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“The Habitats of Sex-Crazed Perverts”:
Campaigns against Burlesque in
Depression-Era New York City

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ON JANUARY 10, 1942, two New York City police detectives went to a burlesque show at the Gaiety Theatre on Broadway. In one of the acts they observed, a woman wearing mourning attire stripped to “a black lace combination with opaque covering at the breast, vagina and buttock areas,” all the while singing about her husband’s death. The detectives reported that a comic dialogue playing on the stripper’s “bump and grind” followed the song:

STRAIGHT MAN: Lady, your husband didn’t die a natural death.

STRIPPER: Well, how did he die?

COMEDIAN: He was bumped off.

New York City License Commissioner Paul Moss used their testimony about this skit and others like it to justify his refusal to renew the licenses of the last three burlesque theaters in Manhattan.¹ Like the stripteaser’s imaginary husband, burlesque did not die a natural death; it had been “bumped off” the stage by a decade-long campaign waged by religious and antvice activists, Times Square commercial interests, and municipal

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¹Typescript of Detectives’ Report, 1942, p. 7, and “Petition of Bonserk Theatre Corporation,” both in box 3629, LaGuardia Collection, Mayors’ Papers Collection, Municipal Archives, Department of Records and Information Services, City of New York (hereafter Mayors’ Papers).

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officials. After 1942, the unique combination of sexual humor and female sexual display that was burlesque never again had a home in the nation's theatrical capital.

During the 1930s, antiobscenity activists in New York City focused their attention on low-priced entertainment forms that prospered as a result of the economic crisis. New York clerics formed an interdenominational committee to support the nationwide Legion of Decency campaign organized by the Catholic Church to control motion picture content. Municipal officials attacked the cheap "art" and horror magazines read by teenage boys. Government authorities and opponents of "smut" railed most loudly against burlesque shows, which began expanding from working-class areas of the city to Times Square in 1931 as a result of the Depression's impact on the legitimate theater. Their campaign against burlesque was among the most successful of all attempts to control the sexual content of New York's entertainment industry in the first half of the twentieth century.²

Historians of burlesque have described this particular regulatory campaign, but none has given it the analytic attention it deserves.³ Twentieth-century burlesque, to paraphrase comedian Rodney Dangerfield, gets no respect. In his brilliant analysis of nineteenth-century burlesque, for example, Robert C. Allen portrays the burlesque of the interwar years as a corrupted genre already on its way to dying a natural death. At its moment of inception, he argues, burlesque was a truly subversive entertainment form, joining in the spectacular female performer a vision of "expressive sexuality and inversive insubordination" that challenged the patriarchal gender system.⁴ By the twentieth century such subversive meanings had been contained, as the female burlesque performer became merely an object of male "scopic desire."⁵ In that guise, she represented burlesque's "ultimate failure to sustain a performance medium sufficiently distinct in its appeals from other forms to draw an

²These attempts are examined in detail in my "Prurient Interests: Anti-Obscenity Campaigns in New York City, 1909-1945" (Ph.D. diss., University of Wisconsin—Madison, 1995).

³Robert C. Allen, *Horrible Prettiness: Burlesque and American Culture* (Chapel Hill, NC, 1991); Laurence Senelick, "Private Parts in Public Places," in *Inventing Times Square: Commerce and Culture at the Crossroads of the World*, ed. William R. Taylor (New York, 1991). Essentially descriptive works on twentieth-century burlesque include Ann Corio with Joseph DiMona, *This Was Burlesque* (New York, 1968); Morton Minsky and Milt Machlin, *Minsky's Burlesque* (New York, 1986); Bernard Sobel, *A Pictorial History of Burlesque* (New York, 1956); Irving Zeidman, *The American Burlesque Show* (New York, 1967).

⁴Allen, p. 282.

⁵Ibid., p. 231.

audience."⁶ In this telling, both because 1930s burlesque was no longer a threat to the social or cultural order, and because it was not successful entertainment, the efforts to suppress it are essentially beside the point. Thus, Allen concludes that "unequivocal demonstrations of top-down cultural power and examples of outright resistance to this power" are absent from the history of burlesque.⁷ Further, Allen and others argue that the Depression-era campaign against New York City burlesque was merely a result of economic competition between burlesque entrepreneurs and the legitimate theater owners and producers whose domain had been invaded by the burlesque theaters. In this view, burlesque *per se* is irrelevant; antiburlesque activists and municipal officials function as the dupes or the willing tools of the titans of the theater world, and historians conclude that "the real issues in the burlesque licensing issue were economic and political, not moral."⁸

These interpretations obscure burlesque's significance for New Yorkers during the Depression and war years and, by extension, the specific meanings of burlesque in twentieth-century America. Twentieth-century burlesque was indeed different from its nineteenth-century predecessor, but another look at this contest over burlesque demonstrates that many New Yorkers nonetheless continued to perceive it as a threat to the social order. Furthermore, while economic conflict played a role early in this campaign to abolish burlesque in New York City, it is insufficient to explain the wide appeal or the ultimate success of this campaign. In particular, the economic interpretation cannot account for the increasingly important and effective role played by Catholic clerics and lay activists in the battle against burlesque. Finally, focusing on the sustained, decade-long battle that ended only when city officials revoked theatrical licenses reminds us that "top-down cultural power" in the form of municipal regulation did have an important role to play in obliterating burlesque, at least in its twentieth-century form.

I argue here that careful attention to the rhetoric characterizing this battle reveals that burlesque's cultural meanings had changed by the 1930s. Within these particular campaigns we see a reordering of previous discourses about the relationship between burlesque and bodies, as activists and municipal officials focused on disciplining male sexuality. During this decade, opponents of burlesque described an escalating trajectory of male sexual danger, as they moved from asserting that the

⁶Ibid., p. 244.

⁷Ibid., p. 289.

⁸Ibid., p. 255. Allen's examination of twentieth-century burlesque does not match the sophistication of his analysis for the nineteenth century, which is the centerpiece of his book. The economic interpretation is advanced most forcefully by Seneleck and taken up by Peter G. Buckley, "Introductory Essay," in Taylor, ed.

entertainment form attracted sexually unrespectable men, to arguing explicitly, I believe for the first time, that its sexual portrayals of women caused male sexual violence. This was quite distinct from nineteenth-century debates about burlesque, when most protests against the genre highlighted its debasement of female bodies and distortion of femininity, thus emphasizing the social and cultural threat presented by the female performer.⁹ In the 1930s, however, anxiety about burlesque's representation of and impact upon female sexuality was supplanted by consternation regarding its relationship to male sexuality; that is, burlesque opponents articulated concerns about its danger to women as an artifact of its effects upon men. The metamorphosis from condemnation of the sexually dangerous woman to fear of the sexually dangerous man—the “sex-crazed perverts” who allegedly inhabited burlesque theaters—not only reflects the centrality of cultural anxieties about masculinity to the Depression-era campaigns against burlesque; it also reveals a deeper concern about the prospect of out-of-control male sexuality within the paradigm that Estelle Freedman and John D’Emilio have labeled “sexual liberalism.”¹⁰ Thus, while the Great Depression facilitated and fundamentally shaped these campaigns, allowing burlesque opponents to link fears of sexual, gender, and economic disorder to achieve their goal of expanding state control over this form of commercial culture, the successful drive against burlesque had significance beyond the Depression.

I also contend that another look at these contests over burlesque requires recognition of the ways in which state regulatory processes and

⁹ Allen, esp. chap. 5; Peter G. Buckley, “The Culture of ‘Leg Work’: The Transformation of Burlesque after the Civil War,” in *The Mythmaking Frame of Mind: Social Imagination and American Culture*, ed. James Gilbert et al. (Belmont, CA, 1993).

¹⁰ Sexual liberalism is described at length in John D’Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America* (New York, 1988); it is defined, briefly, as a “set of beliefs that detached sexual activity from the instrumental goal of procreation, affirmed heterosexual pleasure as a value in itself, defined sexual satisfaction as a critical component of personal happiness and successful marriage, and weakened the connections between sexual expression and marriage by providing youth with room for some experimentation” (p. 241). D’Emilio and Freedman argue that sexual liberalism was the dominant paradigm in the United States from the 1920s to the 1960s. Freedman examines the Depression-era emergence of concerns about male sexual deviance in “‘Uncontrolled Desires’: The Response to the Sexual Psychopath, 1920–1960,” in *Passion and Power: Sexuality in History*, ed. Kathy Peiss and Christina Simmons (Philadelphia, 1989). In the early twentieth century some New York citizens voiced fears that young girls might be “seduced” in motion picture theaters, but they seemed to assume that it was as much the darkness afforded by the auditorium as the potential effect of the images on the screen that created the danger. An interesting analysis of perceptions of sexual danger in another context can be found in Judith R. Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago, 1992).

the discursive construction of cultural hierarchies operate together to structure cultural power relations in the twentieth century. I am particularly interested here in tracing the ways in which activists used language about sexual desire and sexual danger to facilitate (or attempt to limit) government regulation of commercial culture. The antiburlesque campaigns I examine highlight the role of discourse about the audience in this process, for it was the sexuality of the burlesque audience that was at the heart of these contests. Perceptions of audience—in particular, its sexual vulnerability and respectability—played an important role in New York City campaigns to control the sexual content of commercial culture throughout the first half of the twentieth century. Motion pictures, for example, had been attacked from almost their first appearance on the grounds that they endangered the morals of young girls who watched them. The enactment of the Wales Law of 1927, which prohibited the portrayal of "sexual perversion" on the stage in New York state, had been preceded by a wellspring of public concern that plays about lesbianism functioned as "document[s] in favor of sexual degeneracy [which would] at least pique curiosity on the part of susceptible young women" in attendance.¹¹ Furthermore audience composition, particularly in terms of gender, class, and age, helped to place a production within a cultural hierarchy and, therefore, to determine what types of regulatory options were available to those opposing the portrayal of sexuality in popular entertainments. For example, because the legitimate theater drew a middle-class and mixed gender (therefore respectable) audience, it was presumed entitled to greater protection from "censorship," and anti-obscenity activists usually had to resort either to demanding criminal prosecution under obscenity laws or to creating elaborate, "voluntary" regulatory mechanisms in concert with theatrical associations. Burlesque, in contrast, catered predominantly to working-class men. Opponents argued that its effects on this unrespectable audience mandated a much broader regulatory regime. In particular, they seized upon the licensing power, which municipal officials could manipulate in order to prohibit exhibitions that had not been demonstrated to violate obscenity statutes.¹² By using this government regulatory mechanism to assert a

¹¹George Jean Nathan, "The Theatre," *American Mercury* (March 1927), pp. 373–75. On censorship and concerns about sexuality, see Friedman; Lary May, *Screening Out the Past: The Birth of Mass Culture and the Motion Picture Industry* (Chicago, 1980); Robert Sklar, *Movie-Made America: A Cultural History of American Movies* (New York, 1975); Kaier Currin, "We Can Always Call Them Bulgarians": *The Emergence of Lesbians and Gay Men on the American Stage* (Boston, 1987).

¹²The argument about the relationship between audience and regulation is made at greater length in Friedman. See also Richard deCordova, "Ethnography and Exhibition:

causal relationship between burlesque performance and the sexual deviance of its male audience, antiobscenity activists ultimately succeeded in driving this entertainment form from New York City by 1942.

Burlesque's distinctiveness as an entertainment form facilitated the debates over its meanings. While all performance requires interpretation by audience members, some forms more than others depend on their lack of fixed meaning as a strategy for engaging the audience. The power of burlesque relied to an uncommon extent upon incorporating diverse meanings—what Robert Allen has referred to as its lack of monovocality.¹³ Burlesque in the 1930s was organized in particular around the striptease and double entendre, each of which highlighted not sexuality per se but sexual suggestiveness. This suggestiveness gave burlesque an extraordinary capacity for diverse interpretation and, contrary to our stereotype of passive burlesque audiences, required active viewing. Paradoxically, the centrality of suggestiveness made burlesque's meanings slippery—that is, it made possible the denial of sexual content—at the same time that it highlighted the endorsement of sexual desire that was fundamental to the genre. Thus, the burlesque of the 1930s provided an especially fertile arena for cultural contestation and political intervention.¹⁴

Burlesque's focus on suggestion and desire is abundantly clear in the striptease, which became an increasingly predominant aspect of the genre during this decade. While women had long been undressing to music on the stage, the striptease—in which the “teasing” played as important a role as the “stripping”—did not become common until the late 1920s.¹⁵ The striptease worked as performance by encouraging those watching to imagine what they had not seen. The key to the striptease was not how much a woman stripped, but how much the people in the audience thought she stripped, as well as how successfully she encouraged their desire that she strip. Thus, strippers wore net or flesh-

The Child Audience, the Hays Office and Saturday Matinees,” *Camera Obscura* 23 (1990): 91–107.

¹³Allen (n. 3 above), p. 28, and passim.

¹⁴Because traditional burlesque no longer exists, it is especially difficult for the historian to reconstruct what burlesque looked like and how performers and audience experienced it in the 1930s. Still, some sources exist that permit an approximation. These sources include descriptions of burlesque to be found in theater reviews, in the testimony of burlesque foes and friends at license renewal hearings, and in affidavits filed in legal actions, as well as in burlesque scripts and the reminiscences of performers. See also Jill Dolan, “‘What, No Beans?’ Images of Women and Sexuality in Burlesque Comedy,” *Journal of Popular Culture* 18 (1984): 27–47.

¹⁵Several different accounts of the invention of modern striptease exist, placing its birth variously in the late 1910s and late 1920s. See Allen, p. 244; Minsky and Machlin (n. 3 above), pp. 33–34, 60; Corio (n. 3 above), p. 72; Zeidman (n. 3 above), pp. 136–46.

colored brassieres and panties to give the impression of nudity. They used body makeup and even stage lighting alternatively to hide clothing or to hide potentially unlawful nakedness. The central role of illusion in the striptease made it possible for performers simultaneously to satisfy their customers and, usually, protect themselves legally.¹⁶

The career of Margie Hart demonstrates the importance of suggestiveness to the striptease of the Depression years. Hart, a popular stripper who often performed in New York City, was rumored to "show more" than other strippers. Yet she never removed her full-length skirt, composed of two separate panels, one in front and one in back, hung low on the hips. Instead, as she strutted back and forth on the stage she used her fingers to flick the panels, offering those in the audience quick glimpses of what they concealed. Hart's reputation as an especially daring performer resulted from rumors that she sometimes did not wear a G-string under her skirt. Hart, however, built illusion upon illusion: industry gossip held that she actually wore a G-string that sported artificial pubic hair so that she could give the audience what she thought they wanted, while still obeying the law.¹⁷

Burlesque operators, performers, and even some fans agreed that suggestiveness and illusion were more important to 1930s striptease than was actual nudity. Ann Corio says of Margie Hart, whom she calls the "most daring" stripper, "she gave the boys . . . flashes so brief that they didn't really reveal anything, but that suggested all." Some members of the audience, at least, suspected that all was not as it seemed: one businessman who testified in favor of burlesque shows before New York's license commissioner stated that he could not tell if a stripper was actually nude or "something intended to appear as nude." And burlesque producer Morton Minsky, meditating on the nature of the industry, observed that "we're dealing in a world of illusion, and if the customers . . . *thought* they were seeing actual nude flesh, then what's the difference?"¹⁸

Burlesque comics depended upon teasing and suggestion as much as did the strippers. The mark of burlesque comedy was the double entendre.¹⁹ Burlesque skits (known as "bits") featured stock characters: the comic, whose naïveté could sometimes win him, and sometimes cost him, the girl; the suave, smooth-talking "straight man"; the juvenile,

¹⁶Corio, p. 78.

¹⁷Minsky and Machlin, p. 184; Corio, p. 90; Zeidman, pp. 151-55.

¹⁸Corio, p. 90; testimony of John S. Landes, Burlesque Hearing Transcript, box WJG-242, William J. Gaynor Papers, Mayors' Papers ([n. 1 above]; this source will hereafter be cited as Burlesque Hearing Transcript); Minsky and Machlin, p. 184.

¹⁹Examples of burlesque comedy can be found in burlesque scripts located in the Chuck Callahan Collection of the Walter Hampden-Edwin Booth Theatre Collection at the Players' Club in New York City.

who might also portray a “nance” (homosexual) character. The female performers who appeared in the bits also played stereotyped roles as the shrewish or cuckolding wife, naive virgin, or sexually insatiable woman. A glance at several typical burlesque bits reveals the ways in which the double entendre at the same time acknowledged, validated, and satirized male and female sexual desire. In one scene performed in a Times Square burlesque theater in the early 1930s a married couple visited a lawyer seeking a divorce, but he urged them to reconcile. As one burlesque opponent described it: “Finally, both agree[d] to let bygones be bygones. The husband said, ‘All right, I’ll forget if she will give me a little peace when we get home.’ The wife said, ‘Yes, I’ll give you a little peace as often as you want, providing I can have some, too, whenever I want it.’”²⁰ In another skit, the straight man told the comic and another man that he had stolen a chemical that “would bring a beautiful Fairy to every man who possessed it. A Fairy that would guide man to his port of happiness.” The straight man then rubbed a drop of the liquid on his leg. After a blackout, a young woman “dressed very sexy” appeared and told him, “I am your beautiful fairy come to guide you to your port of happiness.” The straight man and young woman exited. Then the second man rubbed a drop of liquid on his leg, another woman appeared, repeated the speech and they left the stage together. Finally it was the comic’s turn. However, he rubbed the drop of liquid on the seat of his pants. When the lights came back up, a young man was standing on the stage, “posing very nancy.”

COMIC: Who the Devil are you?

JUVENILE: I am a beautiful fairy come to guide you to your port of happiness.

COMIC [takes him by the arm]: Well, any old port in a storm.²¹

It has been said that by the 1930s there had been no new burlesque skits written in twenty years. The comedy in these bits arose from the audience’s ability to identify the sexual meanings of common words such as piece, fairy, and port; it was the joke’s sly familiarity that made it “sexy.”²²

The centrality of multiple meanings to burlesque shaped the confrontations over how the genre would be regulated. The fact that burlesque was structured so as to encourage several interpretations increased the opportunities for contestation. “Respectable” citizens easily could—

²⁰Testimony of George Moeller, Burlesque Hearing Transcript. For a similar sketch, see testimony of Patrolman Hugo Harris, Burlesque Hearing Transcript.

²¹“The Beautiful Fairy Scene,” Chuck Callahan Collection.

²²Zeidman, pp. 201–10.

and, in 1932, did—argue over the sexual content and meanings of a striptease or comedy act. Any interpretation could be dismissed as just one person's view. As we shall see, however, over the course of a decade one interpretation prevailed—that linking burlesque with deviant and dangerous male sexuality. The process by which burlesque's meanings were circumscribed occurred within, and simultaneously expedited, an expansion of state regulatory authority.



Burlesque shows had long constituted a target for the wrath of reformers. From almost the moment of its arrival on the American stage, many commentators on burlesque performance identified it as "diseased," symbol as well as instrument of the degeneration of American society.²³ Eventually, such criticisms became the basis for an organized if largely ineffectual campaign against burlesque shows by the members of the New York Society for the Suppression of Vice (NYSSV). Even before the 1915 death of longtime leader Anthony Comstock, this group experienced diminished popular support among New York citizens. However, under the leadership of the less confrontational John Sumner, and garnering the support of many New York churches, the NYSSV wielded a measure of influence among municipal authorities, who sporadically raided burlesque shows at its behest. Yet the occasional raids rarely resulted in convictions, and they had little effect upon the availability or content of burlesque shows.²⁴

The onset of the Great Depression transformed the fight against burlesque, giving it new life and new effectiveness. Most obviously, the Depression facilitated an expansion of the burlesque industry, which itself led to the successful decade-long campaign launched in 1932. At the

²³Allen (n. 3 above), esp. pp. 127–32; Buckley, "The Culture of 'Leg Work'" (n. 9 above), p. 122.

²⁴Information about raids on burlesque shows can be found in the *New York Times*: "Police Stop Show in Daly's Theatre" (March 4, 1915), p. 9; "Arrest 4 Garrick Actors" (November 3, 1915), p. 15; "Five Actors Arrested" (December 7, 1924), p. 23; "Police Take Actors in Raid on Theatre" (March 12, 1926), p. 21; "Nine Arrested in Raid on Burlesque Show" (May 27, 1926), p. 2; "Grand St. Theatre Raided" (September 21, 1926), p. 15; "Bill to Curb Stage by State Is Doomed" (February 25, 1927), p. 24; "Burlesque Show Raided" (March 30, 1927), p. 13; "5 Accused of Giving Indecent Play" (June 30, 1927), p. 32; and "25 Arrested in Theatre" (January 15, 1928), p. 3. For the disposition of some of these cases, see the *New York Times*: "Act, Then Pay Fines" (May 11, 1926), p. 12; "Seven in Show Are Fined" (October 30, 1926), p. 19; "Censorship Fight at Albany" (March 5, 1927), p. 12; "Court Exonerates 'High Steppers'" (May 5, 1927), p. 10; and "Burlesque Cast Cleared" (May 28, 1927), p. 15. On the New York Society for the Suppression of Vice, see Paul Boyer, *Purify in Print: The Vice Society Movement and Book Censorship in America* (New York, 1968).

beginning of the 1930s, the economic crisis, together with competition from motion pictures, caused the number of Broadway shows to plummet. Consequently many legitimate theaters closed, and theater rents declined.²⁵ Burlesque entrepreneurs, most notably Billy Minsky and his brothers, seized the opportunity to move from the working-class neighborhoods to which burlesque had previously been confined into newly affordable theaters on 42nd Street. In 1931 burlesque was produced on Times Square for the first time, forcing the antivice reformers who had traditionally opposed burlesque and their supporters among New York's clergy to recognize that, far from driving burlesque from the stage, they were unable to contain its expansion.²⁶

This shift in geography made it possible for burlesque's customary foes to join forces with a new ally—the 42nd Street Property Owners Association (POA). This commercial organization counted among its members numerous affluent and politically prominent Times Square corporations and businessmen, including banks, hotels, and legitimate theater producers. Members of the POA witnessed firsthand the Depression's effect on Times Square merchants, watching as storefronts increasingly became occupied by proprietors who catered to working-class and lower-middle-class customers. Many of the organization's members blamed the new burlesque theaters for this state of affairs, claiming that their presence chased away more respectable merchants, drove down property values, and generally “cheapened” the street.²⁷ Like burlesque's traditional opponents, POA members initially sought to secure convictions for obscenity violations against the 42nd Street burlesque theaters. Failing in that endeavor, they turned to a new strategy: pressuring New York City's license commissioner not to renew the burlesque theaters' annual licenses.²⁸ Responding to their lobbying, as well as to that of the

²⁵Jack Poggi, *Theater in America: The Impact of Economic Forces, 1870–1967* (Ithaca, NY, 1968); Glenn Loney, *Twentieth-Century Theatre*, 2 vols. (New York, 1983), 1:180, 185; Samuel L. Leiter, *The Encyclopedia of the New York Stage, 1930–1940* (Westport, CT, 1989), p. xxxvi. See also the essays in Taylor, ed. (n. 3 above), esp. those by Eric Lampard, “Introductory Essay,” pp. 16–35; David C. Hammack, “Developing for Commercial Culture,” pp. 36–50; and Brooks McNamara, “The Entertainment District at the End of the 1930s,” pp. 178–90.

²⁶Zeidman (n. 3 above), p. 171.

²⁷The Depression-era decline in Times Square property values must have seemed all the more frightening because the rate of appreciation of district property values had previously been among the highest in the city. See Betsy Blackmar, “Uptown Real Estate and the Creation of Times Square,” in Taylor, ed., pp. 51–65.

²⁸On their lack of success in obtaining convictions for presenting obscene shows, see “Burlesque Show Cleared,” *New York Times* (March 25, 1932), p. 22; and “Prepare New Attack on Burlesque Shows,” *New York Times* (April 7, 1932), p. 29. The POA did manage to have a burlesque theater barker convicted for maintaining a public nuisance (see “Seek

more traditional burlesque opponents who joined them, Commissioner of Licenses James F. Geraghty opened hearings into the question of license renewal.²⁹

Despite the financial basis of POA members' concerns, the campaign to close the burlesque theaters focused primarily not on property values but on the character of the burlesque audience.³⁰ The centrality of the audience in this debate over burlesque resulted in part from legal constructions of municipal officials' regulatory powers. Because the New York Supreme Court had declared that "no right of censorship of any play" was given to New York's commissioner of licenses, Commissioner Geraghty announced at the hearings that he could not base a decision regarding license renewal upon his assessment of the nature of the performances inside the theaters. Nor, he asserted, could his ruling rest on an economic rationale such as falling property values, which was outside the purview of his office. Drawing on statutory language governing general licensing powers, Geraghty contended that he would have a right to withhold licenses only if, in his words, "it could be proved that a theatre attracted a class of disorderly persons."³¹

Legal limitations may have placed the burlesque audience at the center of this controversy, but contests over audience had played an important role in earlier debates about regulating burlesque. Indeed, Robert Allen has demonstrated that almost at the very moment of its emergence, the potential of nineteenth-century burlesque to subvert middle-class gender relations had been contained by the successful confinement of burlesque to predominantly working-class male audiences. Opponents of burlesque tried to use exactly this strategy at the beginning of the 1930s to prevent the genre's expansion. Burlesque's move to 42nd Street threatened to destabilize the composition of its audience, as burlesque entrepreneurs sought to capture the mixed-gender, middle-class audience that had previously supported the legitimate theater. The

Clean 42d St. for Bicentennial," *New York Times* [April 21, 1932], p. 23; and "2 42d St. Barkers Are Fined and Warned," *New York Times* [April 22, 1932], p. 17).

²⁹"Prepare New Attack on Burlesque Shows"; Zeidman, p. 221; Senelick (n. 3 above); Allen, pp. 252-53.

³⁰This is not to say that economic considerations were not discussed at all, merely that they generally took second place to other issues.

³¹"Passing on Burlesque, He Watches Audience," *New York Telegram* (May 18, 1931), clipping in vol. 604, American Civil Liberties Union Papers, Seeley G. Mudd Library, Princeton University (hereafter ACLU Papers). The case limiting the license commissioner's ability to revoke licenses was *A. H. Woods Theatre Co. v. Gilchrist*, 193 N.Y.S. 259, aff'd. 135 N.E. 941. The enactment of the Wales Padlock Law in 1927 confirmed this limitation by providing that a theater license could be revoked and the theater padlocked for up to one year following an obscenity conviction for a performance in the theater.

presence of women and men in formal attire at the opening performance at 42nd Street's Republic Theatre intimated a potential shift in burlesque's audience, one that would challenge burlesque's status as low culture and, hence, make efforts to police it more complicated.³² Burlesque opponents responded to this development by focusing attention on the genre's traditional audience, contending that *because* that audience was composed of poor men, it was sexually—as well as economically—“disorderly.”

This discursive attempt to constitute the burlesque audience as exclusively male and poor at the very moment it seemed to be becoming more diverse was especially powerful because it played on fears exacerbated by the Depression. The presence of large numbers of unemployed men on the streets during the day—perhaps hanging out in front of burlesque theaters, gazing at the posters of female performers—served as an unwelcome reminder of the challenge to masculinity occasioned by many men's inability to provide for their families.³³ Their visibility likely also raised concerns about controlling a population of seemingly unattached men who appeared to be beyond the reach of social institutions. When burlesque opponents described those men as sitting in burlesque theaters for the purpose of indulging their sexual appetites, they translated anxieties about economic crisis and social control into gendered discourses about sexual control, providing a common language with which the Times Square businessmen, clergy, and reformers could voice their concerns.

Attempts to affect burlesque's fate by shaping perceptions of its audience could not occur in complete isolation from the realities of that audience. Yet those realities were less clear than we might expect. The burlesque audience of the 1930s was mostly male, although in some neighborhoods reports indicated a substantial minority of attendees were women, sometimes in the company of men, at other times alone or with children in tow.³⁴ Audience members' class affiliation is less

³²On the composition of the burlesque audience, see David Dressler, “Burlesque as a Cultural Phenomenon” (Ph.D. diss., New York University, 1937), esp. chap. 5; Allen (n. 3 above), p. 192; Minsky and Machlin (n. 3 above), pp. 98–99. Times Square burlesque entrepreneurs consciously tried to attract a middle-class and mixed-gender audience. This strategy paralleled that pursued by nightclub owners during the same period, as described by Lewis A. Erenberg, “From New York to Middletown: Repeal and the Legitimization of Nightlife in the Great Depression,” *American Quarterly* 38 (1986): 761–78. Nightclub owners, unlike burlesque entrepreneurs, successfully integrated their businesses “into the reputable public culture of urban life” (Erenberg, p. 766).

³³Freedman (n. 10 above), p. 203.

³⁴Reports of women in the audience, often coexisting with characterizations of burlesque as a “man's world,” can be found in Dressler, esp. chap. 5. Corio (n. 3 above) also provides contradictory accounts of women in the audience; see pp. 158–59.

easy to pin down. While burlesque long had been considered working-class entertainment, the boundaries of its audience were permeable, regularly including middle-class men out for a night on the town. A description of a mid-1930s burlesque audience that appeared in *Fortune* magazine inadvertently demonstrates the difficulties of definitively characterizing its nature: "Weed out the regular patrons of long-established houses, weed out slumming socialites, rowdy collegians, and honest seamen ashore, and where once the blood of the town sat now sit the backwash of a depressed industrial civilization, their eyes alight and most of their mouths open. It is not a pretty sight."³⁵ A good deal of weeding must be done to contend that working-class men alone populated burlesque theaters. This impression of diversity, however limited, was confirmed by the admittedly nonconclusive but nonetheless suggestive research undertaken by one student of New York's burlesque industry. In a survey of over one thousand city residents, he found that almost 19 percent of "white-collar" men and 31 percent of "non-white-collar" men attended burlesque shows "often" or "occasionally." Further, only 40 percent of the first group, but almost 49 percent of the second, claimed to have never seen a burlesque performance. While his results confirm the predominantly working-class nature of the audience, they also provide evidence that men of a variety of occupational categories visited burlesque theaters, leading to his conclusion that there was no "typical" burlesque patron.³⁶ In sum, there was just enough variation within the burlesque audience to permit those debating its future to emphasize certain of its components as a way of accomplishing their goals.

Thus, at the license renewal hearings convened by Commissioner Geraghty antiburlesque activists articulated a gender- and class-specific logic of social disorder that joined men's economic nonproductivity and sexual deviance. First, they contended that the mere absence of women from the audience indicated the performances' immoral character. Witnesses who testified against license renewal described "crowds" of men, young and old, attending burlesque shows and congregating in front of the theaters. In emphasizing that "the shows given are not of a character that appeal especially to women" they employed still-prevalent assumptions regarding female morality and male immoral-

³⁵"The Business of Burlesque," *Fortune* (February 1935), quoted in Dressler, p. 160.

³⁶Dressler, chap. 5. Dressler's estimates are calculated from a nonrandom sample and, thus, must be used advisedly. In addition, his study, completed in 1937, may reflect changes in the burlesque industry that occurred as a result of the regulatory campaigns described here. Nonetheless, his dissertation remains the best source on the burlesque audience of the 1930s.

ity to suggest burlesque shows' innate depravity.³⁷ Burlesque opponents also identified these men as exclusively "lower class" and linked burlesque patrons' class status with fears of sexual corruption and economic decline. The descriptions of audience members that they offered suggested both economic and spiritual poverty. Devotees of burlesque, witnesses contended, were poorly dressed and unclean; one would not want one's children or wives to come into contact with these men, who were not "the highest type of American citizenship." From describing an audience of poor and unclean men, foes of burlesque moved quickly to describing an audience full of "lewd and dissolute" men. They argued that these men were attracted to burlesque because it "appeal[ed] to the sexual part of any man" and "pander[ed] to the lower instincts." Lawyers for the POA ridiculed witnesses for the burlesque theaters for "frequent" attendance at burlesque shows, in the process suggesting that the mere act of watching a burlesque performance signaled sexual deviance.³⁸ In contending that burlesque "aroused" the sexual emotions, and suggesting that some men could not stop themselves from seeking that arousal again and again, burlesque opponents implied that men who attended such performances were unable to control their responses to the strippers and sexual humor.³⁹

The alleged links between sexual debauchery within the theaters and the financial deterioration of Times Square could sometimes be quite explicit. One witness who operated a restaurant, testifying that his business had been hurt since the burlesque theaters opened, stated that as opposed to devotees of "high class" theaters, those who went to burlesque shows "patronize[d] them for the purpose of deriving a depraved satisfaction rather than coming out and getting something to eat when it is over." Similarly, a real estate broker voiced his opinion that the people drawn to Times Square by the burlesque shows would not patronize a department store. Invoking an earlier symbol of New York's commercial and moral degeneration, he suggested that if the theater licenses were renewed "we will have a regular Bowery of Burlesque theaters on 42nd Street." Some witnesses viewed men in the burlesque audience as menacing because they were unemployed, producing noth-

³⁷Testimony of Elias Sugarman, Burlesque Hearing Transcript; see also testimonies of William B. Millar, George A. Moeller, and Lieutenant Patrick D. Kenneally.

³⁸Testimonies of Edmund Waterman, Thomas O. Young, Louis A. Kissling, and Louis Fehr, Burlesque Hearing Transcript.

³⁹Testimonies of Edmund Waterman and Henry Moskowitz, Burlesque Hearing Transcript.

ing; for others, they posed a threat because they consumed nothing, except of course sexual commerce.⁴⁰

Yet the threat posed by men patronizing burlesque theaters was not always so nakedly financial, for burlesque opponents also argued that these men endangered "innocent" women—in their view, women not employed in burlesque theaters. They charged at the license renewal hearings that the "undesirable elements" who attended the performances "have made it unsafe for young women having business in that block, working in business buildings abutting on that thoroughfare, to pass through the street." One man who worked at a publishing house on 42nd Street testified that his secretary returned to the office one day complaining of a man who called out to her, "Hello, baby, can I take you out for lunch." Similarly, real estate manager Oscar Dike told the license commissioner that he had seen both sides of 42nd Street "lined by young men and old men of every kind of character, almost blocking passage at some times, and calling forth remarks to girls and ladies who happened to be passing on the street." Several merchants testified that many of their (female) customers had deserted them because they did not want to walk past the crowds of men before the theaters.⁴¹ It is not necessary to dismiss these allegations of harassment of female pedestrians in order to recognize the ways in which, by offering testimony about such behavior, foes of the Times Square burlesque theaters linked fears of economic nonproductivity and sexual disorder, marshalling images of unruly, idle, even dangerous men and innocent, industrious women to support their objections to the renewal of li-

⁴⁰Testimonies of William M. McCarthy, Thomas O. Young, Louis A. Kissling, and Albert Taub, Burlesque Hearing Transcript. Lawrence Levine discusses the complex shifts occurring in the meanings of production and consumption during the 1930s in "American Culture and the Great Depression," *Yale Review* 74 (1985): 196-223.

⁴¹Ferdinand Pecora's opening statement, testimony of Oscar D. Dike, and testimony of Alfred Taub, Burlesque Hearing Transcript (n. 18 above). Sometimes burlesque opponents resorted to less than honest means to demonstrate women's distaste for burlesque. For example, Commissioner Geraghty received a telegram, allegedly from prominent actress Jane Cowl, which stated that she had refused to walk into the Eltinge Theatre "due to deplorable and shocking conditions" in the front of the theater, presumably the larger-than-life posters of semi-nude female performers that adorned the marquee and lobby. Cowl denounced the telegram as a hoax, and several days later it was learned that the message had been sent by someone in the Selwyn theater office—one of the legitimate theater interests that the burlesque entrepreneurs claimed were conspiring to eliminate them as competition. Clearly, the telegram's author believed that it would suggest that respectable women were offended by the posters, and perhaps even afraid of the men who stopped to look at them. See *New York Times*: "Burlesque Lobby Shocks Jane Cowl" (May 6, 1932), p. 19; "Burlesque Owner Charges a Plot" (May 7, 1932), p. 11; and "Burlesque Houses Called Unsightly" (May 10, 1932), p. 25.

censes. Such arguments would become much more explicit later in the decade.

License Commissioner Geraghty's assertion that his findings about the nature of the burlesque audience would provide the basis for his decision shaped the testimony presented by burlesque defenders as well. Those who testified on behalf of the burlesque theaters—including burlesque producers, employees, and patrons, as well as theater critics and members of the National Council on Freedom from Censorship—had varying motives for desiring the renewal of the theater licenses.⁴² Some acted from financial interests; others sought to preserve their access to burlesque shows; a few intended to protect an abstract conception of freedom of speech; several likely were driven by a combination of these factors. Not these divergent motives but the regulatory context in which they were operating gave rise to an inherently contradictory strategy for defending the genre.

In one respect, advocates of license renewal capitulated to the logic, if not the facts, asserted by their adversaries, countering the image of the poor male audience with a vision of burlesque theaters filled with women and men of all classes. Like their opponents, supporters of burlesque attached great importance to women's presence in the audience as a signifier of morality, emphasizing that women as well as men attended and enjoyed burlesque shows. Several women testified that they found the shows entertaining, including ninety-three-year-old former burlesque dancer "Mother" Annie Elms, who told Commissioner Geraghty that "I think I am the best woman in America, and I see nothing wrong in a burlesque show."⁴³ Numerous men also attested that their wives, mothers, and other female relatives accompanied them to burlesque performances, and they along with "usherettes" employed in the theaters asserted that a sizable proportion of the audience—up to 20 percent—was composed of women.⁴⁴ In addition, the burlesque theaters' attor-

⁴²The National Council on Freedom from Censorship was founded in 1931 by the American Civil Liberties Union. For further information on the organization, see Friedman (n. 2 above), esp. chap. 5; and Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (New York, 1990).

⁴³Testimony of Annie Elms, Burlesque Hearing Transcript. See also testimony of Beatrice Shiller. Allen (n. 3 above) has dismissed Elms's testimony, observing sarcastically that Elms was "the best [burlesque producers] could do" (p. 254). In his "Introductory Essay" in Taylor, ed., Buckley (n. 8 above) claims that Elms's testimony, because it ignored the economic motivations of the antiburlesque campaign, "missed the point." I would argue, however, that Elms's testimony was exactly to the point. Elms portrayed herself as an elderly, religious woman (claiming, e.g., to go to church every day), thus positioning herself as the ideal moral authority.

⁴⁴See testimonies of Louis W. Fehr, Nathaniel K. Miller, Harold Lawrence Young, Joseph G. Abramson, Samuel Lipman, Carl Schlanger, David Berk, Herbert B. Benjamin,

neys presented a parade of male witnesses who could claim professional status, including lawyers, architects, and realtors, in order to show that middle-class New Yorkers could be counted among burlesque aficionados. These men, all of whom themselves attended burlesque shows, described a heterogeneous burlesque audience containing "average citizens," plumbers and bricklayers, and "prominent" people.⁴⁵ These arguments that middle-class as well as working-class people, women as well as men, enjoyed burlesque had the undoubtedly unintended effect of supporting burlesque opponents' contention that a predominantly male, working-class audience was incapable of exercising self-control in the face of the sexual display on the stage.⁴⁶

Proponents of license renewal challenged the foundation of their opponents' arguments in another respect, disputing the seamless connection made by foes of license renewal between the genre's audience and its content that lay behind the allegation that burlesque patrons could not control themselves. The burlesque entrepreneurs and their allies contested the notion that every burlesque patron was a sexual deviant, dismissing the portrayal of burlesque as a media form that "aroused" sexual passions and called forth uncontrollable responses from the men in the audience. Shifting accusations of sexual abnormality from burlesque's patrons to its critics, they postulated that smuttiness resided, not in the burlesque show itself, but in the mind of the person who perceived obscene meanings in the entertainment. Such a strategy was possible, if not always convincing, because it highlighted burlesque's definitive characteristic: its suggestiveness, through which the genre's practitioners refused to limit themselves to one meaning.

Yet this defense of burlesque also was laden with contradictions. Witnesses who advocated license renewal in effect used burlesque's capacity for diverse meaning by denying this capacity, testifying that burlesque

John S. Landes, Benjamin Kaufman, Edwin Rowland, Victoria Krikorian, Louise Labrutto, and Sophie Kelly, *Burlesque Hearing Transcript*. Opponents of burlesque also admitted, under cross-examination, that women attended the shows. See testimony of Henry Moskowitz and Frank J. Donovan.

⁴⁵Testimonies of Edwin Roland, Heyworth Campbell, and Cleon Throckmorton, *Burlesque Hearing Transcript*. Evidence about the "regularity" of the audience can also be found in the testimonies of Frank J. Donovan, Leonard Stewart Smith, Benjamin H. Kaufman, Nathaniel K. Miller, Joseph G. Abramson, James McKernan, Herbert B. Benjamin, and Elias Sugarman.

⁴⁶Simultaneously, attorneys for the burlesque theaters sought to use assumptions that burlesque was "a poor man's theatre" to their advantage. They argued that burlesque was no different than the Broadway revues, and they intimated that the attack on it was a reflection of reformers' distaste for working-class recreation, rather than any real difference in the performances. See testimonies of Louis W. Fehr, Cleon Throckmorton, and Leonard Stewart Smith, *Burlesque Hearing Transcript*.

humor had no double (read: sexual) meanings, or at least that they detected none. Numerous men told disbelieving attorneys for the POA that they liked burlesque not because it was sexual, but because it was “good clean fun.” Rejecting the idea that burlesque humor turned on double entendre, they contended that they laughed at burlesque because “there was no sense to it” or because it represented “good old slapstick.” Yet, just as their attempt to prove that the burlesque audience included others besides working-class men could backfire, operating as a confirmation of the deviance of such men, when burlesque advocates denied that burlesque shows were “sexy” they seemed to be conceding the immorality of sexual humor and sexual display.⁴⁷

Still, such testimony succeeded in problematizing the relationship between burlesque performance and its interpretation by audience members. When a POA attorney read aloud lengthy transcripts of burlesque skits in an effort to get stage designer and burlesque fan Cleon Throckmorton to admit their double meaning, Throckmorton’s rejoinder—“These things must mean something to you. You must like reading them”—suggested that depravity resided in middle-class critics more than in theater patrons. Conversely, when attorneys representing the theater owners repeatedly asked opposing witnesses whether they had been “demoralized” or “depraved” by their investigations of burlesque shows, those witnesses’ insistence that burlesque performances did not inflame their own sexual passions supported the theater advocates’ contention that all audience members could control their responses to the striptease and comic bits.⁴⁸

Despite the contradictory effects of the strategies employed by burlesque’s defenders, the fact that professional men, businessmen and women, journalists, and legitimate theater people all were willing to testify in public to burlesque’s morality suggests that license renewal opponents were not wholly successful in their attempt to link burlesque to deviant male sexuality. While foes of burlesque described the theaters as a magnet for “lewd and dissolute” lower-class men whose presence posed a threat both to women in the neighborhood and to prosperity, advocates of license renewal contended that the average New Yorker was capable of attending a burlesque show and remaining a productive citi-

⁴⁷Testimonies of David Berk, Cleon Throckmorton, Nathaniel K. Miller, and Harold Lawrence Young, Burlesque Hearing Transcript. One burlesque theater manager did acknowledge that burlesque humor depended upon double meanings, but the candor of his testimony in this regard was exceptional. See testimony of Max Rudnick, Burlesque Hearing Transcript.

⁴⁸Testimonies of Cleon Throckmorton, William M. McCarthy, Patrolman Hugo Harris, and Dr. Ira Wilens, Burlesque Hearing Transcript.

zen. In spite of these differences, however, the 1932 contest over burlesque was fought on common ground: a concern with the audience's ability to control itself. As we shall see, the problematization of self-control laid the ground for subsequent attempts to drive burlesque from the stage.

The lively debate about burlesque's morality in 1932 indicates that the genre's cultural meanings remained ambiguous, and as a result burlesque foes succeeded in closing down the Times Square theaters only temporarily. Indeed, in the four years following the license renewal hearings the fate of New York City's burlesque industry depended as much upon the political fortunes of the city's mayors as upon whether antiburlesque activists succeeded in linking burlesque to poverty and male sexual deviance. For example, Mayor Jimmy Walker favored keeping the Times Square burlesque theaters open, and only after he was forced from office following revelations of widespread corruption in his administration did Acting Mayor Joseph McKee order Commissioner Geraghty to deny the license renewal applications. Within weeks the less reform-minded license commissioner had agreed to reissue the theater licenses if the burlesque entrepreneurs promised to subject their performances to internal censorship.⁴⁹ Efforts to enforce such censorship were half-hearted, however, and it was not until Fiorello LaGuardia was elected to the mayor's office on a reform platform in 1934 that his commissioner of licenses, Paul Moss, escalated the surveillance of burlesque performances.⁵⁰

⁴⁹ On the investigation of the Walker administration, see Thomas Kessner, *Fiorello H. LaGuardia and the Making of Modern New York* (New York, 1989). McKee had long favored state action against the theater. In 1926 as acting mayor he ordered raids on three Broadway plays: *The Captive*, *The Virgin Man*, and *Sex*. On his action here, see "A Carnival of Immorality," *New York Catholic News* (September 3, 1932), p. 4; "McKee Puts Lid Down on Burlesque in West 42d St" *New York Herald-Tribune* (September 20, 1932), clipping in vol. 604, ACLU Papers (n. 31 above); "McKee Demands a Clean-up of Burlesque," *New York Times* (September 18, 1932), p. 1; and "McKee Closes 2 Burlesques in 42d St," *New York Times* (September 20, 1932), p. 1. On the reopening of the Times Square theaters, see "Offensive to Public Morals," *New York Catholic News* (October 8, 1932), p. 4, see also p. 9; "Court Refuses Writ in Burlesque Pleas," *New York Times* (September 30, 1932), p. 21; and "Burlesque Houses Will Reopen Today," *New York Times* (October 12, 1932), p. 25. During the investigations of the Walker administration, the License Department was criticized as one of the most corrupt municipal divisions. It may be that the renewal of burlesque licenses resulted from burlesque producers' "good connection with the police and politicians" (Minsky and Machlin, p. 92).

⁵⁰ For subsequent actions by Geraghty against the city's burlesque theaters, see "Burlesques Told to End Obscenity," *New York Times* (May 16, 1933), p. 19; "Burlesque Gets Ultimatum in Clean Up Drive," *New York Herald Tribune* (May 16, 1933), in "Burlesque, 1930-1939," clipping file, Billy Rose Theater Collection, Lincoln Center Library for the

It is no accident that burlesque's demise occurred in New York during LaGuardia's tenure as mayor. Fiorello LaGuardia's forceful personality and frequently autocratic governing style, his commitment to political reform, and his ascension to the mayoralty at a time when citizens expected and tolerated activist government ensured that he would leave a long-lasting imprint on the city of New York. The "Little Flower's" reform vision encompassed not just good government but also good morals. LaGuardia proclaimed his "desire to be the Mayor of a clean American city and protect its morals," and he pursued his role as protector very visibly: publicly burning books and magazines adjudged obscene, ordering the city's sanitation department to dispose of the "trash" (art and crime magazines) being sold at local newsstands, or taking a sledgehammer to confiscated slot machines.⁵¹ LaGuardia was labeled "prudish" and a "puritan at heart" by his contemporaries and historians alike.⁵² Whether this prudishness was a reflection of his personal views on sexuality or merely the political strategy of a consummate politician has not yet been a matter of historical inquiry. It is certain, however, that crusades on behalf of social and sexual morality could be of immense political value in Depression-era New York. LaGuardia ran as an anti-Tammany candidate, and his election brought a significant diminution of the political power of Irish-Americans in New York; he himself never carried more than a third of the Irish vote. Nonetheless, as a Fusion candidate, he was dependent on coalition building, and in the New York of the 1930s, where Catholics of all ethnicities made up almost half of the

Performing Arts (hereafter Lincoln Center); "Audiences Plead, but in Vain, for Strip Act," *New York World Telegram* (May 17, 1933), clipping in vol. 54, ACLU Papers; "Tackling Foul Burlesque at Last," *New York Catholic News* (May 20, 1933), p. 4; "Strip Songs Must Be Out," *Zit's Entertainment Weekly* (May 20, 1933), p. 11; and "Strip Ban Has Hurt Business," *Zit's Entertainment Weekly* (May 27, 1933), p. 11. The actions of his successor, Sidney Levine, may be followed in the *New York Times*: "New Official's Edict Clothes Fancy Dancer" (October 12, 1933), p. 30; "Burlesque Shows Ordered to Change" (October 15, 1933), p. 25; "O'Brien Demands Theatre Clean-up" (October 17, 1933), p. 23; and "All Burlesque Skits Old, Producer Says" (November 29, 1933), p. 22; and in "Burlesque Shows Ordered to Clean Their Performances," *New York Catholic News* (October 21, 1933), p. 3; *Billboard* clipping, November 4, 1933, in vol. 591, ACLU Papers; "Irving Place Burlesque Performers Exonerated," *Zit's Entertainment Weekly* (May 19, 1934), p. 7; and Sidney S. Levine to American Civil Liberties Union, October 21, 1933, vol. 603b, ACLU Papers.

⁵¹ "LaGuardia Hints He May Run Again," *New York Times* (June 21, 1943), p. 1. "Address by Mayor LaGuardia to Meeting of Publishers and News Distributors" (August 19, 1940); Lois Holz to Mayor LaGuardia, February 27, 1941; and *Catholic Mirror* clipping [1940]—all in box 3569, LaGuardia Collection, Mayors' Papers (n. 1 above).

⁵² Senelick (n. 3 above), p. 337; Transcript, League of New York Theatres meeting, March 1, 1945, vol. 2638, ACLU Papers.

population, his support for "morality" could provide one means of attracting at least a portion of the substantial Irish-Catholic vote.⁵³

Indeed, LaGuardia's war against burlesque and other "moral evils" coincided with the increasingly prominent role taken by Catholic clerics and lay activists in the cultural politics of the 1930s. During this decade, Catholics moved for the first time to the forefront of antiobscenity campaigns in New York City, matching their efforts to control motion picture content in the National Legion of Decency campaign. Historian Jay Dolan has noted that in the 1930s the U.S. Catholic Church's social and cultural agenda shifted from a concern with adapting Catholicism to America, to the desire to transform American culture in conformity with Catholic moral ideals. Catholic leaders in New York had long been critics of the sexual "decadence" and "paganism" to be found in motion pictures and on the stage, but prior to the 1930s their ardor had often been eclipsed by that of Protestant clerics, and their preferred strategies remained voluntarist campaigns such as consumer boycotts. While nationally, the Catholic hierarchy continued through the 1930s to demonstrate the power of such extragovernmental strategies, during this decade the city's Catholic clerics and layworkers also demanded vigilant government action as a means of controlling commercial culture.⁵⁴ The first hint of this new militance came at the 1932 license renewal hearings, when priests were among the most vociferous critics of the Times Square burlesque theaters. Throughout the decade, as clerics' exhortations that Catholics demand clean entertainment were heeded by lay organizations, their members also became increasingly active in efforts to ban burlesque from the city. Foremost among these groups was the Knights of Columbus, the members of which led a 1937 campaign against burlesque, organizing petition drives and coordinating hearing testimony.⁵⁵

⁵³On ethnic politics during LaGuardia's tenure as mayor, see Ronald H. Bayor, *Neighbors in Conflict: The Irish, Germans, Jews, and Italians of New York City, 1929-1941*, 2d. ed. (Urbana, IL, 1988); Chris McNickle, *To Be Mayor of New York: Ethnic Politics in the City* (New York, 1993). The estimate of Catholic population is from Ira Rosenwaike, *Population History of New York City* (Syracuse, NY, 1972).

⁵⁴On the role of Catholics in campaigns to control motion picture content, see Francis G. Couvares, "Hollywood, Main Street, and the Church: Trying to Censor the Movies before the Production Code," *American Quarterly* 44 (1992): 584-642; Stephen Vaughn, "Morality and Entertainment: The Origins of the Motion Picture Production Code," *Journal of American History* 77 (1990): 39-65; Paul W. Facey, S.J., "The Legion of Decency: A Sociological Analysis of the Emergence and Development of a Social Pressure Group" (Ph.D. diss., Fordham University, 1945). Catholic participation in antiobscenity campaigns in New York City is explored at greater length in Friedman (n. 2 above), chap. 6 and passim.

⁵⁵Thomas Scanlon to Fiorello H. LaGuardia (two letters), April 21, 1937, box 3399, LaGuardia Collection, Mayors' Papers; "Churches Demand End of Burlesque," *New York*

During the 1930s and 1940s, Catholic activists also demanded that municipal authorities use both licensing powers and criminal prosecutions against allegedly salacious magazines and urged them to police more effectively the content of Broadway productions. Catholic activists were the major, indeed perhaps the only, supporters of a proposed state law that, if it had been enacted, would have given New York City's license commissioner the right to revoke theater licenses on his belief that productions were immoral. By the 1940s, a sermon by Archbishop Spellman denouncing indecency on the stage was sufficient to achieve the intended result: within twenty-four hours police raided one play and placed four others condemned by the Catholic church under surveillance.⁵⁶

However, despite burgeoning Catholic criticism, continuing complaints by organizations such as the New York Society for the Suppression of Vice, and occasional attempts by city officials to tame the city's burlesque industry, in the years between 1932 and 1936 the number of burlesque theaters grew. Even after License Commissioner Moss turned a more critical eye on burlesque, his efforts to control the nature of the performances were hindered by court rulings that prevented municipal authorities from closing burlesque theaters without a conviction for violation of obscenity statutes.⁵⁷ By 1937, New York City was home to four-

Times (April 29, 1937), p. 1; and "Filthy Burlesque Shows Denounced at Hearing," *New York Catholic News* (May 1, 1937).

⁵⁶On Catholic pressure to act against magazines, see "Memorandum to Civil Liberties Union Concerning the Conference with License Commissioner," vol. 693, ACLU Papers; *New York Times*: "Brooklyn to War on Obscene Books" (February 27, 1933), p. 17; "Book Censorship by Licenses Urged" (February 14, 1934), p. 21; "Magazine Ban Praised" (March 5, 1934), p. 13; and "Backs Mayor's Magazine Drive" (September 1, 1940), p. 3. On the stage, see the *New York Times*: "Cardinal Censures 42d St. Burlesque" (May 3, 1932), p. 23; "Asks Curb on Theatres" (February 2, 1936), sec. 2, p. 8; "Harvey Says Reds Sway Rule of City" (May 17, 1937), p. 11; "Lehman Vetoes Stage Censor Bill" (May 20, 1937), p. 1; "Anchor Club Pays Tribute to Its Dead" (November 2, 1942), p. 24; and "City Renews Fight for Clean Stage" (November 3, 1942), p. 1; and see also Paul Moss to Rev. J. A. McCaffrey, September 17, 1934, box 3126, and Thomas A. Madden to Paul Moss, March 5, 1945, box 3352, both in LaGuardia Collection, Mayors' Papers; "'Drive Filth Off Stage,' Plea of Catholic Paper," *New York Herald-Tribune* (February 1, 1936), in "Clean Play Movement" clipping file, Lincoln Center; and in *New York Catholic News*, see "Gives Reasons for Dunnigan Bill as Stage Cleanser" (May 22, 1937), p. 3; "Archbishop Voices Vigorous Protest on Stage Decency" (November 7, 1942), p. 1; and "Action for Decency on Stage Brings National Support" (December 26, 1942), p. 3.

⁵⁷*Holly Holding Corporation v Moss*, 284 N.Y.S. 216, aff'd, N.E.2d 359. In this case the New York Court of Appeals upheld a lower court ruling invalidating a decision by Commissioner Moss to revoke a burlesque theater's license for allegedly breaking rules he had devised to regulate burlesque performance. The ruling left intact the license commissioner's power to refuse to renew a theatrical license at his discretion, which had been affirmed in 1932 in another case concerning burlesque licenses, *In re Rudhlan Amusement Corporation*, 262 N.Y.S. 269, 281.

teen burlesque theaters, and applications for three more licenses were pending.

The unfettered growth of burlesque came to an abrupt halt in April 1937, when municipal officials finally succeeded in convicting two employees of Harlem's New Gotham Theatre on charges of offering an obscene performance. Seizing the moment, Commissioner Moss revoked the New Gotham's license. Then, at the urging of the New York City chapter of the Knights of Columbus, he held another hearing to determine whether to renew the licenses of the city's other burlesque theaters, all of which were scheduled to expire in May.⁵⁸ After representatives of child welfare organizations and Catholic, Protestant, and Jewish clergy testified against burlesque, Moss denied applications to renew the licenses of every one of the city's burlesque theaters. The contest over the survival of burlesque in New York City was renewed. This time, reflecting the diminished role of legitimate theater interests and the enhanced importance of Catholic activists, burlesque theaters all over the city, not merely those in Times Square, were threatened.⁵⁹

The New Gotham conviction may have refocused municipal authorities' attention on the burlesque theaters, but the sex crime panic that erupted in New York City and across the nation in 1937 provided both the motivation and the justification for an expanded campaign against burlesque. This panic resulted not from an actual increase in the number of violent sexual crimes against women and children but from sensation-

⁵⁸Paul Moss to Mayor LaGuardia, December 9, 1936, box 3167; and Thomas Scanlon to Mayor LaGuardia (two letters), April 21, 1937, box 3399, both in LaGuardia Collection, Mayors' Papers; "Strip Tease' Held Indecent by Court," *New York Times* (April 9, 1937), p. 23; and "Burlesque House Loses Its License," *New York Times* (April 16, 1937), p. 27. Morton Minsky recalls that the act that incurred the wrath of the New York Society for the Suppression of Vice, which filed the complaint against the theater, "consisted of a stripper on a trapeze taking her clothes off gradually and dropping each item to the stage" (Minsky and Machlin [n. 3 above], p. 256).

⁵⁹"Burlesque House Loses Its License," *New York Times* (April 15, 1937), p. 27; "Churches Demand End of Burlesque," *New York Times* (April 29, 1937), p. 1; "Moss Weighs Ban on 14 Burlesques," *New York Times* (April 30, 1937), p. 1; "Centre Club Takes Action against the Burlesque Shows," *New York Catholic News* (April 24, 1937), p. 5; and "Burlesque Flayed by Cardinal," *New York Journal* (April 29, 1937), clipping in vol. 962, ACLU Papers (n. 31 above). Contrary to Senefick's assertion in "Private Parts in Public Places," I have found no evidence to indicate that the 42nd Street Property Owners' Association was active in the 1937 drive. Indeed, in 1936 an article in the POA's official publication had exhibited a markedly cordial attitude toward the Times Square burlesque theaters. Other commercial organizations submitted letters opposing the renewal of the licenses, but it appears that their support of the antiburlesque campaign was merely nominal. See Forty Second Street Property Owners and Merchants Association, "Activities," Spring 1936, New York Public Library Annex; and "List of Letters sent to Corp. Counsel to be Used in Action against Burlesque Theatres," box 3570, LaGuardia Collection, Mayors' Papers.

alized media coverage of such crimes.⁶⁰ In New York City, a hint of things to come was offered in 1936 by the front-page stories detailing the rape and murder of Mrs. Nancy Evans Titterton, a wealthy thirty-four-year-old author. In March 1937 the sexual assaults and deaths of two young girls added fuel to the fire.⁶¹ Under pressure to do something about the “wave” of sex crimes, beleaguered municipal officials began searching for a solution to the problem. Closing the burlesque theaters on grounds that they caused sex crimes became one of their most visible responses to the panic. Just as burlesque theaters had earlier served as a scapegoat for Times Square property owners’ financial troubles, now they offered politicians a scapegoat for sex crimes. At the same time the sex crime panic provided burlesque’s traditional foes with new ammunition, echoing as it did the concerns about male sexual disorderliness that they had articulated in 1932.⁶²

Neither the sex crime panic nor the assertion of a causal relationship between burlesque and the sexual psychopath was unrelated to the continuing Depression. The increased attention to violent sex crimes that exploded in the local and national media in 1937 was itself a manifestation of the anxiety about masculinity that the economic crisis had fostered and that the 1932 antiburlesque campaign had expressed.⁶³ The sexual psychopath was merely the newest incarnation of the “lewd and dissolute” man who frequented burlesque theaters, unable to control himself. Rather than rail against the presence in the neighborhood of

⁶⁰Freedman (n. 10 above), pp. 200, 205. In referring to a “panic,” I do not intend either to call into question the existence of sex crimes or to denigrate concern about them. What I am interested in is the way in which increased attention to sex crimes, even in the absence of substantial evidence about an increase in such crimes, was used to facilitate state control over sex performance in the theater.

⁶¹On the murder of Mrs. Titterton, see “Woman Writer, 34, Found Strangled in Bathtub in Home,” *New York Times* (April 11, 1936), p. 1; and “Upholsterer’s Aide Confesses Murder of Mrs. Titterton,” *New York Times* (April 22, 1936), p. 1. Jean Morvan, four years old, was diagnosed as having died from peritonitis that resulted from a criminal assault. The brother of her father’s common-law wife confessed to the rape and was subsequently committed to the Mattewan State Hospital for the Criminally Insane. See the *New York Times*: “Death of Girl, 4, Laid to Criminal Attack” (March 3, 1937), p. 48; “Man, 26, Confesses Assault on Girl, 4” (March 4, 1937), p. 48; “Cleared in Girl’s Death” (April 30, 1937), p. 5; and “Mrs. Gatto Guilty of Beating Child” (June 25, 1937), p. 46. Nine-year-old Einer Sporrer was beaten with a hammer and raped after her death. Salvatore Ossido, who was free on bail on charges of sexually assaulting a twelve-year-old girl, was convicted of the murder. See “Girl Found Slain; Father of 2 Seized,” *New York Times* (March 21, 1937), p. 24; and “Ossido Convicted of Child’s Murder,” *New York Times* (April 24, 1937), p. 36.

⁶²It seems plausible, but I have found no direct evidence, that the New Gotham conviction was itself made possible by the sex crime panic.

⁶³Freedman, p. 203.

vaguely undesirable male patrons, however, reformers and government officials now focused their attack on a more insidious, considerably more dangerous, and less geographically specific degeneracy. No longer did they argue that burlesque attracted sexual perverts; now they claimed that it created them.

Critics of burlesque had begun suggesting that the genre was linked to sex crimes in 1936, despite the lack of any indication that sex offenders visited burlesque performances. The president of the New York Society for the Suppression of Vice declared in that organization's annual report that burlesque shows were a "proximate cause" of sex crimes.⁶⁴ More often, burlesque was blamed along with other "corrupting influences." One commentator on Nancy Titterton's murder observed of the confessed killer that he "was a highly imaginative young man who fed his imagination with the wrong food. . . . If we do not want any more Fiorenza cases let us close up the burlesque shows. Let us stop publication of filthy sex magazines. Let us stop making dirty motion pictures to be shown at private parties. Let us clamp down on insidious sex appeal advertising." He called for a "return to the old tradition of self-control."⁶⁵ But until mid-1937 arguments that burlesque caused sex crimes were made infrequently.

In the wake of the New Gotham conviction, increasing numbers of antiburlesque activists and municipal officials alleged such a causal relationship, refashioning traditional fears about sexual contagion into the specter of sexual psychopathy. Upon revoking the New Gotham license Paul Moss announced his belief that burlesque shows contributed to the sex crime wave, and numerous witnesses testifying at hearings held by the license commissioner echoed this refrain. New York's police commissioner chimed in, arguing that closing the burlesque theaters was a better solution to the sex crime problem than another common proposal, sterilizing sex criminals.⁶⁶ Mayor LaGuardia instituted an investigation of the relation between burlesque shows and sex crimes against children but was able to uncover only two incidents: one in which a fifteen-year-old boy blamed burlesque shows for inciting him to attack his sister, and another in which social workers charged that a young woman who

⁶⁴ *Sixty-Third Annual Report* (New York: New York Society for the Suppression of Vice, 1936), p. 5.

⁶⁵ Frank J. Williams to Editor, *New York Times* (April 25, 1936), quoted in "Responsibility for Evils," *New York Catholic News* (May 26, 1936), p. 4.

⁶⁶ "Burlesque House Loses Its License" (n. 59 above); "Churches Demand End of Burlesque" (n. 55 above); "Centre Club Takes Action against Burlesque Shows" (n. 59 above); and "Sex in Burlesque Assailed," *New York American* (April 26, 1937), clipping in vol. 962, ACLU Papers.

sought work in a burlesque theater found her way into nude modeling and finally prostitution.⁶⁷ Despite very scanty evidence that burlesque caused sex crimes, city officials persisted in connecting the two.

The weakness of the counteroffensive mounted by burlesque entrepreneurs provides one measure of the success of a strategy that blamed burlesque for the creation of the sexual psychopath. A narrower range of people had the temerity to defend the burlesque theaters in 1937, and they offered very different arguments than had been tendered in 1932. No patrons were willing to express publicly that they enjoyed burlesque's humor and the striptease acts. At the hearings conducted by Moss the only speakers in favor of renewing the licenses were men who made their living from burlesque.⁶⁸ The testimony of middle-class burlesque consumers who in 1932 had been happy to testify that they thought burlesque was moral entertainment remained noticeably absent.

Their inability to argue convincingly for the genre's morality required that the industry's proponents find new ways to resist the attack on burlesque. Reflecting the growing burlesque industry's increased importance to the city's economy, they sought to emphasize the financial impact of Moss's action. Burlesque advocates recast the fears about economic crisis and lack of productivity that had played so important a role in the 1932 campaign, this time focusing on the wage-earning women and men who would be put out of a job if the theaters remained dark. Mayor LaGuardia received scores of letters and telegrams from chorus girls, musicians, cashiers, technicians, and other burlesque employees. Most echoed the worries voiced by one such woman, who pleaded with the mayor to "realize what will happen to our families if you close up the burlesque theatres. I am the only one working and supporting my family. Jobs are so scarce in New York." Many correspondents invoked the specter of "the dole," arguing that burlesque provided them with an honest living and complaining that they and their families would be forced to go on relief if the licenses were withheld.⁶⁹ In making such arguments, they sought to supplant the connections that had earlier been alleged

⁶⁷ John Warren Hill to Fiorello H. LaGuardia, May 4, 1937, box 3185, LaGuardia Collection, Mayors' Papers (n. 1 above). In another incident, the Kings County District Attorney cited not only general "sex degeneracy" and sex crimes as justification for police raids on three Brooklyn burlesque theaters but also singled out burlesque's alleged danger to children, lamenting that "the sad part about this situation is that young boys and girls are in these theatres. Most of them are school children, going into these places with their books under their arms." See "Moss Weighs Ban on 14 Burlesques" (n. 59 above); and "Burlesque Faces Grand Jury Drive," *New York Times* (May 1, 1937), p. 1.

⁶⁸ "Burlesque Flayed by Cardinal" (n. 59 above); and "Moss Weighs Ban on 14 Burlesques."

⁶⁹ Correspondence in favor of license renewal, including Bobbie Duke to Mayor LaGuardia, April 30, 1937, can be found in box 3190, LaGuardia Collection, Mayors' Papers.

between burlesque and nonproductive masculinity, asserting instead a link between burlesque, economic prosperity, and family life.

Although burlesque's defenders had failed to challenge effectively the attack on the genre's morality, their reconceptualization of its economic meanings gained them a partial reprieve. Fiorello LaGuardia's political career had been built in part on his reputation as a friend of labor, and he was not eager to be blamed for creating additional unemployment in the midst of the Depression. LaGuardia personally intervened in the burlesque controversy, seeking a compromise that would demonstrate both that he was doing something about sex crimes and that he cared about workers.⁷⁰ Ten weeks after the license commissioner banned burlesque, he granted seven theaters licenses to operate as "variety revue" theaters under the auspices of a new trade association known as the Variety Revue Theatre Association (VRTA). Proclaiming that burlesque was "a thing of the past," LaGuardia declared that VRTA theaters would offer only "wholesome" attractions on a "high artistic plane."⁷¹

Mayor LaGuardia hailed the Variety Revue Theatre Association as a new, "completely voluntary" form of self-censorship, but it was in fact a compulsory mechanism that relied on licensing powers to institutionalize greater state authority not only over the content of theater productions but over the organizational structure of the industry itself as well. The by-laws of the association provided, among other things, that the words "burlesque" and "Minsky" could not be used in connection with the new theaters or their performances and instituted a system of penalties for violation of the rules promulgated by either the association or the license commissioner. The annual dues paid by association members provided the salary for one or more censors who inspected each show weekly. Mayor LaGuardia personally selected the six men who sat on the Board of Governors, contrary to VRTA by-laws providing for election of governors by association members. All of them belonged to organizations that had been active in the antiburlesque campaign; the chairman was a member of the Knights of Columbus.⁷² Further, the rules of the association sought to circumvent existing legal restrictions on licensing

⁷⁰ Archibald Palmer to Fiorello LaGuardia, June 8, 1937; Howard S. Cullman to LaGuardia, June 12, 1937; telegrams from Daniel Frohman and Frank Gilmore to LaGuardia, June 14, 1937; Charles H. Tuttle to Lester Stone, June 30, 1937—all in box 3399, LaGuardia Collection, Mayors' Papers; "Minsky Theatre May Be Reopened," *New York Times* (June 29, 1937), p. 18.

⁷¹ Press Release, box 3399, LaGuardia Collection, Mayors' Papers; "Burlesque Killed by New Code Here," *New York Times* (July 11, 1937), p. 1.

⁷² Constitution and By-Laws of the Variety Revue Theatre Association of New York, and Press Release, July 11, 1937, box 3399; and agreements signed by license holders, box 3189—both in LaGuardia Collection, Mayors' Papers.

authority by awarding the license commissioner increased power to revoke theater licenses and reducing the license term from one year to three months. The voluntary nature of this economic restructuring was belied by the fact that only members of the VRTA would be granted licenses to operate what were now euphemistically known as variety revue theaters.⁷³

Between 1932 and 1937, then, the meanings of burlesque shifted. In both years burlesque opponents voiced concerns that audience members would be unable to control their reactions to the suggestive sexuality offered in burlesque theaters, but these fears had intensified by 1937. In the earlier campaign, foes of burlesque contended merely that the performances aroused sexual passion. The worst consequences they envisioned were confined to a forward invitation to lunch. Just five years later, the rather passive deviance of the men and boys who attended burlesque shows had been transformed into pathology. Boys who snuck into burlesque theaters, it was alleged, patronized prostitutes and attacked their sisters; men who watched strippers raped and murdered.⁷⁴ Thus, the unemployed and dissolute man of the early Depression years had become the sexual psychopath. Burlesque and sexual deviance were so solidly linked that respectable citizens no longer volunteered to defend the genre's morality, seeming to acquiesce in the view that burlesque shows "are the cause of many of our sex crimes and the theatres which house them are the habitats of sex-crazed perverts."⁷⁵

Despite this escalation of the attack on burlesque, however, economic and political conditions ensured that New York City's burlesque industry would be transformed rather than abolished. The remaining variety revue theaters presented burlesque not only by another name but also of

⁷³ "Burlesque' Bows in Its New Attire," *New York Times* (July 13, 1937), p. 22. In addition to these restrictions, city officials attempted a restructuring of the labor relations of the burlesque industry, requiring that burlesque operators sign a contract with the American Federation of Actors rather than the Burlesque Artists Association, which represented burlesque performers. See Agreement between Employer and the American Federation of Actors, box 3399, LaGuardia Collection, Mayors' Papers. A brief account of the controversy can be found in "B.A.A. Bits of News" (January 1954), box MA-2, Actors Equity Association Collection, Robert F. Wagner Labor Archives, New York University.

⁷⁴ For the allegation that burlesque caused young boys to patronize prostitutes, see Horace C. Smith to "Hon. F. H. LaGuarder," May 3, 1937, box 3190, LaGuardia Collection, Mayors' Papers.

⁷⁵ The quote, found in "Quick Ruling Due in Burlesque Case," *New York Times* (May 4, 1937), p. 28, is from the argument of New York City's counsel to the New York Supreme Court in legal proceedings instituted by burlesque operators to force Commissioner Moss to issue licenses. The lawsuit was unsuccessful. For similar arguments, see "Wipe Out Burlesque," *New York Journal* (April 30, 1937), clipping in vol. 962, ACLU Papers; and "Filthy Burlesque Shows Denounced at Hearing" (n. 55 above).

another nature. While some female nudity remained, the teasing sexual style that had been the hallmark of burlesque was muted: the humor was toned down and the striptease banned. In its new incarnation the burlesque industry represented a significant expansion of state regulatory authority over commercial culture in New York City. Municipal officials had remade the burlesque industry in large part by reorganizing its economic structure. While they were assisted by the successful obscenity prosecution of New Gotham officials, their ability to close the city's other theaters rested squarely on the creative and assertive use of licensing powers, a use that far exceeded anything earlier attempted for controlling the stage. The construction of a causal relationship between burlesque and the sexual psychopath made this a politically and legally viable option.⁷⁶

This attempt to transform the burlesque industry proved to be relatively short-lived. Despite declining numbers of burlesque theaters and the imposition of greater restrictions on burlesque performance, clergy and religious groups continued to condemn burlesque in the years after 1937. City officials dismissed most of these complaints on grounds that the VRTA Board of Governors was censoring the shows vigilantly.⁷⁷ In February 1942, however, the LaGuardia administration finally abandoned the attempt to regulate, rather than abolish, burlesque performance. In that month Catholic Archbishop Spellman and Protestant Episcopal Bishop Manning, two of the most powerful religious figures in the city, denounced city officials' toleration of burlesque. Commissioner Moss responded by refusing to renew the licenses of Manhattan's three

⁷⁶Asserting that burlesque caused sexual psychopathy was effective in part because protecting public safety provides a much stronger justification for the expansive use of police powers (including licensing) than does the protection of morality. Legal scholar Ernst Freund has noted that "the interference of the state [in regulating morality] is made more plausible and acceptable by taking the view that acts and conditions which primarily violate only morality are apt, in their more remote and indirect consequences, to produce physical disorder and crime, and thus to endanger the public safety" (*The Police Power: Public Policy and Constitutional Rights* [Chicago, 1904], sec. 187). However, city officials and antiobscenity activists were also lucky to obtain a conviction immediately before the annual expiration of theater licenses. Thus, the license commissioner was able to refuse to renew, rather than to revoke, the licenses of most of the burlesque theaters, a power that he had been granted by earlier court rulings.

⁷⁷*New York Times*: "Weights Theatre Licenses" (October 12, 1937), p. 30; "3 Theatres Get Licenses" (December 11, 1937), p. 22; and "Variety Shows Held Well under Control" (February 4, 1939), p. 13; and see also "Burlesque Back Worse Than Ever, Clergymen Say," *New York World-Telegram* (February 3, 1939), clipping in vol. 2062, ACLU Papers (n. 31 above); and Harry L. Bowlby to Paul Moss, December 25, 1940, Bowlby to Thomas Dewey, December 27, 1940, and March 26, 1941, Bowlby to Paul E. Lockwood, April 10, 1941—all in box 307, District Attorneys Collection, Municipal Archives, Department of Records and Information Services, City of New York.

remaining burlesque theaters.⁷⁸ The theaters never reopened their doors as burlesque houses, signaling the death of burlesque in New York City.

Although the content of the shows had not changed significantly in the five years after the VRTA began censoring burlesque,⁷⁹ political conditions in 1942 facilitated this final state action against the burlesque shows. A new campaign against the burlesque theaters fit with LaGuardia's political strategy of linking the defense of public morality with defense of the nation during wartime. Throughout World War II LaGuardia's popularity, which had been under severe strain by the end of the 1930s, was bolstered by his efforts to boost morale via morality.⁸⁰ A tradition of toleration for increased government regulatory powers during wartime abetted this strategy. In addition, the disadvantages to vigorous action against burlesque had evaporated. The high unemployment rate that made closing numerous theaters unpopular in 1937 had dissipated with the wartime boom. Finally, the burlesque industry had been weakened by a decade of persecution. The remaining theaters, presenting a watered-down version of burlesque, were losing money and made an easy target.⁸¹

In the context of wartime prosperity, the debate over the closing of New York's last burlesque theaters articulated a different economy of sexuality, reflecting a revival of older concepts linking nonprocreative male sexual activity and profligacy.⁸² In 1942, burlesque opponents

⁷⁸ *New York Times*: "Variety Shows Held Obscene and Vulgar" (December 2, 1941), p. 17; "Moss Denies Licenses to 2 'Follies' Houses" (February 1, 1942), p. 45; "Mayor Expects to Resign Odd Job" (February 2, 1942), pp. 1, 10; "Moss Defers Ruling on Gaiety License" (February 22, 1942), p. 21; and "Burlesque Closing Seen as Censorship" (February 25, 1942), p. 21.

⁷⁹ On the content of burlesque shows in 1937, see "'Burlesque' Bows in Its New Attire" (n. 73 above); and "LaGuardia Sees End of Burlesque," *New York Times* (August 26, 1937), p. 23; for 1942, see untitled typescript of police reports on burlesque theaters, and E. Leopold Schmidt to LaGuardia, March 4, 1942, both in box 3629, LaGuardia Collection, Mayors' Papers (n. 1 above).

⁸⁰ On LaGuardia's sagging popularity, see Kessner (n. 49 above), chap. 13 and passim. Paul Moss explicitly cited the defense effort as justification for the burlesque theater closings; see draft of press release, January 30, 1942, box 3297, LaGuardia Collection, Mayors' Papers.

⁸¹ "Minsky Manager Is Freed by Court," *New York Times* (July 21, 1937), p. 19; and "Burlesque Shows Closed by Minskys," *New York Times* (November 26, 1937), p. 26; Zeidman (n. 3 above), pp. 234–35; Minsky and Machlin (n. 3 above), p. 281. The financial difficulties of the theaters are discussed in "Theatre Unions to Bury Hatcher," *New York Times* (June 27, 1940), p. 25.

⁸² Ben Barker-Benfield, "The Spermatic Economy: A Nineteenth Century View of Sexuality," *Feminist Studies* 1 (1972): 45–66; Kevin J. Mumford, "'Lost Manhood' Found: Male Sexual Impotence and Victorian Culture in the United States," *Journal of the History of Sexuality* 3 (1992): 33–57.

turned on their heads assumptions about the relationship between burlesque and masculine sexuality that had been offered by antiburlesque activists in the 1930s. Retreating from the notion that burlesque bred overly aggressive men—"sex-crazed perverts"—those who advocated the closing of the theaters alleged that burlesque undermined male virility. As a result, they suggested, the toleration of burlesque within American society threatened the war effort.

This connection between antiburlesque activism and patriotism was accomplished in several ways. Many of the 1942 attacks on burlesque fused traditional arguments about the protection of children and youth with nationalist ideas. Young men in uniform were conspicuous among those who attended the burlesque shows, and activists framed much of their concern in relation to these men. For example, one out-of-town correspondent wrote to Mayor LaGuardia to praise his effort "to eradicate the filth in the form of the burlesque shows . . . to which so many thousands of our boys in the army and navy are being brought." Another man told LaGuardia of his experience at the Gaiety Theatre, where in the company of many young soldiers and sailors he witnessed "an exhibition that would, certainly, not uplift [their] morals."⁸³ Such objections suggested that in permitting burlesque city officials and residents abandoned their stewardship duties, allowing the youthful virility of America's fighting forces to be sapped and undermining their ability to fight for their country.

More generally, burlesque foes viewed the type of masculinity fostered within the theater as antithetical to virtuous soldiering and virtuous citizenship. One correspondent who identified himself as "A Praying Soldier" linked the fate of burlesque with the fate of the nation. He declared to Mayor LaGuardia that "this is the greatest opportunity of our United States to build a nation of men, not suckers. If you can close up all the burlesque houses and such forms of depravity in all corners of the world we, as soldiers, sailors and marines would be much indebted to you."⁸⁴ For this soldier, and others who shared his view, burlesque shows imperiled normal masculine sexuality, which alone guaranteed the virility essential for victory. Such sentiments reflected concerns about the relation between war and male sexuality that Americans articulated most often in the context of debate about the military's venereal disease policy. Those

⁸³John A. O'Brien to LaGuardia, March 25, 1942; Mr. Benson to LaGuardia (n.d.); F. Leopold Schmidt to LaGuardia (n.d.)—all in box 3629, LaGuardia Collection, Mayors' Papers. Letters mentioning youth in general include Archbishop Spellman to LaGuardia, April 18, 1942; Sister Mary Rinaldo to LaGuardia, May 18, 1942; Mrs. M. L. to LaGuardia (n.d.)—all in box 3629, LaGuardia Collection, Mayors' Papers.

⁸⁴"A Praying Soldier" to LaGuardia, March 21, 1942, box 3629, LaGuardia Collection, Mayors' Papers.

who asserted that burlesque drained male virility echoed the fears of critics of the military's policy of preventing venereal disease by giving soldiers prophylactics. Like arguments that soldiers' extramarital sexual intercourse should be discouraged, the contention that burlesque threatened male potency (perhaps by inducing masturbation among soldiers in the audience) affirmed that state toleration of deviant sexual activity imperiled the war effort. When burlesque critics shifted their emphasis from masculine sexual aggressiveness to masculine debility, they altered the contours of the relationship between burlesque and sexual deviance that they had crafted in the previous decade, but they maintained at the center of their critique the concern with burlesque's effect on its masculine audience.⁸⁵

Those protesting the decision not to renew licenses offered a counter-discourse about the relationship between burlesque and patriotism. Most who denounced Paul Moss's action against the burlesque theaters, including members of the legitimate theater as well as the burlesque industry, invoked images of the war in Europe, accusing the city administration of being totalitarian and dictatorial. They asserted that the action was "un-American" and in contradiction to the values being fought for overseas.⁸⁶ Some used a slippery slope argument, cautioning that action against the burlesque theaters might endanger the legitimate theater as well.⁸⁷ Author/producers Russel Crouse and Howard Lindsay were most histrionic. They proclaimed that "burlesque is the Czechoslovakia of the stage and the legitimate theater might soon be its Poland" and went on to warn that "we are at Munich. And complacency at this point, just because it involves burlesque, does not mean peace in our time."⁸⁸ Oth-

⁸⁵On attitudes toward venereal disease during wartime, see Allan M. Brandt, *No Magic Bullet: A Social History of Venereal Disease in the United States since 1880*, expanded ed. (New York, 1987).

⁸⁶Theatrical groups that lobbied the city administration to restore the burlesque licenses included Equity, the Authors' League of America, and the League of New York Theatres, representing theater owners and producers. See Howard Lindsay to LaGuardia, March 3, 1942; Frank Gillmore to Paul Moss, March 16, 1942—both in box 3629, LaGuardia Collection, Mayors' Papers; "Burlesque Seen as Censorship" (n. 78 above); "Mayor Is Criticized for Burlesque Ban," *New York Times* (March 4, 1942), p. 4; "Stage Groups Map Fight on 'Censors,'" *New York Times* (March 18, 1942), p. 28; press release, February 26, 1942, vol. 2350, ACLU Papers (n. 31 above).

⁸⁷This "slippery slope" argument can be found in Miss Juliet M. Bartlett to Mayor LaGuardia, March 13, 1942; and William I. Graham to Mayor LaGuardia, March 18, 1942, both in box 3629, LaGuardia Collection, Mayors' Papers; "Says Mayor Aims to Censor Theaters," *New York World-Telegram* (February 24, 1942), clipping vol. 2348, ACLU Papers; "Burlesque Closing Seen as Censorship"; and "Stage Groups Map Fight on 'Censors.'"

⁸⁸*New York World-Telegram* clipping (authored by Frederick Woltman [n.d.]), in vol. 2348, ACLU Papers.

ers attacked "one-man censorship" on the basis of its impact on burlesque alone. They lamented that "in these days when we are making every effort to defend and preserve democratic institutions it is deplorable to see our own municipal officials adopting the methods of Hitler and Mussolini."⁸⁹

In the short run, at least, antiburlesque activists had greater success than did foes of "censorship" in capturing the language of patriotism for their own purposes, for municipal officials succeeded in countering accusations of totalitarianism and in keeping the burlesque theaters closed. Calling the charge of censorship a "red herring," the mayor proclaimed that he "challenge[d] any of the partisans of 'G-string' morality . . . to state publicly that the endless debauches in undressing which characterize the burlesque performances were not indecent and obscene." In arguing that "there is no constitutional right to be immoral and [that] filth, vulgarity and immorality do not come within the constitutional provisions for the freedom of speech," LaGuardia sought both to deny that the democratic process was being subverted and to assure New Yorkers that the "abnormal and extraordinary conditions" of wartime would not be allowed to undermine America's moral strength. Since city officials, despite numerous attempts, had succeeded in obtaining a conviction on obscenity charges related to a burlesque performance just once in a decade, his argument was convincing only because burlesque had been discursively linked to sexual depravity outside of the criminal law.⁹⁰

When New York courts refused to overturn Moss's decision to withhold licenses, all hope for saving New York's burlesque theaters evaporated.⁹¹ The few theaters that had been able to hang on until 1942 never reopened their doors as burlesque houses. The display of women's bodies continued in New York's nightclubs and sometimes on the legitimate theater stage; in the postwar period, stag movie houses and, later, adult bookstores and peepshows continued the tradition of overt commercialized sex entertainment on Times Square that was begun by the burlesque

⁸⁹Howard Lindsay et al. to Mayor LaGuardia, March 3, 1942; and Morris Ehrlich to Mayor LaGuardia, March 23, 1942—both in box 3629, LaGuardia Collection, Mayors' Papers (n. 1 above); letter from "four soldiers," titled "Want Their Burlesque," *New York Daily News* (August 29, 1942), clipping in box 3629, LaGuardia Collection, Mayors' Papers. See also "Mayor Is Criticized for Burlesque Ban"; and "Helen Hayes Criticizes Moss," *New York Times* (March 30, 1942), p. 21.

⁹⁰LaGuardia quoted in "Petition of Bonserk Theatre Corporation," box 3629, LaGuardia Collection, Mayors' Papers.

⁹¹In the Matter of Bonserk Theater Corporation (1942). This is an unpublished decision, but copies of Supreme Court Justice Levy's opinion can be found in box 3629, LaGuardia Collection, Mayors' Papers; and in vol. 2350, ACLU Papers.

theaters.⁹² However, the particular combination of sexual humor and sexual display that had been burlesque was to be no more.



Although the alleged correlation between wartime morale and sexual morality finally sealed burlesque's fate in New York City, its demise was portended in the 1930s when antiobscenity activists succeeded in forging a link between burlesque performance and the "disorderliness" of its audience. That sexual politics played an important role in a city beset by the economic disorder of the Great Depression has been explained by other historians of burlesque as evidence of the ways in which economic conflict is so easily hidden behind the "smokescreen" of moral outrage. But in New York City commercial culture was not merely an avenue of economic enrichment and competition. It also played a central role in creating and popularizing urban sexual culture, reflecting back to New Yorkers a larger-than-life representation of their own desires and fears. Yes, the Depression created the economic context within which burlesque could prosper, and it shaped these debates in fundamental ways, but the campaign against burlesque was at its base a contest to discipline male sexuality. The successful use of language about unbounded male desire to expand municipal regulation of commercial culture was not solely instrumental, although it was that; indeed, it constituted an extremely effective strategy for increasing government power over sexual representation. Its effectiveness can be traced, however, to the fact that it reflected deep-seated concerns among some New Yorkers about the dangers of sexual desire in a modern world.

The felt necessity to expand the policing of sex in 1930s America is apparent in other developments as well. The Legion of Decency has already been mentioned, but attention should also be drawn to another Catholic-led effort, the National Organization for Decent Literature, which at the end of the decade launched a campaign to wipe out the sale of sex and crime magazines across the nation. In New York, an interdenominational Citizens Committee on Civic Decency anticipated the later campaign, in 1932 successfully pressuring city officials to threaten newsstand proprietors with revocation of their licenses if they sold "lewd" literature. In 1937 citizen activists—including members of the Knights of Columbus and the New York Society for the Suppression of Vice—renewed their campaign against indecent magazines in the wake of the burlesque license revocations, claiming that, like burlesque, "ob-

⁹²A brief overview of this subsequent history can be found in Senelick (n. 3 above), pp. 338–44.

scene literature had a direct compulsive effect upon sex aggressors."⁹³ The sex crime panic that fed the war against burlesque had other legal consequences as well, leading to the passage of "sex psychopath" laws that provided for the indefinite psychiatric commitment of sex criminals—a category that could be very broadly defined, including those who engaged in consensual, but illegal, sexual acts.⁹⁴ And, as George Chauncey has demonstrated so brilliantly, the 1930s witnessed "the exclusion of homosexuality from the public sphere" in New York City. Notably, this exclusion was also accomplished in large part through the licensing power, in this case through its exercise by the State Liquor Authority; the revocation of liquor licenses was also predicated on the contention that an establishment drew a sexually "disorderly" (i.e., apparently homosexual) clientele.⁹⁵ Indeed, the campaigns against burlesque and the attempts to efface New York's "gay world" were connected in other ways. New York's burlesque theaters provided a rendezvous site for men interested in sexual encounters with other men, and as we have seen, male-male sexual attraction was a frequent object of humor in burlesque skits. Thus, closing the theaters also obscured the visibility and silenced the expression of homosexual desire.

Along with the campaign against burlesque, these campaigns to control obscenity and "immorality"—all of which focused primarily on male sexuality—demonstrate that the Depression decade offered an opportunity to articulate deep-seated concerns about male sexual orderliness in a profoundly disorderly world. Yet, while fears about the sexually out-of-control man may have been heightened during this period of economic stress, the subsequent history of antiobscenity efforts suggests the

⁹³The formation of the National Organization for Decent Literature can be followed in the *New York Catholic News*, including: "Campaign against Obscenity Widely Planned" (February 4, 1939), p. 9; "Bishop Noll Tells of Success of Drive on Indecent Literature" (September 23, 1939), p. 8; and "First Battle Won for Clean Literature Says Bishops' Committee" (November 25, 1939), p. 13. Information about local Catholic campaigns against sex magazines appears in "Memorandum to Civil Liberties Union concerning the Conference with License Commissioner," vol. 693, ACLU Papers; *New York Catholic News*: "Victory for Decency at Last" (July 16, 1932), p. 4; "K. of C. Committee Active in War on Indecent Papers" (December 9, 1933), p. 1; and "Retailers of Rot" (December 23, 1933), p. 4; and see also "Brooklyn to War on Obscene Books" (n. 56 above); "Book Censorship by Licenses Urged" (n. 56 above); "Magazine Ban Praised" (n. 56 above); and "Backs Mayor's Magazine Drive" (n. 56 above). The accusation that sex magazines caused sex crime is found in "Westchester to Ban 'Obscene Magazines,'" *New York Times* (November 13, 1937), p. 4.

⁹⁴Freedman (n. 10 above), pp. 207–10.

⁹⁵George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890–1940* (New York, 1994), esp. chap. 12.

magnitude of anxiety about men's sexuality within modern American society. The links forged between the suggestive display of women's bodies and the behavior of sex-crazed perverts resurfaced during the 1950s in a national debate about "pornography" and, again, with the emergence of the feminist antipornography movement in the 1970s. While important distinctions between the social groups involved in these campaigns must not be overlooked, their basic argument asserting a causal relationship between obscenity and male sexual violence differs hardly at all. We might conclude from these similarities that the search for the origins of the late twentieth-century debates about pornography must reach back to the interwar years when, as Estelle Freedman has noted, "female purity lost its symbolic power to regulate sexual behavior."⁹⁶ For antipornography feminists, as for New York's antiobscenity activists in the 1930s, it is male sexuality that presents the greatest danger, and it is a danger so great that the powers of the state must be marshalled to control it.

⁹⁶Freedman, p. 201.