

BOOTS THE HOUSE DOWN, MAMA: A BRIEF HISTORY OF DRAG QUEENS FOR THE LEGAL READER

By Andrew White

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Introduction

On April 20th, 2021, Charli XCX, an English pop star, tweeted: "um yes queen, skinny legend Versace boots the house down, slay queen hunty mama and oop daddy, work charli xcx snatch my wig."¹ Charli is a mainstream pop artist that has won accolades for her work, including Grammy nominations and MTV Awards.² Her discography includes a song that rose to the top of the *Billboard 100*.³ She is by no means an artist who operates outside of the mainstream. And yet, her most recent tweet invokes language once exclusively used by drag queens in the privacy of their own drag communities.⁴

Charli's tweet would be surprising to drag queens of yore. For most of its history, the performance of drag has been relatively hidden from the common observer. For those who have sought out drag shows or other queer spaces, drag queens were observed and appreciated—and targeted by police for vice squad action. Even though drag performances have always been quasi-public events, the artform still had baggage. Cross dressing, sexual deviancy, and drug use were all associated with the act of caricaturizing the opposite gender. These stereotypes, compounded with the outcast nature of many drag performers, helps explain why drag communities kept to themselves for fear of judgment or persecution. To those in the drag community, however, the community was where social outcasts found their chosen families and expressed themselves in a free and inclusive environment. With these chosen families, came practices and cultural moeurs that were intelligible only to those in the community. Today, drag queens have been introduced to pop culture in no small part to the debut of *Ru Paul's Drag Race* on LogoTV. The culture that

¹ @charli_xcx, TWITTER (Apr. 20, 2021, 1:54 PM), https://twitter.com/charli_xcx/status/1384581357813129216.

² Charli XCX, GRAMMY AWARDS, <https://www.grammy.com/grammys/artists/charli-xcx/18360> (last visited Apr. 21, 2021); "Charli XCX Awards," IMDB, <https://www.imdb.com/name/nm6424616/awards> (last visited Apr. 21, 2021).

³ "Boom Clap, Charli XCX," BILLBOARD, <https://www.billboard.com/music/charli-xcx/chart-history/HSI/song/841617> (last accessed April 21, 2021).

⁴ See Chloe Davis, *The Language of Ballroom*, GAY & LESBIAN REV. (Mar. 9, 2021), <https://glreview.org/the-language-of-ballroom/>.

drag queens created and relied on for years suddenly was thrust into the mainstream spotlight. Culture has shifted since the days of the secretive drag balls. Lesbian, gay, bisexual, transgender, and queer individuals ("LGBTQ") are now afforded relatively more acceptance by mainstream society, and so is drag.

However, with this new fame and cultural acceptance, also came airing of previously tucked away dirty laundry. For much of the drag community's existence, problems between other members of the drag community were dealt with in-house. Drag balls and inter-house conflicts were the natural forum for dispute resolution through voguing, rather than resorting to a judicial system that did not serve the needs of the drag community.

During the coronavirus pandemic, life in the U.S. moved online—and with it, so did the cultural norms and interactions that occurred between individual members of the drag community. Suddenly, conversations and altercations that would occur at a drag ball in the 1980s or behind a nightclub in the 2000s or a movie trailer in the 2010s were conducted online, for the whole world to see.

This essay argues that the introduction of *RuPaul's Drag Race* and the transition to life online, both prior to and especially during the pandemic, has exposed the performances and innerworkings of drag communities to a larger audience in a way that can only be understood through drag's history in the United States. The cultural norms allowing individuals outside of the community to intimately observe online are a continuance, rather than a marked change, from their historical roots in the United States.

Section I will explore the definition of drag by analyzing various cultural norms present throughout the entire drag community, including the sociosexual economy, gender, and fashion. Additionally, we will explore drag as a community that shares significant norms and values, rather

than individual “cross-dressers,” to develop an entry point to drag research and a define drag for legal scholars. Section II traces the origins of drag and discusses the major legal and historical eras of drag in the United States. Section III will analyze the paradigm shift in the drag community brought upon by the introduction of the television show *RuPaul's Drag Race* and the transition to online life complicated by the coronavirus pandemic. This essay will close by arguing that while there is significantly more visibility afforded to the innerworkings of the drag community, the ways that drag queens interact are much the same as they have been throughout the history of drag in the United States.

I. What Is Drag?

In line with this Section’s project, it is important for legal scholars to understand the difference between cross-dressing for sexual pleasure, cross-dressing to “pass,” and dressing in drag. The following sections are intended to give the reader a starting point in understanding how gender, sex, and the performance of sex coalesce in drag. While the sections are not meant to be comprehensive, and gender scholars are still debating the proper contexts in which to situate sex, gender, and sexuality, this tasting menu should serve as a launchpad to greater legal study of drag that emphasizes the proper and respectful terminology as it stands today.

A. Cross Dressing & Gender

Cross-dressing has long been a part of the United States history—both cross dressing for entertainment, and cross dressing to fulfill personal sexual fantasies.⁵ For example, Chief Justice Roberts dressed in what could be argued drag during his gender-bending debut in his high-school's performance of *You're A Good Man, Charlie Brown*. (He was Peppermint Patty.)⁶ Drag is the

⁵ I. Bennett Capers, *Cross Dressing and the Criminal*, 20 YALE L.J. & HUMAN 1, 1-2 (2008).

⁶ I. Bennett Capers, *Cross Dressing and the Criminal*, 20 YALE L.J. & HUMAN 1, 1-2 (2008) (emphasis added) (citing *You're a Good Man, Charlie Brown*. http://www.courtvtv.com/news/supreme/091405_robertsfacrscvtv).

former category—though sexual preference, biological sex, the performance of sex, and gender are all bound up in drag, drag is not necessarily a fetish or kink.⁷ Of course, cross-dressing is an integral part of drag—drag is, after all, the performance of gender and the impersonation of a gender that is different from the performer's own.⁸ Understanding the interplay between gender and drag is fundamental⁹ to understanding why drag queens behave the way they do, and the structure of their communities both on a micro and macro level. Drag, or the art of female impersonation, is largely practiced by homosexual, cis-gendered men.¹⁰ Cis-gendered men who dress in drag might be impersonating women, but that does not mean they identify as women—in fact, most often they do not.¹¹ Trans women, who are born male but identify as female, also perform as have been known to perform as drag queens before their transition.¹² Many still perform in drag well after they transition.¹³

Cross-dressing in the context of drag is different than cross-dressing in the context of sexual fantasy, or even other performance contexts. Scholars have studied cross-dressing as a means of sexual fulfillment.¹⁴ Though the term "transvestite" is improper language in describing members of the LGBTQ+ community and the drag community at large,¹⁵ the term currently

⁷ E.g. Taylor & Rupp, *infra* note 10.

⁸ *Id.*

⁹ RuPaul Charles, a famous drag queen who will be discussed *infra*, often says “[r]eading is FUNdamental!” *Reading is Fundamental*, RUPAUL’S DRAG RACE WIKI, https://rupaulsdragrace.fandom.com/wiki/Reading_is_Fundamental (last accessed April 21, 2021).

¹⁰ E.g., Verta Taylor & Leila J. Rupp, *Chicks with Dicks, Men in Dresses: What It Means to Be a Drag Queen*, 46 J. HOMOSEXUALITY 113, 119 (2004).

¹¹ *Id.*

¹² E.g., Monica Beverly Hillz, *I’m A Trans Woman and a Drag Queen. Despite what RuPaul Says, You Can Be Both*, WASH. POST (March 9, 2018), <https://www.washingtonpost.com/news/post-nation/wp/2018/03/09/im-a-trans-woman-and-a-drag-queen-despite-what-rupaul-says-you-can-be-both/>.

¹³ *Id.*

¹⁴ E.g. Niklas Langstrom, Kenneth J. Zucker, *Transvestic Fetishism in the General Population: Prevalence and Correlates*, 31 J. SEX. MARITAL THERAPY 87 (2005).

¹⁵ Mayer Nissim, *Transvestite, Transsexual, Transgender: Here’s What You Should Actually Call Trans People*, PINK NEWS (Mar. 19, 2018), <https://www.pinknews.co.uk/2018/03/19/transsexual-transgender-transvestite-what-should-you-call-trans-people/>.

resonates with the image of men dressing as women to fulfill some innate desire to be sexually fulfilled.¹⁶ Cross dressing aside, much of historical cross-dressing in non-drag contexts has been to "pass."¹⁷

Historically, women have also cross-dressed as men to gain access to social capital and power. The quintessential example is Joan of Arc, who led the French in their victory over the British during the Hundred Years' War.¹⁸ Another example of Romance Literature is Isabelle Eberhardt.¹⁹ Eberhardt was a French writer of Russian heritage who was born in Switzerland and spent much of her life in North Africa.²⁰ Her writings, which were recently compiled into an anthology entitled *Au pays des sables*,²¹ described the French occupation in Algeria.²² Her writings were a collection of auto-biographical short stories and essays; describing in detail her life, of which she spent a great deal dressed in Arab male clothing.²³ Scholars have analyzed her cross-dressing as a way to "obey the paternal and patriarchal law [as commanded by her father in French Algeria] . . . and a way of *subverting* it."²⁴ Further, by "adopt[ing] male garb, she simultaneously subverted patriarchal order, revealing the instabilities of such an order in so doing."²⁵ Eberhardt, in shedding both her gender and her ethnicity, was able to access social capital in a way she could not have as a French woman.²⁶

¹⁶ See Langstrom & Zucker, *supra* note 14.

¹⁷ See Nissim, *supra* note 15.

¹⁸ E.g., MARINA WARNER, JOAN OF ARC: THE IMAGE OF FEMALE HEROISM 125 (1981).

¹⁹ Manhal D. Dandashi, *Dragging the Yoke of Identity: Sexual Difference in Fin-de-siècle Nineteenth- and Twentieth-Century French and Francophone Literature*, Dissertation Univ. N. Carolina Chapel Hill 52 (2009); see also Michelle Chilcoat, *Anticolonialism and Misogyny in the Writings of Isabelle Eberhardt*, 77 FRENCH REV. 949, 953 (2004).

²⁰ Dandashi, *supra* note 19, at 6.

²¹ Isabelle Eberhardt, *Au pays des sables* (Marie-Odile Delacour & Jean-René Huleu eds. Paris, 2002)

²² Dandashi, *supra* note 19, at 36.

²³ *Id.*

²⁴ Dandashi, *supra* note 19, at 52, *citing* MARJORIE GARBER, VESTED INTERESTS: CROSS-DRESSING AND SOCIAL ANXIETY 325 (2005) (emphasis in original).

²⁵ Dandashi, *supra* note 19, at 54.

²⁶ *Id.* at 53-54.

Passing in the gender and racial context is a fraught term.²⁷ In general, the term refers to the ability of a person to blend in and be perceived as a gender, race, or class that they are not,²⁸ much like Joan of Arc or Isabelle Eberhardt. But, passing is not the goal of drag queens, nor is it always the goal of transgender individuals. As Daniel Harris wrote in his article *The Aesthetic of Drag*, "[w]hile many people may believe that the primary purpose of drag is to enable men to 'pass' as women, verisimilitude has never been the guiding aesthetic principle at work when gay men dress up as bearded nuns on roller skates, topless baton twirlers with rhinestone pasties, or whorish prom queens in fuck-me pumps and bee-hive hair-dos."²⁹ Drag is more about the performance of a gender, class, and race, rather than the essential gender, class, or race of the performer.

B. Fashion

In furthering the project of performance, fashion is an important element of drag culture. The clothing that a queen wears is integral to her performance of a gender, race, and class.³⁰ Clothing also functions as a signpost signifying the queen's membership in the larger drag community.³¹ Different queens style themselves to match their drag personas. Some queens, like Aquaria, a 20-something queen from Brooklyn,³² are known for high fashion looks that incorporate gems and jewels.³³ Other queens are known for their feminine appearances in only underwear, such as Trinity the Tuck Taylor, who is known for her large derriere that was enhanced with plastic surgery coupled with her lithe frame.³⁴

²⁷ Chris Godfrey, *Transgender Men and Women Discuss the Politics of "Passing,"* VICE (Mar. 25, 2015), <https://www.vice.com/en/article/wd7enm/passing-when-youre-transgender>.

²⁸ *Id.*

²⁹ Daniel Harris, *The Aesthetic of Drag*, 108 SALMAGUNDI 62 (1995).

³⁰ See Capers, *supra* note 5, at 11-12.

³¹ *Id.*

³² See Shannon Barbour, "*RuPaul's Drag Race*" Winner Aquaria Doesn't Need to Go on "*All Stars*," but Thanks for Asking, COSMOPOLITAN (June 6, 2019).

³³ *Id.*

³⁴ Ashleigh Cometti, *Drag Queen Trinity "The Tuck" Taylor's Beauty Routine*, VIVA (July 2, 2019), <https://www.viva.co.nz/article/beauty-wellbeing/drag-queen-trinity-the-tuck-taylors-beauty-routine-1/>.

Underlying the entire drag queen fascination with fashion is a Veblen-adjacent emulation of fashion.³⁵ In Thorstein Veblen's *The Theory of the Leisure Class*, Veblen articulated the theory of emulation, which explains why those in the working class buy clothes, cars, and other goods to give the *appearance* that they were members of the leisure (read: the upper ruling) class.³⁶ Under Veblen's theory, even though those in the working class might not be able to ascend to the leisure class, they could garner some of the social esteem and respect that conspicuous consumption bestowed upon the leisure class by adopting their appearance and mannerisms.³⁷ At first brush, drag queens' preoccupation with elegance, haute couture, and fashion could seem to fall within Veblen's theory of emulation. For example, famous drag queens have achieved high fashion status, including Aquaria's appearance at the Met Gala 2019,³⁸ Milk's participation in a fashion campaign for Marc Jacobs,³⁹ and Miss Fame's appearance in *Vogue Italia*.⁴⁰ However, integral to a drag queen's fashion is the lampooning of these luxury brands and goods. It is clear that drag queens are self-aware, and their takes on fashion can also be seen as critiquing fashion itself.⁴¹ The glamorous gowns that drag queens wear are often hand-sewn by the queen herself, or by members of her house. Drag style clothing that *looks* like haute couture but is held up with JoAnn Fabrics clasps.⁴² Drag performance of fashion, then, furthers their performance of race, gender, and class.

³⁵ Specifically, Chapter 3, which is entitled "Pecuniary Emulation." *C.f.* THORSTEIN VEBLEN, *THE THEORY OF THE LEISURE CLASS* ch. 3 (1899).

³⁶ VEBLEN, *id.*

³⁷ *Id.*

³⁸ Harron Walker, *Aquaria's Met Gala Look Could Kill You Three Ways*, *OUT MAGAZINE* (May 6, 2019), <https://www.out.com/fashion/2019/5/06/aquarias-met-gala-look-could-kill-you-three-ways>.

³⁹ Sabrina Rojas Weiss, *Marc Jacobs Shares Campaign Featuring RuPaul's Drag Race Contestant*, *REFINERY 29* (Jan. 24, 2016), <https://www.refinery29.com/en-gb/marc-jacobs-milk-spring-summer-campaign>.

⁴⁰ Leland Bobbé, *Bobbé's Half Drag Shots*, *VOGUE ITALIA* (July 13, 2012), https://www.vogue.it/en/people-are-talking-about/vogue-arts/2012/08/bobbe-s-half-drag-shots?refresh_ce=.

⁴¹ *C.f.* Harris, *supra* note 29 at 62.

⁴² *See, e.g., How to Sew an Evening Gown!*, *YOUTUBE* (Feb. 27, 2018), <https://www.youtube.com/watch?v=rRd91pqn2jI>.

However, in understanding the roots of the importance of clothing and the inherent performance that is style, the drag queens' philosophy of glamour (and often glamour on a budget) starts to become clearer. In the article *Cross Dressing and the Criminal*, Professor of Law I. Bennett Capers discusses the origins and history of sumptuary law as it applied to class.⁴³ In medieval times in Europe, sumptuary laws restricted what clothing different social classes could wear.⁴⁴ This carried forward into Elizabethan England.⁴⁵ In 1597, Queen Elizabeth I issued a royal brevet dictating that "none shall wear cloth of gold, silver tissue, silk of purple color . . . except . . . earls and above that rank and Knights of the Garter in their purple mantles."⁴⁶ The order continued that applied only to women: "none shall wear any cloth in silver in kirtles only . . . except knights' wives and all above that rank."⁴⁷

This tradition of regulating dress continued in the early Americas. Capers mentions a Massachusetts law from 1651 that prohibited those who had an annual income of less than £200 from wearing "gold, silver lace or buttons, silk hoods, or 'great boots.'"⁴⁸ But the laws regulating dress for class and gender did not stop with the Revolution—they continued to exist in regulating dress based on gender and race.⁴⁹

Laws regulating clothing in the Americas also extended to identification of race. For example, the slave code of South Carolina regulated the dress of enslaved people, limiting their clothing to "negro cloths, duffields, coarse kearsies, osnabrigs, blue linen, checked linen or coarse garlix or calicoes, checked cottons, or scotch plaids, not exceeding ten shillings per yard for the

⁴³ Capers, *supra* 109, at 8.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

said checked cottons, scotch plaids, garlix or calico."⁵⁰ By functioning as a signpost, the dress that enslaved people wore reminded them of their enslaved status.⁵¹

Laws regulating dress with respect to gender, continued into the 20th Century in America. Some cities imposed criminal liability on those who wore clothes that did not comport with their perceived gender. For example, in 1848 a law in Columbus, Ohio, permitted arrest for a person on the street merely for appearing in a "public place in a state of nudity or in a dress not belonging to his or her sex."⁵² New Orleans, St. Louis, and Chicago had similar laws regulating dress.⁵³ Detroit's crossdressing law was passed in 1944, and restricted men from wearing women's clothes, in public or private, but did not regulate what women could wear.⁵⁴

Sumptuary laws help provide some context for the importance of fashion to the drag community. By serving as a marker of class, gender, and race, drag queens kick against the goads of the conformist society by playing⁵⁵ with the signposts.

C. Community Structure

In general, drag communities are fairly local to the regional communities in which the queens live.⁵⁶ Within these communities, drag queens often belong to "families," where the "drag mother" assumes the roles of both protector and mentor to her daughters.⁵⁷ Oftentimes, the drag mother is the queen who brought the drag daughter into the world of drag. These families often have distinctive makeup styles, garment styles, and performance styles that allow the queens to

⁵⁰ *Id.*, citing Act of 1735, reprinted in 7 Statutes at Large of South Carolina, at 396.

⁵¹ Capers, *supra* note 5, at 8.

⁵² Kreis, *supra* note 122 at 428.

⁵³ *Id.*

⁵⁴ *Id.* at 429.

⁵⁵ "Without a doubt, feminism continues to require its own forms of serious play." JUDITH BUTLER, GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY, at viii (1999), cited by Capers, *supra* note 5, at 1.

⁵⁶ This comes from the individual ethnographies of drag queens done by those scholars such as Taylor & Rupp. See, e.g., Taylor & Rupp, *supra* note 1.

⁵⁷ Steven J. Hopkins, "Let the Drag Race Begin": *The Rewards of Becoming a Queen*, 46 J. HOMOSEXUALITY 135 (2004); see also ESTHER NEWTON, MOTHER CAMP (1972).

identify as members of their specific family.⁵⁸ Additionally, the drag name assumed by each queen often attaches the last name of the drag family. For example, Shea Coulee is a well-known Chicago queen and drag mother.⁵⁹ One of her drag daughters is Kenzie Coulee, another well-known Chicago drag queen.⁶⁰

Drag "houses" are related to drag families. Some of the most well-known examples are the legendary House of Xtravaganza from New York, which was founded in 1982 and still exists today,⁶¹ and the House of LaBeija.⁶² The family and house structures recognize how the origins of drag in the United States often overlap with young people being shunned from their families.⁶³ The drag family, therefore, represents the "chosen family" that queer people, especially those in urban centers, developed on the heels of losing their biological families.⁶⁴ The drag house provided a support network—and sometimes even a physical house—that emulated the chosen queer family. In addition, the house structure also reflected a need to protect one another.⁶⁵ For

⁵⁸ *Id.*

⁵⁹ Catey Sullivan, *Shea Coulee, Here to Stay and Slay*, CHICAGO READER (June 29, 2020), <https://www.chicagoreader.com/chicago/shea-coulee-here-to-stay-and-slay/Content?oid=80994321>.

⁶⁰ See @itsbambibanks, TWITTER April 3, 2019, <https://twitter.com/itsbambibanks/status/1113549088753094658> (“Couladies!”).

⁶¹ Nicole DeMarco, *House of Xtravaganza is New York’s Most Fabulous Family*, VICE (Oct. 31, 2018), https://i-d.vice.com/en_us/article/pa97zm/house-of-xtravaganza-is-new-yorks-most-fabulous-family.

⁶² 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*, TIM LAWRENCE (July 16, 2013), <http://www.timlawrence.info/articles2/2013/7/16/listen-and-you-will-hear-all-the-houses-that-walked-there-before-a-history-of-drag-balls-houses-and-the-culture-of-voguing>.

⁶³ See Andrew Nguyen, *50 Years of Chosen Family*, NEW YORK (Jan. 25, 2019), <https://www.thecut.com/article/the-house-of-labeija.html>.

⁶⁴ *Id.*

⁶⁵ Marlon M. Bailey, *Gender/Racial Realness: Theorizing the Gender System in Ballroom Culture*, 37 *Race & Transgender Studies* 365, 366 (2011) (“One of the more obvious strategies that members of the ballroom community deploy to withstand, negotiate, or avoid violence in the urban space is to travel together. In KC Prestige’s case, members from his house—the ballroom family-like structure—came to his aid to fend off the assailants and prevent them from inflicting further violence and harm to his body—perhaps saving his life. As the late Dorian Corey, a femme queen and icone [sic] of the ballroom community, suggests in *Paris is Burning* (1990), a house is a gay gang. Members of a house often respond collectively both in the performance competitions at balls and when fellow house members are confronted with violence. Thus, house battles in the streets when necessary as well as in the popularized performance competitions on the runway.”)

example, members of houses often travelled together to protect one another from assailants who might try to physically attack queens in the street.⁶⁶

The drag "house" refers mostly to the arrangement of queens within the internal social structure of a drag community. However, "house" also can refer to the physical locations in which members of the drag community commune. Many scholars and writers have discussed "queer spaces," or physical locations where LGBTQ people are safely able to express themselves.⁶⁷

Further, dispute resolution among drag queens in a house or family, and between houses and families, is extrajudicial. Of course, there are many examples in legal literature of communities that engage in extrajudicial enforcement of norms. One quintessential example is the norms and customs of diamond dealers which were heavily influenced by the Jewish ethnicity of most of its participants.⁶⁸ Whereas in the diamond industry norms were enforced by societal custom, such as requirement to purchase any diamonds that were part of a "sight" at a non-negotiable price, lest the buyer be blacklisted from the industry,⁶⁹ drag queens societal customs are in part established and protected through dance at balls.⁷⁰ Rival houses would attend balls where the members of the house would compete in runway competitions where judges selected winners based both on the fashion and dance skills of the contestants.⁷¹ Categories of competition included "executive realness," "schoolboy realness," "femme queen realness," and "butch

⁶⁶ *Id.*

⁶⁷ *See, e.g.,* Christopher Reed, *Queer Space in the Built Environment*, 55 ART J. 64 (1996) (discussing the design of queer spaces in terms of *literally* queering a space); Nathan O'Regan, *Why Queer Spaces Are Still So Important To Have*, SPUNOUT (Aug. 21, 2018), <https://spunout.ie/voices/opinion/queer-spaces-important-to-have>.

⁶⁸ *See generally* Lisa Bernstein, *Opting Out of the Legal System: Extralegal Contractual Relations in the Diamond Industry*, 21 J. LEGAL STUDIES 115 (1992).

⁶⁹ *Id.* at 117.

⁷⁰ Bailey, *supra* note 65.

⁷¹ *Id.*

realness."⁷² The goal of these categories was to appear as close as possible to those tropes by performing the fashion of the category while voguing.⁷³

This challenge functioned as a small type of dispute resolution—where one house could challenge another. It also functioned to perform gender and "see greater agency" by "altering and performing their bodies in ways that disguise[d] [the queens'] gender and sexual nonconformity."⁷⁴ In the words of Dorian Corey in *Paris is Burning*, "[a] house is a gay street gang. Street gangs get their rewards from street fights. A house street fights at a ball—and you street fight at a ball by walking in a category."⁷⁵

D. Queering Capital?

Drag communities also are bound together by the way money is exchanged for performance—both on stage and after the show concludes.⁷⁶ After all, "Girls Gotta Eat!"⁷⁷ The tipping ritual during drag shows, and the proximity of drag shows to nightlife lends itself to prostitution after the show, illustrating instances where capital is "queered."⁷⁸ Dr. Sarah Hankins, professor and scholar discusses the queer sociosexual economy that is part and parcel to the drag community.⁷⁹ For Professor Hankins, the act of tipping in a drag show is indicative of a "highly

⁷² *Id.* at 378.

⁷³ *Id.*

⁷⁴ *Id.* at 380.

⁷⁵ Danielle Jackson, *The Real Underground Culture That Inspired FX's "Pose," Explained*, THRILLIST (June 13, 2018), <https://www.thrillist.com/entertainment/nation/pose-fx-drag-ball-culture-drag-queens>, citing *Paris is Burning* (1991).

⁷⁶ See Hankins, *supra* note 127 at 444.

⁷⁷ A common refrain for drag queens, at least in the context of *RuPaul's Drag Race*, is that drag is a gig that they perform in exchange for money. *E.g.*, @AlyssaEdwards_1 "@RuPaulsDragRace A Girls Gotta Eat!!! Peace, Love and Chicken Wings!" TWITTER (May 26, 2013), https://twitter.com/AlyssaEdwards_1/status/338731930143031296. RuPaul often quips that if he isn't getting paid for getting into drag, he simply will not get into drag.

⁷⁸ "Queering" is a form of analysis which a reader can use to "unearth queer meanings in ostensibly straight texts." *C.f.* Hannah Kubowitz, *The Default Reader and a Model of Queer Reading and Writing Strategies Or: Obituary for the Implied Reader*, 46 LIT., BIO-PSYCH. REALITY, & FOCALIZATION 201, 202 (2012). By analyzing capital through a queer lens, we can turn it on its head and break apart how capital might be understood differently through a different discursive lens and therefore learn more about it; in this case, we employ the lens of queer theory. *Id.*; See also Hankins, *supra* note 127 at 444.

⁷⁹ Hankins, *supra* Note 127 at 444.

articulated sociosexual economy" that revolves around the act of tipping and is "conceptually organized according to a queer constructivist ethos that challenges hegemonic mappings of gender, sex, and social power."⁸⁰ While drag is an artform and a lifestyle for many, there is inherently an economic element that desires to be separate from the mainstream understanding of capital.

The ritual of tipping arises out of the inherent eroticism that is drag. Though drag performances are not overtly sexual, the performances still implicate sex.⁸¹ Performances that feature "lap dancing, grinding, kissing, mock oral sex, and sadomasochistic scenarios," occur with regularity.⁸² Ultimately, drag could be understood as a "distinct form" of sex work⁸³—and a way to exit a heteronormative culture of capital based on conformity.

Many drag performers make their living by performing in drag clubs and bars. This culture of hustling for cash is often referenced by the queens themselves.⁸⁴ Prior to the popularization of drag culture due to the advent of *Ru Paul's Drag Race*, drag was a way for those on the outskirts of society to make a living⁸⁵—both in booking fees for performing at clubs, as well as the tips patrons give during the performance. This gig economy, as well as the inherent attention paid to who's getting paid what, is replicated by other communities. The drag community specifically weaponizes its queerness to make a living outside of the mainstream.

Understanding the element of capital exchange in drag is important to understanding the tensions that exist within the drag community. The act of tipping and accepting money is a way of opting out of mainstream exchanges of capital. Drag queens therefore use their performances

⁸⁰ *Id.* at 442.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.* at 443.

⁸⁴ Jacob Passy, *How to Live Your Best Financial Life, As Told by The Queens of "RuPaul's Drag Race,"* MARKETWATCH (Mar. 26, 2018, 11:24 AM), <https://www.marketwatch.com/story/how-to-live-your-best-financial-life-as-told-by-the-queens-of-rupauls-drag-race-2018-03-22>.

⁸⁵ *See, e.g.,* Taylor & Rupp, *supra* note 10 at 117-18.

and their community to make living outside the mainstream. This practice is common to almost all drag communities and performances and is evidence of a culture that runs parallel to the external heteronormative hegemonic culture but is separate from it.

In arriving at an answer to the question, "what is drag?", we actually complicate rather than clarify the issue. The performance of drag is the performance of gender, class, and race, and its practitioners are linked to both their local communities and to one another. Ultimately, the project of this Section is successful if we can all agree that drag is more than just a man in a wig, but rather a developed community of individuals with social and cultural norms that set them apart from a conformist mainstream.

II. History of Drag in the United States

Drag and the performance of gender on stage has a long global history, but the focus of this Section will be on drag in the late 19th and early 20th centuries and the 1960s onward. This Section is not meant to be a comprehensive history of drag queens and their communities in the United States. Such histories have already been written.⁸⁶ Rather, this Section seeks to highlight some of the major eras of drag in the United States, as well as the legal and societal adversity, facing drag queens.

A. The First U.S. Drag Queen

Some scholars argue that the first true drag queen in the United States was a formerly enslaved man named William Dorsey Swann.⁸⁷ In his forthcoming book entitled *House of Swann: Where Slaves Became Queens*, Channing Gerard Joseph describes the life and legacy of William Dorsey Swann, who was arguably the first drag queen in the United States and the world.⁸⁸ Swann,

⁸⁶ e.g. AMELIA JONES, IN BETWEEN SUBJECTS: A CRITICAL GENEALOGY OF QUEER PERFORMANCE (2020).

⁸⁷ Channing Gerard Joseph, *House of Swann: Where Slaves Became Queens*, <https://www.whiting.org/content/channing-gerard-joseph/> (book forthcoming).

⁸⁸ *Id.*

the drag mother of the House of Swann, organized drag balls in the Washington, D.C. area for other men—many of whom were enslaved or formerly enslaved people.⁸⁹ The ball goers dressed "according to the latest fashions" of 1888, replete with wavy wigs and decadent gowns.⁹⁰ Eventually, the drag balls held by Swann were shut down after a raid by the Washington police force.⁹¹ Swann was arrested, convicted, and sentenced to ten months in jail on the charge of "keeping a disorderly house," which was language used for running a brothel.⁹²

B. Burlesque, Minstrel Shows, and the Twenties

In the intervening years between Swann and the 1960s, drag continued to develop. Some scholars draw parallels between drag and the minstrel shows of the late 1800s and the early 1900s⁹³ where the show's entertainment arose from ridiculing of Black people on stage.⁹⁴ Some scholars posit that with the public airing of racism in the form of comedy against Black men, Black women's femininity was targeted through lampooning their dress, style, and mannerisms.⁹⁵

Aside from minstrel shows, the Roaring Twenties also brought about new forms of entertainment in the forms of burlesque and vaudeville entertainment. For example, Mae West created plays that featured female impersonators—what we would now call drag queens—that were entitled *The Drag* and *The Pleasure Man*.⁹⁶ Both plays were centered around drag queens—female impersonators—and gay men. Some scholars argue that her "gay plays," as these two

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Channing Gerard Joseph, *The First Drag Queen Was a Former Slave*," NATION (Jan. 31, 2020), <https://www.thenation.com/article/society/drag-queen-slave-ball/>

⁹³ Kelly Kleiman, *Drag = Blackface*, 75 CHI.-KENT L. REV. 669, 670 (2000).

⁹⁴ *Id.*

⁹⁵ Capers, *supra* note 5 at 9.

⁹⁶ Ariel Nereson, *Queens "Campin" On Stage: Performing Queerness in Mae West's "Gay Plays"*, 64 THEATRE J. 513, 515-16 (2012).

works are called, served as spaces where "transgressive sexualities" could be performed on the "legitimate stage."⁹⁷

C. *The 1960s: Drag "Crystallized"*

Drag in the 1960's "fully crystallized" into the modern understanding of what a drag queen is today.⁹⁸ Drag balls, performances by drag queens in bars and hotels, while still conducted largely at night and away from the rest of society, continued to grow.⁹⁹ Competitions for drag queens that operated outside the ball environment were beginning to gain steam.¹⁰⁰ For example, *The Queen*, a documentary film released in 1967, followed a group of New York drag queens as they prepared to enter the Miss All-America Camp Beauty Pageant.¹⁰¹

But the 20th century was not all crowns and scepters for drag queens in the United States. Many scholars have focused on the over-policing and resulting violence that faced these drag communities. Anthony Michael Kreis, in his article *Policing the Painted and Powdered*, offers a stark look into the over policing of LGBTQ individuals.¹⁰² Police targeted both the establishments that hosted members of the LGBTQ community, as well as the members themselves.¹⁰³ Drag queens were no exception.¹⁰⁴ Professor Capers also describes the over-policing specifically targeted at members of the drag community in his article entitled *Cross Dressing and the Criminal*. Capers discusses the laws that specifically targeted those who cross dressed. In addition, vagrancy laws were used by the police as a "catch-all" to allow the arrest and prosecution of LGBTQ

⁹⁷ *Id.*

⁹⁸ Kathrine A Boyer, *Behind the Glitz & the Glam: Drag Culture in the 1960's to Modern Day*, ODYSSEY (Aug. 15, 2016), <https://www.theodysseyonline.com/glitz-glam-drag-culture-1960s-modern-day>

⁹⁹ *See id.*

¹⁰⁰ Michael Koresky, *Queer & Now & Then: 1967*, FILM COMMENT (June 19, 2019), <https://www.filmcomment.com/blog/queer-now-then-frank-simon-the-queen-1967/>

¹⁰¹ *Id.*

¹⁰² Anthony Michael Kreis, *Policing the Painted and Powdered*, 41 CARDOZO L. REV. 399, 419 (2019)

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 435.

individuals. According to Capers, in 1977 the Houston police charged fifty-three people with violations for not dressing according to their sex.¹⁰⁵

While not overly focused on the drag community at large, Steven A. Rosen also chronicled the history of police interactions with members of the LGBTQ community in his article *Police Harassment of Homosexual Women and Men in New York City 1960-80*.¹⁰⁶ Through first-hand accounts, Rosen details many instances of police violence noting that much of the documentation preceding 1970 has been lost to history. He cites the taboo nature of homosexuality that disincentivized journalists from mentioning police violence towards LGBTQ people, as well as the lack of reporting of police harassment for fear of outing themselves.¹⁰⁷ Rosen also detailed alarming situations where police officers would dress in clothing in attempt to solicit members of the LGBTQ community and then promptly arrest them.¹⁰⁸

D. Drag and Gender: Sociological, Queer, and Anthropological Studies of Drag

At its core, drag is performance: performance of gender,¹⁰⁹ performance of race,¹¹⁰ and performance of class.¹¹¹ This performance is integral to, yet distinct from, the larger drag community.¹¹² Before deep-diving into modern-day drag, it is worth mentioning the current scholarship on drag, which spans sociology, anthropology, and queer and women's' studies.

¹⁰⁵ Capers, *supra* note 9.

¹⁰⁶ Steven A. Rosen, *Police Harassment of Homosexual Women and Men in New York City 1960-1980*, 12 Colum. Hum. Rts. L. Rev. 159 (1980).

¹⁰⁷ *Id.* at 161-62.

¹⁰⁸ *Id.* at 170.

¹⁰⁹ I. Bennett Capers, *Cross Dressing and the Criminal*, 20 YALE L.J. & HUMAN. 1, 17 (2008); *see also* JUDITH BUTLER, *GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY* vii (1999).

¹¹⁰ Ragan Rhyne, *Racializing White Drag*, 46 J. Homosexuality 181, 181-82 (2004)

¹¹¹ *Id.* at 187-88.

¹¹² Drag queens are those members of the drag community that practice drag on stage. In this Essay, the term “drag queen” will be used to refer to all members who participate in drag, whether one time or as a career.

Scholarship on drag queens frequently focuses on the interplay of sex, gender, and performativity.¹¹³ Thus, drag functions as a prism for the outside observer through which scholars can refract meaning about sex and gender.¹¹⁴ While these studies are important for modern understandings of these individual components of drag, the significance of viewing drag queens as members of a larger drag community is paramount. For example, the seminal text that is still cited today is an outdated¹¹⁵ anthropological study of drag queens in the ethnography by Esther Newton, *Mother Camp*.¹¹⁶ In *Mother Camp*, Newton describes two categories of drag queens: "street impersonators" and "stage impersonators."¹¹⁷ Stage performers are similar to the drag queens we know today¹¹⁸—often men, often homosexual, who don women's garb to entertain and make money.¹¹⁹ In contrast, she describes "street impersonators," as those who walk the streets and dress in drag as "jobless young homosexual men who publicly epitomize the homosexual stereotype and are the underclass of the gay world. For street impersonators, the job is one element and in a consistently alienated lifestyle."¹²⁰

Early scholarship surrounding drag communities frequently focuses on individual ethnographies of different clubs, rather than taking a holistic view of drag as a larger community. This is the tact Newton took in *Mother Camp*. Another example is the more recent article *Chicks with Dicks*.¹²¹

¹¹³ See, e.g., BUTLER, *supra* note 109.

¹¹⁴ *Id.*

¹¹⁵ One modern book review discusses the outdated manner in which Esther Newton discussed drag queens, but acknowledges how important the text was at the time of its publication. David Valentine, *Reviewing Mother Camp (Fifty Years Later)*, 120 AM. ANTHROPOLOGIST 850, 850-51 (2018).

¹¹⁶ ESTHER NEWTON, *MOTHER CAMP* (1972).

¹¹⁷ *Id.* at 1-20.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.* at 8.

¹²¹ It should be noted that at the time *Chicks With Dicks* was written, the article's title would have been much more acceptable than it is today. The authors of the article conducted interviews with twelve drag queens in a Key West nightclub to write an ethnography of the queens' experiences as drag queens. Taylor & Rupp, *supra* note 10.

Recent scholarship also discusses drag with more attention to the individual's experience. Professor of Law Anthony Kreis, implicitly mentions drag in his article, *Policing the Painted and Powdered*.¹²² In his article, Kreis discusses how police have treated the gay community as a whole, with New York City as his touchstone.¹²³ As part of his analysis of gay men in New York, he implicitly discusses drag by including those who were "painted and powdered," or the "fairies" that wore makeup in his analysis. He juxtaposed "fair[ies]," "faggot[s]," and "queen[s]," the "effeminate" and "flamboyant" men, and "trade," the "non-effeminate men" that "engaged in same-sex intimacies," sometimes for payment.¹²⁴ Kreis focuses his scholarship mainly on discrimination against sexual orientation minorities.¹²⁵ Similarly situated scholars such as, Professor of Law, Darren Lenard Hutchinson, have critiqued queer legal scholarship that focuses on the plight of white urban gays while leaving other racial minority groups to the side.¹²⁶ Ultimately, there is not a wealth of legal scholarship concerning drag queens. However, with more attention to both the individual drag queens' experience throughout history, and the recognition by the legal community that drag queens are members of a rich community, rather than an aberrant subgroup of LGBTQ people, more sensitive and illuminating legal scholarship may arise.

E. Modern Drag: Ru Paul's Drag Race

One modern drag queen succinctly described her personal take on drag: "I am a cross between a clown, a stripper, and a streetwalker."¹²⁷ Our story of drag in the United States

¹²² Anthony Michael Kreis, *Policing the Painted and Powdered*, 41 CARDOZO L. REV. 399, 419 (2019).

¹²³ See generally *id.*

¹²⁴ *Id.* at 422.

¹²⁵ *Id.* at 440.

¹²⁶ Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561, 583-84 (1997).

¹²⁷ Sarah Hankins, "I'm a Cross between a Clown, a Stripper, and a Streetwalker": Drag Tipping, Sex Work, and a Queer Sociosexual Economy, 40 SIGNS 441 (2015).

culminates in the introduction to the world of glamazon¹²⁸ by RuPaul Charles. RuPaul's show gathers queens from around the country and pits them against each other by having them compete in runway competitions.¹²⁹ Similar to the drag balls of the 20th century, the queens are given a category and are tasked with creating a look for the runway.¹³⁰ After judging their looks, the judges choose the two queens who did poorly in the challenge.¹³¹ One of the two are eliminated after the pair "Lip Syncs for Their Life."¹³² The show has only grown in popularity. The season premiere of its thirteenth season garnered 1.3 million viewers in the United States.¹³³

In addition to the television franchise, RuPaul was able to create an accompanying and lucrative brand. Each year, coronavirus notwithstanding, RuPaul holds a convention in New York and Los Angeles.¹³⁴ RuPaul's Dragcon gathers queens from the show for a convention dedicated to drag, and to RuPaul.¹³⁵ In 2017, the New York and Los Angeles conventions sold over \$8 million in merchandise—and had over 100,000 attendees.¹³⁶

Ultimately, *RuPaul's Drag Race* changed the face of drag. No longer is drag practiced only in the shadows of night clubs, it is also practiced on primetime television. The increased attention given to drag, along with the accompanying societal acceptance, has spring boarded drag

¹²⁸ "Glamazon" is a portmanteau that RuPaul uses frequently to refer to a "female phenomenon: a glamazon." It is also the name of one of her electronic music studio albums. GLAMAZON (2011), https://open.spotify.com/album/1dvidQe99PmEDSW91azSTw?si=zNyVSj78Qg-4tHFzm8l_sQ.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ Dino-Ray Ramos, "RuPaul's Drag Race" Season 13 Premiere Slays As Most-Watched Episode In Franchise's History," DEADLINE (Jan. 4, 2021), <https://deadline.com/2021/01/rupauls-drag-race-season-13-premiere-vh1-ratings-most-watched-episode-1234664587/>.

¹³⁴ Jimmy Im, *How 'RuPaul's Drag Race' Helped Mainstream Drag Culture—And Spawned a Brand Bringing In Millions*, CNBC NEWS (May 30, 2019), <https://www.cnbc.com/2018/09/28/rupauls-drag-race-inspired-multimillion-dollar-conference-dragcon.html> (last updated May 31, 2019).

¹³⁵ *Id.*

¹³⁶ *Id.*

into the limelight. However, the underlying concepts have not significantly changed, even with the increased spotlight.

III. Drag in the Spotlight

This Section argues that the previous culture norms that existed within the drag community were thrust into the limelight due to the rapid shift online due to the coronavirus. Before this shift, the internal workings of drag culture, such as houses, balls, and drag families, were only visible to those who attended a drag club, in the dressing rooms themselves, or in the parking lot after a drag show.¹³⁷ However, these internal workings are now put on display for the world to see. This phenomenon is further complicated by the movement in culture that commodifies drag in the vein of *RuPaul's Drag Race*. First, the meeting of the Black Drag Council in Chicago, where a well-known and influential gatekeeper of Chicago Drag, was ousted, represents a glimpse into the internal workings of the drag community that previously has not been seen with such clarity. Second, the introduction of *RuPaul's Drag Race* introduced drag to exponentially more viewers than the artform had ever experienced.

A. Peering Behind the Dressing Room Curtain

1. Boystown & the Chicago Black Drag Council

North Halsted Street in Chicago, Illinois, is colloquially known as Boystown.¹³⁸ The main drag of Boystown is replete with gay bars, restaurants owned by LGBTQ individuals designed for an LGBTQ audience, and shops with drag makeup supplies, size 14 high-heels, and leather

¹³⁷ See Rachel Buckner, *Underground Ball Culture*, GRINNELL COLLEGE, (“The balls create a welcoming, non-critical space for the queer community to construct their sense of self in their own hidden world free of the constraints that mainstream society puts on gender and sexual expression.”) (last accessed April 21, 2021).

¹³⁸ Sarah Friedmann, *Examining the Past, Present, and Future of Chicago’s First Gay Neighborhood*, DAILY BEAST (July 25, 2019), <https://www.thedailybeast.com/the-history-of-chicagos-boystown-examining-the-past-present-and-future-of-the-citys-iconic-gay-neighborhood>.

harnesses.¹³⁹ At night, the strip transforms into a nightlife district and the road turns into a runway. Posters for each club advertise the drag shows of the evening, with the house queens ruling the roost of each individual bar. There are also bars like Berlin, that host drag competitions, where up-and-coming drag queens can cut their teeth in the hopes of winning a competition and a club booking.¹⁴⁰ These club bookings are gatekept by the queens in charge of each individual club.¹⁴¹ In general, the queen in charge will coordinate the drag shows on behalf of the club's owners.¹⁴² They can be "queenmakers," or tank an individual's ability to catch hold in the Chicago drag community.¹⁴³

One of the main gatekeepers of Chicago drag was T-Rex (formerly known as Trannica Rex).¹⁴⁴ However, her reign came to an end on Saturday, June 20th, 2020, during a Zoom town-hall meeting called by Chicago's Black Drag Council.¹⁴⁵ This format, while at first brush quotidian for life post-pandemic, is striking. Due to the coronavirus pandemic, the entire town hall was streamed to anyone on the Internet. Previously, drag culture remained fairly insular. The ballroom scene was predominantly underground,¹⁴⁶ During the town hall, two moderators, Lucille ("Lucy") Stoole, a well-known local drag queen and leader of the Black drag community, and Shimmy LaRoux, a burlesque dancer by night and diversity, equity, and inclusion consultant by day, met

¹³⁹ *Id.* Leather harnesses are a hallmark of the gay kink community. See Bobby Box, *The Lost History of the Leather Harness*, IN MAGAZINE (March 13, 2020), <http://inmagazine.ca/2020/03/the-lost-history-of-the-leather-harness/>.

¹⁴⁰ E.g. Ross Forman, *New to the Scene, Alex Jenny is Chicago Drag Breakout Star*, CHI. GO PRIDE (July 17, 2019), <https://chicago.gopride.com/news/article.cfm/articleid/105050025>.

¹⁴¹ See Rebecca Makkai, *The Judgment of T-Rex*, CHI. MAG. (Oct. 20, 2020), <https://www.chicagomag.com/chicago-magazine/november-2020/the-judgment-of-t-rex/>.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ Though the event was streamed on Twitch, Rebecca Makkai's writeup for Chicago Magazine is the most comprehensive. Makkai is a Chicago author who also wrote the gay novel THE GREAT BELIEVERS. *Id.*

¹⁴⁶ Bailey, *supra* note 65, at 367.

with bar owners in Boystown and their head drag queens to discuss racial equity. As a result, T-Rex was ousted from her position in every Chicago and Milwaukee bar.¹⁴⁷

Though much T-Rex's oust was related to her treatment of Black and Brown members of the Chicago drag community, there were also undertones unrelated to race.¹⁴⁸ For example, one white queen noted in the open letter to T-Rex that her management style was also at fault.¹⁴⁹ Namely, the queen notes that T-Rex had a certain idea of how a drag show should look, complete with high kicks and upbeat music.¹⁵⁰ If a queen did not adhere to what T-Rex thought was a good drag show, that queen would not receive future bookings.¹⁵¹ Additionally, Bambi Banks-Coulée, the drag daughter of Shea Coulée, noted T-Rex's double standard for performance.¹⁵² T-Rex would require the girls she booked to have completely different outfits and sets for the different shows in which they performed, whereas T-Rex would wear the same outfit during two shows in a weekend.¹⁵³ Personal animosity was dredged up as well including, a time when T-Rex verbally assaulted one drag performer for using stage blood during a performance.¹⁵⁴ Leading up to the town hall, T-Rex had a more private conversation with Lucy Stoole and other members of the Black Drag Council where she agreed to terms such as giving up her show hosting, managerial, and booking duties for two shows a month.

This public exposure of the inner workings of the Chicago drag community was unprecedented. Much of this was by design—by holding such a town hall in public, the bar owners

¹⁴⁷ Jake Wittich, *T Rex, Leader in Chicago Drag Scene, Dropped By Roscoe's And Berlin Amid Allegations of Racism*, BLOCKCLUB CHICAGO (June 22, 2020), <https://blockclubchicago.org/2020/06/22/t-rex-leader-in-chicago-drag-scene-dropped-by-roscoes-and-berlin-amid-allegations-of-racism/>.

¹⁴⁸ Makkai, *supra* note 141.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ Makkai, *supra* note 141.

would be held to their accountable to the community at large. However, it was striking to see how drag queens interacted with one another, on and off stage, on a platform that was streamed on Twitch and later posted on YouTube.¹⁵⁵

2. *Philadelphia & the Black Queer & Burlesque Town Hall*

The public reckoning of a previously insular community was not limited to the ousting of T-Rex in Chicago. A similar shakeup happened in Philadelphia with the Philly queen Mimi Infurst.¹⁵⁶ In 2018, Mimi was accused by two other drag queens of repeatedly sending sexually explicit and unwelcome messages to the other queens.¹⁵⁷ She was referenced again in 2020 during an event similar to Chicago's Black Drag Council townhall, the Philly Black Queer & Burlesque Town Hall. The Philly Black Queer & Burlesque group held a public meeting where Mimi's accusations were levied, and other accusations of racism targeted at gay clubs and bars in the Philadelphia area.¹⁵⁸ Icons, Ebony Fierce and VinChelle, two local queens, hosted the meeting, where Black queer performers asserted allegations of discrimination in the casting of their drag shows.¹⁵⁹ A litany of accusations followed including the President of the Philadelphia Gay Men's Chorus being accused of taking money from a supporter of the Philadelphia Police, and Brandon Roberts, a manager at a local bar, being asked to step down from his role due to sexual harassment allegations.¹⁶⁰

3. *Other Glimpses Behind the Curtain*

¹⁵⁵ *Id.*

¹⁵⁶ Ernest Owens, *Mimi Infurst Admits to Initiating Unwelcome Online Sexual Chats with Two Drag Wars Contestants*, PHILLY MAG (May 11, 2018), <https://www.phillymag.com/news/2018/05/11/mimi-infurst-sexual-harassment/>.

¹⁵⁷ *Id.*

¹⁵⁸ Jamyra Perry, *Philadelphia's Black Queer and Burlesque Performers Call Out White Producers and Club Owners*, PHIL. TRIB. (June 29, 2020), https://www.phillytrib.com/lifestyle/philadelphia-s-black-queer-and-burlesque-performers-call-out-white-producers-and-club-owners/article_0add6afb-b111-5747-a54c-47d2cafa997c.html.

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

The public shaming of Sherry Pie, a *RuPaul's Drag Race* contestant, serves as another example of drag queen dispute resolution.¹⁶¹ After filming for Season 12 was complete, but prior to its release, victims came forward alleging sexual harassment at the hands of Sherry Pie.¹⁶² Specifically, the queen was accused of posing as an up-and-coming photographer who would lure young, mostly homosexual, men into stripping on camera under the guise of a potential modelling contracts.¹⁶³ However, this was a complete façade.¹⁶⁴ After being accused of misconduct, Sherry Pie released a statement acknowledging her prior misdeeds.¹⁶⁵ As such, the producers of *RuPaul's Drag Race* retroactively disqualified her from the competition.¹⁶⁶

Outside observers also get glimpses into the world of drag through the public interactions taking place on Twitter between drag queens. No matter the time or place, viewers can see some degree of spat between drag queens—both famous and amateur. For example, the feud between Trinity "The Tuck" Taylor and Farrah Moan; two drag queens known for their roles on *RuPaul's Drag Race*.¹⁶⁷ Farrah Moan accused Trinity of violating coronavirus restrictions during her in-person performances at a time when most were performing online.¹⁶⁸ Trinity retorted with an acid tweet reading "[u]nless you are going to pay my bills then I suggest stfu about me doing what I need to do to survive!"¹⁶⁹

¹⁶¹ David Mack, "Drag Race" Star Sherry Pie Apologized After Five Actors Said She Catfished Them, BUZZFEED NEWS (March 5, 2020), <https://www.buzzfeednews.com/article/davidmack/rupaul-drag-race-sherry-pie-catfish-joey-gugliemelli>.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ Katy Stephan, *Here's Why Your Favorite "Drag Race" Queens Are Feuding On Twitter*, ACCESS ONLINE (Jan. 5, 2021), <https://accessonlinefrontprod.ao.apps.nbcuni.com/articles/heres-why-your-favorite-drag-race-queens-are-feuding-on-twitter>.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

On-screen fights on *RuPaul's Drag Race* also provide a window into a previously unseen world. After each runway competition, the queens retire to a lounge where they discuss the runway, and tensions quickly rise.¹⁷⁰ For example, Aja, a queen on Season 9, vocally accused her co-competitor Valentina of casting a spell over the judges.¹⁷¹ Aja noted that the judges could see no wrong done by Valentina: "[The judges all say] Valentina, you're perfect, you're beautiful you look like Linda Evangelista you're beautiful, did you stone those tights? . . . They eat her up every time she's on that damn stage!"¹⁷²

B. Modern Drag as Continuation

Viewers are now able to see behind the curtain of a previously insular community due to the migration online, due in part to the coronavirus, and the introduction of drag to popular culture by the show *RuPaul's Drag Race*. The combination of these two seismic shifts in drag has revealed the inner workings to entirely new audiences, yet the cultural norms and behaviors of drag queens stays true to the history of drag. It is a continuation of the fiercely queer and countercultural nature of drag queens, not a change.

Taking first the disputes between queens on Twitter and *RuPaul's Drag Race* itself, these disputes and conversations echo those paragons of drag. The interpersonal disputes—though touching on important topics, like Farrah Moan's accusations of Trinity "The Tuck" Taylor of

¹⁷⁰ See Kiki Backstage With the Queens, *RuPaul's Drag Race: Untucked*, VH1, <http://www.vh1.com/shows/rupauls-drag-race-untucked> (last accessed April 21, 2021).

¹⁷¹ See Michael Cuby, *The 10 Messiest Fights in Drag Race: Untucked History*, THEM (June 28, 2021), <https://www.them.us/story/drag-race-untucked-10-messiest-fights>; see also *Aja About the Linda Evangelista Untucked – RuPaul's Drag Race S9 Reunion*, DAILYMOTION, <https://www.dailymotion.com/video/x5r411e> (last accessed April 21, 2021) (video recording of Aja and Valentina's interaction on screen).

¹⁷² Cuby, *id.*

violating coronavirus restrictions¹⁷³— are still being resolved between queens in much the same way different houses would vogue. Vogueing is flashy, upbeat, and deftly executed.¹⁷⁴

The queens interact in a quintessential drag manner. The same is true for the handling of interpersonal conflict between members of the drag community, whether those disputes involve coronavirus restrictions or the love a *RuPaul* contestant receives from the judges. Even before the pandemic, queens would use the language of drag and flair of vogue to handle their internal disputes. In a time where in person vogue battles cannot occur, queens are using their social media platforms to engage with one another to resolve their disputes.

The handling of more serious internal complaints by larger affiliations of drag queens also touches on important themes that have consistently remained in the drag community. The two Chicago and Philadelphia townhalls, heavily feature the societal norms that are discussed in Section II.¹⁷⁵ The queens implicate fashion and its importance to self-expression and performance. One of the accusations that queens levied at T-Rex was her handling of what performers could wear and how often they could wear it.¹⁷⁶ This goes directly to the history of fashion within the drag community. In the same way that crossdressing is a form of expression, so is the choice of what to wear during a performance. It is telling that amid the accusations of racist treatment of performers at the hands of T-Rex, her ability to control the queens' outfit choices was among the complaints.¹⁷⁷ On one level, she had exercised too much creative control, and the queens lashed out because of it. On a higher level, she had encroached on their ability to perform gender, class, and race in the way they saw fit—a cardinal sin in drag, where freedom of self-expression is key.

¹⁷³ See Stephan, *supra* note 167.

¹⁷⁴ See Tsione Wolde-Michael, *A Brief History of Vogueing*, SMITHSONIAN NAT'L MUSEUM AFRICAN AM. HIST. & CULT., <https://nmaahc.si.edu/blog-post/brief-history-vogueing> (last accessed April 21, 2021).

¹⁷⁵ See *infra*, Section II.

¹⁷⁶ See Makkai, *supra* note 145.

¹⁷⁷ *Id.*

The queens internalize major disputes in a similar manner as previous generations, dating back to the 1960's, 70's, and 80's. The townhalls, while public, work extrajudicially to enforce norms that the drag community itself finds important. For example, the courageous stand against racism that queens in Philadelphia and Chicago forced bar owners to make conscious changes with the threat of reduced patronage and the amount of drag performers willing to put on shows.¹⁷⁸ During the earlier decades of drag, the community also took matters in their own hands, rather than rely on authorities or the legal system to correct those wrongs.¹⁷⁹

The queens' emphasis of queer spaces in the town hall meetings, also resonates with the importance that queer spaces always have had in the drag community.¹⁸⁰ Their allegations of racism were levied against the bars and the bar owners. For the drag community, queer spaces have always been more sacred. Queens frequented the bars of New York in the 20th century to socialize with other like-minded queens and seek safe havens.¹⁸¹ Similarly, the attention the queens paid to the queer spaces in Boystown and Philadelphia underscores the continuing importance of physical spaces in which to gather.¹⁸²

Those who observe these previously unseen internal workings of drag may be confused without a well-rounded understanding of the internal workings of drag. Without the knowledge and appreciation of the hustle of drag queens with respect to capital, the importance of fashion and its history as means of signifying and gendered control.

Conclusion

¹⁷⁸ *Id.*

¹⁷⁹ For example, the entire structure of the ballroom culture was structured to allow the members of the drag community to have autonomy to think, act, and behave in ways that were countercultural. In the same way, the fight against racism in the Chicago bars is a fight for autonomy.

¹⁸⁰ See Makkai, *supra* note 145.

¹⁸¹ See Kreis, *supra* note 122 at 418-19.

¹⁸² See Makkai, *supra* note 145; Perry, *supra* note 158.

Drag queens are often members of the LGBTQ community. However, they occupy a unique and important space within it. This Essay illustrated that, even with the introduction of drag to mainstream culture and the springboard online due in large part to of the coronavirus, the fundamental pillars of drag have remained consistent through time. The societal structure of drag communities, the mechanisms of dispute resolution, and the importance of cultural norms such as fashion and performativity are all present in modern-day drag. By tracing the history of drag in the United States, as well as the adversity drag queens and other members of the LGBTQ community have experienced, the counter-cultural norms and methods of interacting with other queens have remained consistent. The primary examples are the Black Drag Council's virtual town hall meeting in Chicago, a similar town hall in Philadelphia, and the attitudes and interactions of many drag queens on social media. These types of conversations may not be occurring in a club or behind a bar, but the inherent values of the community are still respected. By providing an entry point to drag, this Essay hopes to spur further legal scholarship of the drag community at large.