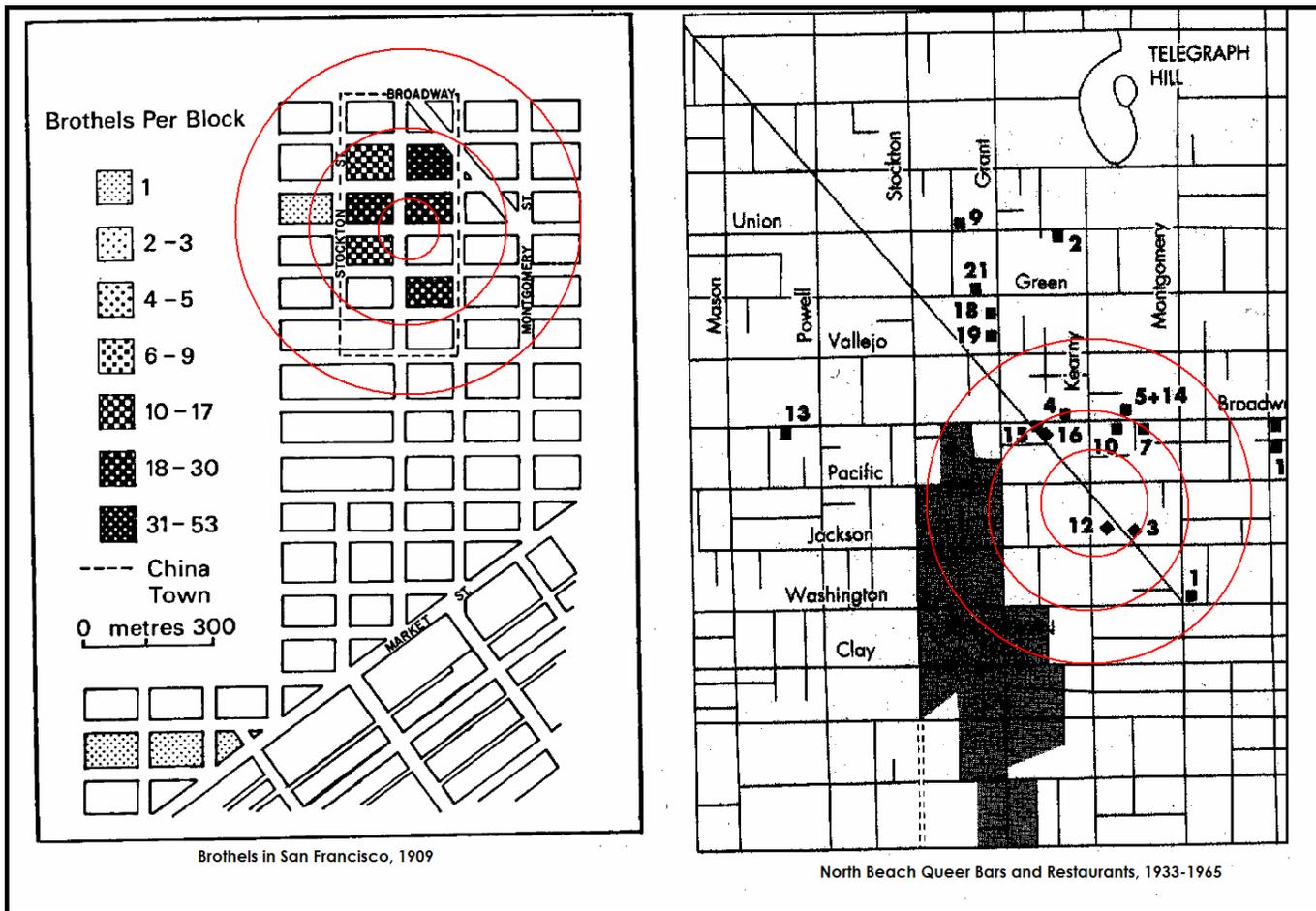


# 'The Barbary Coast in a Barbarous Land' Policing Vice in San Francisco in Two Eras of Morality

By Aymar Jean



“The order went forth: ‘The Barbary Coast must go,’” spoke J. Stitt Wilson, then an outgoing mayor of Berkeley, in a speech to a crowd of about 2,000.<sup>1</sup> Wilson was responding to a one-page editorial in the San Francisco *Examiner*, the publication crusading against the urban “vice” that had spanned at least 50 years. Wilson reported that, after the *Examiner*’s editorial, the police swept the vice district located by San Francisco’s waterfront, and, in ten days, the prostitution was reportedly gone. Of course it had not disappeared, and Wilson, Berkeley’s first socialist mayor, was probably prone to exaggeration, but his citation of the *Examiner* article seemed prescient of another anti-vice campaign. Over thirty years later, *The Truth*, a sensationalist rag, ran the headline “Homos Invade S.F.,” declaring that San Francisco had become overrun with homosexual men and women and that the city needed a clean up.<sup>2</sup> That publication too, was likely overstating its claim, since “homosexuals” had inhabited the city long before 1949, and police crackdowns had already occurred at least a few times after World War II.

What these two incidents exemplify are some of the stark similarities between the crusades to eliminate prostitution and gay and lesbian spaces from San Francisco in the early and mid-twentieth century. That gays and prostitutes have both been targets of police, urban reformers and politicians is almost common knowledge, but few know how similarly these groups were targeted throughout San Francisco’s history. This paper seeks to illuminate the parallels in the campaign to eradicate prostitution with the campaign to push out gays, lesbians and other “sexual deviates” from the city. Specifically, it will

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<sup>1</sup> Wilson, J. Stitt. “The harlots and the pharisees, or The Barbary Coast in a barbarous land; also, The story of a socialist mayor ; Letter declining mayoralty nomination.” Berkeley, Calif., 1913. 36 p. Microfiche: Evanston: American Theological Library Association, 1992. pg. 1

<sup>2</sup> Boyd, Nan Alamilla. “Homos Invade S.F.!” in Beemyn, Brett. *Creating a Place for Ourselves*. Routledge. New York, NY. 1997. pg. 73.

compare the campaigns against prostitution from roughly 1900 to 1920 and the campaigns to against gays from about 1940 to 1963, although there will be some overlap. The aim of this research is to show how different marginalized communities can be attacked in similar ways, even if the subjects – gays and prostitutes – are different. It also seeks to show how a network of politics, money, public morality, public health interests, police corruption and dubious tactics can converge to stigmatize and control perceived “deviants.” Finding similarities and differences in the treatment of prostitutes and gay communities is significant. It sheds light on how gay communities were perceived in urban spaces, how they were marginalized and how they are part of history of “morality” campaigns and vice control.

There are, to be sure, some problems in drawing comparisons between gays and lesbians and prostitutes. First, it seems to imply that gays are mere sexual beings, and that their role in urban life was confined to “public sex perpetrators.” That is not the aim of this paper, but, in fact, at the time, gays were often discussed in relation to their sex act, as “sex deviates.” By drawing the comparison to prostitutes, this paper puts them in the lineage of vice control and shows how insidious this association was and how remarkable it was that gays and lesbians overcame it – to an extent. Another potential problem with this comparison is that a “prostitute” is a paid professional, whereas a “homosexual” is, for the purposes of this paper, not (few references will be made to street hustlers). Yet the research shows that, despite these differences, the public conceived of two in similar ways, showing how gays and lesbians were thought of at the time: as epitomizing urban decay, sexual immorality and deviance, a plague on the city.

The different time spans were chosen for logistical and substantive reasons. The bulk of the research on the respective communities seems to be grouped generally around these periods – prostitutes in the early twentieth centuries and gays post-WWII – but this is at least partially because, at those particular moments, those respective “communities” had become the focus of public fear and outrage. Whatever differences the two time periods have, the policed subjects both share a comparable history, both in the way the communities arose in northern part of San Francisco, and in the way the city reacted against the burgeoning “social evils.”

### **Policing homosexuals and prostitutes: Motivations, Attitudes and Strategies**

#### **The Motivations: What drove the assaults on marginalized groups?**

Perhaps some of the most pervasive similarities between the policing of gays and prostitutes are the factors that led to calls for law enforcement. During their times, both of these populations were viewed as a threat by the public and scourge on the quality of San Francisco, so many forces converged to regulate and eradicate them. Politics proved to be one of the major factors – the influence of an upcoming election or public outrage at the mayor can be powerful. Police corruption – and political corruption – involving money or payola also played a part in their regulation. The rhetoric of public morality was very strong at the time, and this was encouraged by the press. San Franciscans also feared an influx of unwanted persons, and the idea that vice districts attracted more vice partly influenced the policing of these districts. Concern over public health, moreover, led to calls for regulation.

## Politics

Often the push to control vice districts was motivated by politics, and it is possible that this was the main issue. In each case, either public morals or financial corruption influenced politically motivated action.

Mayor P.H. McCarthy, Neil Larry Shumsky states, had been elected in 1909 on a platform explicitly advocating a less moralistic approach to government. This was in part because he was closely connected to two of the city's vice profiteers, Frank Daroux and Jerome Bassity.<sup>3</sup> Daroux "controlled most of the gambling operations" in the city and was married to a leading parlor owner; Bassity, "the uncrowned king of the Tenderloin," made earnings directly from prostitutes, up to \$40,000 worth.<sup>4</sup> Both had reportedly contributed to McCarthy's campaign. When San Francisco started to consider the "reglementation," or regulation, of prostitutes, McCarthy was greatly in favor, probably because it could essentially legitimize his dubious political practices and generate even more profit from his peers.<sup>5</sup>

In this case, one sees how politics – centered on an election campaign – led to the regulation of prostitution in the city. While the resultant policing was notably "soft" – a regulatory system where prostitutes were regularly tested and quarantined – the aim was still to keep this population under control. That the public was, at the time, growing increasingly uncomfortable with the proliferation of prostitution certainly gave McCarthy some political leverage, though the regulation system was a tough win. McCarthy instituted the clinic as a form of political "control," because "consolidating their hold on

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<sup>3</sup> Shumsky, Neil Larry. "Vice Responds to Reform, 1910-1914." *Journal of Urban History*, 7:1. November 1980. pg. 38.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid* pg 39.

the Barbary Coast” was a “response to the threat of other reformers who wanted to eradicate it entirely.”<sup>6</sup>

Here, prostitution became an issue that threatened a political career. In similar fashion, San Francisco’s gay life threatened Mayor George Christopher’s campaign for reelection in the late fifties. In that situation, one sees a similar intersection of political self-interest and public morality that directly influenced the policing of gay districts.

In November 1959, city Assessor Russ Wolden, Jr., who was running against Christopher for mayor, “trumpeted” a story in San Francisco *Progress* alleging that the city had “become the national headquarters of the organized homosexuals in the United States. It is a sordid tale, one which will revolt every decent San Franciscan...”<sup>7</sup> The “organized homosexuals” to which the publication was referring was the Mattachine Society, which had just passed a resolution at its national convention in support of Mayor Christopher, the implication being that Christopher was soft on gays. This was untrue, since several gay bars had been prosecuted under the city’s Alcohol and Beverage Control Board during Christopher’s first term.<sup>8</sup> It was later discovered that an official in the police department, looking to unseat Christopher, had attended the conference, posed as a member and planted the resolution only to divulge it to the press later.

This web of political maneuvering drew on and reinforced the association of gays with urban vice and decay. So, while Wolden lost the election by a large margin, the real repercussions for the gay bars came after Christopher’s victory. Christopher, afraid of

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<sup>6</sup> Shumsky, Neil Larry and Springer, Larry M. “San Francisco’s Zone of Prostitution, 1880-1934.” *Journal of Historical Geography*, 7:1. January 1981. pg. 82.

<sup>7</sup> *Mattachine Review* [microform]. Mattachine Society. San Francisco, California. Vol. 5. November 1959. pg. 15.

<sup>8</sup> Boyd, Nan Alamilla. *Wide Open Town: a queer history of San Francisco to 1965*. University of California Press. Berkeley, California. 2003. pgs. 143-4.

appearing soft on vice, stepped up policing. This culminated in the 1961 Tay-Bush roundup, sometimes cited as the largest vice raid in the city's history. Eighty-one men and 14 women were arrested at the Tay-Bush Inn, an after-hours club. Police arrested gay, working-class, and dark-skinned patrons, although eventually charges were dropped for all but two.<sup>9</sup> The city also persisted in prosecuting owners of gay bars, including the Black Cat, which closed its doors in 1963. Harassment was not restricted to bars. "Sneak-raids" on cruising spots were executed "always in the three-month stretch just before an election," wrote Harry Hay in an article for the *Harvard Gay & Lesbian Review*.<sup>10</sup> Politically, this was very advantageous, because names of the arrested were published in the newspaper in the next day. The motivation for all this policing was political. As Nancy Achilles noted in her dissertation, published after the 1960 Christopher reelection:

...the closing of a bar tends to pacify the public demand for action, and makes it appear that the administration is doing a fine job of cleaning up the city... Much of the evidence gathered in the constant police surveillance of the bars is held in abeyance until political expediency requires it.<sup>11</sup>

### **Public Morality**

The comments of outgoing Berkeley mayor J. Stitt Wilson offer a telling barometer of how the righteous progressive left saw prostitution in strictly moral terms. Wilson delivered the following statement after the closure of the city clinic for prostitutes (which had effectively legalized it for two years): "...I feel now as I felt then that this is

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<sup>9</sup> Stryker, Susan. *Gay by the Bay: a history of queer culture in the San Francisco Bay area*. Chronicle Books. San Francisco, California. 1996. pg. 43.

<sup>10</sup> Hay, Harry. "Roots of the Mattachine Society: Birth of a Consciousness." *The Harvard Gay & Lesbian Review*. Vol. 2, Iss. 1. Jan 31, 1995.

<sup>11</sup> Achilles, Nancy Bennett. *The Homosexual Bar*. Thesis. MA, University of Chicago. 1964. 122 pp.; AAT TM10529. pg. 64.

the Word of God, the Word of Truth, that needs to be said... Behold it is made clean. The miracle cleansing in extent and quality is only paralleled in history by the miracle destruction of ancient Sodom!”<sup>12</sup> Wilson called for an end to prostitution based on religious grounds, and for those who did not attack prostitution on religious grounds, there was the idea of innate female purity.<sup>13</sup> A San Francisco police chief around the turn of the century once said that “prostitution is, in every sense, evil.”<sup>14</sup> Indeed, during this period, red-light districts and the “official sanction of prostitution” had resulted in “an outburst of civic righteousness.”<sup>15</sup>

The attack on gay districts reached the same level of moral fervor. At the time, gays lived on the very margins of society, shunned because their sexual act was considered “unnatural.” The law criminalizing homosexuality, one of few that seems not to have extended directly from the policing of prostitution, stated that “...sexual gratification such as connections per anus or per os (mouth) are forbidden. These other practices are here classed as ‘unnatural’ in the sense that they are proscribed by law.”<sup>16</sup> But the moral indignation extended beyond the pages of written law and translated directly into the actions of the police. As Harry Hay recalled, “homosexual behavior was a despised heterosexual depravity according to law, according to medicine, according to religion: a heterosexual perversion.”<sup>17</sup> For instance, a 1954 raid on places of public sex drew a report in the *Mattachine Newsletter* titled “Morals Situation Draw Attention of

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<sup>12</sup> Wilson, pgs. 0-2.

<sup>13</sup> Freedman, Estelle B. “‘Uncontrolled Desires:’ The Response to the Sexual Psychopath.” *The Journal of American History*. Vol. 74. No. 1. (Jun. 1987). Pg. 86.

<sup>14</sup> Pillors, Brenda Elaine. *The Criminalization of Prostitution in the United States: The Case of San Francisco, 1854-1919*. Dissertation. D.Crim., University of California, Berkeley, 1982. 359 pp.; AAT 8413652. pg. 138.

<sup>15</sup> Shumsky. *Vice Responds to Reform*. pg. 31

<sup>16</sup> Stryker 33.

<sup>17</sup> Hay, “Roots of the Mattachine Society.”

San Francisco Police,” referring the “morals” charge that those arrested received.<sup>18</sup> In it, the police cited the campaign against the “unwholesome and intolerable situation,” and proceeded to round up ten persons in public parks, restrooms and other gathering places. But the crackdown did not stop at places of public sex. San Francisco Police Chief Michael Gaffey wanted to “clean the homosexuals from the streets” and joined forces with federal police the next month to make moves on five taverns (part of this moral campaign was to connect “sex deviates” to the corruption of minors).<sup>19</sup> Public morality directly translated into criminal regulation.

### **The (Yellow) Press**

Fueling these sporadic offensives on gays and prostitutes was the press, and, in particular, tabloids and sensationalist newspapers. The San Francisco *Examiner*, for a long time the flagship paper of William Randolph Hearst, had waged a long and extensive campaign against vice, from the early 1900s to the 1960s. Riding its reputation for its coverage of the Spanish American War, it pioneered yellow journalism, and reported on vice, prostitution and city government in the 1910s.<sup>20</sup> It was the *Examiner*, along with the San Francisco *Bulletin*, that had reported on the corruption of the McCarthy mayoralty and its ties to prostitution, exposing the links between corruption and commercialized sex that had emboldened anti-vice reformists of the Progressive

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<sup>18</sup> San Francisco *Mattachine Newsletter* [microform]. Beta Chapter of San Francisco. San Francisco, California. Reel 1 in University of Michigan microform. June 25, 1954.

<sup>19</sup> Boyd. *Wide Open Town*. pgs. 93-4.

<sup>20</sup> Taylor, Michael. “The Reign of S.F.’s `Monarch of the Dailies,’ Hearst media empire started with *Examiner*” *San Francisco Chronicle*. August 7 1999.

Era.<sup>21</sup> Wilson, the Berkeley mayor, had cited the *Examiner*'s coverage of prostitution as the impetus for a 1913 police raid against the Barbary Coast.<sup>22</sup>

Similarly, the press figured prominently in the role of policing gays, especially since the names of arrested vagrants from the 1940s on were published in newspapers, adding a political incentive to regulation. A writer for the *Mattachine Review*, about a year after the 1954 raids, noted that "periodic outbursts of raging and unfortunately misdirected demands to 'ban, chase out, imprison, hospitalize or otherwise cure' persons homosexually inclined" was "largely fanned by the public press."<sup>23</sup> It is possible that the writer was responding to the *Examiner*'s ostensible agenda against "homosexuals." In June 1954, the paper published a series on the purported influx of homosexuals, alleging that they corrupted minors and that their presence fostered extortion and blackmail, as prostitution had decades earlier.<sup>24</sup> That same year, the paper had tried to link the murder rate and homosexuality, reporting that 14.7% of the murders committed in the city since 1950 had been linked in some way to homosexuality.<sup>25</sup> In 1960, the *Examiner* reported about the homosexuals that gathered in Buena Vista Park, and the police summarily sent undercover cops to public sex places to roundup perpetrators. Extensive press coverage had occurred around the time police chief Gaffey raided public parks and gay bars.

## **Public Health**

One main justification for the policing of both prostitutes and gays and lesbians was public health. These populations were thought of, by some, as a scourge on San

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<sup>21</sup> Shumsky. *Vice Responds to Reform*. 38-39, 42.

<sup>22</sup> Wilson 1.

<sup>23</sup> Knight, Wes. *Mattachine Review*. Vol. 1. Iss. 4. July-August 1955.

<sup>24</sup> Boyd. *Wide Open Town*. pg. 93

<sup>25</sup> *Mattachine Newsletter* June 25 1954.

Francisco. Those who did not want them entirely eliminated wanted them to be controlled, cured or hospitalized. The arresting of prostitutes and gays was justified in part because some saw it as a public health issue.

In San Francisco's early twentieth century prostitution, the creation of the Municipal Clinic epitomized the use of the public health issue to regulate prostitutes. At the time, knowledge and concern over venereal disease was growing; prostitutes were seen as a "health menace," and "the presence of social diseases was also blamed on the prostitutes."<sup>26</sup> When the Municipal Clinic was established, after much political maneuvering, the program was set up where every prostitute was confined to a certain area of the city and inspected twice a week.<sup>27</sup> If they were found to have a certain disease, they were quarantined until cured. But there was a policing aspect to this form of regulation: "...the health commissioners made the police 'sanitary officers' and decreed that 'any person found violating these regulations in regards to limits and boundaries...will be arrested and prosecuted.'"<sup>28</sup> So the police and hospitals worked together to keep this "vice" contained, with the police making daily and nightly rounds and sending them for "clinical control" if they were registered.<sup>29</sup>

A similar type of collusion between the police and hospitals occurred with the policing of gay bars and public sex places from the 1940s on. Indeed, the criminal and public health aspects of homosexuality were sometimes referred to the in the same breath. As the *Examiner* editorialized: "homosexuality is a complex police and medical problem

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<sup>26</sup> Pillors, pg. 129.

<sup>27</sup> Shumsky, Neil Larry. "Municipal Clinic of San Francisco: A Study in Medical Structure." *Bulletin of the History of Medicine*. Vol. 52. Iss. 4. Winter 1978. pg. 544.

<sup>28</sup> Shumsky and Springer, "San Francisco's Zone of Prostitution." Pg. 79

<sup>29</sup> Pillors pg. 150

in every community, large and small, and has been from the beginning of time.”<sup>30</sup> So when gays were arrested, many were also taken to be “cured,” Harry Hay recalled:

A second conviction—in any category of a “morals” charge—and you would be sent to Atascadero State Prison to be cured of your depravity. Atascadero gave you your choice of “curing” method: castration or lobotomy.

At Atascadero, doctors were allowed to hold gays indefinitely – as they were with prostitutes at the Municipal Clinic – even if the suspects were not formally arrested. . Gays were held because they were thought “dangerous” to be released; doctors also gave hormonal and shock treatments to the “sexual psychopaths.”<sup>31</sup>

### **Toleration versus Eradication: Attitudes toward gays and prostitutes**

Informing these actions against prostitution and gays were debates about the very viability and existence of these communities. Traditionally, there were three camps of thought around issues of vice: those who wanted decriminalization, those who saw it as inevitable and instead asked for regulation and control, and those who wanted complete eradication. The latter two dominated most of the debate for the majority of the twentieth century, both with prostitutes and gays. In general, the eradication camp won out, which explains the periodic raids and shutdowns of prostitutes – particularly by 1920 in San Francisco – and gays – throughout the forties, fifties and sixties.

### **The Debate: Is Eradication Possible? Rhetoric, Realities and Reasons.**

The rhetoric and actions of social critics and police can be contradictory and perplexing. While their disdain for homosexuals and prostitutes was unmistakable, there

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<sup>30</sup> *Mattachine Review*. November 1959.

<sup>31</sup> Boyd, *Wide Open Town*. Pg. 163.

seemed to be a general confusion about possible solutions to the “problem.” In both periods of anti-vice, there were moments of toleration or apathy, followed by sharp turns in public opinion and a crackdown on the marginalized communities. In both cases of prostitutes and of gays, the shift to the radical rhetoric of total abolition turned around issues of morality, visibility, money and corruption

The life and existence of the Municipal Clinic of San Francisco offers an appropriate example of how tolerance had segued into intolerance, particularly when medical justifications for regulation had given way to religious and economic reasons for abolition. Julius Rosenstirn, the head of the regulatory clinic and its chief advocate, had mulled over the question of whether prostitution should be abolished, but finally reasoned that it was inevitable – with all the single men in the city – and so should be regulated to protect the “nation’s health endangered by poisonous infection through the social malady.”<sup>32</sup> Furthermore, most people in San Francisco, up until around 1910, were ambivalent about the red-light districts, “as long as it did not spill into their own space” from out of the business districts.<sup>33</sup> But after the “Fire of 1906” prostitutes had scattered about the city, and the “comfortable classes” were becoming concerned, so concentrating them in one area seemed a good idea.<sup>34</sup> Because of corruption, moreover, policemen, judges and other city officials were getting paid through “a regular system of tribute.”<sup>35</sup> The concentrated red-light district also had a criminological advantage: it facilitated the capture of other criminals, with prostitutes acting as the snitches.<sup>36</sup>

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<sup>32</sup> As cited in Shumsky and Springer, “San Francisco Zone of Prostitution,” pg. 81.

<sup>33</sup> Shumsky, Neil Larry. “Tacit Acceptance: Respectable Americans and Segregated Prostitution, 1870-1910.” *Journal of Social History*, 19:4. Summer 1986. pg. 666.

<sup>34</sup> *Ibid.* pg. 669.

<sup>35</sup> Shumsky. “Municipal Clinic.” pg. 546. Also see Pillors, pg. 122.

<sup>36</sup> *Ibid.* pg. 668

But then public opinion shifted, and it was largely due to an organized movement of religious groups (national and local) and business who had decided that the concentrated red-light district actually highlighted the moral blights of the city; here one sees how money, morality and “visibility” caused a move toward total abolition. After a new reform-friendly mayor had been elected in 1913, the fear of the “scattering” of prostitutes to the more refined parts of the city had ended. As Shumsky notes:

...the leaders of all denominations considered the legalization of prostitution to be an intolerable encouragement of immorality, and many businessmen thought that the segregated district stained the city’s reputation and damaged their interest. All these people believe that the Clinic should be closed and prostitution abolished. They waged a vigorous campaign...<sup>37</sup>

The “business interest” was, in particular, an Exposition planned for the city that was seen as a major impetus to economic development. A concentrated area of prostitutes was a visible blight. A dispersed population served their interests better. The leading merchants of the city, in celebration of the completion of the Panama Canal, had spent over ten years planning the exposition and pledged \$4 million to its success. They did not want prostitution threatening its success. At the same time, large religious groups – including national ones with memberships in the millions – mailed letters to then-mayor James Rolph, Jr. to stop the official sanction of prostitution. The city buckled and removed the police involvement in the Municipal Clinic, effectively killing it.<sup>38</sup> After 1915, the city and public had succeeded in reducing the “visibility” of prostitution; that population dispersed, creating a “red light non-district” or a “non-zone of prostitution.”<sup>39</sup>

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<sup>37</sup> Shumsky and Springer, “San Francisco Zone of Prostitution,” pg. 84.

<sup>38</sup> *Ibid.*

<sup>39</sup> Shumsky, pg. 82-3.

A similar shift in policing from tolerance to an abolitionist crackdown happened with gays around the time of World War II; similar to prostitution, money, “visibility” and morality helped drive the push for the eradication of gay spaces. During the 1930s, several gay hangouts proliferated in San Francisco’s North Beach, often alongside bohemian hangouts. The city’s “wide open town” reputation was seen as a boon to the tourist economy, drawing spectators to its more liberal districts. During the Depression, the need for liquor taxes causes proliferation of nightclubs and drinking establishments “many of which mixed bohemian, homosexual, and tourist clientele,” especially since other brothels and sex tourist places had been shut down as a result of the 1920s vice crackdowns.<sup>40</sup>

But after the war, with the influx of single soldiers – bringing both their new homosexual experiences, and, on the other hand, their “prejudices” – and better economic conditions resulted in a situation where these gay places were no longer tolerated.<sup>41</sup> While raids had been executed on lesbian bars in the 1930s (often prostitutes were alongside lesbians), they had not reached the moral fervor and scale of the postwar period. Single men had made homosexuality had become more visible, and so the federal government worked with city police to shut down any bars or hangouts within several miles of army bases.<sup>42</sup> If they had not been in the army, then they were civilians from other cities: “...‘a small army of homosexuals had invaded the city, many of them apparently driven here after other cities had been closed to them by similar raids.’”<sup>43</sup> All this increased visibility fed into the discourse of public morality emerging at the time. As

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<sup>40</sup> Boyd. “Homos Invade S.F.!” pgs. 85-6

<sup>41</sup> Boyd, *Wide Open Town*. Pg. 64.

<sup>42</sup> *Ibid*

<sup>43</sup> Bérubé, Allan. “The History of Gay Bathhouses” in *Policing public sex: queer politics and the future of AIDS activism*. South End Press. Boston, Massachusetts. 1996. pg. 214.

the *Mattachine Newsletter* reported, suddenly the situation had become “intolerable” to police: “...Warnings were given [to those arrested in the most recent raid on public sex spaces] that authorities in San Francisco have no intention of letting the city become a retreat for sex deviates.”<sup>44</sup> Two years later, 35 policemen rounded up 75 “alleged homosexuals” at Hazel’s Inn, and a sheriff was quoted as saying: “the purpose of the raid was to make it very clear to these people that we won’t put up with this sort of thing.”<sup>45</sup> In addition, similar to when local businessmen pushed for an abolition of prostitution because of the development the Exposition would bring, Achilles noted that one particular gay bar had been “...in the path of an urban renewal project...” and was therefore closed, though for another reason.<sup>46</sup> Postwar intolerance had led to several pushes to eradicate gay spaces.

It is interesting to note that, after several years of this effort, it appears both the public and the police had grown tired and accustomed to the presence of gays in San Francisco by the early 60s. Achilles’ thesis documents a decidedly less zealous San Francisco, after the gayola scandal, the Christopher reelection, the legal battles over the existence of gay bars and the closing of the Black Cat had pushed the issue to the spotlight. Achilles quotes one police officer as stating: “We can’t get rid of them, there’s too many of them. You close one bar, and another one opens somewhere else.”<sup>47</sup> She also found, in conversations with residents after the closing of the Black Cat, that “San Franciscans seem rather ambivalent toward the homosexual collectivity, at times defending it as something of a tourist attraction, and at other times demanding that

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<sup>44</sup> San Francisco *Mattachine Newsletter*. June 25, 1954.

<sup>45</sup> *Mattachine Review*. March 1956, Volume 2 – 2<sup>nd</sup> special issue, pg. 5-6

<sup>46</sup> Achilles, pg. 72.

<sup>47</sup> *Ibid*, pg. 64.

‘something be done about the problem.’”<sup>48</sup> Bérubé places the year that public opinion turned at 1965, which was, coincidentally or not, the last year of Christopher’s mayoralty.<sup>49</sup>

It is also interesting to note that it seems certain forms of immorality were tolerated based on the degree of visibility. Both Achilles and Bérubé noted how the drive to eliminate gay spaces eventually subsided; and “San Francisco has never attempted to close every gay bathhouse and sex club in the city before,” Bérubé has found.<sup>50</sup> This may be because, located inside of buildings and sometimes hidden from the public eye, these gay places were less “public” than more open areas of sex, like parks, which had been rather vehemently policed. Prostitution, likewise, also practiced “public sex” on the streets. The importance of “seeing it on the streets” is seen in what Achilles’ officer states about his resignation on policing gay bars: “People complain about so many bars for that kind of people in the city, but they’d probably complain a lot more if there were all running in public.”<sup>51</sup>

The tolerance of prostitution versus gay bars and districts may have also been influenced by a kind of “heterosexual gaze.” Prostitution had almost been legalized in San Francisco several times – and tacitly, yet briefly, legalized in 1911 – and certainly tolerated in the late 1800s. Other American cities also had semi-successful or almost-successful drives for legalization (including St. Louis’ experiment in regulation in 1871). Gay spaces had not experienced this degree of acceptance until much later. The comments of Rosenstirn, who ran the Municipal Clinic, may offer some insight into this.

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<sup>48</sup> *Ibid* 63.

<sup>49</sup> Bérubé, pg. 214.

<sup>50</sup> *Ibid*.

<sup>51</sup> Achilles, pg. 64.

To Rosenstirn, prostitution served a “useful purpose—allowing unmarried men to satisfy their sexual desires...he believed they had a right sexual pleasure. Therefore he did ‘not condemn sexual intercourse among single persons as a crime or vice.’”<sup>52</sup> Homosexuality had never been included in this paradigm, despite being single men with sexual needs, and so the social function of their sex was not recognized.

### **Strategies by the police and the government: In the law and on the street**

Some of the most striking similarities between the policing of gays and prostitutes are the occurrences on the ground. Law enforcement used very comparable tactics in arresting and prosecuting prostitutes as they did with gays and lesbians. The laws themselves are alike, and in several instances, gays were charged under the exact same laws as prostitutes and pimps. In addition, cops approached the two communities in the same way, going undercover or rounding them up in large-scale raids. Not only were the two talked about in the same way, they were literally treated in the same ways.

Most gays and gay bar owners were arrested and prosecuted under a set of a few legal terms: running a “house of ill-repute” or “ill-fame” or a “disorderly house,” while gays themselves were charged under displaying “lewd and obscene behavior” or “vagrancy.” Research shows that these were the exact same charges in the California Penal Code used against prostitution in the city in the earlier part of the century, despite the differences of the offenses. The beginnings of the regulation of prostitution involved several different charges:

The ‘enforcement’ of the Penal Code often took the form of citing the owners with...[the] misdemeanor ‘to lease a house or tenement for immoral purposes’.

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<sup>52</sup> Shumsky and Springer. “San Francisco’s Zone of Prostitution.” Pg. 80.

Another strategy was to arrest the inmates of such houses on a charge of vagrancy....inmates could also be ‘charged with keeping houses of ill-fame.’”<sup>53</sup> Even during the period of regulation, when prostitution was effectively legalized, “...any infected woman or a woman without a booklist from the clinic...was charged with vagrancy.”<sup>54</sup>

It is clear that gay bars and gay men and lesbians were charged with similar, if not the same laws. Achilles reported that “‘disorderly conduct,’ ‘lewd and obscene behavior,’ and ‘running a disorderly house’” were the most common charges brought against gay bars.<sup>55</sup> In a 1961 edition of the *Mattachine Newsletter*, the paper reported, when the court action for Tay-Bush raid was finished, the owner of the bar was fined \$400 after pleading guilty “to permitting dancing without a permit and operating a disorderly house.”<sup>56</sup> In a 1956 raid, those arrested were charged with “being lewd and dissolute person and committing acts outraging public decency.”<sup>57</sup> At times, moreover, people were charged with offenses merely to fill police quotas, even if they had done nothing wrong. One of Achilles’ sources told a story of her just walking down the street. A cop followed this person. He stopped her, knowing the person was doing nothing wrong and said: “I’m a police officer, and you’d better stop wandering around the streets or I’ll arrest you for vagrancy.”<sup>58</sup> Here, the respondent was clearly treated as a prostitute, roaming the streets casually and accosted merely because s/he was suspected of being gay. In 1955, the state had tried to group gays and prostitutes together, giving the state’s Alcoholic Beverage

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<sup>53</sup> Pillors, pg. 135.

<sup>54</sup> *Ibid*, pg. 148.

<sup>55</sup> Achilles, pg. 57.

<sup>56</sup> *Mattachine Newsletter*. September 1961.

<sup>57</sup> *Mattachine Review*. June 1956. Vol. 2. Iss. 3.

<sup>58</sup> Achilles, pg. 60.

Control Board the power to revoke liquor licenses for places with “users of narcotics, prostitutes, pimps, panderers, or sexual perverts.”<sup>59</sup>

The connection of these laws to prostitution were known at the time, and disputed by such legal entities as the American Civil Liberties Union. The *Mattachine Review* reported that a certain subsection of the California Penal Code had been used in the past to arrest and try solicitors of prostitutes. It stated that:

“...every idle, or lewd, or dissolute person or associate of known thieves...is a vagrant and is punishable by a fine of not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.”<sup>60</sup>

The difference, the publication said, between prostitutes and gays was the difference between “acts” and “character” as crime.<sup>61</sup> It could be harder for a policeman to catch a homosexual in the “act,” especially if the charge fell under the proscription of different forms of “sex.” But these laws allowed law enforcement the leniency to arrest those involved in behavior that strayed from the societal norm, including women dressed as men or vice versa.

The old prostitution laws gave police the power to use several strategies to catch the perpetrators of vice. Perhaps the most dubious of these practices occurred when policed went undercover or exercised “entrapment.” Policemen going undercover did occur in the regulation of prostitution in the 1910s and before: “...the San Francisco police began to use police decoys to arrest women for the misdemeanor of solicitation. Often these arrests took place whether or not an officer was on duty.”<sup>62</sup> Likewise, the

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<sup>59</sup> Boyd, *Wide Open Town*, pg. 206.

<sup>60</sup> *Mattachine Review*. Vol. 1. Iss. 1. January/February 1955.

<sup>61</sup> *Ibid.*

<sup>62</sup> Pillors, pg. 139.

tactics of undercover cops against gays and lesbians during the 1940s on have been well-documented. Cops practiced “entrapment,” where certain officers would learn the “codes” of being gay and made passes at unsuspecting men. Police officers were actually trained to dress and act like gay men to rope them in.<sup>63</sup> In one instance, a cop went as far as a person’s apartment before booking him, so as to book him for a sex crime.<sup>64</sup> “From 1935 on,” Harry Hay wrote, “blackmailers and the vice squad had nightly quotas of entrapments to carry out.”<sup>65</sup> In his oral history with Boyd, Joe Baron noted he was arrested when a police officer groped him and he responded, “Do you mind?” The charge was “lewd vagrancy.”<sup>66</sup> The methods of police appear to have been, at time, involved or carefully orchestrated. Cops often did invest some time in catching illicit behavior. *The Ladder* reported of the Tay-Bush affair that the police officer had been “observing from the inside for an hour. He said he was influenced... by the sight of 25 couples dancing...”<sup>67</sup>

One of the most interesting similarities between the policing strategies of the Progressive and postwar eras was the involvement of the federal authorities in closing these “houses of ill-fame.” Both World War I and World War II had brought a strong federal military presence to San Francisco, and in both cases, the federal government had tried to police vice, and control the sexual urges of the male officers. In 1917, the government started to regulate prostitution within five miles of army and navy camps.<sup>68</sup> This was done under the auspices of a war emergency law. After World War II, up until the mid-1950s, the federal Armed Forces Disciplinary Control Board had “joined forces”

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<sup>63</sup> D’Emilio, pg. 183.

<sup>64</sup> Achilles, pg. 59.

<sup>65</sup> Hay. “Roots of the Mattachine Society.”

<sup>66</sup> Boyd. *Wide Open Town*, pg. 103.

<sup>67</sup> *Ladder, The*. Daughters of Bilitis, Inc. San Francisco, California. Vol. 6. September 1961. pgs. 14-15.

<sup>68</sup> Pillors, pg. 167a.

with city police to shut down several bars.<sup>69</sup> In 1951, that federal agency, in a move strikingly similar that of federal government in 1917, petitioned the state of California to “reinstate the wartime emergency measure” requiring liquor agents to post signs on bars that off-limits to military personnel.<sup>70</sup>

### **Methods used to counteract police: From payola to gayola**

Gay bars won their greatest victories against the police in the courts, but before and during these battles they engaged in a defense strategy very similar to that of brothels and pimps: payola. In order to avoid being raided, gay bars would pay the police to essentially stay away; the efficacy of this strategy was mixed, since, at certain political moments, police would turn on the bars. But it is clear that, because of intense police surveillance and duress, these two groups were forced to engage in graft and bribery. These last ditch defense mechanisms link both gays and prostitutes in a lineage of marginalization.

Anecdotal evidence shows that payola was common in the era of heavily policed prostitution and that it has a long history. One madam from New Orleans, Nell Kimball, who came to San Francisco around the turn of the century, “had been given letters of introduction by a judge and shipping man to those politicians on the Coast who would give me protection...[t]he protection had to be arranged and paid for.”<sup>71</sup> Kimball had paid off the police lieutenant, the health inspector and the landowner’s lawyers. Pillors describes the graft as “obvious,”<sup>72</sup> and Boyd described how graft had been linked to

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<sup>69</sup> Boyd, *Wide Open Town*, pg. 93

<sup>70</sup> *Ibid*, pg. 128.

<sup>71</sup> Pillors, pg. 121.

<sup>72</sup> *Ibid*, pg. 122.

tourism and the justice system in this era.<sup>73</sup> Moreover, the system of payment from prostitutes to city officials during the McCarthy mayoralty further shows what vice districts had done to stay in business.

Likewise, gay bars had for years paid off the cops to stay in business. When the “gayola” scandal erupted in 1961, several bars came out claiming that they had been paying anywhere from \$150 to \$200 a month to police to keep harassment “to a minimum.”<sup>74</sup> Around the same time period, Achilles suggests, certain bars owned by city outsiders were paying off the cops, because three particular bars were the largest in the city and have never been troubled by the police, “despite lax standards.”<sup>75</sup>

## **Conclusion**

Gays and prostitutes share comparable histories of repression and spatial location. In the north side of San Francisco, at different historical periods, the two faced similar tactics by police and by the city governments as well as similar societal attitudes toward their continued existence. The circumstances driving the policing of these districts, from politics to public health advocacy to pressure in the press, also correlated across time periods and populations. The heavy policing of gays in the postwar period recalls a time when they were seen as a plague on the city of San Francisco, and whose existence in the city, to many, signaled a failure of the police to “deal with the problem.” A look at history shows this line of thinking was not new. Society had viewed prostitutes in the same way the first years of the century. Berkeley mayor J. Stitt Wilson, for all his hatred of vice, saw a certain degree of hypocrisy in this drive to eradicate it. He saw as

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<sup>73</sup> Boyd, *Wide Open Town*, pgs. 141-43.

<sup>74</sup> *Ibid*, pgs. 207-8.

<sup>75</sup> Achilles, pg. 58.

disingenuous "...their masquerading as champions of cleanness, their heart and zeal for good causes, their civic quackery, and their pettifoggery in legal interpretation." He summarized well the crusade for morals during his time, a crusade that would emerge decades later in full force but with a new target.

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