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Some panellist notes for the discussion after the screening of

**REX VS. SINGH**

A chronicle of the releasing & contemporary discussions around the dossiers of these hearings and trials on Indo-Canadian men

- The first mention of the 1915 trial that is the subject of the film, *Rex vs. Singh* was in a 1985 paper on BC at the first Canadian conference on lesbian and gay history. Ms. Indiana Matters presented "Unfit for publication": Notes towards a lavender history of British Columbia. Matters was an archivist employed by the archives of the British Columbia Museum in Victoria. Those Archives later became the BC Archives (of the Government of the Province of BC) a separate entity from the Royal Museum of British Columbia. In the 1990s, Matters went on to becoming a government official of the BC Gaming Commission and I interviewed her in the mid-1990s.

- The first funding to formally conduct research on the anti-Indo-Canadian, anti-Sikh sodomy trials was not in the context of historical or other social science scholarship but rather was through Canada Council support for research by artists and designers. In the late 1990s, I received several grants under the rubric of architecture

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theory and criticism, extending to urban space, related to the evolution of ‘queer space’ in Vancouver³.

- In 1997, I began to apply for access to the dossiers of the trials and hearings mentioned by Matters, which involved defendants whose family names were ‘Singh’. I then conducted research and located many more files involving charges of ‘buggery’ which was replaced by the broader term, ‘gross indecency’. I received approval for access to the sealed files through a research permit from the BC Archives along with an agreement under the BC Freedom of Information and Right to Privacy Act. Because of my knowledge of the BC Archives, having worked there on projects going back two decades when I was trained there in my teen years, I identified more than twenty different Rex versus Singh arrests, hearings and trials (of at least twenty different individuals) where the defendants were charged with ‘buggery’ or ‘gross indecency’. Virtually all of these dossiers were created and formerly maintained (and sealed) by the Attorney General of British Columbia and gave an incomplete picture of the final court decisions and fates of these individuals.

- The first published account of these trials was in a popularized account in 1997 in the Toronto-based cultural studies journal, *Border / Lines*, entitled, “Vancouver as porn *noir*: Constructing the racialized & homophobic city⁴. The focus of this discussion was on a trial⁵ that took place roughly five years before the events that were the focus of the film, *Rex versus Singh*.

- Three years later, I published two, more scholarly discussions of the emergence of modern notions of resistance for sexual minorities in

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Ingram, G. B. 1997. 'Open' space as strategic queer sites. in *Queers in Space: Communities | Public Places | Sites of Resistance*. 95 - 125.


British Columbia – viewed as part of broader processes of
decolonisation.6

• Sometime in 1997 and 1998, I alerted my friend, the film-maker
John Greyson, to some of the trial dossiers that targeted Indo-
Canadian males. John and I began a decade-long conversation,
where I reminded John every year or so, of the importance of
revisiting those trials – that lead to the 2008 Fung – Greyson –
Kazimi collaboration in Rex versus Singh.

• In 2003, historian Peter Boag7 surveyed male homosexual
subcultures in the Pacific Northwest in the late Nineteenth and early
Twentieth Centuries and mentioned some of the anti-Sikh sodomy
trials in downtown Vancouver – but did not explore questions of
race, empire or urban space.

• In 2003, I published a review of trials for consensual homosexuality
between adult males in British Columbia, as an essay entitled
“Returning to the Scene of the Crime”.8 I identified the anti-Sikh
sodomy trials as a watershed event in both criminalizing and
racializing modern notions of homosexuality in British Columbia
along with the most racist, exoticized, and aggressive forms of
entrapment of homosexuals that has ever been seen in Canada –
while having major impacts on the urban space of central Vancouver
– what is today called the ‘Downtown Eastside’.

• In 2005, historian Nayan Shah, of the University of California, San
Diego, explored some similar kind of racialized sodomy trials,

6 Ingram, G. B. 2000. Locating ‘prett’near’: Cartographies for decolonisation and reconstruction of gay
male social space in Pacific Canada. Thamyris (Amsterdam) 7(1): 1381 – 1312. Special issue:
Overcoming Boundaries: Ethnicity, Gender and Sexuality, Issue Editors: Gert Hekma and Isabel Hoving
and
Ingram, G. B. 2000. Mapping decolonisation in male homoerotic space in Pacific Canada. in De-
Centring Sexualities: Representation and Politics Beyond the Metropolis. Richard Phillips, Diane Watt

7 Peter Boag. 2003. same – sex affairs: Constructing and Controlling Homosexuality in the Pacific

8 Ingram, G. B. 2003. Returning to the scene of the crime: Uses of trial narratives of consensual
male homosexuality for urban research, with examples from Twentieth-Century British Columbia.
GLQ (Gay and Lesbian Quarterly) (New York) 10(1): 77 - 110.
targeting Indian immigrants in California\(^9\), and began to explore aspects of the trials in British Columbia.

- In the 2005 – 7, the Queer History Project of Vancouver’s Out on Screen Film Festival, became interested in supporting a film on those particular sodomy trials – that lead to the 39 minute work of 2008, *Rex versus Singh*.

**The 1907 - 1928 anti-Sikh buggery and ‘gross indecency’ arrests and trials in downtown Vancouver**

- The 1915 'Rex vs. Singh' trial, that was the focus of the film, is only one of over 20 arrests, hearings, and trials where there was entrapment of Punjabi males supposedly having consensual sex between adult males.
- A significant number of these trials were the first time that certain consensual acts of sex between adults males was identified as ‘gross indecency’, in British Columbia, under the increasingly repressive laws around laws in the first seven decades of the Twentieth Century.
- So the court proceedings around these so-called ‘oriental cases’\(^{10}\) (involving consensual homosexuality between adults where at least one was Indo-Canadian) were almost like laboratories for criminalizing and pathologizing consensual sex between adults (when there were still questions as to the legal basis for criminalizing these acts – particularly in the many environments in British Columbia where male workers lived and worked closely and sometimes intimately).
- While the sexuality of Indian males was being demonized for supposed homosexuality (in the first three decades of the Twentieth Century), Chinese males were also targeted as threats to white

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women as in the 1917 provincial law that made "it illegal for Chinese-owned restaurants and laundromats to hire white women"11.

• There was a raft of anti-Japanese laws that extended to 1950 – even a few years after the enfranchisement laws were finally liberalized.
• And the other major demographic group in the old downtown of Vancouver, aboriginals, had far few rights for additional decades and continue to be vulnerable from unresolved legal issues and substandard services.

The early Twentieth Century political economy of Vancouver that motivated and shaped these entrapments and arrests

• All of the anti-Sikh sodomy trials, the so-called ‘oriental cases’, involved the City of Vancouver Police and not the RCMP.
• The only other municipal police in British Columbia who were involved in arresting Indo-Canadian males for supposed homosexuality (and that was for supposed consensual sex) were the police of the City of Victoria – which in those decades was a larger city but which had far less arrests of consensual homosexuality and no indications of entrapment directed at Indo-Canadians.
• At the time of the arrests of Indo-Canadian men, the RCMP were not involved in urban policing especially of sexuality and in British Columbia rarely arrested for consensual sex between males until the RCMP busted a few sex parties in small towns in BC in the Nineteen Fifties and Sixties (just as consensual sex between two people of the same sex was decriminalized in 1969 – but where group sex remained illegal).
• In the early Twentieth Century in British Columbia, the RCMP were involved in policing sexuality but focused on gross indecency that clearly involved lack of consent such as with animals (with some dramatic barn-yard stakeouts), rape, and paedophilia.
• The ‘oriental cases’ that were of such interest to the City of Vancouver Police involved the most aggressive, racist, and prolong programme of entrapment for (supposed) homosexuality in Canadian. While the police claimed these were to have been

11 http://web.viu.ca/limi/Research/AsianInBC.htm
consensual acts, there were clearly signs of aggression and pressure from the entrapping officer – evident from some trial dossiers.

- While the entrapments, arrests, and trials should viewed as part of a concerted project of the City of Vancouver Police, and the politicians for which they worked, the resistance to these arrests by the men involved represented a new level of sophistication in challenging the powers of the state to regulate consensual sexuality.
- The language and concepts articulated in the defence arguments were clearly influenced by the radical labour organizing in downtown Vancouver, the IWW (Industrial Workers of the World), and notions of racial equality, individual liberty and sexual freedom.
- Because of the conservative philosophy of the City of Vancouver municipal politicians at the time, that minimized municipal taxation and provision of services, the City of Vancouver Police needed an urban spectre, a threat that would appeal to newly enfranchised white women, that would motivate them to vote for high tax levies – thus providing the City of Vancouver Police with more money as in raises, recruits, equipment and facilities.
- Perhaps most immediate in its impacts, the news of repeated entrapments discouraged Indo-Canadian males from settling in downtown Vancouver, what is now called the “Downtown Eastside,” pushing Sikh and other Indo-Canadian families to the margins of the city – and away from crucial job opportunities and social services.

The continuing shadow of the 1907 - 1928 anti-Sikh gross indecency arrests and trials on the Downtown Eastside of Vancouver

- What is today called the ‘Downtown Eastside’ (the historic centre of Vancouver) was a crossroads and a space for developing intercultural knowledge (and cooperation) between the major demographic groups that built Vancouver in the last Nineteenth and

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early Twentieth Centuries: aboriginals, Chinese, Japanese, north-western Europeans, Indo-Canadians, and southern and eastern Europeans.

• In downtown Vancouver, individuals with north-western European citizenships and heritages were not often in the demographic majority (and were not in the majority during these 1907 – 1928 arrests and trials) but maintained notions of entitlement over political domination of the city. These so-called early ‘City Fathers’ worked to disrupt processes of building intercultural cooperation and solidarity.

• By sexually stigmatizing two groups of males, Indian and Chinese, a wedge was driven in this important early Canadian space for “multiculturalism.”

• The stain also transferred to the public spaces, real estate values, and other aspects of the early Downtown Vancouver neighbourhoods. So this campaign against Indo-Canadians, whatever their ethnicities and religions, devalued what is today the ‘Downtown Eastside’ and re-valued the city’s formerly more suburban (and less valuable) neighbourhoods (where more whites were moving) – thus creating more wealth for whites at the expense of Vancouver’s people of colour.

• The net effect of the entrapment, arrests and trials was that it took nearly half a century for Punjabi neighbourhood space to coalesce and for Indo-Canadian political institutions to be sufficiently powerful as to begin to challenge entrenched municipal politicians (and cultural inequities).

• The creation of the sexually charged, urban spectre as a rationale for higher municipal levies was successful. The City of Vancouver Police were rewarded for their abuse heaped on homosexual and Indo-Canadian males for another half century – until a series of violence confrontations with gay activists in the Nineteen Seventies put an end to harassment and entrapment.

• Today, the neighbourhoods of the Downtown Eastside are being increasingly emptied of people of colour – particularly the groups that built central Vancouver. The contemporary narratives on addiction and mental illness have often been used to obscure the decline of multicultural communities in the inner city – with their
early institutions having been targeted, a century ago, through highly sexual and social damaging, hearings and trials.