

Crossing Over

Challenging the Police

For a while, Joe McGonagle managed to deceive MacIver Wells and John Chadwick about his age. Neither knew that their bartender at the Madison was only nineteen. McGonagle fixed drinks for the lesbians who came in, watched them dance, and then, when he wanted to dance with men, carried his own beer over to Madame Peabody's. "I just loved it," McGonagle told me years later. "Here I was a nineteen-year-old and I'm getting into bars, having a great time." He managed the deception for a year.

Mac remembered what happened then: "A man and his wife came in from Spokane. They told me they owned a gay bar in Spokane, and they wanted to see Joe. Then the wife said, 'Is the law different here than in Spokane?' Her husband said, 'No, why?' She said, 'How can Joe work here when he's only twenty and we've got to have them twenty-one.'"

"You goddamned stool pigeon!" her husband cried.¹

That was 1962, during the Seattle World's Fair, and McGonagle suddenly found himself remodeling the Madison instead of serving beer. The switch would have been unimportant, except for one thing. Now bored, McGonagle decided to pursue what until then had been just a daydream with another young man named Jake Heimbigner, who was managing a Belltown steam bath for homosexuals called Dave's. The two had fantasized about opening their own gay business, and since the only openly gay businesses were either bars or baths, they settled on the cheaper option: a bar. Before the year ended, the two found an old, failing saloon called the Majestic, located, not surprisingly, near the same corner as Madame Peabody's. Because he liked McGonagle, Mac agreed to loan them some money. The Majestic soon sported a new sign: the Golden Horseshoe.

From Mac, the younger men learned they needed a gimmick to attract gay business. The obvious choice was vaudeville, and so, within weeks, the two built a stage at the back of the Shoe, as it came to be called, and started drag shows, although with a change from the format used at the Garden of Allah. At the Horseshoe, the variety shows would not be elaborate, semiprofessional presentations, but amateur, grassroots drag. No headliners. No experience on the circuit necessary. McGonagle and Heimbigner encouraged the new lip-synching. "We'd take a Broadway musical and start at the beginning and go right through," McGonagle recalled. "Some

turned out to be really good.” Good enough to draw gay men. “The place was packed all the time.”

It wasn’t long before the beat cops in Pioneer Square showed up, demanding a payoff of a hundred dollars a month for permitting the drag shows. McGonagle and Heimbigner agreed.

Then they decided on a more lucrative gimmick. It was about 1963, McGonagle remembered. “About that time, Jake was approached by one of Seattle’s finest, or Jake approached him, and said, ‘What can we do about having men dance with men?’ [The beat cop] said, ‘Fine, for fifty dollars [extra] a week and a cop on the door Friday and Saturday night for fifteen dollars for three hours’ work, we could arrange it.’”

“Shortly thereafter, boys started dancing with boys,” McGonagle noted. Public dancing between men belowground and after hours had been common at Madame Peabody’s. Now, in another small, symbolic change, it was aboveground.

Perhaps even more importantly, the dance was enough to fuel the business. McGonagle added, “We dispensed with the drag shows.”

The police, he said, even “started letting us open up at six in the morning.” So, on weekends, “we started having ‘morning madness’ or some silly name we put on it. Madame Peabody’s would close at six A.M., so we would just open up.” The Shoe was not as much a competitor for its cross-corner neighbor as it was a complement.

To the beat cops, it all meant more money. The new aboveground gay male dance generated an extra \$320 a month, no small amount in 1963. Police shifts even began to compete for the revenue once those on the day shift realized that the night shift was collecting from the Shoe, while the graveyard shift was collecting from Peabody’s.

McGonagle: “I went in one morning and I was standing at the bar when this big cop came in and took his night stick and banged it on the cigarette machine. [The sound] just ricocheted through the whole place. It sounded like a gunshot—scared the shit out of me. He says, ‘What the hell’s going on here?’”

“So I ran up to him. ‘What do you mean what’s going on?’”

“[The officer said] ‘You’re not supposed to be doing any of this stuff.’”

McGonagle explained that the arrangements had been cleared with another beat officer.

“Well you haven’t talked to me,” the cop replied.

“Well, who are you?” McGonagle asked. “He told me his name, he was a prick, a real nasty bastard. Oh, he was mean. So anyway, I say I’ll talk to Don [the other police officer] and I’ll have Don get back to you. And out the door he went. He just wanted to make his point. He just wanted to let us know that he wanted in on the cut. It was a morning shift cop, not an afternoon or an evening shift.”

The emergence of the gay male dance seems to have created a gradual shift in

police attitudes over the next few months. At least some police officers must have realized that instead of just receiving money, they might actually be able to “grow” Seattle’s gay marketplace as a kind of investment and even manage it for maximum return. Times were changing, and homosexual men and women in the city seemed to want their own bars.

For example, MacIver Wells was enviously eyeing the change his loan to McGonagle had helped make possible. In 1962, the same year the Horseshoe opened, Mac and Chadwick launched the first “chain” of gay bars in Seattle by purchasing a derelict tavern on Second Avenue a block north of Madame Peabody’s, remodeling it and renaming it after its address, the 611. Chadwick cleaned crystal chandeliers and stretched red and gold drapes in the windows. Mac deliberately created an interior architecture to encourage male cruising and to complement the successful lesbian bar they had created at the Madison. Although the 611 was originally a long narrow room with a single-level floor, Mac redefined the space, building a narrow raised deck down one length and installing mirrors on both walls. That created a “line of sight” that let men stand on the raised floor in any part of the bar and, through the mirror, watch a man in any other part.

Business boomed; the 611 put Wells and Chadwick on the Pioneer Square gay map. Still, the 611 was just a social bar, not a dance bar. Wells wanted what McGonagle had, but when he asked the cops for permission to let men dance at the 611, they denied it. Wells remembered, “They said Jake’s got the boys, and you’ve got the girls.” The cops figured the city could handle only one gay male dance floor aboveground.

A year passed. Mac kept pestering the cops. Finally, he got permission—but only with the stipulation that he had to buy yet another bar. The police officers had their own agenda. The Shaggy Dog Night Club, located on First Avenue directly behind the 611, was going out of business. Instead of walking their beats on Sundays, the police usually skipped their jobs and used the tavern to play poker and pinochle, so they wanted the new buyer to be friendly. The offer: If Wells would buy the Shaggy Dog and continue to provide a friendly space there for police pinochle after hours, he could have a dance floor for men. Wells agreed; the renamed 614 Tavern would become the second male dance floor in Seattle.

The cops set the initial payoff at the same rate the Golden Horseshoe was paying. The state liquor control inspectors’ charge was extra.

For a short while after that, stability seems to have reigned in Pioneer Square’s new gay marketplace. The relationship with those who held power over the land—the police—was peaceful if not cozy. In the stability, the gay presence could become increasingly public. And it did. Just as Mac had expanded his holdings, so did Heimbigner, who began to build something of a small gay entertainment empire all within a one-block square. He acquired the Atlas Club Steam Baths around the corner from the Horseshoe as well as a part-interest in the Stage Door Tavern, next

to the Casino. That way, if a gay man wanted to spend the afternoon at the baths, grab a dinner beer at the tavern, go to the Shoe for dancing, and then return to the baths for late-night sex—well, it was all Heimbigner's territory.

For agreeing to leave the men at the Atlas Club alone, according to King County court records, the cops charged two hundred dollars a month; from the Stage Door, they extracted sixty dollars per month.²

Other gay cocktail lounges, cafes, and bars also flourished, now overlapping with the older bars from the 1950s. The Grand Union at Yesler and Fourth. Cimbries on Occidental. Sappho's on Prefontaine. The Columbus, the 611, the 614, the Horseshoe, the Mocambo, the Submarine Room in the Smith Tower. For the first time, Seattle gained a recognizable gay district, one created not simply from gays and lesbians frequenting the streets and then disappearing underground, but one quite visibly aboveground. To promote sales and organize social events, the owners of the businesses even formed the first gay "chamber of commerce" in Seattle, the Queen City Business Guild, and began meeting at the Mocambo. McGonagle and Heimbigner made money, Mac and Chadwick made money, the police made money.

By the beginning of 1965, there was a flowering of tolerance on the mudflat, and gays and lesbians became publicly visible in a way never before seen in Seattle. As a group, however, they still did not have any political power, any civic purposes, or—beyond the business guild—any organized institutions.

Then one of those minor miscalculations with major consequences occurred.

In the winter of 1965, a beat cop summoned Mac to a meeting at the Golden Horseshoe with Heimbigner. Since the opening of the 614, the two men had become the major competitors for the gay dollar. Although Mac still felt close to McGonagle, he had never particularly liked Heimbigner, so he wondered why he was suddenly being told to meet with his business foe. Mac described what happened next:

"I asked the cop who told me, 'So what's it about?'"

"Well, [to find out] if you're interested in opening up an after-hours spot."

"I'll listen to it," Mac said.

"[The meeting] was held in the Horseshoe with Jake and I and a cop who's dead now and about four or five other cops. This one that's dead now did all the talking. He was gay, the cop was. He used to peddle his ass when he was fifteen or sixteen down around the Double Header. . . . He explained [the after-hours spot] was going to be in the Morrison Hotel. Jake and I would be partners if we wanted. They offered where it would be. There'd be no problem. I listened to all this and said, 'What do we have to pay you?'"

"He says, 'Fifty percent of the take.'"

"I say, 'And I split with Jake and I pay the help? Boy, that don't leave me much, does it?' I say, 'On top of that, I don't like Jake anyway. I wouldn't have nothing to do with him.'"

"[The cop] says, 'Well, you're a smart ass.'"

"And I say, 'Yes, and you're just a punk.'"

"He says, 'I'll club you into the floor, you ever call me a punk.'"

"[Another cop] was there, and he says, 'You're not going to club anybody. This is all bullshit as far as I'm concerned. C'mon Mac,' he says, 'let's go.'"

"And the other cop and I walked out and I never heard any more about that. Next thing I knew, Jake opened up."

The Caper Club, it was called. A police-initiated after-hours club for gay men. With Mac fuming, Heimbigner plunged into the venture alone. His application for a cabaret license had to be approved by the city council's license committee, but that posed no obstacle once the police investigators attached a note saying they did not object. The payoff for the new club was set at six hundred dollars a month, according to the later county court records. It was the highest extortion paid by any establishment in Seattle, gay or straight. But then the Caper Club was different. With elaborate ceilings, fancy curtains, and swank serving areas, the Caper Club strove for a far more elegant and upscale atmosphere than any of the old basements or remodeled taverns. For a change, customers walked upstairs into the Morrison Hotel for their capering.

"That was a beautiful bar," John Chadwick recalled.

Not only was it fashionable, it was safe. After all, it was located just across the street from police headquarters.

Probably nothing would have changed, and Mac would have quietly fumed about his competitor, if the miscalculation had not occurred. A new sergeant took command of the beats that included Mac's three bars. The sergeant walked into the 614 in September 1965. It is not clear whether the sergeant knew about the earlier meeting that had turned hostile at the Golden Horseshoe and decided to get even, or whether he simply wanted to cash in on what looked like a lucrative chain of gay bars. The cop was smoking a cigar.

He started complaining that Mac hadn't paid promptly on the first of the month. "'You're paying on the first if you know what's good for you,'" Mac remembered him saying.

Then the sergeant added, "You're going up in price too"—an extra fourteen hundred dollars per year. Mac's total annual payoff was going to be close to five thousand dollars.

The two men glared at each other.

"He was blowing smoke in my face, like a gangster," Mac said. "I hate cigar smoke."

"That's when I got mad."

Something else happened in 1965. While it did not seem directly connected to the behind-the-scenes disturbance that had begun on the mudflat, it involved a public arrest by the police and so seemed worrisome.

A young and charismatic heterosexual man named Keith Rhinehart had begun

a new church called the Aquarian on Seattle's Capitol Hill, promoting the acceptance of a wide range of traditional and "New Age" beliefs. Eventually, he would open branches in Chicago, Spokane, and Honolulu, and the mother church in Seattle would claim more than six hundred members. As part of his ministry, Rhinehart called openly for tolerance and acceptance of homosexuals in the city. The church, according to documents that would eventually be filed with the King County court, took the "position that persons who by physical makeup or conscious desire are inclined toward sexual relationships with the same sex should be permitted to exercise these private sexual desires with the same anonymity that is granted to the heterosexual." In the early 1960s, that was a radical argument against the state sodomy law. The Aquarian Church in Seattle welcomed homosexuals, perhaps the first church in the city to publicly do so.

According to claims made in the later court records, the Seattle Police Department began investigating Rhinehart almost as soon as he started the Aquarian. In fall 1964, for example, a Seattle police sergeant supposedly questioned a man who had visited the Aquarian meetings and warned him to stay away from "that nut on the hill." The man said the sergeant told him, "We're going to put him [Rhinehart] behind bars one way or another, and if you are affiliated with him, we will put you in the penitentiary too." Police officers supposedly showed up at Rhinehart's apartment for visits, noting how he had decorated the interior.³

On April 6, 1965, Rhinehart began a series of hour-long local TV shows, interviewing others about morality and philosophy. Included in his first program was a lesbian. At the end of the program, Rhinehart pleaded with viewers to understand that each individual was a human being created by God and therefore was entitled to love and to privacy in their sexual relations.

Five days later, on Sunday morning, April 11, the Seattle police arrested a sixteen-year-old named James G. Miller, accusing him and two friends of trying to steal a car in downtown Seattle. Miller, as the officers knew, had a long record of burglary, theft, and larceny and was already on parole. He had been in and out of juvenile and foster homes since age six. Both Miller and the officers knew that the new charge could send him back to a jail for juveniles.

When the police officers found fifteen dollars in Miller's wallet the Sunday morning they arrested him, they asked him how he had gotten it. He claimed he had let another man fellate him. It is not clear whether that was actually true or just a teen's flippant answer. An officer fetched a week-old television guide, opened it, and showed Miller a photograph of Keith Rhinehart next to an announcement about Rhinehart's TV program on sexuality.

Yes, Miller quickly agreed, that was certainly the man who had fellated him.

Two days later, on April 13, without consulting an attorney, Miller signed a statement in which he claimed that at 1:15 A.M. on the same day he would later be arrested, April 11, he had been standing downtown on Pine Street, between Third and Fourth Avenues, when

a young man in his mid-twenties pulled to the curb across the street from us and honked his horn. He was driving a lighter colored '61 or '62 Cadillac convertible. When he honked, I went over to see what he wanted. When I approached the car, he said, "Sorry, I thought you were a different person." Then he said, "Do you want to earn some money?" I said, "Yes." Then he said, "Do you want to come up to my apartment?" I agreed. . . . As he was driving, he asked me, "Have you ever had a blow job or, have you ever given anyone a blow job?" I replied "No." He then reached over and unbuttoned my jeans. After doing this, he reached over the top of my shorts and started playing with my penis. He did this for a minute or so. I told him to stop and I then buttoned my jeans back up. We arrived at his apartment a few moments later.

Miller's statement to the police was damning for its amount of detail.

When we were inside his apartment, he locked the door behind us. I then sat down and started looking at some pictures of nude men and women that was laying on the table. This was [a] one-roomed apartment with a bath. There were a lot of carvings in the room and a round bed. After we were in the room about five minutes, he said, "Why don't you take off your clothes?" We both then stripped nude. He then sat on the edge of the bed. . . . He offered me \$15 if I would let him kiss me and blow me. I refused and then he said, "Well, I'll just blow you." I then walked over to where he was sitting. He started playing with my penis and privates until I got a "hard-on." He was masturbating himself at the same time. He then put his mouth over my penis. He continued this until I reached a climax in his mouth.

Miller noted that an officer had shown him the advertisement in the television guide. "I am positive," he asserted, "that the picture in this advertisement is the same man that had sex relations with me. The name on the advertisement lists this man as Keith Milton Rhinehart."

Quickly the police arrested Rhinehart and charged him with sodomy. Rhinehart agreed that he had honked at Miller, mistaking him for the son of a congregation member, and that the teen had then expressed an interest in riding in his car. He said Miller had then propositioned him, saying he would perform sex for a price, but Rhinehart had refused. Instead, Rhinehart said he had told Miller that he himself was not a homosexual but that he knew many homosexuals and they were welcome at his church. Rhinehart adamantly denied that the two had had sex or that Miller had gone to his apartment.

With Rhinehart charged, the authorities freed Miller a few days later. On April 22, a juvenile judge then formally dismissed the charge against Miller of attempted auto theft. Under the state's sodomy and prostitution laws, Miller had just confessed in his statement to two felonies. But he was never charged with either.

Within three weeks of being released by the police and courts, and before Keith Rhinehart's trial was to begin, James Miller recanted his accusation, signing a state-

ment on May 17 that “there was no sexual act of any description between Rev. Rhinehart and myself.” Much as the young Albert Jenner had done in the 1907 case against Thomas Longbottom, Miller now said the police had pressured him. He claimed the police had told him Rhinehart was “an atheist, a quack, and had put on a goofed-up TV show [with] a homosexual.” Miller further said that the police had told him they were “really out to get Rhinehart and they needed a statement from me to help them.”

Then, Miller fled. The police found him in California, returned him to Seattle, and then released him to await Rhinehart’s trial. When he failed to show, the police found him again on June 11. While in custody, Miller signed a third statement reasserting that he and Rhinehart had had sex.

A parole report, written June 14, noted that Miller had been hiding at the Green Parrot Theater in downtown Seattle. The report described the theater as a “homosexual hangout” and noted that the police felt the teen had been “having more homosexual contact in the last two weeks for monetary reasons.” The report added, “It is not believed that Jim is seriously homosexual, but it is felt that he has taken up this method to get spending money.”

Miller was, in other words, hustling—which was what Rhinehart’s defense attorney was contending had happened the night the two had met, except that Rhinehart had refused the offer.

At the trial during the summer of 1965, Miller repeated his accusation that the two had had sex and that Rhinehart had paid him. When Rhinehart’s attorney attempted to impeach Miller’s credibility by arguing that Miller had a reputation for hustling men, the investigating police officer testified he knew of no such reputation on Miller’s part, despite the June 14 parole report that said the opposite.⁴

The jury chose to believe Miller and the police officer, convicting Rhinehart. Once again, Miller went free, still uncharged for his own supposed prostitution and participation in sodomy. Rhinehart, on the other hand, would be sentenced to spend ten years in the state penitentiary at Walla Walla.

Even amid a growing tolerance for gay bars on the mudflat, the trial was a reminder of just how vulnerable any gay man—or any heterosexual ally—could be to charges that he had engaged in homosexual sex of any kind.

But Rhinehart’s case was not over yet.

One of the curious features of the police payoff system in Seattle is that it was such an open secret. Many knew about it, including (as it turned out) the Federal Bureau of Investigation. Yet the protection racket provided enough benefits for all of those involved that no one wanted to reveal it. Any bar owner who had paid a bribe, after all, could be prosecuted. Any police officer who had received one could be fired. And any disruption to the system meant that no one would make as much money anymore. If the system collapsed, everyone feared, the laws governing bar lighting, dancing, and socializing would end up having to be rigidly enforced—

and that would only play into the hands of Seattle's moralists who wanted to smash the activities on the mudflat.

But MacIver Wells was in a situation unique among those making payoffs. Almost as soon as he had settled his 1958 lawsuit against the city, an FBI agent had taken note of his resistance. Seeing a chance for a possibly disgruntled informant, the agent arrived at the Madison and demanded to know whether Mac was paying off. At first, Mac lied and said no. So the agent paid a visit to Jim Watson of the Blue Note. Watson, of course, had learned during the lawsuit that Mac had been making payments, and he told that to the FBI agent. The agent returned to the Madison and proposed a deal: Mac would resume his payments to the police but would keep a record of all the dates and times and people involved. Thus, during the seven years while he was expanding and adding dance floors, Mac had not only been making his payments to the Seattle police but had been reporting them all to the FBI.

To Mac, September 1965 seemed a good time to end the game. It was the cigar smoke from the cop who had told Mac to pay more. It really made him mad.

After the sergeant left, Mac angrily dialed the FBI agent. He wanted all the information he had been providing released—to a federal prosecutor, to a newspaper, to anybody. Anything to stop the police.

At first, the FBI agent was noncommittal. In reality, the federal agency could do little. No federal laws were actually being broken, since bribery was a matter for the state and county. The agent had been pouring Mac's information into his files, watching to see whether he could track any of the money to federal political candidates, but he had no case yet. Months passed. Then in May 1966, Mac was surprised by a call asking him to an appointment with the Seattle police chief, Frank Ramon. Word had already gotten out among the rank and file that someone was squealing. Mac remembered:

The FBI had sent a memo to the police department about payoffs, that it was getting a little out of hand or something like that. They pieced together that it was me that had been giving the reports. They came around, one of the cops, and told me they wouldn't take any more payoffs. They thought I was the guy that was squealing. . . . That's when they started coming in and asking ID—didn't matter if you were seventy years old. My mother was there one night and they went over and they asked her, and she was eighty years old. One of the officers said, "Would you show me your ID ma'am?" She said, "I can assure you I'm over twenty-one." He said, "I'm asking you, show me the ID." She said, "I'm not going to show you anything son." So the sergeant called [the other officer] over. I heard the sergeant say, "That's Mac's mother, leave her alone."

I went down shortly after that to see Chief Ramon . . . and I told him about these cops in and out and that I made payoffs to his police department, and I would like to have it stopped. He said, "Just a moment." He went and opened up a door

and he said, “Chief Cook [M. E. Cook, one of Ramon’s assistants], would you come in. Now would you repeat all that you have told me in front of Deputy Cook here?”

I said, “You know, I’m not that stupid. You’ve got a witness, I don’t. I’m not saying nothing.”

Mac left. It looked like his plan for getting the FBI to act had backfired. But he wasn’t about to surrender.

I went and I phoned the [Seattle] *Times* newspaper. They had a religious reporter at that time who was digging into harassment of the colored people and I phoned him. He said, “No I don’t get involved in things like that but I will send down a reporter.” So he sent down two—their names was Wilson and Wilson. John [Wilson] came down first. I told my story, and he listened and listened and he took notes. He said, “That’s quite interesting, I didn’t know this was going on.” So I didn’t hear from him for about two weeks. The police were still giving me a bad time.

Then he came down with Marshall Wilson. I had to tell my story all over again. I had to go up to the newspaper office and they made all these notes and then we both signed it, that what we were saying was honest. Then they told me, “We have dug around in the last two weeks and this is going on in quite a few places. But is there one way that you can prove that you’ve been reporting this? Can you prove that you did give a report to the FBI?”

I think it was Marshall who said, “We’ll be down to your tavern next week, and we’ll think up something.” When they came down, he said, “You’ve got two telephones here, haven’t you?” I said, “Yes, there’s one in the back at the phone booth and there’s one behind the bar.” He said, “We’ll listen in on the other phone.” They went to the pay phone and I dialed the FBI and I asked for [the agent].

He came on. I said, “I don’t know if you know of all the harassment I’m getting from the police, but it’s pretty damn bad, and I have cooperated with you. Isn’t there anything you can do to help me?”

And he said, “No, if it was political we could step in.”

The newspapers [reporters] went like that [giving a high sign], they’d heard it. [The agent] says, “Mac, I’m awfully sorry I can’t help you.”

So then the Wilsons came back and said, “That’s all we need. He admitted that you had made a report.”

And that’s when the shit hit the fan.

It was late summer 1966. By the return of autumn, a new tautness would emerge along the Deadline.

On Wednesday, September 21, 1966, John Wilson wrote the first article. But it was not the exposé Mac had expected. The reporters were apparently still investigat-

ing the specifics of his charges. Instead, under the headline, "Seattle Homosexual Problem Reported To Be 'Out of Hand,'" Wilson provided the first major public news about the city's homosexuals, doing so in a story that trumpeted the police side. It read:

"Police officials admitted today that Seattle's problem with homosexuals 'is out of hand.' *Times* reporters have learned that the city's homosexual population numbers in the thousands. An estimate of 12,000 was termed conservative by a Seattle-King County Health Department official. The official added that the total has been fairly stable the past few years. Police confirmed that Seattle has become known nationally as being tolerant toward homosexuals."

"'The word got out that Seattle is soft on homosexuals,' M. E. Cook, assistant police chief said."⁵

The story noted that Ramon was planning to move against the bars in the city that attracted homosexuals, partly by stripping them of the off-duty police who were working the doors on weekends. In a negative reference to Mac's 1958 lawsuit, Ramon said that the police could not do much more because of the court order, which, he implied, had allowed the number of gay bars in Seattle to double since it was issued. The court order, in other words, was the problem.

"Things just got out of hand," Cook told the newspaper. But Ramon promised, "We're not going to let this city get like San Francisco."

Although the *Times*' audience would have had no clue about what was happening behind the scenes, the police threat communicated through the story was hardly veiled. If Mac blew apart the payoff system publicly, the police could use the widespread disapproval of homosexuals to shut down the bars entirely. Chief Ramon himself did not necessarily know about the payoffs—a later grand-jury indictment against him would be dismissed for lack of evidence. But the timing of the threat seemed calculated.

The story also pointedly noted that the Armed Forces Disciplinary Control Board, which had been listing three bars and one steam bath as off-limits to military personnel, was now sending letters to a larger number of gay business owners and threatening them with an off-limits listing because "a significant percentage of sexual deviates among your regular patronage [creates] an undesirable atmosphere for service persons who frequent your establishment." Eventually, the list expanded to include fourteen gay bars, cafes, and bathhouses that were either off-limits or under observation.⁶

Although the initial *Times* article made no mention of coerced payoffs, John Wilson did signal that a bigger story was in the offing. First, he quoted health department officers who were concerned about the spread of sexual diseases in the gay steam baths in Pioneer Square. Then, he noted that Ramon was threatening to ask the city council to revoke bar licenses. But, Wilson added, "The Police Department as late as early this year voiced no objection in its report on a cabaret license being issued to one of the steam bath operators mentioned by the Health Department.

The man got the license and set up an operation that has become an after-hours place for dancing and drinking by homosexuals.”

Wilson’s story continued: “Although an establishment with a cabaret license and its customers must obey standards of morality and decency, Cook said he felt no police action could be taken where couples of the same sex dance or make physical contact in other ways in public. At least two of the gay bars refuse to admit anyone but ‘members,’ although they do not have private club liquor licenses.”

That was the sole hint the initial story gave of a possible police policy of tolerating infractions. It did not name Jake Heimbigner as the operator of the Atlas and the new Caper Club, and it did not pursue the obvious question: Why were the police overlooking possible violations?

The next day, the Wilsons probed further. They asked the city licensing director what he thought of the police department’s failure to prevent Heimbigner, who was still not named, from getting a cabaret license. After all, he was operating a steam bath that the health department thought problematic. The licensing director, Don Turnbull, bluntly said, “That’s a mistake they made. They knew about him.”⁷

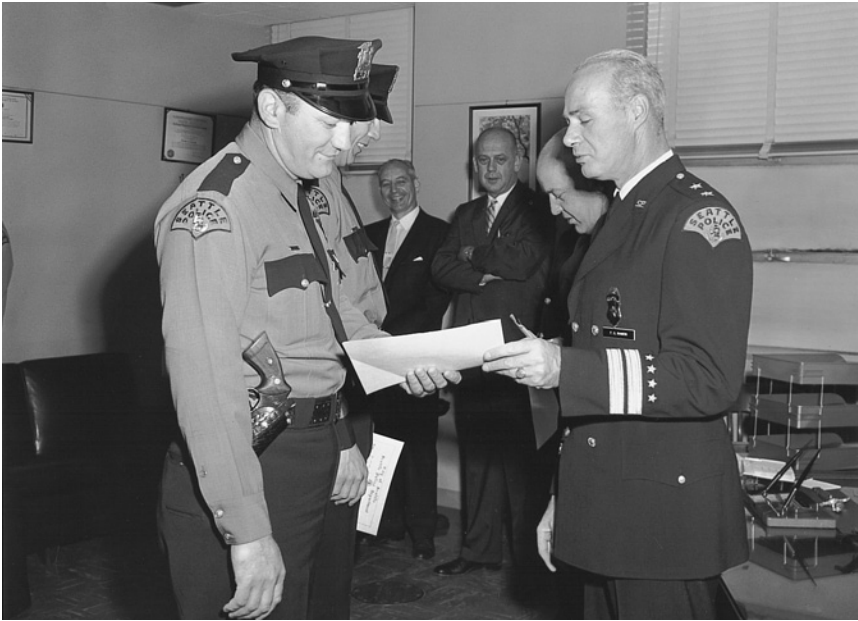
The two reporters also talked to a city councilman, Charles M. Carroll, who headed the city council license committee. Although Carroll’s committee had approved Heimbigner’s license for the Caper Club, the councilman passed the blame to Ramon. He said that if the police department knew about the steam bath operator’s background, it should have included the information in its report to the committee. “We would be guided by the recommendation of the Police Department in this area,” Carroll added. “If there was any evidence of this fellow’s background, the license wouldn’t have been issued under any circumstances.”

Then, the reporters noted that the new after-hours club allowed men to dance together, something that the city attorney doubted was a violation of the city’s lewd conduct law, “the only laws used against homosexuals,” he added. But, the attorney helpfully volunteered, if the city council wanted to pass such a law forbidding the gay dance, it could. “We could just say that members of the same sex can’t dance together.”

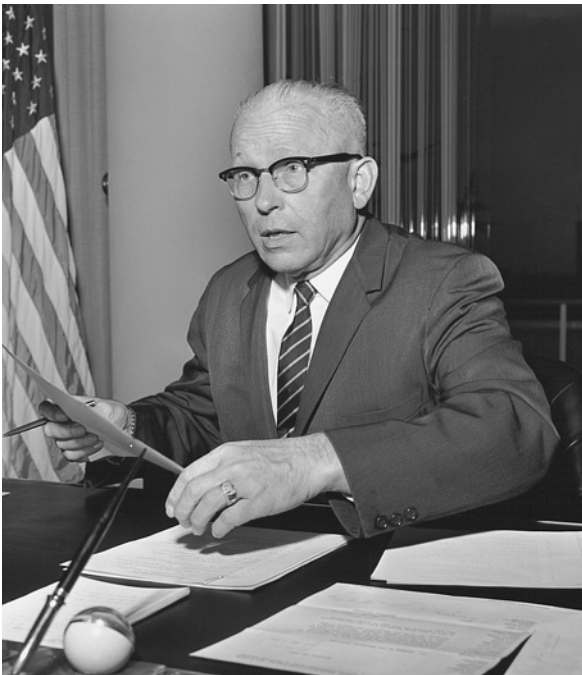
With the unexpected publicity, the grand plan for the Caper had come under sudden scrutiny. So had the gay dance. The two *Times* stories provided public notice—perhaps the first to the city’s general populace—that homosexuals were dancing together in Seattle. Judging from the rhetoric in the story, not only was the dance a problem, but so was the police tolerance both of it and of Heimbigner’s allegedly muddy reputation.

At first, Chief Ramon tried to deflect the criticism. In a long, confidential memo to Seattle mayor J. D. “Dorm” Braman on September 27, 1966, Chief Ramon referred to the “recent ‘scare’ publicity” about homosexuals in Seattle and wrote:

Every city, including Seattle, for many years has had a problem with homosexuals. Generally speaking, the problem is limited to a very few establishments where



Police Chief Frank Ramon (right) suggested new restrictions on homosexual bars, leading to the Seattle City Council's first hearing on lesbian/gay civil rights in 1966. (*Seattle Post-Intelligencer* Collection, Museum of History and Industry, Seattle)



Mayor "Dorm" Braman in 1966 urged the police to "discourage the inflow" of homosexuals to Seattle. (*Seattle Post-Intelligencer* Collection, Museum of History and Industry, Seattle)

homosexuals congregate. For more than fifteen years, the number of such places in Seattle was five or less. In recent years it has suddenly expanded to three times that number. The principle concern of the police with homosexuals is in three areas.

The first is that of homosexuals accosting or attempting to recruit persons who are not homosexuals. Secondly, there are the crimes that stem from homosexuality itself. There are at least five unsolved murders in Seattle, which are known to be the result of homosexual affairs and would appear to be destined to remain for a long time, if not forever, in the "unsolved" files. There are at least twenty cases of aggravated assault; the majority of them solved and some of them unsolved which stem from homosexual or lesbian activities. Thirdly, it is known to the police of every city that homosexuality causes many crimes, which are not reported to the police. One of the most continuing bunco actions is that of persons pretending to be policemen shaking down homosexuals for money under the guise of not prosecuting them for homosexual acts. This particular criminal activity is known throughout the United States.

Also in the shadow area, the police are convinced that hundreds of homosexuals are victimized by extortion or blackmail or robbery or assault and do not report these crimes to the police. There have been a few convictions for the so-called "degenerate shakedown" and a fairly recent one for extortion and robbery, but we are well aware that the percentage of these offenses known to police are minute. Another area of major police concern is the influx of homosexuals to any community when the information available is that the community is "soft" or "tolerant" of homosexuals.⁸

What the note failed to mention, of course, was that Seattle policemen themselves had managed much of the "white-collar" extortion of gay establishments. At the end of his lengthy memo, which reviewed developments in San Francisco and his request for military restrictions on gay bars, Ramon made an interesting recommendation. The problem, he said, was not violations of city ordinances, but violations of state regulations. No new city laws were needed, just more stringent inspections by inspectors from the state liquor control board. Indeed, he went so far as to write, "It is not recommended at this time that any new city ordinances be created to deal with this problem."

On the one hand, Ramon simply put the blame on state inspectors. But at the same time he seemed to suggest that city politicians not poke their noses too deeply by writing new ordinances.

The chief also proposed a substantial reduction in the safe territory gays and lesbians had been able to stake out. "I will recommend to your office for disapproval," he wrote, "the issuance, renewal, or transfer of any liquor license to any person who . . . will operate an establishment primarily oriented toward homosexual or lesbian patronage."

Mayor Braman responded the following day:

I have your complete report. . . . The picture you paint is a discouraging and sordid one, and I certainly have no suggestions to make to help resolve the situation. . . .

It would look like your department is doing everything possible to reach the hangouts of these people. But, as is well recognized, the incidence of this problem is far greater than generally understood; and in most instances, as I understand it, these people create no problem whatever for society or for anyone outside of perhaps their own family circles. Those few, however, who do either engage in illegal activities leading to serious crimes, or who gather in public places to the extent of becoming a nuisance, do create a problem and a real dilemma, as indicated by your report.

I am a little surprised, however, that any impression should be out that Seattle is soft on, or tolerates, these gathering places. If there is any basis for this and there is anything we could be doing to indicate that we are not tolerant or soft in this area, certainly we should be taking such steps. I would assume that a certain amount of close surveillance, even to the point almost of harassment of the most troublesome and noisome establishments, might have some effect to discourage the inflow of these people to Seattle.

By whatever means—this we must accomplish.⁹

While all of this was happening, there was also a new development in the police case against Keith Rhinehart. On September 26, 1966, just five days after the Wilsons began their string of stories, James Miller signed another statement—his fourth. In it, he swore: “The testimony I gave was false.”

After being picked up for car prowling by some policemen, two other officers from the Seattle Police Department . . . questioned me about the time I spent with Mr. Rhinehart on the morning I was picked up. . . . [One] officer told me that if I did not “cooperate” I would get into trouble. My understanding was that if I didn’t give them something which would permit them to arrest Mr. Rhinehart that I would undoubtedly continue to be confined and might be returned to Fort Worden where I had been previously detained. . . . The information in the statement about Mr. Rhinehart’s home and what was in it and where it was located was all supplied to me by the police officer. He questioned me in such a way that I knew the answers that he wanted. He would say, “Did you see a round bed in his room?” and I would know from the way he asked the question that there must be one there so I would tell him that I did. I was not in Mr. Rhinehart’s home and my testimony in this respect was not true.

Mr. Rhinehart did not commit sodomy on me or any sexual act of any kind. . . . I testified the way I did at the trial because I was under pressure. I felt that if I told the truth, the police officers who patrol First Avenue and the other areas that I would like to be in would be particularly watchful of me and my freedom would be substantially deprived.

Rhinehart's attorney filed an appeal to the state supreme court. The minister waited, his sentence to Walla Walla on hold for the moment.

Logically, the police might have picked MacIver Wells as their first target. They knew he had called the FBI; they probably suspected he was in touch with the *Seattle Times* reporters. But perhaps the heat from the *Times* stories determined the first public scapegoat. Or perhaps the police were simply wary of a man who had already taken them to court, started women dancing aboveground, stormed out of meetings, and reported the payoffs. Too, Mac himself had tried over the previous summer to reduce the amount of harassment. He had sold the Madison (to a man who had apparently promised to clean out its lesbian and gay clientele¹⁰) and then had converted the 614 into a tavern called the Gallery, which had begun catering to a heterosexual dance crowd as well as homosexuals.

For whatever reason, a few weeks after Ramon won his free hand from the mayor, the police department moved publicly against Jake Heimbigner, rather than MacIver Wells. Ramon urged the city council not to renew Heimbigner's cabaret licenses at both the Horseshoe and the Caper Club. He also asked that another gay cabaret, the Golden Goose, lose its license.

The recommendation posed a crucial challenge to the still fragile public life homosexuals had claimed in Seattle. Ramon's request specifically targeted gay dance floors. With Mac selling the Madison and converting the 614, those two dance floors for gays and lesbians were already vanishing. The allure of Madame Peabody's as an after-hours dance club had faded with the competition from the Caper Club, but now the Caper Club was targeted.

If the council followed the police suggestions, licensed gay or lesbian dance floors would no longer exist in Seattle.

November 29, 1966. Eight years had passed since Mac's initial, successful court suit against police harassment. Now the stage was set for the city's first legislative hearing over the place of homosexuals as citizens in Seattle. The specific issue before the city council's license committee was whether Jake Heimbigner, entrepreneur and owner of a gay bathhouse, deserved to hold a cabaret license and let men dance with men. The more general issue: Whether gays and lesbians in the city had a right to such public association.

For what normally would have been a routine bureaucratic decision about whether to revoke a bar owner's license, the *Seattle Times* reported a "near-capacity audience." The *Times* headlined the story "Standards Studied for Deviate Cabarets."¹¹

The rhetoric the council heard that day would establish a pattern for the next several decades, ranging from debates about Holy Scripture to arguments about the First Amendment, from the psychology of what caused homosexuality to proposals for how a city should best respond.

Keith Rhinehart was there, temporarily free while awaiting the outcome of his

appeal to the Washington State Supreme Court. So were other ministers. Rhinehart, the *Times* reported, “urged the Council to emulate the example of San Jose, Calif., which it was declared, has allocated more than \$890,000 for a sex-education to begin in the fourth grade. Mr. Rhinehart urged Council members to ignore Chief Ramon’s recommendations and renew the three licenses [saying] he could provide the Council with a list of more than 1,000 establishments in the United States which are gathering places for homosexuals.”

The Reverend Thomas Miller, of the Calvary Bible Presbyterian Church, was not impressed. To give homosexuals “a place to meet,” he responded, “is the worst thing you can do for them—it simply encourages them.”

“Several speakers,” the *Times* said, “asked councilmen to consider the existence of various physical aberrations and not to rule harshly against persons whose standards of behavior are different from normal standards.”

The newspaper did not report any statements being made by the homosexuals who owned or used the bars. Publicly, at least, those voices were still silent. However, among those who testified for Seattle’s gays and lesbians was a heterosexual minister from the United Church of Christ, the Reverend Mineo Katagiri, who countered the fundamentalist Miller. Katagiri would eventually become the first real organizer of and spokesman for the city’s gay rights movement. In retrospect, his words take on a rhetorical importance since they reflect the first political strategy that politically minded gays and lesbians would use as they began trying to “talk to” heterosexuals in the city.

Katagiri’s remarks were not reported in the *Times*, but he did later send a written copy to Mayor Braman. Here is some of what he had to say:

The problem is twofold: society needs to learn to accept homosexuals as legitimate members of the community and homosexuals must learn to behave as responsible members of a larger community. . . . Any action which can be interpreted as persecution will make the task of integration more difficult. The proposed closing of the bars only says to the homosexuals that the official policy of Seattle is one of persecution. This makes our task of relating to homosexuals that much more difficult. . . .

We are trying to get the homosexual communities to accept responsibility for setting their own standards of conduct. The lesbians I am meeting with have decided to organize with a set of officers so that they can begin to set standards which will be creative. For instance, I would like to see them say that sex should be between consenting adults and in the privacy of the bedroom. Hence, they would agree that they would not seduce minors nor show affection in public. Also, that the gay bars should be places of socialization, and not sexual gratification. But they will do so only if they are made to feel they are wanted in the larger community. If we make them feel as outcasts, they will behave as outcasts.

This means we will need to help the responsible ones take over “power positions” in the gay community and set standards of conduct. It is their hand that we must



While Seattle government officials in the 1960s considered homosexuals to be a problem, others such as the Rev. Mineo Katagiri argued that lesbians and gays should be treated as respectable citizens. Katagiri provided help to those seeking to organize the Dorian Society. (*Seattle Post-Intelligencer* Collection, Museum of History and Industry, Seattle)

help strengthen. This is not easy because many have responsible jobs and can ill-afford exposure as homosexuals. Hence, the task before us is difficult but increasingly, if the stigma is taken away, they will come to the fore.¹²

Katagiri's proposed bargain with the city: Leave the bars open while encouraging a new class of respectable homosexual leaders to put a stop to all those sexual activities inside them.

Just in case the council members did not buy his long-range strategy, Katagiri had a few dire predictions if the bars were actually closed. He tied those to a visionary appeal:

Let me say a few words on the immediate possible results of closing "gay bars." One is that they will go "underground." Closing of bars does not mean homosexuals will leave Seattle. They will simply change the locale of activity to other "straight" bars, bus terminals, certain hotels, and so on. There are certain behavior patterns which can be called "signals" that enable a homosexual to communicate to another. It may

well be that dispersion may bring greater embarrassment to some of our more respectable night spots and public gathering places. . . .

The vast majority of homosexuals do not depend on bars for their social life. They do not care about the fate of the bars as such. However, they feel deeply the fact that they cannot live openly and honestly as homosexuals. To live under a constant threat of exposure, loss of jobs, blackmail, ostracism is no life at all. What the vast majority of homosexuals basically desire is a chance at living honest and open lives. This, I think, they deserve to have.

Faced with intense argument from both sides, the city council's politicians did what politicians often do. They adjourned, saying they needed more study.

Three weeks later, with the publicity gone and the police apparently feeling their muscle over the mudflat sufficiently demonstrated, Jake Heimbigner's lawyers submitted a proposal to the license committee. Lights in the gay bars would be turned up slightly. Lewd and indecent conduct would be officially prohibited—although, of course, it always had been. The cabarets would stay on probation for four months and then be reviewed by the police before getting their full licenses returned. And the gay bar owners, some of whom had been accused of turning away heterosexuals at their doors, would promise to let anyone old enough in to join the gay dance.

Chief Ramon quietly okayed the proposal. It seemed as if the outbreak of tension could end, and the status quo could continue. Two problems remained, though. The police still managed the gay landscape in the city. And MacIver Wells was still mad.

Although he had escaped the direct police assault of autumn, Mac would no longer be ignored in the waning days of the year. The flurry before the city council had isolated him; other gay owners, he recalled, were furious that he had brought them so close to ruin.

Suddenly, inspectors started appearing from an entirely new direction—not from police headquarters but from the city comptroller's office. One visit to the Gallery occurred on December 2, 1966, just three days after Ramon had okayed the compromise with Heimbigner. Two comptroller inspectors arrived about 11 P.M. It was a Friday night. "The place was busy as hell," Mac remembered. One of the comptroller's men, E. L. McAllascer, would say that he and the other man, named Englen, had gone to discuss the payment of a delinquent admission tax. McAllascer's report, which he submitted not only to his bosses but also to the Seattle Police Department and to state liquor control inspectors, does not explain why such a visit would be made at a late hour on a weekend night.

From McAllascer's report:

Mr. MacIver Wells . . . was sitting drinking beer. I stopped to talk to the doorman regarding his tickets and Englen walked over to the bar to talk to Mr. MacIver Wells. Suddenly, Wells was on his feet screaming and hollering . . . Remarks such as "Don't

call me an asshole, you son of a bitching asshole”; “If you call me an asshole again I’ll throw you in the gutter.”

I walked over and tried to calm him down but he acted like a maniac and wouldn’t quit cursing and shouting. Wells claimed that Englen called him an asshole (a word with which he appeared to be obsessed) which Englen denies.

Englen says when he asked him about the delinquent tax, Wells says, “Don’t worry, you’ll get your fucking tax!” When Englen replied, “Don’t swear at me,” Wells apparently flipped. He was obviously drunk and impossible to talk with so we started out the door. He then stopped me and asked who I was. I told him and showed him my badge. He said “That don’t mean nothing to me and beside[s] both you guys are drunk.” I started out the door and he said, “Just a moment while I make a phone call.” He went to the phone and called someone and told him to grab a cab and come down right away. He hung up the phone and told me to wait for someone. I asked him who I was to wait for and he told me “You wait here, you’ll see!” I told him I wouldn’t wait and started out the door. He followed us on the sidewalk, screaming that we were drunk chickens and cowards. The last we heard was the remark, “I sure out bluffed you guys.”

It is my opinion that Wells is potentially dangerous and should not be permitted to operate an establishment of this type.¹³

Mac’s version differs. He says the inspectors had been coming in on weekend nights demanding to see his liquor and cabaret licenses posted in plain view behind the bar.

“The band is playing and I’m busy as hell and so is John running the bar. [The inspector would say] I’d like to look at your license. I’d say, ‘They’re right over there. Go look.’

“‘I’d like you to be with me,’ the inspector would insist. The next weekend he’d come again. ‘I’d like to check your licenses.’

“I said, ‘Have they changed since last week?’

“I let him do this three Saturdays in a row. Next time he came in, he said, ‘I want to see your licenses.’ I was sitting on a stool and I got up and I said, ‘You know, I’m about sick of you and I’m going to throw your ass out on the sidewalk.’

“I just pretended I was going to. They ran down the street, both of them out the door.”¹⁴

McAllascers’s report prompted an investigation by the state liquor board. An inspector showed up carrying the McAllascers letter with him, but “he wouldn’t let me read it,” Mac remembered. “He said this is a letter that says you’re dangerous.” Fortunately, the inspector was slightly more sympathetic. Mac remembers him saying, “I know you’re not going to hurt anybody. Just cool it a little.”

Even a police officer who had once staffed the Madison’s door and who had then become friends with Mac cautioned him. “Mac, you’re playing with dynamite. There’s talk of cement boots,” Mac said he was told. He answered, “You go back, and tell them don’t bother with the cement boots because I can’t swim anyway.”

The harassment only made Mac more determined. He continued to try to persuade the Wilsons to publish the story about payoffs they had in the works, but they wanted something more convincing than just his statements. So in late December 1966, he set out to give it to them. Now that Mac was no longer paying off and no longer trusted by the police, he could not hide the two reporters in his bar to let them witness an actual payment. But there was another possibility. After Mac and John had bought the 614, on-duty cops had continued to freely use the tavern on Sundays, skipping their beat walks for pinochle and poker games, just as they had when the bar had been the Shaggy Dog. Once the friction with Mac developed, the beat officers had moved their games. Mac figured he could find out where by checking with other bar owners. It didn't take him long to find the cops playing cards at the Pacific Tavern, five blocks north of the 614. He phoned the reporters.

For the next three Sundays, the reporters, sometimes with Mac accompanying them, parked across the street. The pattern was the same each night and noted in the story the Wilsons eventually wrote:

"8 P.M.—Officer 'A' arrived in his private automobile, got out with his uniform coat unbuttoned and started across the street. . . . He used the [police] call-box on the corner, and then walked his beat for exactly three minutes, covering one-half block. . . . The officer unlocked the door of the Pacific Tavern . . . and went inside.

"9:15 P.M.—Uniformed officers 'B' and 'C' came around a corner into First Avenue and sauntered several doors past the tavern, swinging their night sticks. . . . They did an about-face, returned to the tavern, tapped on the door with their night sticks and were admitted by Officer 'A'."

And so on, through Officers D, E, F, and more. If the Wilsons were not yet comfortable exposing the payoff system, here was undeniable proof that Seattle's finest were not even bothering to do their regular jobs. One night, Mac said, the Wilsons told him to walk up to the tavern window and stare inside while they hid in the next doorway. Mac pressed his face against the tavern's glass window, eyeing the cops inside. As soon as they saw him, the cops began streaming out. "Did they get out fast!" Mac recalled. "They were coming out the door and the reporters were right there with their notebooks." The reporters told him to call off their names as they wrote down the badge numbers. "I couldn't name them all," Mac said, "but I got quite a few of them."

The final Sunday night of surveillance, January 8, 1967, marked the beginning of the end of police control of the gay territory in Seattle—as well as of the tolerance system that stemmed back to the gold rush era. The *Times* bannered the story of the card-playing cops on its front page. Emboldened, the paper then printed a story about the FBI investigation of the payoffs. While neither the FBI nor Chief Ramon would give any details, the Wilsons were able to state that a report had been passed. That they had confirmed through Mac's phone call.

Finally, on January 17, 1967, the *Times* published the details about payoffs that

Mac had been feeding the Wilsons. Mac was not named, but anyone familiar with the gay territory on the mudflat knew who was being quoted. The tone was different from the previous articles about the city's "homosexual problem." This time, the lead focused on the real problem: "How much will it cost me to operate?" a Seattle night club operator said he asked a policeman in 1958. The operator quickly found out—\$30 a month—and it grew by leaps and bounds until this past year he was paying a total of \$370 a month for three establishments. . . . This is the account of the owner's role in the payoff operation from beginning to end." And, indeed, it was. Incident after incident was detailed, covering almost a decade from 1958 on, the same information Mac had passed to the FBI. "One of the beat men used to collect the payoff," Mac told the reporters. "He would take his hat off, put it on his lap, and wouldn't take the money in his hands. I had to toss it into his hat."¹⁵

It would be the 1970s before all the investigations by citizen commissions and grand juries could result in any trials—and in the end, only a very few patrol officers were ever convicted. But with that 1967 story, the payoff system began to collapse.

With it would go the foundation that for decades had permitted gays and lesbians to forge a few safe havens known mostly to them alone and to build a safe public territory of social networks on the mudflat. Now, there was an uncertain future to ponder.

Keith Rhinehart, meanwhile, was about to find more certainty—but not of the type for which he had hoped. Despite Miller's retraction the previous September, the Washington State Supreme Court ruled in March 1967 that Miller's new—and fourth—affidavit asserted no more new information than his second, similar withdrawal of the accusation. Since the second statement had been contradicted by his third—and the jury had considered both and then believed the third—there was no reason for a new trial, the justices said. It seemed an odd logic, the ping-ponging testimony of the state's only witness not being enough to undermine his credibility.

The court also dismissed Rhinehart's contention that the sodomy law itself was unconstitutional, ruling that this argument had "no merit" since the legislature had considered and adopted "the public interest served by" the law. The court also refused the argument that the Seattle police, through their tolerance scheme, had sometimes allowed homosexual acts to take place at bars like the underground Casino Club. The failure to prosecute others was no reason to order a new trial for Rhinehart.¹⁶

In trying unsuccessfully to prove that the police had violated Rhinehart's right to equal protection, his attorney Malcolm Edwards researched local sodomy prosecutions for the four years preceding Rhinehart's arrest. He found that from 1961 to 1965, King County prosecutors had charged some 105 people, almost all of them men, with sodomy. In more than half the cases, the sodomy charge was a way to prosecute an adult who had had sex, often heterosexual, with a child fifteen or

younger. Of the remaining King County sodomy cases during that period, according to Edwards, seven accompanied arrests for murder, rape, or burglary. The other charges—about thirty in all—were for consensual acts with those aged sixteen and older, but some were arrests of gay prostitutes and others were for acts committed in public places. A sixteen-year-old like James Miller, while still not an adult, was presumed to have reached a greater degree of “biological maturity,” according to the American Law Institute. Edwards argued that there was not a single other sodomy case in the study that resembled what had happened to Rhinehart—an arrest for an alleged homosexual act, consensually, with a person of “reasonable biological maturity” in private.¹⁷

It was to no avail. The state supreme court ruled that the minister would have to begin serving his ten-year sentence for sodomy. He was headed to Walla Walla.

It would be five years before a federal judge would finally overturn the conviction and free him.

