

Major Problems
in
American History, 1920–1945



DOCUMENTS AND ESSAYS

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ten days until her daughter died of septicemia. This “tragedy . . . left a profound impression.” A physician who interned at Freedmen’s Hospital in Washington, D.C., in the 1930s later recalled attending a hemorrhaging woman who “still had the straightened-out coat hanger hanging from her vagina.” In hospital wards, doctors saw women with septic infections, perforations of the uterus, hemorrhages, and mutilation of intestines and other organs caused by self-induced abortions or ineptly performed operations.

The hospital atmosphere, one surmises, made more doctors aware of medical participation in underground abortion services and the stretching of indications to perform therapeutic abortions. In past decades, almost every general practitioner or specialist in obstetrics had been approached at least once by a woman seeking an abortion. The demand generated by the disaster of the Depression increased the number of women knocking on doctors’ doors for help. Hospitals concentrated abortion and physicians in one place. In the hospital, doctors could observe each other, talk informally, and spread rumors about physicians’ involvement in abortion. Such an atmosphere, I suspect, helped forge a liberal consensus within a section of the medical profession about the horrors of self-induced and poorly performed criminal abortions, together with an acceptance of performing abortions for needy patients or referring them to abortionists.



The Campaign Against Homosexuality

GEORGE CHAUNCEY

“The sudden featuring of the horticultural young man as a nightclub feature” was noted with distress by a New York nightclub insider at the height of the pansy craze in 1931. He quickly reassured his readers, though, that “recurrent though the vogue is for this type of entertainer, its popularity is short.” The vogue in New York, however, had little time to run its course. After a decade in which gay men and a smaller number of lesbians had become highly visible in clubs, streets, newspapers, novels, and films, a powerful backlash to the Prohibition-era “pansy craze” developed. The anti-gay reaction gained force in the early to mid-thirties as it became part of a more general reaction to the cultural experimentation of the Prohibition years and to the disruption of gender arrangements by the Depression. As the onset of the Depression dashed the confidence of the 1920s, gay men and lesbians began to seem less amusing than dangerous. A powerful campaign to render gay men and lesbians invisible—to exclude them from the public sphere—quickly gained momentum.

Early in 1931 several of the city’s newspapers began a campaign against clubs featuring female impersonators and “m.c.’s who boast of a lavender tinge in their make-up.” The campaign gathered momentum when gunfire broke out at Jean Malin’s venue, the Club Abbey, on the night of January 25, which sent its gangster proprietor, Dutch Schultz, into hiding, and his assailant, Charlie (Chink) Sherman, into a hospital. Although the Abbey managed to reopen the following night, it closed for good a few days later. Rumors abounded that the shootout marked the beginning of

a long-feared war between rival gangs to control the Broadway liquor trade, and pressure built for the police to restore order.

The police responded by launching a campaign of harassment against the remaining Times Square clubs featuring pansy acts. On the night of January 28, 1931, they raided the Pansy Club on West Forty-eighth Street and the Club Calais at 125 West Fifty-first Street. They charged both with liquor violations, even though city authorities had stopped enforcing the Volstead Act several years earlier. Police Commissioner Edward Mulrooney announced the next day: "There will be a shake-up in the night clubs, especially of those which feature female impersonators." True to his word, he sent plainclothesmen to the pansy clubs to make sure their paperwork was in order and that they had secured the proper cabaret licenses and certificates of occupancy. He also stationed uniformed officers at the door of each club, with orders to make sure it closed promptly at 3 A.M.—a curfew commonly violated—and he threatened to impose a 1 A.M. curfew. The policemen also endeavored to disturb the relaxed atmosphere and illegal liquor trade that were crucial to the clubs' profitability. "Cops spotted at the door of nite clubs are more inquisitive than ever," *Variety* reported. "All seekers after synthetic joy [that is, illegal liquor] are getting a Hawkshaw glance that is guaranteed to throw cheaters into a panic. This is scaring away the better wine-buyers." Two men entering a club "without a female in tow," the paper added, were subject to even greater scrutiny and intimidation. While the pansy acts had already begun to lose some of their popularity, the strict enforcement of the curfew and steady barrage of harassment left the clubs with no choice but to end their flirtation with such acts. "The 'temperamentals' who held sway on the main stem for a year," *Variety* reported in early February, "are about ready to concede they are slipping as nite draws."

Later that year the police moved to crack down on the city's drag balls as well. They forced the organizers to cancel one planned for September 26 at the New Star Casino at Park Avenue and 107th Street, where several had been held the previous year, and half a dozen policemen appeared the following week to prevent a smaller drag from being held in its stead at a West 146th Street hall. The suppression of Harlem's drag balls, at least, was short-lived. Within a few months, the police, having made their point, backed down and permitted the annual Hamilton Lodge ball, the largest drag ball of the year, to be held at the Rockland Palace. This ball continued to be held every February until the late 1930s and to receive extensive coverage from Harlem's leading paper, the *Amsterdam News*. But no more drag balls were held in Madison Square Garden or midtown hotels, just as no more pansy acts were produced there.

The retreat of the drag balls from Times Square was telling. "If the cops have their way," *Variety* reported as the campaign against pansy acts got under way, "the effeminate clan will hereafter confine its activities to the Village and Harlem." Prohibition culture had allowed gay visibility to move into the center of New York's most prestigious entertainment district, but in the early thirties, the authorities were determined to return it to the city's periphery. In addition to ending the Times Square pansy acts and drag balls, the police tried to eradicate pansies from the streets of the Square. In September 1931, for instance, they launched a "round-up . . . of apparent homosexualists" who gathered on Forty-second Street near Bryant Park. Their efforts were only partially successful. "The degenerates . . . gradually returned," as one

social-hygiene society observed, "and [could be] seen in that section almost nightly." Bryant Park, portions of Forty-second Street and Sixth Avenue, and the streets of the Hell's Kitchen neighborhood to the west of the Square continued to serve as gathering places for young "painted queens," as well as for soldiers, seamen, hustlers, and the gay men who were attracted to them. But over the course of several years the police succeeded in forcing the majority of the most "obvious" gay men out of the rest of Times Square, especially the more "respectable" area north of Forty-second Street where the district's remaining theaters and nightclubs clustered. It was a commonplace among gay men that after Fiorello La Guardia, a man known for his moralism as well as his reformism, was elected mayor in 1933, he had issued orders forbidding the appearance of drag queens anywhere between Fourteenth and Seventy-second Streets. Whatever the cause, the disappearance of the "painted queens" from Times Square was noted by the less overt gay men who remained there. One of the Square's habitués remarked at the beginning of World War II that things had "changed since the decade of 1925–1935 when the flaming homosexual was a common sight on the streets of mid-town New York, and they are seldom to be encountered [there] nowadays."

The timing of the initial crackdown, in 1931, seems to have been determined only partially by the shooting at the Club Abbey. The declining political fortunes of Jimmy Walker's mayoral administration were more salient. An investigation into corruption in New York City's magistrates' courts and police force directed by the distinguished Tammany Hall foe Samuel Seabury had begun to pose a serious threat to Mayor Walker; his new appointed police commissioner, Edward Mulrooney, launched a highly publicized war on vice in an effort to divert attention from the investigation. The fact that the drag balls had become chic events for the social elite to attend doubtless had contributed to the inclination of the police under the *laissez-faire* Walker administration to tolerate them, but this provided tenuous security indeed. The prominence of the drags—along with gay club acts, burlesque, and other highly visible "moral evils"—made them an inviting target once the mayor needed to demonstrate his resolve to clean up New York.

Although the 1931 crackdown was precipitated by the newspaper campaign, the shooting at the Club Abbey, and the mayor's political crisis, it signaled a more fundamental shift in the cultural and political climate and was soon followed by more enduring measures that pushed "fairies" out of the clubs and back into the periphery of the city. Many Americans—including many New Yorkers—were appalled by the lawlessness of the speakeasies and nightclubs, and their fears only grew in the wake of the Depression, as battles broke out in the clubs between gangs struggling to claim a share of declining profits. Some worried that the cultural developments of the late Prohibition period had somehow contributed to the Depression by replacing a productionist ethic with a consumerist one, a regard for traditional American moral values with the flaunting of illicit desires. By the early thirties, a general revulsion had set in against the "excesses" of Prohibition, and the celebration of sexual perversity on the stages of the premier cultural district of the American cultural capital seemed the most galling expression of such excess. New York had been denounced as the Sodom and Gomorrah of the nation throughout the twenties, but Jean Malin's pansy act must have provided a more vivid demonstration of the accuracy of that charge than most critics could have anticipated. As

many Americans came to believe that such excesses could no longer be tolerated, a more enduring campaign against the visibility of the gay world was launched in New York and cities throughout the nation.

The most significant step in the campaign to exclude the gay world from the public sphere was a counterintuitive one: the repeal of Prohibition. For rather than initiating a new era of *laissez-faire* tolerance in urban life, as is often imagined, Repeal inaugurated a more pervasive and more effective regime of surveillance and control. Repeal made it possible for the state to redraw the boundaries of acceptable sociability that seemed to have been obliterated in the twenties. This had enormous consequences for gay life, for those boundaries were drawn in a way that marginalized and literally criminalized much of gay sociability. Repeal resulted in the segregation and isolation of the gay social world from the broader social life of the city, in which it had played such a significant role in the 1920s. This new isolation, in turn, established the conditions that made it possible for gay men and the gay world to be demonized in the even more hostile climate of the postwar period. . . .

Prohibition had been a failure in New York. It had criminalized much of the city's nightlife, driven many entrepreneurs out of business, and resulted in the closing of numerous restaurants and several well-known hotels, as well as most of the city's saloons. But it had not stopped people from drinking or socializing in unrespectable ways. Instead, it had resulted in the growth of an underground economy controlled by criminal gangs, and it had precipitated a popular revolt against Prohibition enforcement that was so widespread it seemed to undermine the authority of the law itself. It had also created a speakeasy-based demimonde in which the boundaries of acceptable public sociability were significantly reconfigured by the "promiscuous" and unregulated intermingling of the classes and sexes. . . .

The alcoholic beverage control laws promulgated after Prohibition were designed, then, not only to control the consumption of liquor *per se* but also to regulate the public spaces in which people met to drink. Officials intended them to help reestablish the boundaries of respectable public sociability that had been eroded by the Prohibition ethos. To this end, state legislatures throughout the country enacted stringent rules to govern the conduct of taverns and put powerful new regulatory agencies in place to enforce them. The cornerstone of the power of the administrative agency established in New York, the State Liquor Authority (SLA), was its exclusive authority to license the sale of alcohol. If liquor would once again be sold legally, the state sought to ensure that it would be sold only by those duly licensed on the basis of their acquiescence to state regulations governing their behavior and that of their patrons. Licenses became a privilege, which the state could revoke if an establishment failed to conform to state standards. By offering state sanction and all the privileges it entailed to those drinking establishments that conformed to SLA regulations, the law severely discouraged proprietors from risking violations of them. . . .

. . . Repeal was essential to the relegitimation of nightlife in the 1930s because it enabled reputable entrepreneurs to reenter the business and create sanitized forms of entertainment. But the obverse was equally significant: Repeal served to draw new boundaries between the acceptable and the unacceptable, and to impose new sanctions against the latter. The most general rule designed to effect this project of normalization (or to "prevent a return to the conditions of the saloon") re-

quired that licensed establishments not "suffer or permit such premises to become disorderly."

The requirement that establishments be "orderly" proved to have a profound impact on gay bars. For while the legislature did not specifically prohibit bars from serving homosexuals, the SLA made it clear from the beginning that it interpreted the statute to mandate such a prohibition. The simple presence of lesbians or gay men, prostitutes, gamblers, or other "undesirables," it contended, made an establishment disorderly. An owner who tolerated their presence risked losing his or her license. . . .

The implications of the SLA's anti-gay policy for gay bars and gay sociability were made clear by its closing of Gloria's, a bar on Third Avenue at Fortieth Street, in 1939. The owners had made it apparent they wanted to run it as a gay bar by hiring Jackie Mason as its manager. Mason was a well-known figure in gay circles, who had run a gay speakeasy in Charles Street in the mid-1920s (where Jean Malin once worked), had organized the Madison Square Garden drag ball in 1930, and since then had regularly arranged drag shows for both gay and straight clubs. As one SLA investigator put it, Mason was "a fag and a leader of that element . . . where Jackie Mason is, fags are"; he was a popular man and a sure draw as a host. Gloria's was part of a gay bar circuit that included Benny's, a block to the south; Will Finch described both bars in the spring of 1939 as "very crowded, almost exclusively with homosexuals." Men felt free to camp it up at Gloria's. They "gabbed around in feminine voices," it seemed to one SLA investigator. "Some called others by feminine names. [They] acted, walked, and impersonated females, and [female] attitude and gestures.

It was precisely this openness that aroused the ire of the police and SLA. The SLA warned Gloria's management that they had endangered their license by "permit[ing] the premises to become disorderly in permitting homosexuals, degenerates and undesirable people to congregate on the premises." As the SLA indicated at a hearing, it based this judgment on its investigators' reports that the bar had hired Mason to attract a gay following and that the men they had seen at the bar behaved in a campy (or "feminine") manner. The SLA also specified two particular incidents of disorderly conduct witnessed by its agents: a man the agents had invited to the bar had, after a two-hour conversation in a booth, caressed (or "fondled," as they put it) one of the agents under the table; and the management had permitted two heterosexual couples to goose several homosexual men who had passed by them in the crowded bar. The SLA also alleged that two men had solicited the investigators and that one had offered to arrange a date between an investigator and two "degenerates." The SLA initially agreed to renew Gloria's license on the condition that it ban homosexuals from the premises. When the management failed to evict its homosexual patrons, the Authority not only revoked the owner's license, but prohibited the licensing of the premises to anyone else for a year, thus making it virtually impossible for the owner to recoup his original investment by selling his equipment.

Unlike most bars, Gloria's took the SLA to court and offered an exceptionally forthright challenge to the revocation of its license. It first tried to protect its license by denying that it had violated the SLA regulation. The SLA had not proved that homosexuals had been present at the bar, it argued, and, moreover, the investigators'

lack of scientific training about homosexuality rendered them incompetent to identify homosexuals. But having implicitly acquiesced to the SLA's anti-gay policy as a safeguard, the bar then challenged the policy itself. So long as homosexuals were neither diseased nor engaging in conduct it agreed would be disorderly, such as making noise, soliciting, or the "annoying or accosting of people," the bar contended, the Liquor Authority could not require a bar's management to "refuse to serve such people." "There is no rule or regulation of the State Liquor Authority nor any section of the Alcoholic Beverage Control Law," Gloria's insisted, "which provides that a sex variant may not be served at a licensed premises."

The Liquor Authority successfully countered both arguments. It stood by the testimony of its investigators and insisted that it would be improper for the court to second-guess the Authority's own finding of fact. More significant is that while it continued to maintain that numerous specific acts of disorderly conduct had occurred, it argued that even if no such acts had taken place, it still had the power to close the bar simply because "lewd and dissolute" people such as homosexuals had congregated and been served there. In a brief order, the Appellate Division (the state's second-highest court) affirmed the decision of the Liquor Authority. It did not explain its reasoning and thus did not address the arguments made by either party, but the effect of its ruling was to uphold the Authority's policy of closing bars that served homosexuals.

The SLA made full use of that power. In the two and a half decades that followed, it closed literally hundreds of bars that welcomed, tolerated, or simply failed to notice the patronage of gay men or lesbians. As a result, while the number of gay bars proliferated in the 1930s, '40s, and '50s, most of them lasted only a few months or years, and gay men were forced to move constantly from place to place, dependent on the grapevine to inform them of where the new meeting places were. . . .

When the SLA launched a campaign against bars serving homosexuals as part of its effort to "clean up the city" in the months before the 1939 World's Fair opened, it quickly discovered just how effective that grapevine could be. The authorities were particularly concerned about the Times Square area, which remained a major tourist attraction and showcase for the city despite its rapid "deterioration" under the impact of the Depression. After closing several bars in the area patronized by homosexuals, including the Consolidated Bar & Grill on West Forty-first Street, the Alvin on West Forty-second, and more distant bars that were part of the same circuit, the SLA's investigators discovered that many of the patrons of those bars had simply converged on the Times Square Garden & Grill on West Forty-second Street and turned it into their new rendezvous. In late October 1938 an SLA investigator, sent to the bar after a police report that "about thirty . . . fairys [sic] and fags" had been noticed there, noted that several of the gay men he had previously noticed at the other bars were "now congregating" there, along with a large number of soldiers. The owner himself insisted that "we never looked for . . . this kind of business. . . . [The police] close some places; [the fairies] come over here. . . . It was the neighborhood—[the fairies] know what places . . . are [open to them]. The word passes so fast. They knew [when a bar] is a degenerate place." . . .

The enhanced role of the State Liquor Authority in the regulation of gay life marked an important transition in the policing of urban sociability. In the half-

century before the Depression, the primary impetus for the policing of morality had come from private societies that organized to exert pressure on the metropolitan police to enforce moral codes and even used their influence at the state and federal level to acquire police powers for themselves. But the moral crisis generated by Prohibition had undermined their legitimacy, and the financial crisis generated by the Depression had undermined their private support. By 1931 the Committee of Fourteen, as noted before, had seen its cultural authority so diminished by the popular revolt against moral vigilantism that it was reduced to pleading to donors that it had never “been interested in regulating the conduct of individuals,” an objective now evidently in some disrepute, but had only been concerned to attack the parties “who make money out of the exploitation of girls.” When it lost the support of its major financial backers the next year, the most effective social-purity society in the city’s history was forced to terminate its work. The state legislature established the State Liquor Authority the following year, however, and its agents took up the task previously performed by the Committee’s agents: surveying bars and other sites of public sociability, threatening the livelihoods of entrepreneurs who sanctioned public disorder, defining such disorder even as they searched for it. . . .

Rather than eliminating gay bars, in fact, SLA regulations ironically served to foster the creation of exclusively gay bars. Before Repeal, most gay men had gathered at saloons, restaurants, and speakeasies also frequented by straight people. Gay men remained “discreetly” invisible at some, but were quite open at others. Restaurants and saloons had always risked trouble with the authorities if they allowed gay men to gather on their premises, and their patrons were subject to arrest for disorderly conduct. Actual interference from the authorities, however, was rare. But after Repeal, bar owners risked losing their entire business if they served a single homosexual. Given this danger, most bars became reluctant to let *any* gay people mix openly with their other patrons and sought to protect themselves by excluding from their premises anyone they suspected of being gay. Lesbians and gay men continued to covertly patronize bars and restaurants throughout the city. But the anti-gay SLA regulations served, as intended, to exclude homosexuals from the public sphere by preventing them from socializing *openly* in “straight” bars. The same ban also resulted in the establishment of exclusively gay bars, however, where men could be openly gay. Bars that saw profit in serving gay men usually committed themselves to them, knowing their tenure would likely be brief. Exclusively gay bars, a relatively rare phenomenon before the 1930s, proliferated after Repeal. Thus, while gay life continued to thrive in the 1930s, ’40s, and ’50s, it was hidden and more segregated from the rest of city life than it had been before.

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