

Senators, members of the Standing Committee,
Sénateurs, membres du Comité sénatorial,

Thank you for the opportunity to share my personal experience with you today.

The night of February 5th, 1981, remains seared into my memory, despite many valiant efforts to put what occurred behind me.

I found myself at the Roman Sauna Baths on Bay Street, a club for men seeking to meet other men for consensual sex, a place I had visited on several occasions as a 34-year-old out gay man seeking to enjoy newfound sexual freedoms in a supposedly safe space. What happened that night was my first ever encounter with the “state,” and a police force that took it upon itself to enforce the archaic bawdy-house laws that still exist to this day. We were rounded up —brutally — called dirty faggots and arrested as “found-ins in a common bawdy-house.” The police may have suspected that money was being exchanged for sex but this was never proven in court. The premises of all of the city’s bathhouses were ransacked and several closed their doors permanently. All without due process.

Prime Minister Trudeau mentioned the bathhouse raids and the bawdy-house law in his apology to LGBT people in Parliament last November, but to date we have seen no actions to back up his words.

The bawdy-house law was also used against sex workers, who continue to be criminalized under PCEPA.

We were dragged through the courts and publicly humiliated. I ended up being put on the stand where I admitted I had been at the Roman Sauna Baths — yes, I told the truth — and became one of 36 men, out of more than 300 arrested, who were convicted and made to pay a fine. In my case, it was the grand sum of \$35, but the amount was insignificant compared to the sense of shame we were made to feel as our names were read out in open court and dragged through the press.

Fortunately, my own self-esteem has remained intact. I was brought up with the advantages of a loving family, loving partners and a good education, but I can never forget what happened the night I was wrongfully arrested and later convicted, having committed no crime.

Others were not so fortunate. Many lives were ruined by this exposure in court and the press. The bathhouses at the time were often frequented by men who went home to families who were unaware of the complexities of their sexual orientation. Many were from cultures where homosexuality was deeply frowned upon.

Tim McCaskell, an LGBTQ2S+ person and, like me, an HIV/AIDS activist, wrote about that night in his book *Queer Progress*. He had been awakened by a late-night phone call and came running over to the bathhouse, where he encountered a man who was clearly distraught.

Tim writes:

“They’re arresting everybody. I don’t know why...” He had what seemed to be a Portuguese accent.

“They let you go?”

“Yeah. They gave me this paper. I have to appear in court. I was just sleeping, not doing anything. I was there because it’s a cheap place to stay. I always stay there. Why pay fifty bucks in the Holiday Inn when you can get a room for ten? How am I supposed to know the place is illegal? It’s been open for years. If people find out, I’ll lose my job.”

“They can’t do this to us. They got no right. It’s not hurting anybody. They came in like an army. They called us faggots. What am I going to do? I’ve never been in trouble in my whole life. What’s going to happen? Will they put our names in the newspaper?” He was close to tears.

It still shocks me how traumatizing and stigmatizing the bathhouse raids proved to be. At least two men are known to have taken their lives. To this day, I am one of the only people arrested in the bathhouse raids who is willing to talk about them publicly. The unrelenting power of stigma continues to cast a shadow over many lives and for that reason, I am here today to appeal to your good judgment to ensure that the records of people like me, people who were wrongfully convicted of being “found-ins,” are treated equally in the proposed legislation — no differently from my LGBTQ sisters and brothers who were either fired from the civil service or dishonourably discharged from the military.

Frankly, it came as a great surprise to discover, through a request for information from the Toronto Police Services in December 2017, that a record of my arrest and a Supplemental Report could still be found in their files. If this is true for me, I suspect it is true for others. It is on all of our behalf that I am here today to seek inclusion in Bill C-66. It may sound clichéd, but it’s the right thing to do.

Bill C-66 has been described by Member of Parliament Randy Boissonnault as a law intended to address criminal offences that were used “to victimize LGBTQ2S+ people systematically.”

Including those of us arrested in the bathhouse raids of 1981 in the expunging of all criminal records does not, however, mean that I wish these important documents to disappear completely. They should, with permission of those named and respect for

confidentiality, be preserved in the historical archives of academic institutions or the Canadian Lesbian and Gay Archives for future study. They should simply no longer reside in the files of the police force that abused its power in 1981.

It is important that we create some closure around these painful moments in our history. Not just for some of us today. We need Bill C-66 to have sufficient flexibility that it can include future unjust convictions that may well be overturned — for example for sex workers and people who prove to have been wrongfully convicted for failure to disclose their HIV status to sexual partners.

There are those who will say that the raids happened because of attitudes and opinions — that is to say, prejudice against homosexuals and homosexuality — that were prevalent in society at the time and that persist to this day. Laws do not necessarily change prevailing attitudes but they are absolutely necessary for the protection of our human rights, and represent a necessary step in the ongoing struggle to promote tolerance and respect for difference in Canadian society.

Thank you for the opportunity to testify before this committee.
Merci de l'occasion de témoigner devant ce comité.