

Police OK Full Drag

Decision on Theatre Case Prompts Change

by JACK FOSTER



JACKIE AS DOLLY

Into the gray cloud which has dulled the type of entertainment offered in the gay caberets of Los Angeles has cracked a patch of blue. The First Amendment of the U.S. Constitution has once again proved the victor.

And once again some arbitrary rules of the Los Angeles Police Commission have fallen. One of these rules, Rule Nine, has long been a thorn in the sides of a particular type of gay entertainer—those who perform in drag. Rule Nine stated, "No entertainment shall be conducted in which any performer impersonates by means of costume or dress a person of the opposite sex. . ."

The consequence of the rule was that performers in drag had to wear visibly some items of male attire—or risk getting arrested. As one performer once put it, it was like performing in "combat boots and fatigues."

Another consequence was that Rule Nine made full drag illegal onstage even though the California Supreme Court had made it legal on the streets years ago.

Several weeks ago, the police commission quietly passed the word to bars with drag shows that full drag would no longer be illegal. Word spread fast, and five clubs have already converted—Queen Mary, Redwood Room, Little Club, Knight Klub, and Jay's Club Laurel.

Inquiries to the police commission and to the city attorney's office brought forth little information as to what brought about the change in Rule Nine and what other changes the commission is considering. The fall of the rule, however, seems to have resulted from a court case that had nothing to do with the rule.

A theatre owner named Bur-

ton was being prosecuted for failure to obtain a license to show motion pictures—another commission rule. In his defense, Burton questioned the whole scheme of licensing whereby an administrative official could grant or deny permits on a wide and divergent interpretation of the code. Burton won his case before the California Supreme Court because of the dangers inherent in tolerating the existence of a penal statute that was capable of sweeping and improper application. The police commission's regulation was held to be a violation of the First Amendment.

After reviewing the court's decision, the L.A. Board of Police Commissioners revised its regulations. According to some sources, the board no longer presumes to have the right to refuse occupational licenses for general reasons relating to the welfare of the public, the "nuisance" character of the business, or the personal character of the applicant.

With Rule Nine gone—or at least modified—female impersonators in nightclubs can demonstrate more freely their ability to create illusion without being declared a nuisance or being arrested.

The commission is apparently hanging onto a bit of the old rule, however. It still prohibits the impersonator from attempting to carry the illusion beyond the limits of the stage—that is, while mingling with the customers.

The new changes in the regulations are a welcome step in the right direction—one that is long overdue in Los Angeles. Other changes in the codes governing human conduct are also needed and are being promoted by homophile groups.