



San Francisco's Deep History of Policing Public Cross-Dressing

June 5, 2023



A 19th-century law led to over 100 local arrests of people wearing clothes typical of the opposite sex — an archaic ban akin to Tennessee's recent law banning public drag, which has now been [blocked and deemed unconstitutional by a federal judge](#).

Living in San Francisco, it's almost uncomfortably easy to be lulled into a state of inclusive bliss. The thriving queerspace around us — the naked men parading around the Castro, shown foreskin caressed by a cool breeze; drag queens walking arm-in-arm out of Powerhouse; a sense of uninhibited gayness filling every corner of the city — has always existed. Or at least has remained in place for some extended time.

Alas, such isn't the case, especially as it pertains to expressing one's clothing style outside the realm of gender norms.

Published in 1898, the [General Orders of the San Francisco Board of Supervisors](#), Order №1587 §20 states no person shall “[a]pppear in a public place naked, or in a dress not belonging to his or her sex, or in an indecent or lewd dress” or be guilty of a misdemeanor punishable by a fine “not exceeding one thousand dollars,” imprisonment “not exceeding six months,” “or by both such fine and imprisonment.”

Two years later on a Sunday morning in December, [Oscar Johnson was arrested on Kearny Street](#) in San Francisco — for being decked out in a woman’s outfit when they were arrested; at the time of her detainment, Johnson gave the arresting officer her full name, Bettie Portel, and which presented enough evidence against her to elicit six months in jail.

Portel’s arrest was by no means an uncommon occurrence, either. It’s believed some [100 cross-dressing-based arrests](#) were made by the end of the 19th century in San Francisco alone, proving that the indecency laws passed by San Francisco’s Board of Supervisors were, in fact, enforced — despite them historically being described as rarely so.

San Francisco, however, was not alone in enacting such laws that criminalized gender expression. Between 1848 and 1900, at least [34 U.S. cities passed prohibitions against cross-dressing](#); 11 more cities also establish such restrictions in the years leading up to World War I.

These laws pushed queer expressionism into the shadows, catapulted into darkness by a heteronormative world. The pieces of legislation also signaled the start of the middle class becoming synonymous with universal palpability and comfort. Criminazling cross-dressing wasn’t so much a war against this type of self-expression as it was more so a stance against any semblance of diversity that could bring a hard edge to the otherwise cookie-cutter communities in urban areas.

Mind you: Anglo-women began making up larger portions of San Francisco’s burgeoning society in the 19th and into the present day. The idea of a man occupying certain stereotypes reserved for women of the time — which would’ve included expressing an air of feminine dressing, camp dancing, and engaging in domestic work around the home understood as womanly — was a blasphemous notion.

However, those who casually dressed in drag for a night on the town would typically not be prosecuted. But for those whose behavior was considered more problematic and outwardly attention-grabbing, police harassment and jail time were common. In many cases, cross-dressing men and women were subjected to probing measures by police that would “affirm” their sex.







But the criminalization of people wearing clothes typical of the opposite sex was never really the end-goal of such laws.

“It wasn’t really about clothing,” writes San Francisco State University (SFSU) Associate Professor of Sociology and Sexuality Studies Clare Sears, who joined the university in 2007, on the subject in [SFSU’s state news blog](#). Aside from both teaching and studying queer theory, they’ve also published a series of books, most notably [Arresting Dress: Cross-Dressing, Law and Fascination in Nineteenth-Century San Francisco](#) in 2015.

“The laws were passed to police indecency and try to create a more sexually respectable city, and clothing was just a way to get to that,” Sears adds.

In their book on cross-dressing in San Francisco, Sears writes on how one woman was arrested more than 20 times in the 1870s for wearing then-defined “male attire,” they later saying in court that no matter how many times they would be jailed, police could “never make [them] wear women’s clothing again.”

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San Francisco's Order №1587 §20 remained in effect up until July 1974. Two months before the piece of legislation was dropped, 10 men were arrested in the Tenderloin — an area in the city that was particularly frequented by drag queens at the time — for wearing women's clothing.

Those arrests were made less than 50 years ago. I have queer memorabilia in my very apartment that was created before then.

As enter this month of queer frivolity, let's not forget what a privilege and honor it is to occupy such an inclusive time in history. But by no means should we grow complacent in the work, activism, and conversations we still need to have. If anything, the recent deluge of anti-drag, anti-trans, homophobic legislation — as of publishing, the ACLU has mapped [491 anti-LGBTQ bills currently in legislative bodies](#) — has shown us that generational hate can break through even the most inclusive of timelines.

And for all that's left pure and sane in this world: Please tip drag performers rather generously. They, like us queer folk, are fighting for their right to exist.

Feature Image: Finocchio's Club cast circa June 28, 1958. (Photo: San Francisco History Center, San Francisco Public Library)



Matt Charnock

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