, or extension of service contracts.”⁵⁶ Unofficially, homosexuals who continued to be discovered by the

SIU were asked to take a voluntary release. However, times had changed and the gay liberation movement had had a significant impact on the confidence of gay and lesbian people. When Corporal Derrick Dwyer acknowledged his homosexuality to his commanding officer in 1989, he was asked to take a “voluntary release” from the armed forces. He refused and instead decided to take the CF to court. Under his picture, looking calm and secure, in the *Montreal Gazette*, he was quoted as saying, “I’m very positive I’m going to win this case. I don’t see how being a homosexual has any bearing on my work. I’m a good worker. I don’t harass anybody. I can honestly say my work is beyond reproach.” By the end of the 1990s, gay and lesbian people were more prepared to come forward and to insist on their right to be treated with respect. After years of consciousness-raising, a greater number were personally motivated by the possibility to change society. The *Gazette* reported, ““Dwyer says he’s not fighting only for his rights. If he wins, he says, any other homosexuals in the army will be relieved of the fear of being fired.”⁵⁷

Whereas those discharged for homosexuality during the Second World War and postwar period felt isolated and ashamed, the presence of an affirmative homosexuality community made such challenges to exclusionary policies more likely.⁵⁸ Victims of the continued policing of homosexuality in the forces now commonly responded with indignation. In February of 1990, when Michelle Douglas also sued the RCAF for wrongful dismissal, she did not give her name.⁵⁹ The Security Intelligence Review Committee (SIRC) heard her case in April and in August said the Canadian Forces’ policy against employing homosexuals in certain positions was a violation of the Charter of Rights and Freedoms and was of “no force and effect.” By now, Douglas was openly

discussing her ordeal, along with several others who were also taking the forces to court. Public support was further shifted as a result of the judgment of the SIRC, which “blasted the the military’s controversial special investigation section for ‘deplorable’ conduct.”⁶⁰

Since the SIRC’s decision was not binding on the government, the CF refused to give Douglas back her job and her top-secret clearance. General de Chastelaine argued that she was not welcome in her old job because she improperly accessed a classified security report. However, the SIRC had thoroughly documented her harassment by the SIU and her release because of her “admitted homosexual activities.” (Her investigation had taken place in the summer of 1988, at the time that the active search for homosexuals was being discontinued by the CF.) John Bassett, the head of the SIRC watchdog committee, said that her case “clearly demonstrates [that the Supreme Court ruling] is a pressing problem.”⁶¹

The Conservative government chose to not act in the face of the recommendations and to wait for the courts to decide the issue. John Crosbie said of his caucus, “we’re not looking to curb anybody’s rights, but we don’t necessarily feel any right to advance them, either.” Halifax West MP Howard Crosby told reporters, “You know, gay people may have a right to various activities, but people have their rights too. ... they have a right to associate, but I have a right to associate too, and it comes in to conflict....”⁶² However, the Canadian population had shifted in its view of homosexuality. A survey found that two-thirds of Canadians favoured allowing homosexuals in the military.⁶³ On the other hand, another survey found that 74 percent of enlisted personnel thought that enlisting homosexuals would decrease effectiveness and less than half would co-operate with them. Only 53 per cent said they would give first aid to homosexuals, while 31 percent

said they would receive it from a homosexual. (The survey did not stipulate whether the imaginary homosexual would be of the same gender.) In general, the survey found that women and those in the higher ranks were more accepting of homosexuals. As with other coverage of the issue, it was forgotten that the percentage of homosexuals in the CF already approximated that in the general population.⁶⁴ Editorials in military publications were vociferous in their opposition to allowing homosexuals to serve. *The Weekly Report*, a newsletter addressed to the aerospace industry and DND, said that “inviting homosexuals into the Forces is neither good for the queers nor good for the service ranks.”⁶⁵ *Esprit de Corps* magazine, targeting the troops, was even less diplomatic, and bitter at the gay movement’s success in changing public opinion: “The fact that society has never wanted to hear what they had to say as homosexuals (or care to know what they do) is a reflection of our revulsion for what they are, not who they are.”⁶⁶

On the eve of its scheduled appearance in federal court to argue the Michelle Douglas case, the military conceded that it could not defend its policies. Consequently, on October 27, 1992, Mr. Justice Andrew McKay of the Federal Court of Canada ruled that military policies “that have evolved regarding the service of homosexuals in the Canadian armed forces are contrary to the Charter.” As a result, General de Chastelaine issued a written statement: “Canadians, regardless of their sexual orientation, will now be able to serve their country without restriction.” The head of the Canadian Human Rights Commission, Max Yalden, argued that since the military, one of the largest employers in the country, “admitted it had practiced discrimination” made the ruling particularly significant.⁶⁷

Notes

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- ¹ NAC, RG 24, Accession 1997-98/260, box 64, file C-370-112, S/L Kershman to The Secretary, DND (Air), 1945/06/19.
- ² Ibid., G/C A. D. Kelly to President No 3 Regional Medical Board, 1945/07/25.
- ³ Ibid., RCAF Investigation Section, report 1948/04/22.
- ⁴ Ibid., Air Commodore Tice to AMP, 1944/04/12.
- ⁵ Ibid., W/C Dennis to CAS, 1948/04/30.
- ⁶ Ibid., A/V/M Middleton, AOC, to CAS, 1948/09/16.
- ⁷ Ibid., Drury deputy minister to the secretary, Treasury Boards, 1953/04/21.
- ⁸ Ibid., AMP to JAG, 1953/04/11.
- ⁹ Ibid., G/C Martyn to CAS 1953/02/03
- ¹⁰ *ibid.*
- ¹¹ Ruth Roach Pierson *"They're Still Women After All": The Second World War and Canadian Womanhood* (Toronto: McClelland and Stewart, 1986).
- ¹² Michael O'Brien and Carman Miller articles.
- ¹³ Alfred Kinsey *Sexual Behaviour in the Human Female* (Philadelphia and London: W. B. Saunders Company, 1953) check.
- ¹⁴ Eric Sutcliffe, "Sex Fiends or Swish Kids"
- ¹⁵ *Flash* 1952/12/20, page 2.
- ¹⁶ Parker Tyler *Screening the Sexes* (New York: Anchor Books, 1973); Vito Russo *The Celluloid Closet* (New York: Harper and Row, Publishers, 1987)
- ¹⁷ *Flash*.
- ¹⁸ NAC, RG 24, Accession 1997-98/260, box 64, file C-370-112, E. McNab Memorandum 1950/02/10.
- ¹⁹ AMP to JAG 1953/04/11.
- ²⁰ RG 24, Accession 1997-98/260 Accession 1997-98, box 64, file C-370-112, Part 1, folio 108.
- ²¹ RG 24, Accession 1997-98/260 box 64, file C-370-112, part 1, DMS (Air) 1952/07/25.
- ²² *Ibid.*, DMS (Air) 1952/07/25.
- ²³ *ibid.*, S/L S Bascom for DAFS to DPA 1952/08/20.
- ²⁴ *ibid.*, Gilbert Adamson (Winnipeg Clinic) to CAS 1952/08/22.
- ²⁵ *ibid.*, G/C Weston DAPC Memorandum to AMP 1953/02/09.
- ²⁶ RG 24, Accession 1983/43/216, Box 2866, file 871-100-24.00/53, C34.00/02 – Homosexuality and Gross Indecency – Medical Examination and Disposal, 1956/08/31.
- ²⁷ RG 24, Accession 1983/43/216, Box 2866, file 871-100-24.00/53 Agenda Item for SOMS Conference.
- ²⁸ *ibid.*, Item 31, 6th SOMS Conference.
- ²⁹ RG 24, Accession 1983-84/216, box 2866, file 871-100-34.00/54.
- ³⁰ RG 24, Accession 1983/43/216, Box 2866, file 871-100-24.00/53, S/L S A Banks Acting DAFS to DPA 1958/02/06, S/L TM Fraser Med 3-2, 1958/01/28, Memorandum G/C W Schroeder for DGMS(Air) to DAFS 1958/01/22, Memorandum G/C W Schroeder for DGMS(Air), DAFS 1958/01/22.

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- ³¹ RG 24, Accession 1983-84, Box 2866, file 871-100-19.00/17, G/C R Manson Memorandum to CPS 1963/10/02.
- ³² Rosemary Park, "Opening the Canadian Forces to Gays and Lesbians" in Wilbur J. Scott and Sandra Carson Stanley eds., *Gays and Lesbians in the Military* (New York: Aldine de Gruyter, 1994), page 166.
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- ³⁴ Duberman, Martin *Cures: A Gay Man's Odyssey* (New York: Dutton, 1991).
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- ³⁹ *Body Politic* "Lesbain goes public".
- ⁴⁰ *Globe and Mail* "Lesbian cites dismissal threat"
- ⁴¹ David Rayside *On the Fringe: Gay and Lesbian Politics in Canada* (Ithaca and London: Cornell University Press, 1998), page 123.
- ⁴² *Montreal Star* "Military lesbian denied an appeal" 1077/07/20, page E10.
- ⁴³ *The Montreal Gazette* "'No room for women on fighting ships'" 1983/07/13, page A10.
- ⁴⁴ *Globe and Mail* "Lesbian cites dismissal threat; she wanted to quit, forces say" 1977/05/20, page 13.
- ⁴⁵ *Globe and Mail* "Forces firm on ban of homosexuals" 1985/03/06 page 9, *The Toronto Star* "Two fired from forces deny being lesbians, lawyer says" March 6, 1985 page A10.
- ⁴⁶ Rayside, page 109.
- ⁴⁷ *The Toronto Star* "Forces asked if Charter applies to homosexuals" 1985/04/26, page A17.
- ⁴⁸ *The Toronto Star* "MPs oppose new military roles for homosexuals and women" 1985/10/16, page A10.
- ⁴⁹ *Body Politic* "Victory for gay equality" 1986/04, page 13.
- ⁵⁰ *Toronto Star* "MPs oppose new military roles for homosexuals and women" 1986/10/16, page A10.
- ⁵¹ *The Body Politic* "Victory for Gay Equality" 1986/04.
- ⁵² *The Globe and Mail* "Stand on homosexuals defended" 1986/03/15, page A5.
- ⁵³ *Globe and Mail* "Military group urges ban on homosexuals" 1986/12/16.
- ⁵⁴ *Montreal Gazette* "Military panel urges ban on homosexuals, limits on women" 1986/12/16.
- ⁵⁵ *Toronto Star* "Homosexual behavior not welcome in Canadian Forces, Beatty tells MPs" 1987/02/12, Page A13.
- ⁵⁶ Rosemary Parks, page 168.
- ⁵⁷ *Montreal Gazette* "Gay soldier waging campaign against Forces' homosexual ban" 1989/03/12, page A2.
- ⁵⁸ Miriam Smith; Donald McLeod *Lesbian and Gay Liberation in Canada: A Selected Annotated Chronology, 1964-1975* (Toronto: ECW Press/Homewood Books, 1996); Becki Ross *The House that Jill Built* (Toronto: University of Toronto Press, 1995); Ross Higgins *De la clandestinité à l'affirmation* (Montréal: Comeau et Nadeau, 1999).
- ⁵⁹ *Montreal Gazette* "Lesbian sues air force for booting her out" 1990/02/05, page A8.
- ⁶⁰ *Toronto Star* "Air force lesbian wins back her job" 1990/08/16 page A3.
- ⁶¹ *Montreal Gazette* "Military refuses to rehire gay officer" 1992/05/11, page A4.
- ⁶² *Globe and Mail* "Ottawa delays decision on gays" 1991/10/11 page A5.
- ⁶³ *Toronto Star* "Allow gays in military, most Canadians tell survey" 1992/10/10, page A21.
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⁶⁵ *Montreal Gazette* “Editorial rejects ‘gay soldiers’” 1991/12/03, page 81.

⁶⁶ *Esprit de Corps* 4, 3, 1994/08, page 2.

⁶⁷ *The Toronto Star* “Ruling seen as precedent in job bias against gays” 1992/10/28, pages 1, 12.