

No gays need apply

By Lois Corbett

Almost two months have passed since the attorney-general of Nova Scotia assured police chiefs that he would resist any federal legislation that would force him to hire gays as police officers. But the uproar his statements caused won't be quieted, as much as the Conservative government here would like to pretend it doesn't hear.

Ron Giffin, an eight-year veteran of the Nova Scotia Tory government, told a meeting of Atlantic Region Chiefs of Police that gays create morale problems in police forces and that he is "upholding the fundamental moral values of our society" by insisting they not be hired as police in this province.

"I would be completely opposed to any legislation or other enactment to compel the admission of homosexuals to any municipal police force in the province," Giffin told the July 9 meeting. At home for the meeting in his riding of Truro-Bible Hill, he speculated aloud to his audience, "I honestly wonder if we aren't being carried away with individual rights."

Giffin threatened to use the opt-out clause of the Charter of Rights and Freedoms, if he had to, to ensure no gay cop would be hired in Nova Scotia. "If the courts were to rule under the Charter of Rights that we are compelled to do this, I would be prepared to go to the next step, which would be to introduce legislation to prevent that and, if necessary, to exempt that legislation from the operation of the

Charter of Rights," under Section 33 of the charter, he said.

Those statements, and others Giffin made for weeks following the initial speech to defend his stance, caused a flurry of protest and generated calls for the attorney-general's resignation.

Giffin said the reaction to his speech was predictable, something that he expected. "I've been in politics 8 years now, and I'm not surprised when people react the way they do," he said.

"All I can tell you is that the police have expressed concern in no uncertain manner and, quite frankly, no one appears to have paid the slightest attention to them. They are talking with experience, about a policy that's been in the police force for generations. They're not opposing gays, but asking for an exemption, because they are a special case," he said.

Giffin said he is just trying to be realistic. "I have no problem in the world with the situation they have in San Francisco, where they have gay policemen. But I'm telling you that in Truro, Nova Scotia, it just wouldn't sit, he said.

The Gay Alliance for Equality (GAE) has drafted a resolution calling for Giffin to quit on the grounds that it had no confidence in his willingness to uphold the rights of Nova Scotians, particularly those of gays. Robin Metcalfe, a member of GAE and a Halifax gay activist, said the organization made two other demands.

"We want the government to disassociate itself from Giffin's statements and say it will not use the opting-out clause, and we want it to include the right not to be discriminated against because of sexual orientation in the province's human rights code," said Metcalfe.

GAE has received no response to date on any of its demands and, when a Charter defence group met later in July, the letter with 25 signatures from representatives of a wide variety of community groups that they sent to Nova Scotia premier John Buchanan was also left answered.

The premier's silence on Giffin's opinion about not hiring gay cops, his aides claim, does not mean that he agrees with his attorney-general, but that it is "a non-issue."

Caught outside a cabinet meeting a week after Giffin threatened to use the opt-out clause, Buchanan told reporters the province hadn't yet opted out and he didn't see that it would, "because it has not yet been determined by a court whether it applies or not. . . I don't support (Giffin) nor do I disagree with him, because I think it's a non-issue."

The premier and his cabinet are trying to forget Giffin ever spoke out against gays on police forces and, when Buchanan and others say it's a non-issue it is because, according to Metcalfe, "they'd like to believe that, so they can evade answering to the degree of public outrage Giffin's comments started. They wish Giffin hadn't brought it out."

A constitutional law expert at Dalhousie University agrees with Metcalfe, saying on one hand the calls from reporters to his home and office have slowed down considerably, but he hopes the issue will not just die due to lack of media attention. For Professor Wayne MacKay, this latest incident is just one more example that shows the Buchanan government: "is not happy with the Charter of Rights."

"Clearly this is a calculated move to single out an unpopular and small minority in the province, one against which he thinks he can make political gain. It's almost unthinkable in 1986 to make the same sort of statement against Jews or blacks or women. He's reading the people of Nova Scotia and thinking the majority of them disagree with giving gays full rights and protection," said MacKay.

As well, MacKay said he doesn't like to see the attorney-general threatening to use the opting-out clause in what he said is an "indiscriminate, off-handed fashion. There may be cases there its use is

there should not be discrimination based on sexual orientation by saying, "you can state all kinds of statistics, and use Gallup polls like that one. And they are valid argument, we don't dispute that. But those people who advocate having homosexuals on police forces haven't sat down and assessed the problem that is there. People in the community who responded to those polls would say they have no problem with gays on the police force until it was their young son or daughter who was involved in an incident and arrested or searched by a gay cop."

Cole also said he was looking at the issue from "the gays' side, we're trying to protect them and tell them they have to be accepted by society first. Police have enough problems as it is, with trying to patrol areas and control situations, and understand new legislation, but throwing that one into the middle of all these problems would be too much."

Metcalfe said Cole is using self-serving arguments, as much as he would like to

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appropriate, but those are only extreme ones. It shouldn't be used as an afterthought in a speech to the chiefs of police," said MacKay.

But the president of the Chiefs of Police Association in Nova Scotia said Giffin's speech was well thought out and well-received at the Truro meeting. Keith Cole, who is deputy chief of police in Dartmouth as well as president of the association, said in an interview that his organization supports the statements of the attorney-general, and does not see why Giffin or the police chiefs should change their minds.

In fact, Cole said, the issue was raised in October of 1985, when the chiefs of police passed a resolution urging that gays not be allowed onto municipal police forces. "At that meeting, we emphasized the fact that we could not agree to having homosexuals on our police forces," said Cole, "but whether that resolution prompted Mr. Giffin to raise the whole subject, raise the flag, so to speak, I don't know."

Cole said the police chiefs of Nova Scotia were concerned about the issue when a parliamentary committee in Ottawa was collecting information about allowing homosexuals to work for the RCMP and the military late last year. "When we were viewing that situation, we knew that if it came to pass that homosexuals were allowed into the RCMP, then we were afraid that it would filter down to the municipal level. Our organization felt then that it was not appropriate to have homosexuals in the profession we're in," he said.

"That's not saying we're discriminating against gays. But we do have to say it, and take that stand, until homosexuals are accepted by society," said Cole.

Cole said the police are "the moral reflection of the morals of the community" and he thinks people in this province would find it "very difficult if the towns and cities opted to have homosexuals on the police forces." He disputes a recent Gallup poll that shows that more than 71 per cent of the province's citizens think

believe he's looking out for gays. "A gay person who applies for the job as police officer would be much more aware of the problems than Keith Cole. But you have to say, 'So what?' People have to make a choice on the issue and say 'Tough Shit' — people are going to have to get used to the idea of having gays on police forces."

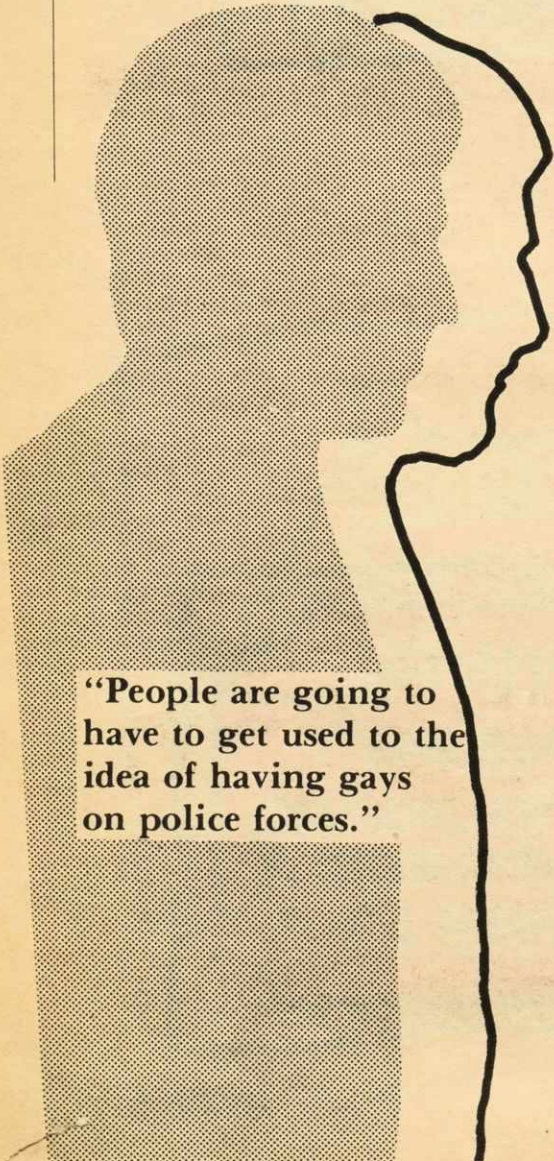
Public attitude changes because institutions change, said Metcalfe, and the institutions, like the police forces, have to be leaders in the battle to protect gay rights, not followers who wait for some time in the future when homosexuality is accepted.

"And people's attitudes are changing now, they've been changing over the past 15 years. There have been signals sent out that there is almost a social consensus that sexual orientation cannot be used as a basis of discrimination," he said.

The media attention the issue has generated also shows that society has gone through a transition about the issue, said Metcalfe. When Giffin first made his statements, the press dogged his every move, contacted other Conservative Party members in the province, interviewed gay activists as far away as Toronto and even published editorials calling for Giffin's resignation. "This is the first time I've seen the media consistently supportive of gay rights," said Metcalfe. "With all the coverage, and their confrontation of Giffin, you would almost have to believe that there was never a time when they hadn't been supportive."

And while the news coverage has slowed down, letters about Giffin's statements continue to pour into the offices of Halifax newspapers. Anne Derrick, a Halifax lawyer and an author of one of the letters, said she hopes the issue will not die, at least not until the attorney-general, and perhaps the entire Conservative government, are defeated in the next provincial election. Derrick wants Giffin to "recant or resign."

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