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Members of the Parliamentary Legislative Committee,  
House of Commons,  
Ottawa.

Gentlemen:

The purpose of this letter is to lay before your Committee several comments and suggestions for consideration regarding possible changes or amendments to that section of the Canadian Criminal Code which deals with acts of homosexuality between male persons. I refer specifically to Section 206, under the heading "Gross Indecency".

This law, as it stands to-day, particularly in the light of our vastly increased scientific knowledge, is both archaic and entirely unjust. Much of the present problem of homosexuality can be traced directly to the conditions that have been created by this legislation that makes a criminal of a man who does no more than follow the promptings of his innermost nature. Under Section 206 it is a criminal offence, punishable upon conviction by a barbaric prison term, for a homosexual to engage in sex-relations at any time during his life-- regardless of circumstances. The history of the passage of the original Bill from which, I understand, Section 206 was derived, would show that the House Members were undoubtedly unaware of the full implications in their legislation, and attached hereto is the full story of this unfortunate event.

As a deterrent, the law is, and always will be a complete failure. No legal enactment is capable of eradicating or suppressing the natural impulses of mankind and in spite of many years of persecution, the homosexuals of the world have survived to live the only life possible for them. The law may make the commission of acts of homosexuality more difficult to achieve, it does not, however, prevent the commission of such acts. It does, on the other hand, create several deplorable conditions that are undeniably responsible for the present serious state of affairs. For one, the knowledge that to merely give expression to inborn tendencies, irradicable, and irrepressible by those in whom they occur, is to commit a criminal offence that is punishable by not only a prison term but also by the scorn and rejection of family and friends-- such knowledge is mainly responsible for the nervous strain and emotional instability of many homosexuals. Further, this cruel law not only makes it possible for blackmailers to extort money from thousands of victims every year under threat of exposure, but by the severity with which it is enforced by the courts, it actually encourages these vicious parasites to operate their trade.

In any consideration of this legislation it should be realized that it directly affects the lives of thousands of Canadian citizens-- not a mere handful of sex-degenerates, but thousands of essentially decent, respectable men from every social, economic, religious and intellectual level in the land. Their position in society is a growing, anxious situation that can only worsen steadily unless steps are taken by the authorities in the near future to end the conditions that have been created by Section 206-- which conditions are solely responsible for any existing "problem of homosexuality". The Negro "problem" was created by the white majority; the Jewish "problem" was created by the Gentile majority and the homosexual "problem" is the creation of the heterosexual majority-- who alone can take the necessary steps to bring this problem to a speedy end.

There is only one possible solution and that lies in the integration of the homosexual minority into our society and their acceptance by the heterosexual majority, judged solely on their worth as (homosexual) individuals who have a valuable and unique contribution to offer their country if permitted to do so. Such integration can only take place with the active aid and co-operation of the authorities, with an enlightened public opinion and by the granting of full civil rights (and full protection for those rights) to the homosexual citizenry of the Land.

The first step in this direction is the abolition of the present anti-homosexual legislation and its replacement by sane, just and realistic enactments under which it would no longer be deemed a criminal offence for two mutually consenting adults to engage in any act of homosexuality in the privacy of their rooms. However, if a minor is involved, if force is used or if the public decency is outraged, then a crime would have been committed that must be punished with equal (but no greater) severity as for an equivalent offence of a heterosexual nature.

Such legislation already exists in many European countries, and in 1949, after an extensive investigation into "The Criminal Law and Sexual Offenders" the Joint Committee on Psychiatry and the Law, appointed by the British Medical Association and the Magistrate's Association, made the following recommendation: "The Committee would like to see an early official inquiry into the advisability of the English law being brought into line with Continental law in respect of the private behaviour of consenting adults."

Effect this change, and the power of the blackmailer is at once removed. The homosexual would no longer become a criminal for engaging in a form of activity that is as essential to his physical and spiritual well-being as is equivalent activity equally essential to the well-being of any normal man. Thus the first step would have been taken toward the eventual integration of the homosexual.

Simultaneously, all methods of communication should be opened to a free and full discussion of every aspect of homosexuality. This would eventually lead to the enlightened public opinion that is essential to the abolition of discrimination and intolerance directed against any minority group. No legitimate objection can be put forward to the suggested change as outlined above. Society has both the right and the duty to maintain laws for the protection of its members, but it does not have the right to enforce laws that make life a living hell for thousands of innocent men, the abolition of which laws could affect no one but homosexuals, and these only for the better.

Much of the difficulty experienced in dealing with homosexuality in the past can be traced to the reluctance of the investigating committees to either attempt to see the problem from the viewpoint of the homosexual or to adopt an unbiased, realistic attitude toward the whole matter. No such body can aid in working out a solution to the problems of a minority group when they embark upon their study in a thoroughly prejudiced frame of mind. Regardless of the reluctance with which the facts are accepted, it nevertheless remains a fact that there are no less than 6,000,000 active, white, adult homosexuals in the United States and Canada. It should be apparent that these individuals will not suppress a vital urge-- the gratification of which can do harm to no one-- in obedience to a law that is enforced by society, not for its protection, but rather indifference to prejudice, bias and certain antiquated ecclesiastical enactments.

To every thinking homosexual, the attitude of society is utterly unjust. Its laws and treatment of the invert combine to drive him to a (in many cases) sordid and deplorable way of life, and then society points to his position (to which it has driven him) as justification for further punitive action and harsher treatment. He feels that as long as he lives his private life according to the dictates of his nature, does not molest minors, does not outrage public decency, etc., then his private life should be solely a matter of concern to him alone and decidedly not within the realm of those affairs that come under the jurisdiction of the authorities or upon which society as a whole has the right to judge or condemn.

The sexual side of a homosexual's life may, by many, be deemed sinful, immoral, repellent, etc., but by no possible stretch of the imagination can it legitimately be described as "criminal"-- not, certainly, within the meaning of the word as it is generally understood. In relaxing the law as suggested above, adequate protection can be provided for minors and society while at the same time the homosexual is free to follow, what is for him, a normal way of life.

Only by the adoption of realistic and humane legislation and the abolition of the present cruel and unjust law can our society hope to escape the eventual judgement and condemnation of an enlightened future. The homosexual does not ask for moral license or dispensation from the laws of the country simply because he is a homosexual. He asks nothing more than is his democratic right-- the opportunity to live his life with dignity and freedom, with full civil rights and adequate protection for those rights, the chance to contribute to the welfare of his country as a citizen on equal footing with his neighbour; one whose value will be judged solely on his worth as an individual and not, as at present, condemned out-of-hand as a member of a despised and ridiculed minority group. It is almost unbelievable that such a plea for justice is necessary in an otherwise free and democratic country that subscribes to the tenets of the International Declaration of Human Rights--but whose treatment of its homosexuals is in diametric opposition to those very same tenets.

The careful consideration of the Committee of the suggestions and comments contained herein, may, I sincerely trust, lead to a happier way of life for thousands of Canadian citizens, and, as in other matters in the past, show the way to other countries toward a better world for all mankind.

Very truly yours,

James Egan.