



Egan, Jim (1921-2000)

by Linda Rapp

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One of Canada's first gay activists, Jim Egan began demanding respect and equal rights for homosexual citizens in the late 1940s. In his later years he mounted a challenge to Canada's law on spousal retirement benefits, pursuing his case all the way to the nation's Supreme Court.

James Leo Egan was the elder son of James Egan, a maker of piano cabinets, and Josephine ("Nellie") Egan, a homemaker. The Egans married rather later in life than was usual, and they were 56 and 41, respectively, when Egan was born on September 14, 1921 in Toronto. His brother, Charles, also gay, arrived fourteen months later. Egan doubted that the age of their parents had anything to do with his and his brother's sexual orientation, but, he noted, "it is rather interesting, considering the number of gay men I've known who came from a similar situation."

Egan stated in his memoir, "I have nothing but the happiest memories of my childhood." He enjoyed an excellent relationship with his father, with whom he often "would walk for miles on a Saturday in Toronto" and who, when Egan was nine, took him to the beach where he himself had learned to swim in the 1870s. Skinny-dipping was the custom of the men and boys who frequented the beach, and Egan recalled "an undefined excitement" upon seeing them although he did not interpret it as a sexual attraction at the time.

At around the age of thirteen, Egan came to recognize that he was gay, but despite the fact that he felt "somehow different from the other boys" in his neighborhood, he was always comfortable with his sexual orientation. "I never spent so much as ten seconds agonizing over the fact that I was attracted to other males," he wrote.

Encouraged by his mother, Egan became a voracious reader at an early age. He "gobbled up books at the library," reading biographies and all sorts of fiction from classics like the novels of Dickens to numerous murder mysteries and "everything that Edgar Rice Burroughs ever wrote." He also developed an interest in poetry, savoring the works of Shakespeare, A. E. Housman, and Walt Whitman, among others.

The teen-aged Egan found little about homosexuality in his reading. He appreciated Whitman and said of Housman, "I had the distinct impression that he was talking about what I felt. I found some of [his poems] to be absolutely breathtaking."

The Picture of Dorian Gray by Oscar Wilde, which Egan read at around the age of fifteen, "really triggered gay awareness for me," he wrote. He resolved "to find out who this man Oscar Wilde was" but was frustrated in his attempts because although "there were books written about him, . . . they were all so carefully veiled."

Despite the fact that he was an avid reader, Egan was not a particularly enthusiastic student. His education began at Holy Name grade school in Toronto at the insistence of his mother, a convert to Catholicism. At Holy Name, stated Egan, "I acquired a life-long aversion to formal education." His experience as a student of the Sisters of St. Joseph was not a happy one.

After completing grade school in 1936, Egan elected to go to the public Eastern High School of Commerce for a general commercial course, a practical choice. He had a strong interest in science and had hoped to become a doctor, but since his father had died earlier in the year and the Great Depression was in full force, the family's straitened financial circumstances extinguished any hope of a college education.

Egan found his first year at Eastern "just excruciating" since he was only interested in two courses, English literature, in which he had "a supplementary reading list that was pages long," and a general science class. He excelled in both but failed everything else. He came back to repeat the year but quit in frustration after two months.

An uncle helped him get a job on a farm, where he worked for two years to help support his family.

Egan turned eighteen shortly after Canada's entry in World War II in September 1939, and he attempted to join the army but was rejected because of a small corneal scar, the result of an automobile accident.

Released from military obligation, Egan took a job as a technician in the zoology department of the University of Toronto, where he worked for about a year before moving to Connaught Laboratories, a pharmaceutical company.

In 1943, despite his exemption from military service, Egan volunteered again and was accepted by the merchant navy. His assignments took him to the Mediterranean, Australia, New Guinea, and the Philippines. In the south Pacific, he wrote, "we were dive-bombed and chased by submarines," but "I was very fortunate in that I was never sunk."

Egan's first naval voyage was to Bari, Italy. He avoided going ashore with his crew mates, whom he described as "quite often hard-drinking heterosexuals with limited interests," which consisted mainly of getting drunk and finding a brothel. Egan generally made excuses and stayed on the ship or slipped ashore later.

In some ports, Egan found "an incredible gay underworld" in bars where "you'd see uniforms from every one of the Allied forces--Marines and sailors and Air Force--and ranks up to majors and colonels."

Discharged from the merchant navy in 1947, Egan returned to Toronto and worked at various jobs without finding a particular calling. He also began frequenting "the gay spots around town," including the beverage room at the Savarin Hotel and the King Cole Room at the Park Plaza Hotel. On one of his visits to the Savarin he was surprised to see his brother, Charlie, who he had not previously known was gay. Although the brothers "did not get along at all" as youngsters, they developed and sustained a very close relationship as adults.

Egan longed for a steady partner and found one when a friend introduced him to Jack Nesbit at the Savarin. The two soon moved in together. Both of their families were supportive of the couple. Egan wrote that his mother "took to [Nesbit] like another son, and they had a wonderful relationship for as long as she lived."

Egan was never sure if Nesbit's parents truly understood the nature of his relationship with their son but was gratified when Mrs. Nesbit "right out of the clear blue sky" once said, "I can die happy because Jack's found someone who can look after him."

In 1949 Egan took a job at a small biological supply company, and he and Nesbit relocated to the small town of Oak Ridges, some fifteen miles north of Toronto. That same year he took his first steps toward becoming a gay rights activist.

Egan wrote in his memoir that "Toronto could be a dangerous place for gay men during the late 1940s and 1950s." The police would periodically conduct sweeps of gay cruising areas, often using young officers to entrap and arrest gay men. Conviction on a charge of gross indecency was a virtual certainty. Those found guilty were fined one hundred dollars, but the true harm came from the publication of the men's names--and sometimes their addresses--in "the local scandal sheets." Such a disclosure could cost a man his job and make him an object of scorn.

In the wake of the publication of Kinsey's *Sexual Behavior in the Human Male* in 1948, an increasing number of articles about homosexuality began appearing in both the tabloid and mainstream press. Egan was outraged by the "gross inaccuracies" that he found in the pieces and began writing letters to the editors in protest. The major magazines to which he wrote, including *Coronet*, *Esquire*, *Ladies' Home Journal*, *Parents' Magazine*, *Redbook*, and *Time*, never published any of his letters, but in May 1950 one appeared in the Toronto newspaper the *Globe and Mail* and another in the local scandal sheet *Flash*. Egan suspected that, especially in the case of the tabloids, the editors were more interested in stirring up controversy than in educating their readers; nevertheless, he saw an opportunity and "threw [himself] into the cause."

Since Egan was finding no articles presenting the perspective of gay men, he decided to write some himself. His "I Am a Homosexual" appeared in *Sir!* magazine in December 1950 under the pseudonym Leo Engle (the name of his grandfather), and an unsigned series of seven articles entitled "Aspects of Homosexuality" ran in the Toronto *True News Times* in 1951. In the same year the tabloid newspaper *Justice Weekly* published a number of letters from Egan, who was identified only as J. L. E.

Egan next approached the editor of *Justice Weekly* with a proposal for a series called "Aspects of Homosexuality" that would cover a wide range of topics including the history of the persecution of homosexuals in England, gay rights organizations in the United States, the Kinsey report, and the portrayal of gay men and lesbians in the media. Egan succeeded not only in having the series published (December 1953 through February 1954) but also in persuading the editor to arrange to reprint articles from leading gay and lesbian publications such as *ONE Magazine*, *The Mattachine Review*, *The Ladder*, *Der Kreis*, and *Arcadie*. Egan was disappointed that his efforts brought little response from gay men and lesbians in Toronto, but, he wrote, "it was probably too early for that."

Egan, however, refused to be discouraged and continued to educate himself about homosexuality, reading "all the gay classics [he] could find." His bookshelves held scholarly works by Magnus Hirschfeld, Havelock Ellis, John Addington Symonds, and others as well as the fiction of writers such as Marcel Proust, Gore Vidal, James Barr (James Fugaté), and Fritz Peters.

In addition to reading, Egan began correspondence with gay activists in the United States. He exchanged letters with Henry Gerber of the Society for Human Rights, Hal Call of the Mattachine Society, and W. Dorr Legg of ONE, Incorporated. In January 1959 Egan and Nesbit traveled to Los Angeles for the Midwinter Institute of ONE.

Egan had hopes of establishing a gay rights organization in Toronto but never succeeded in garnering sufficient support from the community. Indeed, in early 1964 when Egan and Nesbit agreed to be interviewed (and quoted pseudonymously) for a two-part article entitled "The Homosexual Next Door: A Sober Appraisal of a New Social Phenomenon" by Sidney Katz of *Maclean's* magazine, several friends discouraged them from carrying through with it. Egan believed in the power of visibility, however, and was pleased to cooperate with Katz, whose finished piece he found "refreshingly non-judgmental for the time and very informative."

Egan and Nesbit were also planning to be interviewed on journalist Pierre Berton's CBC television show in

February 1964, but the segment was dropped from the schedule.

Although Nesbit had been willing to participate in the interviews with Katz and Berton, he had never felt the enthusiasm for activism that Egan did. In the spring of 1964, he asked Egan to give up his public campaigning. When Egan refused, the couple separated but still remained in contact with each other.

A short while later, Egan realized that what he wanted most was for Nesbit and him "to grow old together as a couple and die together." In addition, Egan was feeling "disenchanted with being a gay activist" because "most members of the gay community in Toronto didn't give a hoot about what came to be known as 'gay liberation.'"

Egan and Nesbit reconciled in May 1964 and left Toronto the following month to settle in Vancouver, British Columbia, where they established a biological supply company that sold preserved marine specimens.

Egan suspended his activities as a gay activist as he had promised but, ever the crusader, became involved in the environmental movement. Because of his work on a water-quality issue, neighbors urged him to run for director of Electoral Area B of the Regional District of Comox-Strathcona. His victory in 1981 made him the first Canadian in an openly gay relationship to be elected to public office. His bids for reelection were successful, and he served in the post until 1993.

As the cultural climate changed, Nesbit became amenable to resuming work for glbtq rights. In 1985 he and Egan established a local chapter of the Island Gay Society, and they hosted monthly drop-in meetings at their home for the next eleven years. Egan also became a member of the North Island AIDS Coalition and served as its president in 1994.

Egan and Nesbit's return to glbtq activism took them all the way to the Supreme Court of Canada. Under the Old Age Security Act, Canadians are entitled to a pension at age sixty-five, and pensioners' spouses can apply for benefits upon turning sixty. In February 1987, shortly before Nesbit's sixtieth birthday, he and Egan filed a request for spousal benefits that was, as they had expected, turned down. They then proceeded to mount a legal challenge, based on the provision in section 15 of the Canadian Charter of Rights and Freedoms, which had been interpreted to ban discrimination on the basis of sexual orientation. Limiting the definition of "spouse" to an opposite-sex partner, they contended, was an instance of just such discrimination.

The case was accepted by the Federal Court on December 6, 1988 but not heard until the end of May 1991. Justice Leonard Martin decided to dismiss the case the following December.

Egan and Nesbit challenged the decision. Their suit reached the Federal Court of Appeal in August 1992. The 2-1 ruling the following April once again went against the couple. There was, however, a glimmer of hope in the opinion of dissenting Justice Allen Linden, who wrote that failure to grant benefits to same-sex couples only furthered "the prejudiced view of the legitimacy and worth of these relationships."

With funding support from Canada's Court Challenges Program, Egan and Nesbit's lawyer Joseph Arvay applied in June 1993 to appeal to the Supreme Court. *Egan and Nesbit v. Canada* was finally heard in November of the next year.

The ruling on the case, which came in May 1995, did not give Nesbit a pension even though the justices were unanimous in affirming that the Charter of Rights prohibits discrimination against gay men and lesbians.

With specific regard to the issues in Egan and Nesbit's appeal, the Court first ruled by a 5-4 margin that the

definition of "spouse" in the Old Age Security Act was indeed discriminatory. That finding having been made, they moved on to consider whether the denial of the pension could be justified under section 1 of the Charter. Justice John Sopinka, a swing vote on the court, who had agreed with the majority in finding discrimination, nevertheless voted with the other four justices on this issue, causing a 5-4 decision against Egan and Nesbit. Sopinka cited the need of the government of Canada to take time to reform laws to conform with the Charter--which had been adopted thirteen years earlier, in 1982. In attempting to explain his strained and internally inconsistent ruling, he further commented that "it is not realistic for the court to assume that there are unlimited funds to address the needs of all."

Egan was outraged by the decision. "They ruled we were discriminated against but said that it was justified under section 1 of the Charter. That's absolutely ridiculous," he fumed.

Despite the defeat on the issue of pensions, Egan remained optimistic about the future: "The day will come, there is no doubt about it, when Canadians who happen to be homosexual will be on a level playing field with the rest of Canada. What we did was open the door."

The coverage of the Supreme Court case introduced Egan to younger generations of glbtq activists who had not been aware of his pioneering work. Egan and Nesbit were chosen as Grand Marshals of the pride parades of both Toronto and Vancouver in 1995, and Egan received the Human Rights Awards from the Lambda Foundation for Excellence the same year.

Egan's life was the subject of David Adkin's 1996 documentary *Jim Loves Jack: The Jim Egan Story*, which features interviews with Egan and Nesbit, reporter Sidney Katz, and George Hislop, another early leader in the movement for glbtq rights in Canada.

Egan died peacefully at home on March 9, 2000. Nesbit followed him in death only months later on June 23.

In remembering Egan, Arvay praised him for his courage and determination in pursuing the pension case, saying that the effort "was something Jim was really proud of" because it paved the way for progress toward equality for glbtq Canadians.

"Jim Egan was a real pioneer," stated Arvay, "a real hero."

Egan was also prescient in his belief that Canadians who happen to be homosexual would eventually be on a level playing field with other Canadians. Subsequent courts have ruled that same-sex spouses and partners involved in committed relationships are entitled to pensions on the same basis as heterosexual couples.

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About the Author

Linda Rapp teaches French and Spanish at the University of Michigan-Dearborn. She freelances as a writer,

tutor, and translator. She is Assistant to the General Editor of www.glbtc.com.