

PAY IT NO MIND: BALLROOM AS A FORM OF RESISTANCE

Exploring How Marsha P. Johnson and Other Queer Ballroom Members Across Generations
Utilized Artistic Expression and Community-Building as a Form of Post-Colonial Resistance to
State Over Policing and Social Control

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Table of Contents

I.	Introduction.....	3
II.	Marsha P. Johnson: Activist & Performer.....	4
III.	Policing Self-Expression.....	10
IV.	Evolution of Ballroom into Performance Protest.....	15
V.	Conclusion: Lessons Learned as Applied to Today's Regression.....	18

I. Introduction

For more than a century, LGBTQIA+ people have cultivated spaces for themselves in a world that has often sought to keep them hidden and locked away from the rest of the public. One such space is an underground subculture called Ballroom. Created by queer people of color, balls served as a vital space for self-expression, community, and competition. For decades, ballroom has offered a sense of chosen family for marginalized individuals. It also has provided participants with support and guidance by allowing them opportunities to explore their self-identity, embodiment, and self-presentation outside dominant racial and gender regimes. As ballroom performances expanded, so did ballroom's overall purpose. Ballroom evolved into a form of structural resistance, not just artistic and cultural expression.

During the twentieth century, in New York City, it was an extremely difficult time for individuals to live in a way that did not conform to mainstream gender and sexual culture. In response to rising public hostility and moral-panic discourses, the state began to police not only conduct but forms of self-expression available to queer and gender nonconforming people.¹ Many queer people, specifically gender nonconforming individuals, were often targeted by the police. Some of this controlling regulation came from codified laws; however, more often, the police relied on arbitrary city ordinances and discretionary enforcement practices to control and persecute marginalized communities.

Frustrated by the discrimination, over-policing, and constant fear LGBTQIA+ people experienced on a daily basis during this time, many turned to advocacy. Through the actions of Marsha P. Johnson and ballroom members alike, artistic expression and community building

¹ See generally Hugh Ryan, *How Dressing in Drag Was Labeled a Crime in the 20th Century*, HISTORY, <https://www.history.com/articles/stonewall-riots-lgbtq-drag-three-article-rule> (last visited Nov. 23, 2025).

became a decades long tool to effectively resist against state over policing. However, recent years have brought a new wave of attacks toward the queer community through hateful speech, violence, and proposed legislation. As there is an increased push to limit civil rights for queer people in the United States, it is important to apply the lessons from past generations of ballroom culture to build a better and more inclusive future for all.

To demonstrate this story of resistance and its effectiveness as a response to over policing, I will proceed as follows. Part II will explore the impactful life of drag performer and queer activist Marsha P. Johnson. The lessons drawn from Johnson's story highlights how state over policing both constrained queer existence and simultaneously generated the need for alternative spaces of expression and safety. Part III examines the legal mechanisms used by law enforcement and city officials to police self-expression of queer individuals during the twentieth century. Part IV will detail the creation and evolution of ballroom culture as a safe haven for self-expression and community to its eventual transformation into a mechanism for social resistance. The paper concludes by eluding to the regression in LBGTQIA+ rights and the inherent parallels between past efforts to erase queer life from public spaces to efforts being made today.

II. Marsha P. Johnson: Activist & Performer

Marsha "Pay It No Mind" Johnson made a name for herself as a prominent voice in the queer liberation movement in New York City in the 1960s and 1970s.² As a transwoman, Johnson led by example and was known for her tireless advocacy and courage to be her genuine self in the face of ridicule, hatred, and violence.³ After finding her identity in the ballroom

² Marsha P. Johnson, NATIONAL WOMEN'S HISTORY MUSEUM, <https://www.womenshistory.org/education-resources/biographies/marsha-p-johnson> (last visited Oct. 24, 2025).

³ Tyler Born, *Challenging Gender Boundaries: A Trans Biography Project By Students of Catherine Jacquest*, OUT HISTORY, <https://outhistory.org/exhibits/show/tgi-bios/marsha-p-johnson> (last visited Nov. 22, 2025).

community, Johnson was able to embrace her passion for advocacy and fought for homeless LGBTQIA+ youth, individuals affected by H.I.V. and AIDS, and gay and transgender rights.⁴

Born on August 24, 1945, in Elizabeth, New Jersey, Johnson was assigned male at birth and named Malcolm Michaels by her parents.⁵ Johnson grew up in a large, African American, working class family.⁶ She was one of seven children born to Malcolm Michaels Sr., a General Motors assembly line worker, and Alberta Claiborne, a housekeeper.⁷ At the age of five, Johnson began to explore her self-identity by wearing clothes that at the time were considered for women.⁸ Although wearing dresses brought Johnson happiness and she felt that this expression was a reflection of her genuine self, Johnson felt external pressures to stop due to the aggression and bullying from other children.⁹ During an interview later in Johnson's life, she explained that during that time she had also been sexually assaulted by a thirteen-year-old boy.¹⁰ Johnson graduated in 1963 from Thomas A. Edison High School in Elizabeth, New Jersey, and shortly thereafter, moved by herself to New York City with only \$15 and a single bag of clothing.¹¹

Once she arrived in New York, Johnson began wearing women's clothing again and going by "Black Marsha" until she later legally changed her name to Marsha P. Johnson.¹² The "P"

⁴ See generally, *Marsha P. Johnson*, NATIONAL WOMEN'S HISTORY MUSEUM, <https://www.womenshistory.org/education-resources/biographies/marsha-p-johnson> (last visited Oct. 24, 2025).

⁵ *Id.*

⁶ Sewell Chan, *Marsha P. Johnson*, THE NEW YORK TIMES, <https://www.nytimes.com/interactive/2018/obituaries/overlooked-marsha-p-johnson.html> (last visited Nov. 22, 2025).

⁷ *Marsha P. Johnson*, NATIONAL WOMEN'S HISTORY MUSEUM, <https://www.womenshistory.org/education-resources/biographies/marsha-p-johnson> (last visited Oct. 24, 2025).

⁸ *Id.*

⁹ *Id.*

¹⁰ Sewell Chan, *Marsha P. Johnson*, THE NEW YORK TIMES, <https://www.nytimes.com/interactive/2018/obituaries/overlooked-marsha-p-johnson.html> (last visited Nov. 22, 2025).

¹¹ *Id.*

¹² *Marsha P. Johnson*, NATIONAL WOMEN'S HISTORY MUSEUM, <https://www.womenshistory.org/education-resources/biographies/marsha-p-johnson> (last visited Oct. 24, 2025).

would go on to be her life motto, as it stood for "Pay It No Mind."¹³ Although Johnson continued to use the name she was given at birth, Johnson identified as a gay person, transwoman, drag queen, and used she/her pronouns.¹⁴ How Johnson identified and the terminology she used was often changing due to the fluidity of queer language during her lifetime.

Terminology in the LGBTQIA+ constantly evolved in the twentieth century due to the queer community's ongoing efforts to reclaim language from clinical and derogatory terms as societal and scientific understanding of sexual orientation and gender identity evolved.¹⁵ In the late nineteenth century, early terms like "homosexual" were devised and adopted by medical and psychological professionals.¹⁶ These fields classified same-sex attraction as a mental illness or a form of "inversion."¹⁷ As a result, activists in the late twentieth century, specifically after the Stonewall Riots in 1969, began to actively reject this clinical, pathologizing language. The queer community sought to use words that were self-chosen and emphasized pride and love, leading to the widespread adoption of "gay" in the 1970s to refer to entire spectrum of sexual and gender minorities.¹⁸ The broader umbrella term of "gay" eventually proved insufficient for representing all orientations and identities.¹⁹ The changing terminology of the twentieth century was

¹³ *Id.*

¹⁴ See generally *id.* Johnson used the term "transvestite" as the term "transgender" only became commonly used after her death in 1992.

¹⁵ See generally *From LGBT to LGBTQIA+: The Evolving Recognition of Identity*, NATIONAL GEOGRAPHIC, <https://education.nationalgeographic.org/resource/from-lgbt-to-lgbtqia-the-evolving-recognition-of-identity/> (last visited Dec. 15, 2025).

¹⁶ Vernon Rosario, *Rise and Fall of the Medical Model*, THE GAY & LESBIAN REV (1999), <https://glreview.org/article/rise-and-fall-of-the-medical-model/#:~:text=Rise%20and%20Fall%20of%20the%20Med%20ical%20Model%20%2D%20The%20Gay%20&%20Lesbian%20Review&text=Editor's%20Note:%20The%20term%20%E2%80%9Chomosexual,the%20HGLR's%20Fall%201999%20issue.>

¹⁷ *Id.*

¹⁸ See generally *From LGBT to LGBTQIA+: The Evolving Recognition of Identity*, NATIONAL GEOGRAPHIC, <https://education.nationalgeographic.org/resource/from-lgbt-to-lgbtqia-the-evolving-recognition-of-identity/> (last visited Dec. 15, 2025).

¹⁹ *Id.*

fundamentally tied to the community's fight for visibility, self-determination, and the ongoing push for inclusivity that continues to evolve today with terms like LGBTQIA+.

Life in New York for Johnson was not without its challenges. Like many states did in the twentieth century, New York persecuted queer people and often criminally targeted their very existence. In this environment, Johnson faced difficulties finding consistent employment and was forced to turn to sex work in order to survive.²⁰ Johnson was frequently abused by her clients and arrested by the police.²¹ By her own accounts, Johnson was arrested over one hundred times before she stopped counting for crimes ranging from prostitution to disorderly conduct.²² Johnson also did not have a place to call home, living on and off the streets for most of her life.²³ Despite these hardships and times of instability, Johnson found community, friendship, and her sense of self in the drag ballroom community. This belief was echoed by Johnson own words in an interview when she stated, "I was no one, nobody, from Nowheresville until I became a drag queen."²⁴

Frustrated by the oppression, over policing, and constant fear she and other transgender women experienced during this time, Johnson turned to advocacy. This change in Johnson's life trajectory came when she found herself participating in the resistance at the Stonewall Inn, a gay bar on Christopher Street, on the early morning of June 28, 1969.²⁵ The Stonewall Riots, also

²⁰ *Marsha P. Johnson*, NATIONAL WOMEN'S HISTORY MUSEUM, <https://www.womenshistory.org/education-resources/biographies/marsha-p-johnson> (last visited Oct. 24, 2025).

²¹ *Id.*

²² Sewell Chan, *Marsha P. Johnson*, THE NEW YORK TIMES, <https://www.nytimes.com/interactive/2018/obituaries/overlooked-marsha-p-johnson.html> (last visited Nov. 22, 2025).

²³ *Marsha P. Johnson*, NATIONAL WOMEN'S HISTORY MUSEUM, <https://www.womenshistory.org/education-resources/biographies/marsha-p-johnson> (last visited Oct. 24, 2025).

²⁴ *Id.*

²⁵ See generally *id.* The Stonewall Riots, also known as the Stonewall Uprising, began in the early hours of June 28, 1969, when New York City police raided the Stonewall Inn, a gay club located in Greenwich Village in New York City. The raid sparked a riot among bar patrons and neighborhood residents as police roughly hauled employees and patrons out of the bar, leading to six days of protests and violent clashes with law enforcement outside the bar on

known as the Stonewall Uprising, began when New York City law enforcement raided the Stonewall Inn.²⁶ Fed up with the repeated raids, bar patrons and neighborhood residents rose into action as police roughly hauled employees and patrons out of the bar.²⁷ This led to six days of protests and violent interactions with police officers in the street outside the bar, neighboring streets, and nearby Christopher Park.²⁸ The Stonewall Riots served as a catalyst for the gay rights movement not only in United States but also around the world.²⁹

There are many varying accounts regarding Johnson specific actions and the full extent of her involvement; however, it is undisputed that Johnson was amongst the vanguard of those rebelling against the police as she felt like she had nothing to lose.³⁰ The riots at the Stonewall Inn are often attributed today as what galvanized the gay liberation movement and Johnson's reputation as a queer activist.³¹

In the wake of the Stonewall Riots, Johnson, alongside her lifelong friend Sylvia Rivera, led a series of protests, marched in the first Gay Pride Parade in 1970, and joined a series of gay rights groups—including the Gay Liberation Front and the Gay Activist Alliance.³² However, disappointed by the systematic exclusion of transgender and LGBTQIA+ people of color within the movement, Johnson and Rivera went on to found Street Transvestite Action Revolutionaries (STAR).³³ STAR was dedicated to the sheltering of young transgender and queer youth who were

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Sewell Chan, *Marsha P. Johnson*, THE NEW YORK TIMES, <https://www.nytimes.com/interactive/2018/obituaries/overlooked-marsha-p-johnson.html> (last visited Nov. 22, 2025).

³¹ *Marsha P. Johnson*, NATIONAL WOMEN'S HISTORY MUSEUM, <https://www.womenshistory.org/education-resources/biographies/marsha-p-johnson> (last visited Oct. 24, 2025).

³² *See generally id.* Shortly after moving to New York, then 17-year-old Johnson met 11-year-old Sylvia Rivera. Rivera, a Puerto Rican transgender girl. Johnson served as a mother figure to Rivera and always encourage her to love herself and her personal identity.

³³ *Id.*

shunned from their families.³⁴ Johnson and Rivera's focus was to provide a safe space for queer individuals so that they did not have to experience homelessness and destitution as they had.³⁵ The queer youth, often referred to as the children of the STAR House, called Johnson "Queen Mother."³⁶ The "Queen" aspect was inspired by her love of dressing in drag and performing at drag balls.³⁷ While the "Mother" part came from the matriarchal structure of the STAR house as a way to push back against traditionally patriarchal structures where the man is the head of the household.³⁸

In the decades that followed, Johnson continued to become a more prominent member of the gay liberation movement. Johnson focused on visibility, not only as an activist but as a drag performer. She began sharing her love of drag, previously reserved for drag balls, to more public events as she began to perform with the drag group, "Hot Peaches."³⁹ The Hot Peaches were a renowned drag theater company active in New York City from 1972 to the early 2000s.⁴⁰ The group was largely known for their political and camp cabaret shows.⁴¹ Johnson utilized her growing visibility as a platform to speak to a broader audience. In an interview, she shared her desire "to see gay people liberated and free and to have equal rights that people have in America."⁴²

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

In the 1980s, Johnson also became an AIDS activist after she saw many close to her die of the disease and later revealed her own H.I.V. diagnosis.⁴³ Throughout her many years of advocacy and spreading joy to those around her, Johnson struggled with her mental health, which led to her being treated at a series of psychiatric institutions.⁴⁴ Nonetheless, Johnson's passion for activism remained and was often heard saying that just because she struggled with her mental health did not make her wrong.⁴⁵ Johnson's story illustrates how state over policing both constrained queer existence and simultaneously generated the need for alternative spaces of expression and safety, a dynamic that becomes even clearer when we turn to the policing of gender and performance in the decades that followed

III. Policing Self-Expression

During the twentieth century, in New York City, it was an extremely difficult time for individuals to live in a way that did not conform to the mainstream gender and sexual culture. Although New York State downgraded sodomy from a felony to a misdemeanor in 1950, persecution of queer people and the criminalization of their activities was still quite common.⁴⁶ As public opposition began to grow in the twentieth century, so did state over policing.⁴⁷ Like Johnson, many queer people, specifically gender nonconforming individuals, were routinely targeted by the police. Some of this police power came from codified laws; however, more often,

⁴³ Sewell Chan, *Marsha P. Johnson*, THE NEW YORK TIMES, <https://www.nytimes.com/interactive/2018/obituaries/overlooked-marsha-p-johnson.html> (last visited Nov. 22, 2025).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Sewell Chan, *Marsha P. Johnson*, THE NEW YORK TIMES, <https://www.nytimes.com/interactive/2018/obituaries/overlooked-marsha-p-johnson.html> (last visited Nov. 22, 2025).

⁴⁷ See generally Hugh Ryan, *How Dressing in Drag Was Labeled a Crime in the 20th Century*, HISTORY, <https://www.history.com/articles/stonewall-riots-lgbtq-drag-three-article-rule> (last visited Nov. 23, 2025).

the police relied on arbitrary city prohibitions to control and persecute marginalized communities. The following section will examine and critique the often inapt legal mechanisms that enabled this harmful form of policing.

One of the tactics employed by city officials during this time period was the use of business licenses. During a time when solicitation of same-sex relations was deemed illegal in New York City, many queer individuals found refuge at gay bars and clubs.⁴⁸ The spaces became a place where queer individuals could express themselves freely and openly socialize without fear.⁴⁹ However, New York officials began to restrict and punish these establishments.⁵⁰

In 1926, New York passed the Cabaret Law, which made it illegal to host "musical entertainment, singing, dancing, or other form of amusement" without a license.⁵¹ Largely suspected to have been enacted for the purposes of targeting racially diverse jazz clubs in Harlem, the law was broadly used by law enforcement.⁵² Attaining a Cabaret license was expensive and extremely difficult due to the subjective and arbitrary authorization process.⁵³ Furthermore, from 1940 to 1967, the city required performers and employees of cabarets to be fingerprinted and carry "cabaret cards," which could be denied if the applicant had a police record.⁵⁴ While the law was not gender-specific, it effectively banned same-sex dancing in bars.⁵⁵

⁴⁸ See generally *Stonewall Riots*, HISTORY, <https://www.history.com/articles/the-stonewall-riots> (last visited Nov. 23, 2025).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Annie Correal, *After 91 Years, New York Will Let Its People Boogie*, THE NEW YORK TIMES, <https://www.nytimes.com/2017/10/30/nyregion/new-york-cabaret-law-repeal.html>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

Law enforcement was then able to selectively target gay bars for decades, because these establishments were often unable to comply.⁵⁶ This led to continuous raids and arrests.⁵⁷

The state officials also sought another way to restrict these establishments through the New York State Liquor Authority. In the 1960s, the State Liquor Authority began to penalize, raid, or even shut bars that served alcohol to known or suspected queer individuals.⁵⁸ The State Liquor Authority contended that the mere gathering of homosexuals was “disorderly.”⁵⁹ These discriminatory regulations remained in effect until 1967 after queer activists led a series of protests in opposition.⁶⁰ By expanding traditional policing power into other governmental agencies, state officials had a greater ability to control self-expression in hopes of protecting societal norms against the perceived threat that increasing queer visibility and confidence posed.

During this time, police officers also relied on old, often unrelated laws, to target and persecute LGBTQIA+ people, specifically gender nonconforming individuals. Across the United States, laws meant to criminalize cross-dress spread as the public began to increasingly view “gender inappropriateness... as a sickness and public offense.”⁶¹ In response, law enforcement officers in New York utilized a state “masquerade law” enacted in 1845.⁶² Section 887(7) of New York’s vagrancy law which made it illegal to appear in public with one’s “face painted, discolored or concealed, or being otherwise disguised, in a manner calculated to prevent. . . being identified.”⁶³ New York originally passed this law with the purpose of penalizing rural farmers

⁵⁶ See generally *id.*

⁵⁷ See generally *id.*

⁵⁸ *Stonewall Riots*, HISTORY, <https://www.history.com/articles/the-stonewall-riots> (last visited Nov. 23, 2025).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ See generally Hugh Ryan, *How Dressing in Drag Was Labeled a Crime in the 20th Century*, HISTORY, <https://www.history.com/articles/stonewall-riots-lgbtq-drag-three-article-rule> (last visited Nov. 23, 2025).

⁶² *Id.*

⁶³ Kate Redburn, *Before Equal Protection: The Fall of Cross-Dressing Bans and the Transgender Legal Movement, 1963–86*, CAMBRIDGE UNIV. PRESS (Jan. 5, 2023), <https://www.cambridge.org/core/journals/law-and-history->

who, at the time, took to dressing like Native American in attempts to avoid or fight off tax collectors.⁶⁴ Although this law, amongst other "masquerade laws," was ill suited, they were increasingly utilized in order to punish self and gender expression.⁶⁵

In 1913, Brooklyn police arrested Elizabeth Trodle for "masquerading in boy's clothing" while they were smoking and drinking in a bar. It is unclear whether Elizabeth identified as a transgender man, but during a court hearing, she stated that "a woman had a right to wear what she pleased."⁶⁶ When Elizabeth was initially brought to court, the magistrate judge informed the prosecution that the state's masquerade law was only intended to criminalize dressing in costume as a cover for another crime.⁶⁷ Although Elizabeth was subsequently released, the police arrested Elizabeth again.⁶⁸ Police learned from their previous mistake and charged Elizabeth with "associating with idle and vicious person," and brought the case before a different magistrate judge, Magistrate Nash.⁶⁹ Magistrate Nash found Elizabeth guilty of the charge, sentenced them to a women's correctional facility for a term of three years, and would be forced to wear the clothing of their birth sex.⁷⁰ Magistrate Nash was quoted in The Brooklyn Daily Eagle newspaper saying he "sent her to the Bedford Reformatory...because I believe she is a moral pervert. No girl would dress in men's clothing unless she is twisted in her moral viewpoint."⁷¹ Although

review/article/before-equal-protection-the-fall-of-crossdressing-bans-and-the-transgender-legal-movement-196386/B3EDFE10CC12E8BF140359437C0F69BC.

⁶⁴ Hugh Ryan, *How Dressing in Drag Was Labeled a Crime in the 20th Century*, HISTORY, <https://www.history.com/articles/stonewall-riots-lgbtq-drag-three-article-rule> (last visited Nov. 23, 2025).

⁶⁵ *Id.*

⁶⁶ Dr. Alexandra Moore, *Fossil Dress Codes*, PALEONTOLOGICAL RESEARCH INST. (Mar. 22, 2022), <https://www.priweb.org/blog-post/fossil-dress-codes>.

⁶⁷ Hugh Ryan, *How Dressing in Drag Was Labeled a Crime in the 20th Century*, HISTORY, <https://www.history.com/articles/stonewall-riots-lgbtq-drag-three-article-rule> (last visited Nov. 23, 2025).

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Dr. Alexandra Moore, *Fossil Dress Codes*, PALEONTOLOGICAL RESEARCH INST. (Mar. 22, 2022), <https://www.priweb.org/blog-post/fossil-dress-codes>.

⁷¹ *Id.*

Magistrate Nash is only one man, his views were shared by many. Furthermore, his words illustrate how personal biases and gender panic bled into the carceral system. These harmful beliefs were normalized and given a legal platform, leading to the punishment of those who did not conform to traditional gender norms in attempts to either alter their behavior or erase queer people from society as a whole.

Unfortunately, this abuse of power was not only weaponized against Elizabeth Trodle. Almost half a century later, on March 24, 1964, John Miller was stopped by a police officer as they was approaching their home in the Upper West Side of Manhattan.⁷² After the officer asked what Miller's name was, they replied "Joan Miller."⁷³ Miller was then immediately taken into custody for violating Section 887(7).⁷⁴ The New York Times described Miller as a "tall, burly man of 58," who was a father with a military record. However, Miller self identified as a transgender woman or "cross dresser."⁷⁵

As the fear and panic regarding LGBTQ+ individuals continued to spread across America during the mid-twentieth century, state over policing of self-expression also expanded. As police officer continued to rely on arbitrary masquerade laws as the basis for their arrests of queer people, and informal practice began to emerge known as the "three article rule."⁷⁶ Although this language cannot be found in any legal documents, this term can often be found in interviews and

⁷² Kate Redburn, *Before Equal Protection: The Fall of Cross-Dressing Bans and the Transgender Legal Movement, 1963–86*, CAMBRIDGE UNIV. PRESS (Jan. 5, 2023), <https://www.cambridge.org/core/journals/law-and-history-review/article/before-equal-protection-the-fall-of-crossdressing-bans-and-the-transgender-legal-movement-196386/B3EDFE10CC12E8BF140359437C0F69BC>. Gender neutral pronouns are being used when referring to Miller because there is not a source to support which pronouns Miller personally used.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.* Miller would have likely used the term "transvestite" or "cross dresser" as these were the prominent terms in use during this time people.

⁷⁶ Hugh Ryan, *How Dressing in Drag Was Labeled a Crime in the 20th Century*, HISTORY, <https://www.history.com/articles/stonewall-riots-lgbtq-drag-three-article-rule> (last visited Nov. 23, 2025).

memoirs in the 1940s until the 1960s.⁷⁷ This word-of-mouth rule was utilized by police to make arrests during bar raids, assault queer people on the street, or subject these individuals to sexual humiliation or street violence.⁷⁸ The "three article rule" became a way for police to violate people's privacy and check what type of undergarments they were wearing.⁷⁹

Furthermore, this harassment by the police would often create greater dangers for gender nonconforming people as it would leave them more vulnerable to street violence.⁸⁰ In 1968, Martin Boyce, a New York City resident, recalls an incident where he was approached by an officer because his "Oscar Wilde costume was too feminine."⁸¹ After the police officer grew frustrated with Mr. Boyce for trying to explain and defend himself, the officer turned to gang members nearby and said "He's all yours."⁸² Unlike many others, Mr. Boyce was able to pass unharmed by the gang as they were apparently amused by his defiant attitude.⁸³ Taken together, these practices reveal how the absence of constitutional protection for gender expression left queer people vulnerable to a regime of informal policing that operated entirely outside meaningful legal limits.

Following the use of "masquerade laws," New York looked to further control the actions and movements of queer individuals, specifically transgender people. In 1976, New York passed an anti-loitering law.⁸⁴ Although it was officially known as the "loitering for the purpose of

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Kate Redburn, *Before Equal Protection: The Fall of Cross-Dressing Bans and the Transgender Legal Movement, 1963–86*, CAMBRIDGE UNIV. PRESS (Jan. 5, 2023), <https://www.cambridge.org/core/journals/law-and-history-review/article/before-equal-protection-the-fall-of-crossdressing-bans-and-the-transgender-legal-movement-196386/B3EDFE10CC12E8BF140359437C0F69BC>.

prostitution," it was more commonly referred to as the "Walking While Trans" ban.⁸⁵ The language of the law allowed police officers to target already marginalized women, specifically women of color and transwomen.⁸⁶ This notion is further corroborated by statements made by a New York City police officer during the 2021 New York State Assembly session that finally repealed the law.⁸⁷ While testifying, the police officer stated that "he was trained to look for women with Adams apples, big hands and big feet when identifying people in prostitution."⁸⁸ In the face of these policing regimes, ballroom culture emerged in direct defiance.

IV. Evolution of Ballroom into Performance Protest

Many people mistakenly believe that queer life and culture did not exist until the 1960s; however, historical erasure obscures a much older, vibrant lineage. Not only did LGBTQIA+ individuals create spaces of visibility, but they also created a world for themselves where their identities could be openly celebrated.⁸⁹ Historical scholarship can trace back the existence of cabarets, speakeasies, saloons, rent parties, and drag balls since the late nineteenth century.⁹⁰ One of the most notable occurred in 1869 when Harlem's Hamilton Lodge staged its first queer masquerade ball.⁹¹ Overtime, these queer spaces would adapt after repeated marginalization within the larger black and LGBTQIA+ communities and further evolve into mechanisms of collective resistance through artistry and community.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *A Brief History of Voguing*, NAT'L MUSEUM OF AFRICAN AM. HIST. & CULTURE (last visited Oct. 24, 2025), <https://nmaahc.si.edu/explore/stories/brief-history-voguing>.

⁹⁰ *Id.*

⁹¹ Tim Lawrence, *'Listen, and you will hear all the houses that walked there before': A History of Drag Balls, Houses and the Culture of Voguing*, LONDON: SOUL JAZZ BOOK (2011).

These queer masquerade balls, also known as "drags" began to regularly emerge in the late nineteenth century.⁹² Organized in big cities by members of underground LGBTQIA+ communities, these balls were largely held in defiance of laws that banned individuals from wearing clothes associated with the opposite gender.⁹³ These balls served as a space where queer people could find the freedom to be themselves and perform in competitions and pageantry against one another.⁹⁴ Even though balls began to integrate more often through the decades, judges remained exclusively white.⁹⁵ Thus, queer people of color were regularly excluded from awards or unfairly held to traditional white aesthetic standards.⁹⁶ These racialized aesthetics often were a way to enforce state-like hierarchies even within queer spaces.

Greatly influenced by the Harlem Renaissance, a distinctly black LGBTQ+ culture emerged in Harlem.⁹⁷ The combination of artistic, intellectual, and cultural movement introduced new ideas centering black life throughout the neighborhood.⁹⁸ With it brought literature, art, and music that challenged traditional social structures and highlighted the ways in which race, sex, gender, and sexuality categorizations were interconnected and constantly evolving.⁹⁹ Over time, Harlem continued to be active community for the advancement of LGBTQIA+ art, activism, and culture.

Despite this expansion of knowledge, culture, and perception, LGBTQIA+ individuals also struggled against black homophobia. A decades-long campaign, spearheaded by the Black

⁹² Les Fabian Brathwaite, *Striking a 'Pose': A Brief History of Ball Culture*, VAN VOGUE JAM (last visited Nov 23, 2025), <https://www.vanvoguejam.com/ballroom-history>.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *A Brief History of Voguing*, NAT'L MUSEUM OF AFRICAN AM. HIST. & CULTURE (last visited Oct. 24, 2025), <https://nmaahc.si.edu/explore/stories/brief-history-voguing>.

⁹⁸ *Id.*

⁹⁹ *Id.*

church, sought to rid their New York neighborhoods of its queer residents.¹⁰⁰ In their fight for Black freedom, many black community members believed that LGBTQIA+ people did not deserve representation and should be cast out.¹⁰¹ In a society where hierarchical systems are rewarded, many social movements during this time period felt pressured to implement intra-community policing. This misinformed idea of doing what is best for the greater good, would often lead to women, people of color, and/or LGBTQIA+ individuals being ostracized and their rights ignored.

Frustrated by the discrimination they faced in both of the black community and within the larger LGBTQIA+ community, transgender and queer people of color broke out and began hosting their own balls beginning in the 1960s.¹⁰² Ballroom culture, drag balls, the queer ballroom scene, the house-ballroom community, and other terms alike are used to describe this once underground queer subculture that was founded by transgender and queer people of color.¹⁰³ These balls gave individuals the space to explore, experience, and embody life styles from which they were otherwise excluded from due to systemic oppression.¹⁰⁴ This transformation by black and brown queer individuals was both a cultural shift and a political act of reclamation from overlapping systems of exclusion.

¹⁰⁰ *The Ballroom Scene Has Long Offered Radical Freedoms For Black and Brown Queer People. Today, That Matters More Than Ever*, TIME (lasted visited Nov. 23, 2025), <https://time.com/5941822/ballroom-voguing-queer-black-culture-renaissance/>.

¹⁰¹ *Id.*

¹⁰² *A Brief History of Voguing*, NAT'L MUSEUM OF AFRICAN AM. HIST. & CULTURE (last visited Oct. 24, 2025), <https://nmaahc.si.edu/explore/stories/brief-history-voguing>.

¹⁰³ Les Fabian Brathwaite, *Striking a 'Pose': A Brief History of Ball Culture*, VAN VOGUE JAM (last visited Nov 23, 2025), <https://www.vanvoguejam.com/ballroom-history>.

¹⁰⁴ *Id.*

Between the 1960's and 80's New York drag ball evolved from elaborate pageantry to "vogue" battles.¹⁰⁵ As part of this ballroom culture, black and Latino voguers would compete for trophies and the reputation of their "Houses" – chosen families with anointed 'mothers' and 'fathers' who guide and support their 'children'.¹⁰⁶ People competed, also known as "walk," by either performing, voguing, lip-synching, or model in different categories.¹⁰⁷ These categories were designed to not only showcase self-expression but give a platform for the community to both embody and satirize gender constructs, occupations, and social classes.¹⁰⁸

Ultimately, balls offered queer people a safe space to escape from reality.¹⁰⁹ When people walked, they were judged on their abilities, theatrics, costumes, presentation, appearance, and embodiment or visual believability.¹¹⁰ Balls show the courage of black and Latino LGBTQIA+ communities to make an art form that goes beyond creative expression. It offers a sense of identity, belonging and dignity in a world that does not fully value their lives. Performing at balls allowed queer people to resist against the over policing and state surveillance they experienced everyday. Rather than adhering to the societal pressures to conform, ballroom performers embraced the freedom to live as their authentic selves.

Ballroom also served as a source of community and creative outlet to incarcerated persons. Through oral histories and the research of queer academic scholars, the origins of ballroom culture's signature category, voguing, can be traced back to pageants organized by

¹⁰⁵ *Id.*

¹⁰⁶ *The Ballroom Scene Has Long Offered Radical Freedoms For Black and Brown Queer People. Today, That Matters More Than Ever*, TIME (lasted visited Nov. 23, 2025), <https://time.com/5941822/ballroom-voguing-queer-black-culture-renaissance/>.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

incarcerated trans and queer people at New York City's Rikers Island prison in the late 1970s.¹¹¹ These original creators of vogue performed the dance not only as a source of entertainment, but also as a vessel for imaging freedom while in a state of imprisonment.¹¹² Voguing acted as both a tool for claiming queer space behind prison walls while simultaneously envisioning a world beyond the confines of gender or state violence.¹¹³ When voguing was later incorporated into balls, its original purpose did as well. Ballroom members across generations would go on to utilize these forms of artistic expression and community building as a tool for post-colonial resistance to state over policing and social control.

The creation of the queer ballroom scene, coincided with the escalation of the civil rights movement.¹¹⁴ Ballroom quickly spread across the United States, and its member continued to confront systems of oppressions and demand more freedoms in public spaces.¹¹⁵ Furthermore, the formation of ballroom houses paralleled the heightened confidence of the gay liberation movement.¹¹⁶ The community's newfound confidence can be seen in what would be a symbolic breakthrough when drag queens held the frontlines during the Stonewall Inn riots. These historical patterns shows that ballroom not only provides queer communities with a way forward, but it can also offer valuable insights in the face of potential future regressions.

¹¹¹ *The Ballroom Scene Has Long Offered Radical Freedoms For Black and Brown Queer People. Today, That Matters More Than Ever*, TIME (lasted visited Nov. 23, 2025), <https://time.com/5941822/ballroom-voguing-queer-black-culture-renaissance/>.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ Tim Lawrence, *'Listen, and you will hear all the houses that walked there before': A History of Drag Balls, Houses and the Culture of Voguing*, LONDON: SOUL JAZZ BOOK (2011).

¹¹⁵ *The Ballroom Scene Has Long Offered Radical Freedoms For Black and Brown Queer People. Today, That Matters More Than Ever*, TIME (lasted visited Nov. 23, 2025), <https://time.com/5941822/ballroom-voguing-queer-black-culture-renaissance/>.

¹¹⁶ Tim Lawrence, *'Listen, and you will hear all the houses that walked there before': A History of Drag Balls, Houses and the Culture of Voguing*, LONDON: SOUL JAZZ BOOK (2011).

V. Conclusion: Lessons Learned as Applied to Today's Regression

Despite the overall increase in public support for LGBTQIA+ rights in the last few decades, recent years have brought a wave of attacks toward the queer community through hateful speech, violence, and proposed legislation. While states continue to pass laws to protect LGBTQIA+ people, state legislatures have simultaneously advanced proposed bills designed to target transgender individuals, limit or preempt local protections, and carve out religious exemptions to discriminatory behavior.¹¹⁷ In 2025, six hundred and sixteen Anti-LGBTQIA+ bills were proposed in the United States.¹¹⁸ Forty-eight states sought to introduce Anti-LGBTQIA+ bills in the 2025 Legislative Session.¹¹⁹ Furthermore, fourteen states have sixteen or more proposed Anti-LGBTQIA+ bills.¹²⁰ History is now repeating itself as this legislative backlash acts as a contemporary form of state over policing to combat the growing visibility of the LGBTQIA+ community.

With the proposal of these bills, queer people face renewed attacks on their fundamental liberties in the form of accurate ID barriers, free speech and expression bans, public accommodation bans, education restrictions, healthcare restrictions, and an overall weakening of civil rights laws.¹²¹ If these bills are passed, queer people will likely be criminally targeted for their very existence as the community previously was in the twentieth century. In this environment, many will face similar difficulties and threats to their rights and freedoms as Marsha P. Johnson, Elizabeth Trodle, Joan Miller, and Martin Bryce. An increase in state

¹¹⁷ See generally *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2025*, ACLU (last visited Nov. 23, 2025), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2025>.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

surveillance and carceral will likely only result in the inability for queer people to find consistent employment, expose them to a greater risk of violence, and the overall erasure of personal autonomy and liberty.¹²²

There has also been further regression in queer visibility and push for trans erasure by other governmental agencies. Since the Trump administration took office in January 2025, the trans community has faced attacks regarding both their rights and their overall existence. Shortly after Trump signed a slew of executive orders targeting transgender individuals, the National Park Service edited the website for the Stonewall National Monument in New York.¹²³ The National Park Service removed the “T” and substituted it with an incorrectly truncated acronym “LBG” when identifying the group of individuals who protested police harassment and discrimination at Stonewall.¹²⁴ This act was not only a distortion of history but blatant erasure of the trans individuals who served as a fundamental catalyst for the rights of all queer people.¹²⁵

In a time of uncertainty when many Republican leaders in red states are advancing efforts to roll back LGBTQIA+ rights across the country, it is important to remember and draw valuable lessons from past queer activists and communities.¹²⁶ Similar to the treatment of members of the queer ballroom scene in the twentieth century, the spreading of misinformation and attacks on drag artists functions to stigmatize all LGBTQIA+ people. As queer visibility and confidence increased, so did state over policing. However, through found families and freedom of identity

¹²² Marsha P. Johnson, NATIONAL WOMEN'S HISTORY MUSEUM, <https://www.womenshistory.org/education-resources/biographies/marsha-p-johnson> (last visited Oct. 24, 2025).

¹²³ Phillip Kennicott, *Drag Is Not a Sideshow — and Neither Is Trump's Attack On It*, THE WASHINGTON POST, <https://www.washingtonpost.com/style/2025/03/10/trump-drag-kennedy-center/> (last visited Dec. 17, 2025).

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ See generally William Brangham, Sam Lane, & Melissa Deckman, *U.S. Support For LGBTQ+ Rights Is Declining After Decades of Support. Here's Why*, PBS NEWS (May 17, 2024), <https://www.pbs.org/newshour/show/u-s-support-for-lgbtq-rights-is-declining-after-decades-of-support-heres-why>.

and expression through performance, LGBTQIA+ individuals cultivated the resilience necessary not only to survive but to build thriving cultural and political communities.

The same ball communities that created vogue are now the ones leading calls to defund the police and abolish ICE.¹²⁷ The same activists who fought tirelessly for decades to overturn New York's Walking While Trans ban are now arguing for the decriminalization of sex work.¹²⁸ Likewise, these organizers are also fighting to permanently end solitary confinement, halt the construction of new prisons, and reallocate funds for housing, healthcare, and public education.¹²⁹ Ballroom remains a part of all these struggles, allowing performers to hope for and implement these seemingly impossible demands, generating freedom in real time.¹³⁰ Voguing serves as an imaginative resistance to state over policing and social control by challenging colonial narratives and asserting their self-identities.

Ballroom not only provides queer communities a way forward but also offers a valuable critique of the present moment.¹³¹ This function was the reason for the creation of ballroom. Ballroom gave queer members a space to be themselves, a community to support them, and a new voice through artistic expression during a time when they were being pushed aside and persecuted. It also offered hope, becoming a way to envision a life of inclusivity and democratic freedom. When looking to the future and a way through oppressive, state imposed hierarchical systems of oppression, queer communities should look to their ancestors in the community. There are many lessons that can be learned and employed today from how these individuals

¹²⁷ *The Ballroom Scene Has Long Offered Radical Freedoms For Black and Brown Queer People. Today, That Matters More Than Ever*, TIME (lasted visited Nov. 23, 2025), <https://time.com/5941822/ballroom-voguing-queer-black-culture-renaissance/>.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

created unique spaces to both protect self-expression and also provide a platform for positive visibility in a world that sought to erase them.