

Kevin McMahon

Tea for Thirty-Two

The Persecution of Gays in St. Catharines

ON A BLEAK INDUSTRIAL ROAD inside the squat bunker that is the St. Catharines Ontario cable television station, the phone-in show is winding down. The subject is sex in public places, but the subtext is eradication: specifically, the right of the established order to eradicate homosexuals. The show has been prompted by the arrest — three weeks before on January 5 — of thirty-two men on charges of gross indecency. Upstanding citizens all (there was the banker, for example, and the Baptist minister), the men were captured by surreptitious police video cameras as they had sex in the wash-room of the Fairview Mall. On the day of the arrests one of the men, a forty-year-old plumbing hardware salesman named Clarence Warren, had killed himself. Tonight, the callers, without exception, are on the side of eradication. A woman says that the wife of 'a man like that' is 'sick' for not disowning him; another says she believes 'these men are capable of anything, just anything'; a man wonders why 'when this country was started we had the law of God and now all of a sudden we have politicians making laws.' Finally, the last caller is clicked into oblivion and the lights are set to cool. The community panelists spill from their tiny podium into the station's lunchroom, eager to know how Mary Lou Finlay — *the* Mary Lou Finlay — feels they did. The uproar created by the suicide has been

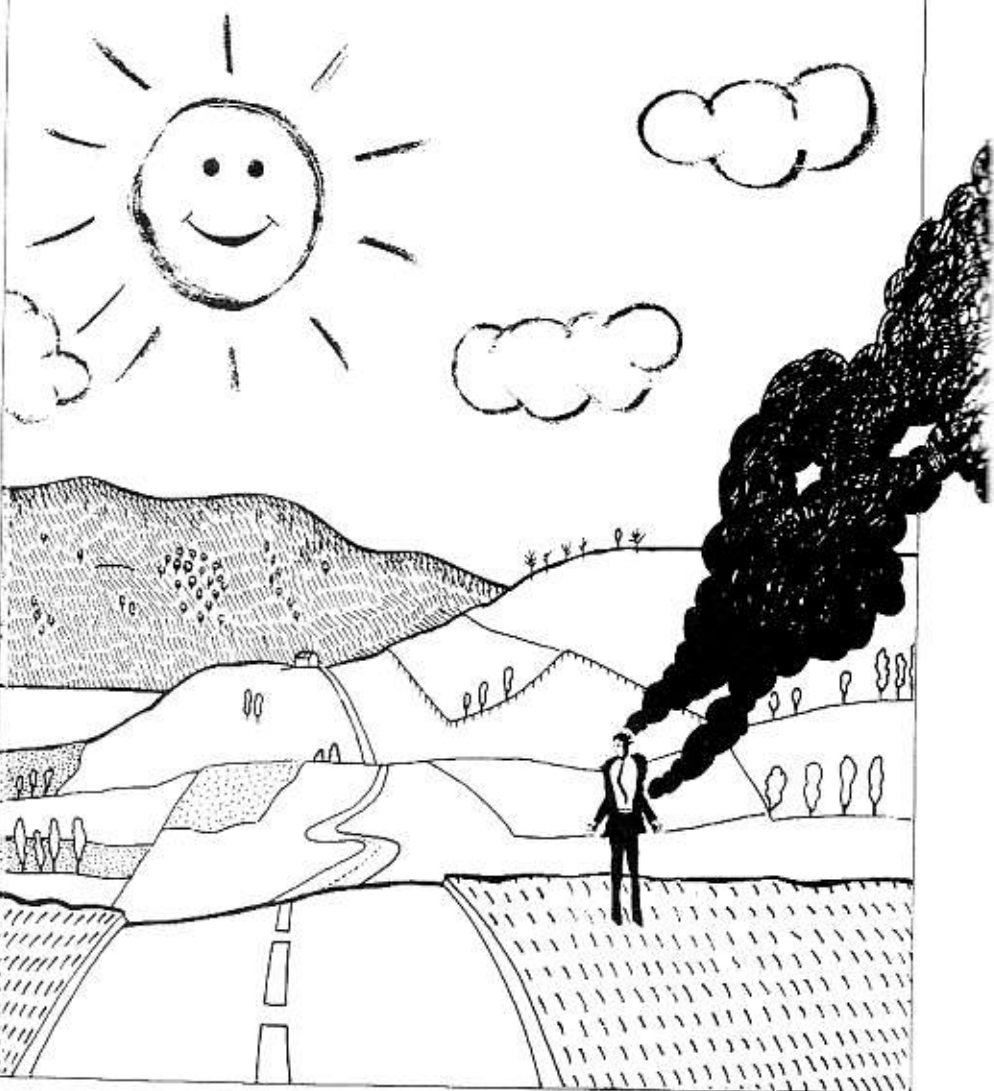


illustration: John Whyte

deemed worthy enough for *The Journal* to take note. The head of Ms Finlay's crew figures he got 'forty, maybe forty-five seconds' tonight. 'Not bad.' The star gives each of the panelists a pat on the head and says that she thought the callers 'were not at all bush league... absolutely typical... a good cross-section.'

She was right. They were nothing if not absolutely typical.

Clarence Warren was absolutely typical too until he drove his company Oldsmobile on to one of the roads twisting through the vineyards west of town and, still rolling, doused himself with gasoline and flicked his lighter. He had all the attributes a place like St. Catharines smiles at: happy wife, two kids, Sunday school teacher, hard worker, sportsman. In all the inevitable interviews with friends and neighbours afterwards, that word kept coming up — normal. He was a normal guy. When the police got to him the second time that Saturday, there was nothing left to go on but dental records.

I think Clarence Warren knew the people of St. Catharines were absolutely typical also. Typical of Miller's Ontario and Mulroney's Canada. Typically ignorant and typically intolerant. And I think he knew his claim to the essential currency of life in such a typical place had been ripped away. The guardians of normalcy must have been barking and frothing in the rear view mirror that day as he drove west with the gas can on the front seat.

GAYS CALL THEM TEAROOMS, these washrooms where men meet for seconds of sex in a bath of florescent light, through cubicle walls and beside urinals. They are men who live outside the polar regions of Kinsey's famous spectrum, neither quite here nor there. They are, according to a young gay who has used tearooms, men who 'need escape, they need freedom, to be what they really are. Often they are married men who don't discover they are bisexual or homosexual until after they are married. They don't want to give up their respectable lives and this is the quickest and easiest way to have sex, without commitment.' They are also immigrants who do not know how to find the gay culture that, in a small town, is perforce a subculture. They are young gays painfully trying to come out. Sometimes, they are old men too

distant from the throb of the youth culture to be able to find sexual partners any other way. Laud Humphries, an American sociologist who wrote *Tearoom Trade: Impersonal Sex in Public Places* (Duckworth, 1970), reckoned that five per cent of the men in the city he studied used tearooms in a year. What they have in common besides their intense yearning to express a side of them kept down is the fact that, once found out, they are seen as a growth to be removed from a male-dominated society in which they are a threatening malignancy of weakness.

In the days and weeks following Clarence Warren's death, it became clear that there was some surgery underway in the body politic and that there is more to come. Despite the best attempts of the police, courts, media, politicians and all their faithful constituencies to wrap their serrated blades in the soft cloth of rhetoric about the right to do this and the duty to that, there was no mistaking their purpose.

On the part of the Niagara regional police, from the time they received the first and only complaint about the washroom, it was to catch as many deviants as was economically possible. Aside from its own inherent value, a big round-up would inevitably generate a lot of hype for the vigilant street cleaners while focusing a constellation of burning eyes on the miscreants. Double your value, double your fun. The force knew exactly how to do this because it had done so a year earlier in Welland, using identical methods and even arresting the same number of men. The officer in charge — Deputy Chief Martin (Bud) Walsh, a thirty-six-year veteran two months from retirement who has the disarming style of Deputy Dawg — simply had the boys reach for Plan A, the one with the video tricks in it. They set up three cameras with lenses about the size of a pencil eraser — the sort of thing doctors use these days when they go rooting about for errant cartilage inside the knee. Court orders were not required because the cameras had no sound function and video surveillance requires only the permission of the owner of the premises. None of the police, apparently, were too troubled about the obvious invasion of privacy of everyone who went into the washroom. Seven men were installed in the mall for a week, a couple behind monitors and

the rest behind potted plants, to track the men as they emerged from the washroom. Instead of arresting them on the spot, the police let the list grow and then, on that Saturday, rang each man up and asked him to drop by the station.

In his book, Humphries talks about a 'breastplate of righteousness' that men who use tearooms adopt. They are people who stand to lose everything if caught and they insulate themselves, he says, by becoming the types no one in their milieu would dare suspect. They are ultraconservative, pillars of the community. One can imagine the terror convulsing men like that as they realized what was happening. The police, ever serving and protecting, turned the terror up a few notches by offering to let each see 'his' video tape. They laid the charges and let the men go home alone to face their families and contemplate the destruction of their lives. The police then drew up a press release.

When Walsh issued the press release Monday morning, he knew he could count on the local media. There *was* the matter of having to admit that one of the men had killed himself, but the local radio and papers had proven themselves dutifully compliant after the tearoom bust the year before. Of the four area dailies (the independent St. Catharines *Standard*, the Thomson-owned *Niagara Falls Review* and Welland *Tribune*, and Southam's *Hamilton Spectator*), all but *The Standard* had published the men's names, the Thomson papers doing so across page one. And all — as usual — had pretty much swallowed the police allegations whole. But, most reassuring, none had even wondered, as they shoved those thirty-two heads into the stocks, why these men were being pilloried for nothing more serious than dozens of teenage couples do any summer evening in the area parks. They didn't need to ask. They knew.

They didn't ask this time either. They took the press release and ran for their deadlines.

THERE ARE GOOD ARGUMENTS for publishing the names of people charged with crimes, arguments which have to do with keeping people from being locked up by the police and forgotten and with the public's right to know about high officials who stand accused. In the days following the

arrests, the media which published the names would invoke each and every one of those arguments. *The Standard*, because of a long-standing policy against naming on arrest, was the only paper not to name and it later decided to withhold the names after court appearances as well. All but one local radio station did the same. But with the other media there were hints of a lower purpose behind all their carping about the public's right to know. 'The persuasion to name the accused,' said the *Review*, 'deals with such questions as: should the public not know of the proclivities of those with who they entrust their children? ... Can not a full disclosure serve to discourage the use of public places for homosexual activity?' It was a common line. Let a witch near a child and she turns it into a goblin; drive her into the sunlight and she will melt into dust. The manager of St. Catharines radio station CKTB — which, incredibly, had listed the names and addresses in full at the top of every broadcast — was even blunter: 'The idea that someone is innocent until proven guilty is an admirable concept,' he said, 'but if people are presumed innocent why then are they arrested in the first place?' Good question.

The reality of press freedom and public right was that the press were free to give the public what the police wanted it to know. And Deputy Chief Martin (Bud) Walsh wanted the public to know that the police didn't like having to smash all those families and such, but it had to be done. Evil had to be faced. 'It's a damn shame we can't deal with the problem in any way other than using the Criminal Code,' he told reporter after reporter. 'It's the only means we have. I feel sorry for these people. They're sick.' Notwithstanding the fact that the Bruner report (written in the aftermath of the 1981 Toronto bathhouse raids), a widely-publicized 1983 provincial court decision, gay rights groups, civil rights lawyers and even the Vancouver and San Francisco police have said the only humane 'means' is warnings (signs, security guards, etc.); the deputy chief's own force had used them in the past. In 1978, Niagara regional police had spent two-and-a-half weeks peering through a grate in the very same washroom and had identified forty-seven (altogether different) men using the place for sex. The officer in charge, known for his

sophistication, had ordered that they all be warned and left alone. 'It's a psychiatric issue,' he recently said, 'and a moral issue.'

Never mind. This time what the police wanted to do was cut these men from the community, and the media, by and large, were happy to help. They printed every myth about homosexuality that came out of Walsh — who did almost all of the talking for the force — from his diagnosis of the men's 'sickness' to his assertions that, no, children hadn't been involved this time, but that was only due to luck. At times, his lines flew far into the realm of fantasy, like when he said the video showed two of the men masturbating in the common area of the washroom and that, when a stranger walked in, 'they refused to stop.' 'Off the record,' reporters were told the men had done things like gather in groups to watch each other comb excrement through their hair. None, apparently, thought to ask how they went back to running banks after that. But the police could say what they wanted, as long as it was all general, knowing they would never have to back anything up because it is virtually unheard of for men caught in tearooms to contest the charges. It was no different this time on the day most of the men appeared in court. The disgusted judge, barely audible as he mumbled his way through the proceedings, at one point asked a sad-looking man in an ill-fitting three-piece suit if he understood the charge. The man, mistaking the question, blurted out 'guilty.' 'I know that,' said the judge, 'do you understand the charge?' The Toronto Right to Privacy Committee, formed after the bathhouse raids, is certain it could win a court case on the use of video surveillance. But it has yet to find anyone charged in such a case who is willing to fight.

While helping them destroy the lives of the men charged, much of the media helped protect the police from accusations of bigotry by repeatedly quoting Walsh as saying he had 'nothing against gays, per se' and never challenging him on the issue. One of these lines, given *The Standard* but never published, was revealing: 'Gays seem to be an accepted part of many communities, but these people apparently are not out of the closet. Maybe they don't have the intestinal fortitude to come out.' There was even a measure of sympathy for the

police. 'Suicide,' wrote the *Review* straight-faced, 'is one of the risks police take when they release the names of the accused, Walsh said.' Brave boys in blue.

It can be assumed that by the time the men reached court, they were so diminished that the suspended sentences and probation they received were as an insect bite to someone in a coma. But the torture never stops. As each man was called to the dock, Assistant Crown Attorney Robert Pringle would shuffle his papers and demand a tougher sentence, though it was clear the judge was giving out identical terms. 'I am not at all convinced this isn't going to happen again,' Mr. Pringle intoned.

Meanwhile, back at the media ranch, the journalists were all over the presentence 'facts' and were to detail them mercilessly. Reporters at the *Review* — who had agreed with publishing the names — protested to editors who demanded the full gore and were told that 'the public has a right to know what was going on in there.' What it apparently did not have a right to was understanding. A few reporters made obligatory calls to psychologists to round up the usual comments, but the ink devoted to explanation was a drop in the sea given over to accusation. A notable exception was *The Standard*, which published two full pages on the issue a week after the arrests. The police were given their say but the paper then went on to interview the men who had been caught in Welland, gay activists, lawyers, social scientists and the like.

It was to little avail. Any compassion which might have risen in the public breast had been easily beaten back by their fears and suspicions which were watered and fed by the police, other media and the court. A few people wrote to the editors, condemning them and the police for insensitivity, but the vast majority wanted protection at the least and preferably blood. When Brent Hawkes, pastor of the predominantly gay Metropolitan Community Church of Toronto, led a hardy little group to the city to picket the police and the mall, hecklers turned out, yelling 'bring some gas, let's have a barbecue.' In the *Review's* phone-in opinion column, one reader demanded that 'pictures of the offenders' be published, while another said simply: 'I support the police and the media and they should keep up the pressure.' Keep it up until

they finish the job.

The politicians, keenly attuned to will of the people, kept quiet. The police had ensured that at least some of them would from the outset by saying publicly that there were other 'problem' washrooms in the city, including the one at city hall. When one brave soul, Fred Dickson, a regional councillor with a record of criticizing the police, demanded that his council — which pays for policing — look into the tactics used, he was met with silence. If he wanted to complain, councillors said, he could go to the police commission himself. 'Frankly,' said an angered, but cowed, city councillor, 'none of us had the courage to do what (he) did.' Nor was there a peep from the provincial Liberals or the NDP. Nobody — particularly no males — wanted to be associated with these men.

And they were buried.

To underscore the obvious, almost all of the men I interviewed who had been arrested in Welland the previous year said they had considered suicide but clung to lives which had been ruined. A year later, many still get threats and calls in the night. One man is being eaten by the ulcers produced by the stress. Several lost their families, their jobs or both. Most lost all their friends.

For most people out there, it seems, for the people who live the normal, obedient lives this society demands, to lose normalcy is to lose everything.

I THINK WHAT HAPPENED IN St. Catharines could have happened anywhere. The local police may have particularly sensitive homophobic antennae; the media and the courts, the people and politicians may be a tad more conservative than in some other cities, but not by much. Think of Frank Miller. Think of Brian Mulroney. In Ontario, in the last two years, there have been similar or identical busts in Orillia, Kitchener and Oakville. In Toronto and Hamilton, washroom arrests are made all the time — more than 100 in Toronto in the first eight months of 1983, for example — but since they are larger cities, less is made of the arrests. Still, there is a pattern and it is vicious.

Of course there is nothing new about the persecution of homosexuals. Homosexuality was only decriminalized in 1969 and they have not exactly had an easy time of it since. Ask somebody at

the *Body Politic* or one of those arrested in the bathroom raids. Being gay remains a fundamental challenge to a male-dominated society. On the other hand, gay liberation, by bringing gays together and giving them the collective strength to declare what they are, has left the established order with little more to do on a concerted basis than denounce. Despite the hardships and pressures many 'open' gays undoubtedly experience, once they are 'out' they are no longer (at least overtly) liable to destruction. And they are less of a threat to the men in power because they are easily isolated. Like lepers.

However, men like the thirty-two in St. Catharines are threatening because of what, by all appearances, they are: normal. They are seen — and painted — as insidious within the community, thus the need for the police to prosecute them for using a public bathroom for sex and to keep the cameras rolling for as long as possible. Find the perimeters of the growth, then hack wide to get it all. But, really, they are feared because they represent something insidious within — the homosexual tendencies that Kinsey wrote about forty years ago and that the established order — the male ruling class — is battling to deny. Clarence Warren could have been anybody: the cop, the reporter, the judge, the politician, even — God Save the Queen — the Crown. And they all know it.

For the guys at the top in a patriarchal society, that is a threat to everything. And eradication is the only way to deal with it.

THERE IS ALWAYS A SLIM HOPE for the triumph of civility. In St. Catharines — an absolutely typical and unremarkable city — a single politician, a few reporters, some activist lawyers and courageous gays did, in the aftermath of the arrests, manage to put the established order on the defensive, if only slightly. For what it's worth, none of the oppressors could outrightly admit what they were up to. Still, the day Brent Hawkes's people marched on the police station, the deputy chief, pressed by an American TV reporter, had to admit he couldn't see much wrong with the way his boys had handled things. 'If I had to make the same decision tomorrow,' he said, 'I wouldn't hesitate to use the same methods.' On the day before he

became premier of Ontario, Frank Miller said that 'any board of education that has a gay liaison committee is not my kind of board of education.' He had his facts wrong, but the sentiment was clear.

Clarence Warren had a brother who died in the war in Vietnam. Some people think that is why Warren chose to die the way he did. In the early sixties, the Vietnamese Buddhists made self-immolation — to Western eyes at least — a kind of death that screamed for an ascent from oppression. But it only worked for those who died.

POSTSCRIPT

In March, councillor Dickson complained about the police methods to the Niagara Regional Police Board, which said it would 'review' the case. On April 11, board chairman Allan Barnes (by trade a public relations person with General Motors) issued a two-page release saying the board had concluded that its men should continue to use 'whatever means or equipment is necessary,' including video cameras, to arrest men using public places for sex. However, he said, NRP Chief James Gayder will 'recommend' investigating officers make arrests immediately, rather than saving up for a mass arrest. Asked if he thought, in retrospect, the previous mass arrests were a mistake, Barnes said: 'I wouldn't say (they were) a mistake. But we're saying (immediate arrests are) a better way. It's like two doctors who operate for the same disease. Neither one is wrong, they just use different methodologies.'

Kevin McMahon is a reporter with the St. Catharines Standard and covered the Fairview mall story for the paper.

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