

# *Stirrings of Resistance*

It was Boxing Day in Canada, when Christmas gifts are stored and alms passed to the poor. In 1957, MacIver Wells and John Chadwick had other boxes to worry about. They had just driven south from Vancouver, heading for Seattle and a new life. It was time to unpack.

Mac, as he was always called, had been born in Quebec, that first name a reminder of his mother's clan from the Scottish Highlands. John had grown up in Alberta. In the early 1950s, the two had met in a beer parlor in Vancouver. When they met again by chance on a city bus, they began a relationship that would last until Chadwick died forty-four years later. Mac was in his thirties, working as a prison guard, while Chadwick was in his twenties, selling retail goods for the Woodard chain. Both dreamed of operating a business where they and their customers could be openly gay.

In Vancouver they had tried managing a steam bath, catering to straight businessmen during the day but encouraging gays to come at night. Chadwick had eventually been disgusted by the hypocrisy of some of his closeted customers, the final straw coming, he said, when he had admitted a closeted priest who paid with money from his Sunday collections. Mac and Chadwick decided to head south to realize their ambition of starting their own gay bar. In Canada it was too hard to secure a license. "You had to be part of a hotel then, with a certain number of rooms," Mac explained during an interview in 1992.<sup>1</sup>

A real estate agent had already shown them possibilities in Seattle. The first four or five they had disliked. Then they saw the Madison Tavern, located at the corner of Third Avenue and Madison Street, about six blocks north of the old Casino. It was not that impressive—just a typical neighborhood bar—but the location in downtown Seattle was compelling, in the middle of the knoll that Arthur Denny had platted north of the mudflat. City hall and the police department sat a few blocks south. Across the street, construction workers were building a new home for City Light, the utilities department. The workers would make for good steady lunch and after-work customers, and at night, the same strategy used for the steam bath could work. "We figured we should run it straight until we got established," Mac recalled. "You don't want to make waves right away."

They preferred to serve gay men, but serendipity dictated a different choice.

"Two girls used to come in and drink after work," Mac said. "They were in a meat-packing place or something, and we got quite friendly with them." The women asked whether the two would mind if lesbians started coming to the Madison. Chadwick and Mac had envisioned a bar for gay men, but they decided homosexual women would be fine too. "Business was terrible running it as a straight place," Mac said. "God, it was awful."

"The girls must have spread the word," Mac said, "because they sure started coming in. From then on, it was a gold mine."

"Silver," Chadwick smiled.

"Yeah," Mac quickly agreed. "Silver, not gold."

Chadwick was the quieter of the two men, with a slight air of sophistication, comfortable at watching events unfold while tending the books in the back of the bar. By contrast, Mac was assertive and willing to hurl brusque epithets—although often with twinkling eyes. "I was a prison guard—that made you mean and rotten," he said, smiling all the while.

Even getting into the United States proved a problem since they were gay. "We went to a school to become American citizens and we got our call to go down to be interviewed [at the immigration office]. . . . We've been in gay business all of our lives, even in Canada, so I pretty well know who's gay most of the time by looking at them—and this little nelly faggot sitting behind the desk is the one that asks the questions. He asked us both to come in. He says, 'I'm going to close the window and I'm going to close the transom and [whispering] we're going to have a little talk. Just the three of us.' I say, 'That's fine.' And he says, 'I'm going to turn you two down.' I said, 'Why?' He says, 'Under code such and such, paragraph such and such.' I said, 'Let's start all over again, I don't know what the hell you're talking about.'"

"Well," he says, "you and Chadwick have lived together many years. You own that house where you live and it's in your names, both of you. The businesses are in both of your names. Your bank accounts are joint bank accounts." He says, "What do you think?"

At the time, the Immigration and Naturalization Act of 1952 specified that "aliens afflicted with psychopathic personality" should be excluded from the United States. With the American Psychiatric Association still listing homosexuality as a mental illness, the U.S. Public Health Service had determined that "psychopathic personality" included gay men, a determination that the Supreme Court would uphold in 1967.<sup>2</sup>

Wells looked at the immigration officer and said, "You're trying to tell me I'm a queer?"

"Well," he says, "I'm trying to be friendly."

Chadwick remembered, "He made quite a procedure of it. He slapped the files together like that [snap]."

Mac: "I said, 'You're accusing me of being a queer? You must have a boss. Now I want to see the top supervisor over you right now.'"

"He said, 'Now you're getting all excited.'"

"Excited! I'm not only excited, I'm mad."

"So he got on the phone and in came a guy, his supervisor. His supervisor said, 'What seems to be the trouble Mr. Wells?' I said, 'This guy just called me a queer!' He said, 'He called you a what?'"

"I did NOT!" Mac said the clerk responded. "I told him he came under section so and so, paragraph such and such."

"I said, 'I didn't know what it was so I asked him and he said it was the homosexual one.' He said, 'Well you shouldn't get excited about that Mr. Wells. That's his opinion.'" But there was no real proof Mac and Chadwick had had sexual relations.

"We went through," Mac said. "We had no trouble after that. But see how that little fart could have scared me?" MacIver Wells was not one to be easily frightened.

When the women started to arrive, Chadwick redecorated the Madison. He decided it should look like a French sidewalk cafe. He and Mac placed awnings over the bar and hired one of the "girls"—their word—to paint wall murals of French street scenes. The tables sprouted red and white checkered cloths as well as a romantic touch with candles burning in glass containers. "It was different compared to the run-of-the-mill taverns [on the mudflat]," Chadwick said. "Picturesque, I guess you might say." Then a decidedly unromantic event occurred.

One day while Mac was working the bar, a Seattle police officer walked in. He chatted pleasantly for a few moments, then mentioned that he had noticed the Madison's clientele had changed. Mac listened. For thirty dollars a month, the beat cop said, the lesbians could be left alone, even given some "protection" against heterosexuals who might want to harass them in the bar. Neither partner had ever encountered such a suggestion in Canada. "In Canada," Mac said, "your business was your castle—a policeman didn't ever enter without your permission. Down here, it was a shock. A policeman could come into your tavern and do what he liked." Mac soon discovered that it was not uncommon for a Seattle police officer to make such suggestions.

The payoff system had begun at least by the late 1890s, when John Considine, faced with the barmaid ordinance that prohibited women from serving drinks, began enriching patrol officers for their tolerance. Once Prohibition ended in 1933 and new restrictions were put on saloons and gambling, police officers and inspectors had great leverage in deciding whether the lights inside a tavern seemed bright enough, whether views from sidewalks really were unobstructed enough, how often customers should be carded for age checks, and whether any singing or dancing by the clientele was impromptu or sufficiently a part of the bar business to require a different, more expensive cabaret or dance license.<sup>3</sup>

Later, in King County court records, it would be revealed that during the 1950s and 1960s the bar manager at the Double Header, John DelleVitti, had been required to pay the beat cop \$60 per month. At his underground Casino, he had paid \$100 every weekend it was open. By the 1960s the police were collecting almost \$6,500 a year from the two gay gathering spots. At a nearby cocktail lounge at Second and Yesler, the Mocambo, the owner, Ivan Prather, would be approached by police officers in 1959. Prather paid \$100 on the first of each month, according to the court records. He also started paying \$50 per month to state liquor inspectors. Seattle police officers then demanded a raise, to \$150 a month. Prather told prosecutors he eventually negotiated a different deal: \$60 per month and two bottles of Old Hermitage. When Albert Romano opened the Submarine Room in the basement of the Smith Tower, a block north of the Double Header, he found his license application blocked until he agreed to pay \$100 per month to beat officers. At one of the oldest steam baths on the mudflat frequented by homosexual men, the South End on First Avenue, the owner, Edwin McCleary, had been told to pay \$75 a month. Eventually, according to court records, a patrol officer informed him that he had “too good of a thing” and the price would rise. McCleary was soon paying \$200 per month, delivering the money in three separate envelopes, one for each police shift.<sup>4</sup>

Prosecutors would later allege that beat cops collected the cash and split the payoff with their shift sergeants, who in turn divided with captains. How far up the money went was a matter of speculation. Unlike John Considine, who in the 1890s claimed to have followed the police officer he had paid and seen him deliver the money to police chief William Meredith, gay bar owners could only speculate about where their cash went. The payoffs could also take different forms. Mac said he was once told it would be highly advisable for him to buy a couple of tickets to a fundraising party for the governor. Mac tried to reason his way out of the suggestion by saying that he and Chadwick were still Canadian citizens and could not even vote for the governor. The cop, unimpressed, dryly replied that a donation directly to the governor’s campaign would still do. Other times, the payoff came in the guise of “voluntarily” hiring an off-duty policeman to be the bar bouncer and door checker. Although it was cheaper to assign a tavern employee to the door, the bars for homosexuals often were not allowed that choice.

Gay establishments were not the only ones hit. Taverns, card rooms, pinball arcades, and bingo parlors across the city had to pay, but, later investigations would show, the brunt of the extortion fell on the groups in Seattle that were stigmatized because of their color, their class, or their sexuality. Throughout the mudflat and in Seattle’s Asian American and African American neighborhoods, those who ran social establishments for the city’s outcasts paid the heaviest price. The First Precinct, covering Pioneer Square, became the most lucrative, according to the court records, generating from its largely run-down bars for transients and homosexuals up to ten thousand dollars per month for the police—enough in the late 1950s and 1960s to pay twelve officers’ annual salaries.

Once the system was fully entrenched, it did not matter whether anything illegal was actually occurring at a particular bar. Just by making repeated entrances, the police could harass a business operator until the solution became obvious: pay off or close.

The system does appear to have worked for gay protection as well as extortion. For example, a heterosexual man once complained in an affidavit, filed in an unrelated 1960s criminal case, that he had been barred from the Madison. "At approximately midnight, accompanied by a female friend, a stewardess, I attempted to go into the Madison Tavern," he said. "We were stopped at the door by a uniformed policeman who said something to the effect that we really didn't want to come in there. 'Don't you know what kind of place this is?' [the policeman asked]. He then told us that after nine o'clock on Friday and Saturday nights, there was a cover charge of \$3 per person, that [the cover charge] was awfully expensive and that we could get into other places for half that much. . . . It sounded as if he had been instructed to keep out 'straight couples.'"<sup>5</sup>

At the Madison, Mac had initially been taken aback by the demand for a payoff, but since he and Chadwick were new in town and not yet certified as citizens, they delivered. Then, in 1958, the rules changed. Mac recalled, "Up came a captain and wanted to see me in the back room. He says, we're going to stop accepting payments. I said, why, what's happening. He said, we've got a new mayor and he's really investigating all departments, so we won't accept money anymore. The captain called him Mickey Mouse—"While that Mickey Mouse bastard's in there, we can't take it [the payoffs]."

Mac and Chadwick stopped making payments. More weeks passed, and then without warning police suddenly started raiding the Madison, entering unannounced and demanding to see everyone's identification, harassing homosexuals by threatening to report them to their employers. One Friday, October 3, 1958, was especially bad, according to Mac. Two police officers walked in and questioned the customers, ostensibly about their age. The officers walked out the door, then returned six minutes later with a sergeant and started the questioning all over again. Intimidated, every person in the bar left. Within a short period, the Madison went from making a profit to losing \$350 a week.

Both Mac and Chadwick were confused. They had simply followed instructions. Yet suddenly, it seemed, the police had decided to make the Madison a target. Uncertain what to do, Mac relied on instinct—which for him meant fighting back.

That fall of 1958, the police had targeted not only the Madison but also a gay tavern called the Blue Note, which operated in Pioneer Square just a block from the Double Header and was run by a man named Jim Watson. The Blue Note had opened in August 1957, and even though Watson tried to get the raids stopped, he would say later that he had been told that the repeated visits were "a policy of the police department" even though the officers had never found any violations

of the liquor laws. Instead, they just collected lists of names, addresses, and employers.

Watson had gone so far as to post a sign in the bar to encourage his customers to refuse to be intimidated. It said: "You do not have to answer any questions or give answers to any person when upon these premises." But most of his homosexual customers were not brave enough or out enough to withstand the police inquiries. They simply went elsewhere. Within a short while, according to statements Watson later made to the courts, he was losing more than a thousand dollars each week. He had already been told what he needed to do to stop the raids, but he was refusing. "Jim came up," Mac said, "because he didn't pay off, he wouldn't pay off—and they were really going to nail him. And I wasn't paying off because they wouldn't take it. And he said, 'I'm not going to lay down and take this, Mac. Are you willing to go in with me and fight this?' I said yes."

At the time, Watson apparently did not know that Mac had made previous payoffs. They found a lawyer, Gale Hilyer, and described both the raids and the payoff system. "Jim and I went down there," Mac recalled, "and that's when Jim found out I was making payments." The lawyer asked if either had made payments. "Jim says no. Then he asked me, and I didn't know what to say because I'd been telling Jim I didn't. And I say yes I do. Jim says, you phony son of a bitch. That's how Jim knew."

On October 9, 1958, Hilyer filed a lawsuit against the city on behalf of the Madison and the Blue Note. It appears to have been the first of its kind on behalf of Seattle's homosexuals, marking a new readiness to fight for a civil right—the right to peacefully gather in a public place without fear of government harassment. Even if only in a small way, it can be said to have signaled the beginning of the public struggle for gay civil rights in the city.<sup>6</sup>

The judge appointed to the case, Frank James, immediately granted a temporary restraining order against the police and set a trial date for November 25. In the meantime, the police were ordered not to question or intimidate any customers of the two bars unless there was "good cause" or the questioning was necessary for a "lawful arrest."

Judging from what can only be called a stumbling legal response, both the police and the city seem to have been unprepared for the possibility that homosexual bar owners would actually publicly challenge them. At first the city tried to defend the actions of its law enforcers. The city attorney claimed that the names being collected during the raids were necessary for an investigation of several felonies "which are believed to have involved homosexual persons." He argued that a list of such names would help in the investigation of "possible future felonies involving homosexual persons, the number and activities of which are believed to have undergone a rapid increase in recent months in Seattle." He did not cite any statistics.

It was a transparently unconstitutional logic. Had any attorney offered a similar rationale for raiding heterosexual taverns to gather the names of everyone

there for the investigation of “future felonies,” the lawyer would have been laughed from court.

The papers filed for the lawsuit had not mentioned the payoff system at all—just the raids. But putting police officers on the stand could mean that under cross-examination the payoff system would be revealed. Certainly the volatile MacIver Wells might talk about it.

Just a few days before the trial was to start, the city attorney and Hilyer conferred. Would Mac and Watson accept a settlement telling the police to stay out of the gay taverns unless they had legitimate reasons to enter? In return, would the two bar owners drop a request to be reimbursed for lost profits? The two owners also wanted the wholesale identification checks ended. If police came in to check, they should do so only if customers clearly looked underage.

The case ended almost as quickly as it had begun. On November 19, 1958, the deal was struck and the court order issued. It was rare for its time: an injunction instructing the city police not to question customers in gay bars unless there was “good cause” in connection with an actual investigation. In coming years, the order would save the emerging gay community in Seattle from the raids common in other cities—the kind that would eventually lead to the 1969 Stonewall riot in New York City that catalyzed later gay activists.

Mac’s victory did not mean the end of the payoff system, though. No one thought that it would, and, possibly, few wanted it to. Even Mac quietly returned to paying off the police thirty dollars a month—although for reasons that would not become known for several more years.

Still, Mac and Watson had shown that homosexuals could resist the police officers, take them to court, and win. Hilyer had warned Mac that he would be “exposed” as a homosexual if he took the stand. Unafraid of being called a queer, Mac had scoffed and taken the risk.