

Percy Misses Day in Court
**Who Can Tell
Boys From Girls?**

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Percy Foreman, that magnanimous lion of the courtroom, tried to hide his disappointment. He was ready; he had arranged his grand manner, which is his trademark. However, the vice squad, which is his trademark, it women failed to appear. Thus Foreman were in another court. Thus Foreman were in another court. Thus Foreman were in another court.

The Test. That is

"This will not be a test of the vice squad's concept of the law. People are as I walk down the street today. They were whooping it up last night. They were dressed in men's clothes. This is a violation of the code of ethics," said Vice Foreman in 1950.

ROARING 60's



MR. DEL LE ROY

DEFYING GENDER NORMS IN HOUSTON

A brief overview
by Skip Teauxmelou

Girl Is Fined \$12.45
For Walking in Street
Dressed in Man's Garb

1912

DAISY GOLD'S PLAY BOY REVUE

"Female Impersonators Supreme
• DEL LE ROY

1937



Poppa Bear

1968

Ann

1980

Phyllis

INTRODUCTION

After the Civil War middle-class urban society became concerned about people who did not conform to their increasingly rigid view of appropriate gender roles. Cities across the United States began to adopt laws that included the prohibition of cross-dressing.

Although there were probably far more people who cross-dressed than we are aware of, much of what we can learn about the past is based upon written records. However, the survival of written records is often determined by whoever is in power, and people who could "pass" often did so.

Passing— When a member of an oppressed group of people pretends to be part of a dominant group in order to escape discrimination.

Cross-dressing — In the Transgender community the term cross-dresser is used to describe someone who wears clothes characteristic of the opposite sex, but whose gender identity corresponds with the sex assigned to them at birth. They cross-dress for pleasure, self-expression or comfort. Used in this way, the term cross-dresser does not apply to transgender people whose gender identity is at odds with the sex assigned to them at birth. The term is used more freely here to simplify the discussion of Houston's so called "cross-dressing ordinance."

So, it is usually the rule breakers who leave the most visible clues for us to follow. It is for these reasons that the first records we have of cross-dressing in Houston are very brief newspaper articles about people who were caught "breaking the law."

THE LAW BREAKERS

The earliest record we have of cross-dressing in Houston is in the *Houston Chronicle* for August 12th, 1912.

Girl Is Fined \$12.45 For Walking in Street Dressed in Man's Garb

It cost Madge Morris \$12.45 to dress in male attire Saturday night "just a few minutes." She pleaded guilty Monday in police court.

"Policemen Bass and Spradley arrested her Sunday night in the Fourth ward. The officers noticed a rather "dudish young fellow," they told the judge, sauntering down a street, and when "he" was asked to lift "his" hat a bunch of hair revealed that "he" was a woman.

She told the officers that she had been attired in the garb but a "few minutes," when arrested.

Madge Morris paid a fine of \$12.45, the equivalent of about \$328 today. The *Houston Post*, the other daily newspaper of the time, did not reveal any more information about Madge Morris's run in with the law.

The next instance is found in the *Houston Chronicle* for June 26, 1925.

ANNUAL REPORT OF POLICE DEPARTMENT SHOWS SEVERAL INTERESTING SIDELIGHTS

There were 5500 more arrests made by the Houston police department during 1924 than in the year before. This doesn't mean that crime is rampant, or anything of the kind, police officers say. It merely means better enforcement and more vigilance on the part of officers.

The figures are obtained from the annual report of the police branch of the city government, just compiled into a book and distributed.

The arrests in 1923 totaled 587, while in 1924 there were 692 arrests made.

Incidentally, a lone man masqueraded in woman's attire, and was arrested for his trouble.

The report also says there were 225 men in the police department during 1924, and the operation of that department cost the city \$101,918.11. The city appropriated \$103,310 for the year and consequently \$112 was turned back into the treasury.

There are 150 special officers, appointed by the mayor, who are under oath and may be called upon by the police department in case of need.

An average of one still a night was captured by the department, and many more raids were made.

Also the department made 247 arrests for violation of the prohibition law, and made 408 arrests for gaming.

Five police officers, one a captain, died during 1924. One of these, C. J. Etheridge, was killed in line of duty. Those who died, other than Officer

temper and cursed over a telephone. They paid the penalty, the records show.

One man was arrested for disturbing a woman in public assembly. Eight violated the "goo-goo eye" ordinance, or in other words, sought to flirt with young ladies, while one lone man masqueraded in woman's attire and was arrested for his trouble.

An article about the police department's annual report reveals that, sometime during 1924, an unnamed man was arrested for "masquerading in woman's attire.

Men Entertainers At Club, Dressed As Women, Are Fined

Two men entertainers arrested Saturday by vice squad officers in a raid on the Casanova Club at 2002 Seventieth were assessed fines of \$10 each Thursday afternoon by Judge Ben Davison in corporation court when he found them guilty of violating the city ordinance which prohibits men being garbed as women in a public place.

Testimony disclosed that the pair was clothed as women for entertainment purposes at the club. Charges of disturbing the peace against the two were dismissed.

Two women entertainers, arrested at the same time, one charged with an indecent performance and the other charged with drunkenness, were released. Charge against the former was dismissed and the other was found not guilty by the court.

By 1937 some Houston clubs featured female impersonators in their floor shows.

This May 14th article in the *Houston Chronicle* indicates that two of the entertainers were fined \$10 each, the equivalent of about \$170.22 today.

This February 22, 1938 article in the *Houston Chronicle* is the earliest known coverage of what we would today call a drag show.

THE HOUSTON CHRONICLE

HOUSTON, TEXAS, TUESDAY, FEBRUARY 22, 1938

WAGON WHEEL IS UNIQUE AMONG CITY NIGHT SPOTS

A unique night club is the Wagon Wheel, located on Airline Road at Little York.

Featuring female impersonators, the floor show is distinctive.

These impersonators display finesse in applying their make-up as well as in the way they design and wear their evening gowns.

Three floor shows are given nightly.

Joe Ferruggia, the manager, has lived in Houston for the past 22 years. Many of the performers performed in night clubs in New York City, while others came from various metropolitan centers.

Daisy Gold is the mistress of ceremonies.



The Wagon Wheel (on Airline at Little York) had been in business for a little over a year by this time and the female impersonators were even being hired as entertainers for area banquets.

However, the publicity may have been their downfall.

Sheriff Waits On Legal Weapon In Night Club Case

Sheriff Norfleet Hill marked time Saturday while the district attorney's office sought a legal weapon with which to combat the protested "indecency" of performances at a night club on the Airline Road.

Songs at Night Club Indecent, Jury Told

Indecent songs were sung at the Wagon Wheel Night Club on the Conroe Road on the nights it was visited by deputies sheriff. It was testified Wednesday before the grand jury by eight deputies. The officers were the first witnesses called in an investigation launched by the grand jurors after protests were received that the night club stage show was indecent.

The deputies said they had had the night club under observation for several months. The songs sung by the performers, particularly by some of the female impersonators, were indecent, the officers said. They observed no other indecencies, they added.

The officers who testified were E. T. Kinkins, R. D. Wright, E. J. Buckley, W. O. Davis, R. J. Bernard, J. L. Pate, George Caldwell and J. C. Wingo.

Other witnesses are expected to be subpoenaed before the grand jury during the investigation.

Three months later, in May of 1938, we see stories about the club being investigated for alleged indecent performances, protested by unnamed citizens.

Then, disaster struck

THURSDAY, JUNE 9, 1938

WAGON WHEEL NIGHT CLUB IS RAZED BY FIRE

**Building and Equipment
Are Destroyed at Place
Where "Indecent" Per-
formances Were Charged.**

ARSON EVIDENCE INVESTIGATED IN NIGHT CLUB FIRE

Deputy Sheriffs E. T. Dinkins and Frank Nevill Friday investigated evidences of arson in the burning early Thursday of the Wagon Wheel night club on Airline Road in Little York.

They sought the identity of two men whom a woman restaurant proprietor across the street from the Wagon Wheel heard running from the direction of the club shortly before the blaze was discovered.

She said she heard the two men run from the direction of the club, get in a car on East Montgomery Road and drive toward Houston. A few minutes later a roomer called her and said the night club was on fire, she said.

W. C. Lynch, owner of the building, told the deputy sheriffs that he discovered a fire under the building about a month ago. He raked the fire out and extinguished it, he said.

The fire started in the attic of the night club and quickly destroyed the building and all equipment, causing an estimated loss of \$19,000.

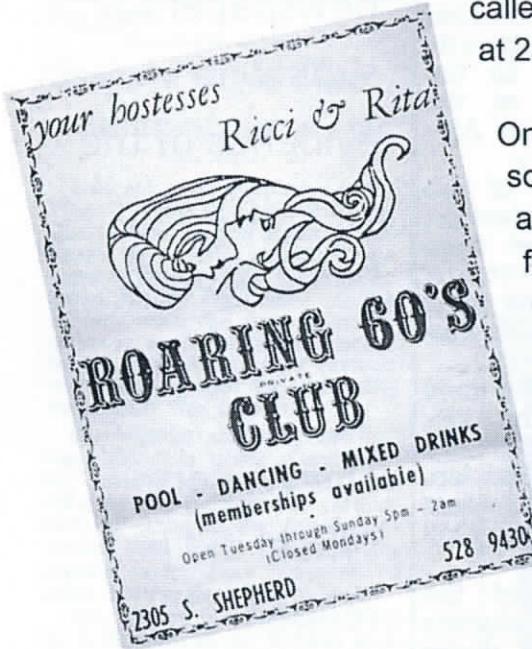
Houston
newspapers
supply no
evidence of the
arsonists ever
being caught.

The Wagon
Wheel did not
reopen.



THE TUMBLEBUGS

The first organized opposition to Houston's anti cross-dressing ordinance was spearheaded by Rita "Pappa Bear" Wanstrum. In June of 1967 Rita opened a bar, called *The Roaring 60s*, at 2305 South Shepherd.



At this time, it was enough to be wearing a pair of pants with the zipper in the front (instead of a ladylike side or back zipper), for it to be considered cross-dressing.



Rita paid all the fines, bonded everyone out of jail, and hired an all-girl band to pump business back up.

In the coming months, the vice squad raided more clubs catering to Houston's LGBTQ community.

Rita saw that the enforcement of the ordinance was only being directed at women who were perceived as being "butch;" the law was being used for police harassment and extortion.



Pappa Bear
1924-2009

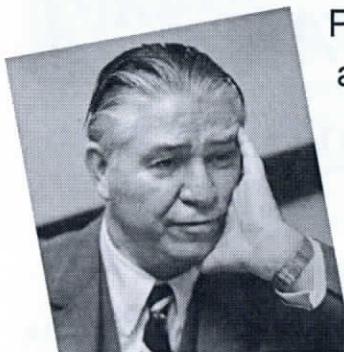
She sought the help of superstar lawyer Percy Foreman, who agreed to represent her the next time her club was raided.

As she headed toward the club that evening, she happened to see a tumblebug laboring along.

The Tumblebugs became the name of the group of women who worked together to raise the money they were going to need to pay Percy Foreman. They sold sweatshirts, hosted benefits, and sponsored drag shows until they had the \$2,500 they would need set aside. This would be the equivalent of \$18,359 in today's terms.

In December, two nights before New Year's Eve, the vice squad came back to the Roaring 60s. Eleven women were arrested for being in men's apparel.

On July 26, 1968, when they appeared in court, with Percy Foreman as their lawyer, and entered not guilty pleas.



Percy Foreman

Although the Tumblebugs didn't make headway in getting the ordinance repealed, the wholesale harassment did stop for the time being.

Percy Misses Day in Court

Who Can Tell Boys From Girls?

The fashion world itself, not the 11 women arrested "for wearing clothes of the opposite sex" as the charge read, was to go on trial today.

However, the trial never materialized because the corporation court judge dismissed the cases.

Percy Foreman, that monumental lion of the courtroom, tried to hide his disappointment.

He was ready, he had announced, to defend his clients in the grand manner which is his trade-mark.

However, the vice squad detectives who had arrested the 11 women failed to appear. Two were on vacation and two were in another court. Thus Foreman triumphed by default.

The Test-That Never Came

Prior to the hearing Foreman had announced:

"This will not be a test of the law. It will be a test of the vice squad's concept of the law.

"I find it extremely difficult these days to tell what many people are as I walk down the street. And new fashion magazines are illustrating identical he and she outfits. And the men today? They wear medallions and long hair."

The way the vice squad tells it, a bunch of the girls were whooping it up last September at Rocky's Club, 3412 W. Dallas, and later at the Roaring Sixties, at 2305 S. Shepherd.

"They were dressed in men's pants, men's shirts and men's shoes," said vice squad Sgt. G. S. McMenamy.

"This is a violation of the city ordinance that forbids wearing of the clothes of the opposite sex."

Foreman snorted: "That ordinance was probably passed in 1868."

Had Wanted Rodeo Week

He had hoped, he said wistfully, the trial would be held during the Houston Livestock Show and Rodeo.

"I would have subpoenaed women dressed in cowboy clothes," said Foreman.

One of the girls built on non-Twiggy lines, said: "I'm a truck driver. That's why I wear men's clothes."

THE HARRASMENT OF MS. MAYES

In December of 1971 Anthony "Toni" Mayes began living full time as a woman, as is often done prior to transitioning. Using the name Toni Rochelle Mayes, she went about her business, but soon ran into trouble. Her story made the news in September of 1972, when she was arrested for the 6th time. We are not sure when the first four arrests took place, but the fifth was on August 24, 1972, when she went to the police station to post bond for a friend who had been arrested for "dressing like a female."

On September 21, **1972**, she went to court for the August 24th "offense." The case was dismissed because of a technicality. The ordinance stated that it was unlawful to appear in on the street, sidewalk, etc., whereas Mayes had been inside the police station when the arrest was made.

Sec. 28-42.4. Person disguising his or her true sex.

It shall be unlawful for any person to appear on any public street, sidewalk, alley, or other public thoroughfare dressed with the designed intent to disguise his or her true sex as that of the opposite sex. (Ord. No. 70-411, § 3, 3-18-70; Ord.

After the charges from the August 24th arrest had been dismissed, she left the court room, walked outside, and was met by two vice squad officers who told her, "You are under arrest for dressing as the opposite sex."



Vice Squad Officers J. W. Kunkel and Richard See re-arrest Mayes

—Post Photo by Jerry Click

Mayes filed a lawsuit, which lost in appeal, and went to the Supreme Court in 1974. By that time Mayes had already undergone sexual reassignment surgery (SRS) and the Supreme Court declined to hear the case.

MS. FRYE AND THE REPEAL

In 1977 Phyllis Frye began transitioning from male to female. She lobbied City Council for the repeal of the cross-dressing ordinance and gave lectures to increase awareness of both cross-dressing and transgender issues.

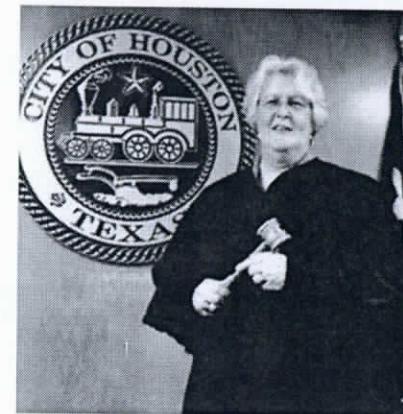


Phyllis at the 1979 March on Washington

On August 12, 1980, her allies executed a plan. Mayor McConn was out of town, and Goyen was acting as the mayor pro tem. During a council session, when council members unfriendly to the trans community were on the phone, City Secretary Anna Russell handed a motion to repeal the ordinance to Goyen, who called for a vote.

The members on their phones did not vote, which under council rules is considered a “yes” vote.

The ordinance was repealed, and has remained so to this day.



In 2010 Phyllis was sworn-in as the first out transgender judge in the nation, as a City of Houston Associate Municipal Judge.

Today, Houston's transgender community consists of various groups and organizations. The Houston Transgender Unity Committee (HTUC) coordinates common activities. The largest event is the annual Unity Banquet, which raises money for scholarships, Houston Pride activities, the Houston Day of Remembrance (memorialize those who have been murdered as a result of transphobia), annual recognition awards, and small grants.

While this zine was produced specifically for the 2019 History Tent at Pride Fest, it is hoped that it will be useful in other contexts to spark an interest in the history of the LGBTQ community of Houston, Texas.

FURTHER READING

Transgender History, by Susan Stryker

www.Houstonlbghistory.org/banner1.html

<http://www.jddoylearchives.org/>