Season 8, Episode 13 Lucy Hicks Anderson Final Transcription

Lizzie Peabody: This is Sidedoor, a podcast from the Smithsonian with support from PRX. I'm Lizzie Peabody.

[MUSIC]

Lizzie Peabody: Picture a courtroom. It's hot, crowded. At the front of the room, a square shouldered prosecutor paces back and forth in front of the witness stand. In between questions he pauses to glare at the woman sitting there. She's elegantly dressed, gloves, tailored skirt suit, clearly fashionable.

Riley Snorton: She's making full eye contact and no real smile.

Lizzie Peabody: This is Riley Snorton, a professor of English and gender and sexuality studies at the University of Chicago.

Riley Snorton: She absolutely has a face of steely resolve.

[MUSIC]

Lizzie Peabody: It's the mid-forties, southern California. The woman on the stand is Lucy Hicks Anderson, a philanthropist, award-winning cook, and socialite known for throwing the best parties in Ventura County. And now she's on trial for lying about her gender. The prosecutor is trying to prove that she cannot be a woman. He asks, do you ever wear a wig?

Riley Snorton: Lucy says, "If I think I look better with a wig, I do."

Lizzie Peabody: The court chuckles along with Lucy's quip. The prosecutor regroups, pauses, looks at her marriage certificate and asks another question. "You were married," he says. "To a Mr. Clarence Hicks, was he a man?"

Riley Snorton: And Lucy replied, "Well, he's supposed to be." And I just think about the reaction as quintessential. We could hear that in a sitcom today.

Lizzie Peabody: Yeah. Lucy was potentially facing years in prison, but she was a cool customer. Unflappable. The prosecutor didn't let up though. He tried again, this time thinking he had a question that would finally fluster her.

Riley Snorton: He asked, "What part of your body do you consider feminine?" And she, for the audience of the judge, and the jury says, "For one part, I'd say my chest." And she reveals her chest to the courtroom.

Lizzie Peabody: She flashed the courtroom?

Riley Snorton: She flashed the courtroom. Indeed, she did.

Lizzie Peabody: Wow.

Riley Snorton: Yes. Yes.

Lizzie Peabody: What a move.

Ashleigh Coren: She was bold. She was brave. She was outspoken. And she knew who she was, and she was proud of who she was.

Lizzie Peabody: This is Ashleigh Coren, Acting Head of Education for the Smithsonian American Women's History Initiative.

Ashleigh Coren: I think that story really shows us just how unafraid she was. And she was in this situation where people were constantly, constantly trying to put her in a category. And she refused to be put in that category because she knew who she was, and she didn't want anyone else dictating who she was.

Lizzie Peabody: Lucy Hicks Anderson was Black and transgender, living in a time when racial segregation was the law of the land. And gender identity was often misunderstood, even criminalized. But this didn't stop Lucy from becoming a successful entrepreneur through Prohibition and World War II. She owned brothels, speakeasies, and played a prominent role in her community. But now, she was being prosecuted for who she was. So, this time on Sidedoor, we bring you the story of Lucy Hicks Anderson: A Black trans woman who refused to let others define her. What did the jury ultimately decide? And what does her court case, and the publicity around it, say about our country's long history of misunderstanding gender identity? That's coming up, after the break.

[MUSIC]

Lizzie Peabody: Let's get one thing straight. Lucy Hicks Anderson could cook.

Ashleigh Coren: I was recently asked, if I had the opportunity to eat with anyone in history, who would I invite for a meal? And my answer was, actually, I can't cook, and I shouldn't be cooking for other people, but I would love to have been able to sit down at Lucy Hicks Anderson's house to be able to enjoy one of her feasts.

Lizzie Peabody: This is Ashleigh Coren again. She says, Lucy probably learned to cook the way many women did in the late 19th century. From her parents and grandparents.

Ashleigh Coren: She's from Kentucky, but I'm thinking about my aunts who are from the South, thinking of really wonderful like bundt cakes and German chocolate cake and pies.

Riley Snorton: But what she was very much known for is the most light and airy souffles, baked goods.

Lizzie Peabody: Professor Riley Norton says, Lucy had the awards to back it up. A first-place trophy in the county fair for her fruitcake and her custard pie and her pumpkin pie.

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Lizzie Peabody: Lucy was born in Kentucky in 1886. She was raised in a small rural town in the center of the state called Wadi. Snorton says she was assigned male at birth, but.

Riley Snorton: She lives actually in the gender that she preferred from her childhood on. And is recorded as saying that her mother was incredibly supportive of her.

Lizzie Peabody: When Lucy's mother took her for a checkup at age nine, the doctor encouraged Lucy to live as a woman. Lucy's mother said, "There's nothing to do. You're a girl and you're not like other little girls."

Riley Snorton: She was wearing dresses as a young girl, and certainly by the time she hits her teenage years.

Lizzie Peabody: We don't know a lot about what it was like to be transgender at this time, because there aren't many historical records from a trans person's perspective. Some transgender figures in history kept their identities so hidden that their children didn't know that they were trans until after they died. But Lucy's story, at the very least, gives us a unique window into one person's experience. When she was 15 years old, she left Kentucky. We don't know why, but Snorton has some theories.

Riley Snorton: What we know about trans experiences in all kinds of communities, particularly ones in more rural areas, is that even as there are sites of robust support, there may still seem like there's more living to be done.

Lizzie Peabody: Lucy moved all over the country. She met her first husband, Clarence Hicks, in New Mexico. When that marriage ended in the late 1920s, she moved to sunny southern California to a town in Ventura County called Oxnard.

Ashleigh Coren: This is not Los Angeles. I think it's very important to recognize that Oxnard, California is not Los Angeles. It's not San Diego. It's not San Francisco.

Lizzie Peabody: What is it like?

Ashleigh Coren: It's just a small town.

Lizzie Peabody: But Oxnard was home to a major sugar factory that attracted blue collar workers from the surrounding areas in Mexico. When Lucy settled there in the 1920s, it was prohibition. And she noticed the town didn't have many places for workers to spend their hard-earned money when the whistle blew at the end of the day. So, Lucy, seeing an opportunity, capitalized.

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Lizzie Peabody: She seemed to be pretty successful during prohibition. What was she doing during that time?

Ashleigh Coren: She was doing a lot, some of which was not legal. Which is fine. We have to remember that prohibition was a time where a lot of people were doing things that were not very legal.

Lizzie Peabody: Lucy ran a speakeasy during prohibition. Serving plenty of prohibition tea, as it was known. That means alcohol. And eventually she branched out from speakeasys into brothels. By the 1940s, she owned several businesses in Oxnard. Each of varying legality.

Riley Snorton: She was always keeping a balance of legit and illicit.

Lizzie Peabody: I love that.

Riley Snorton: Streams of income.

Lizzie Peabody: Besides the brothels, Lucy ran a catering company that was wildly popular with the town's well to do.

Riley Snorton: And so, she lived in a space between wealthy elite circles, and spaces of illicit economies that also created mobility and survival.

Lizzie Peabody: For example, when she was arrested one night for running her speakeasy, a prominent banker in town rushed to bail her out. This wasn't out of some sense of injustice. It was because he had a dinner party planned, and Lucy was booked to cater it.

Ashleigh Coren: He didn't want anyone else to do it. He wanted Lucy Hicks Anderson to host this party because he knew she would do a good, or a great job. And I think that says a lot about her standing. We have to be very aware, right, of the racial dynamics of the particular time. But it also says a lot about the demand for Lucy Hicks Anderson as well.

Lizzie Peabody: Lucy parlayed her skills as a cook and a madam to become a socialite. Throwing the can't miss parties of the day.

Season 8, Episode 13 Lucy Hicks Anderson Final Transcription

Ashleigh Coren: People are clamoring for her food. They're clamoring to be a part of these parties. She must have really killed it. She really must have been throwing the parties of the year, and she must have really understood hospitality.

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Lizzie Peabody: I like to try to imagine Lucy hosting these parties. In magazine articles, she's described as a thin six-foot-tall woman with a Kentucky accent, who often wore lavish dresses and dawned other enviable garments. A Time magazine article described her fashion as ...

Speaker 4: She wore bright, low cut, silk dresses from which her slat, light collarbones protruded, and she affected picture hats and high heeled shoes. Her wigs were her pride. She had a long black wavy one, a short straight bobbed one, and for special occasions, a shoulder length job in red.

Lizzie Peabody: Lucy made herself an indispensable member of the community. Hosting charity events and political fundraisers for the town's movers and shakers. She gave money to the church, the Red Cross, and even the Boy Scouts of America telling them, "Just don't ask where the money came from."

Ashleigh Coren: And so, she uses her home as this access point, or this really important space, to use her talents to either raise money, or to bring different groups of people together. And understanding that, bringing these different groups of people together, she's the center of all of that.

Lizzie Peabody: Ashley says, this is a big deal. Remember, this was a time when your gender defined what roles you could perform in society. Women were usually relegated to taking care of the home, baking, cleaning, raising kids.

Ashleigh Coren: And so, there's this idea of, oh, you're just a homemaker, right? You don't have any agency. You don't have any power. But actually, history has shown that women who take on these roles actually understand the dynamics of community building, but also political power.

Lizzie Peabody: Despite being a Black woman in a segregated white community, Lucy moved freely through every social circle in town. She had friends in high places. Everyone in the community knew her. Her life was exciting, lucrative, and soon to be full of love. When World War II broke out, Lucy held parties for soldiers preparing to be sent off to war. These military men were also some of the best customers at her brothels. This is also when Lucy met her second husband, a soldier named Ruben Anderson. They were married in the fall of 1944. But not long after Lucy's luck changed.

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Lizzie Peabody: A group of sailors visited one of Lucy's brothels. Following the visit, one of them complained to a local sheriff that he had, quote, “been diseased after visiting one of Lucy's accommodating wenches.”

Riley Snorton: Which led to the involuntary testing of every person associated with those brothels.

Lizzie Peabody: The police chief made all of Lucy's brothel employees get a medical exam to prevent further spread of the disease. That included Lucy, even though she was the owner.

Riley Snorton: At the moment of the testing. There is the, and I'm putting in big air quotes, the gender reveal moment.

Lizzie Peabody: A white doctor conducted Lucy's exam and said that she was lying about her gender, that she was not a woman. Some historians have claimed racism played a role here. Her childhood doctor in segregated Kentucky was likely Black, and he had encouraged her to live life as a woman. Probably looking to protect her. The white doctor in Ventura County may have seen Lucy as a successful Black woman, fearless, openly defying racial and class boundaries. This is all speculation as to the motivation for what happened next. But the doctor reported Lucy, and Ventura County officials brought charges against her.

Riley Snorton: There are perjury charges based on her signing her marriage certificate. So, this is what brings her into court in Ventura County.

Lizzie Peabody: So essentially, they say that by signing her marriage certificate, which stated that she was a woman, she had committed perjury.

Riley Snorton: Correct.

Lizzie Peabody: Lucy got arrested. And we'll have more on that after the break.

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Lizzie Peabody: All the town was a buzz when the police arrested Lucy Hicks Anderson. Newspapers and magazines around the country also picked up on her case. Reporting on Lucy's story as though she were a punchline. Writing pejorative headlines like, the Madam Who Was a Man. And calling her, a female impersonator.

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Lizzie Peabody: rBefore Lucy stood trial, she was put through a series of medical examinations.

Riley Snorton: One of the things that actually, it's still hard to wrap my mind around about her court proceedings, is that they actually brought five doctors to testify to her legal gender, to the gender that she was assigned at birth.

Lizzie Peabody: Five?

Riley Snorton: Five to testify. Yeah.

Lizzie Peabody: That seems excessive.

Riley Snorton: Absolutely it is. In some way I'm like, oh, this is you protesting too much kind of situation. And it really doesn't seem as if you need five separate medical experts to testify to say that Lucy Hicks Anderson was male, according to medical and legal definition.

Lizzie Peabody: Snorton says, at this time, the medical establishment and the government define gender by physical characteristics. Things you can see. To put it bluntly, things like breasts, a vulva or a penis. Many people still mistakenly believe this today, and some legislators are working to return this to the legal definition of gender. But just to be completely clear, gender is a social construct, not necessarily related to physical body parts. This is the definition by the American Psychological Association.

Speaker 5: Gender is a person's deeply felt inherent sense of being a boy, a man, or male, a girl, a woman or female, or an alternative gender, which may or may not correspond to a person's sex assigned to birth.

Lizzie Peabody: The point is, there are people who still struggle to understand gender today. And Lucy was on trial 75 years ago when, legally speaking, gender was inextricably linked with sex. To counter this sort of thinking, Lucy's defense attorneys came up with a hidden organs defense. They argued that Lucy felt so strongly she was a woman, that she must have hidden female organs inside of her. Lucy even offered to donate her body to science after her death to allow scientists to search for these hidden organs.

Riley Snorton: I think a lot about that defense as a way of critiquing the idea that gender is discernible by sight.

Lizzie Peabody: News reports throughout the trial also conflated gender with what was, discernible by sight, as Snorton says. They referred to Lucy by using masculine pronouns. Portraying her as a man, dressed up as a woman. Not a transgender woman. Lucy weathered the media storm with steely resolve. In one paper, she's quoted saying, "I defy any doctor in the world to prove that I am not a woman. I have lived, dressed, acted just as I am, a woman. And I'm going to die a woman."

[MUSIC]

Lizzie Peabody: Lucy's lawyers argued that she had hidden organs. The prosecution argued that because of her physical characteristics, she could not be a woman. And when both sides rested their cases, the people in Ventura County thought Lucy could win. She was well connected to politicians and beloved by the community.

Riley Snorton: People are like, well, she's indispensable. She can't get caught up in this.

Lizzie Peabody: But the jury thought otherwise. On December 3rd, 1945, they returned a verdict of guilty, which was reported throughout the nation. Her sentence, a small fine and 10 years probation.

Riley Snorton: I got a sense at the end of the Ventura County proceedings that perhaps Lucy Hicks Anderson would just continue on.

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Lizzie Peabody: But Lucy's legal troubles went from bad to worse. Remember her husband, Sergeant Ruben Anderson? He was in the military, and she was receiving $50 a month for being the wife of a service member. So, when the Army found out Lucy was a trans woman, they were like, no way.

Riley Snorton: Both Lucy Hicks Anderson and Sergeant Ruben Anderson were brought up on charges. Ruben Anderson was facing a maximum of 10 years in a federal prison, and a top fine of 10,000, because he had the government send his wife $950 in allotment checks.

Lizzie Peabody: Lucy's gender was back on trial. This time in federal court facing felony charges. The US Army argued that she was not legally married to her husband, since same sex marriage was illegal. And the US government didn't recognize that Lucy, being a trans woman, was a woman.

Riley Snorton: According to the military, she was not eligible for any benefits as a military spouse.

Lizzie Peabody: This time in court, Lucy stayed quiet. She didn't say a single word, not the whole time. It was an act of defiance. That image of her remaining silent in the courtroom, it's like refusing to deny herself.

Riley Snorton: Exactly, precisely. To refuse to corroborate that story.

Lizzie Peabody: The jury came back with its verdict. Lucy and Ruben were both found guilty. The court invalidated their marriage, and Ruben was sentenced to 18 months in prison. Lucy was sentenced to a year in prison at Leavenworth Penitentiary, a men's facility. She was banned from Oxnard, and told she could no longer dress in women's clothing. Do we know if she listened?

Riley Snorton: No, she didn't. And often people were told to no longer carry forward the, quote unquote, masquerade. And in all of the instances of figures that I'm writing about, no one needed that. That was an impossibility. Yeah, yeah.

[MUSIC]

Lizzie Peabody: When Lucy got out of jail in 1946, she put her dress back on and her wig, depending on the outfit, and got right back to living her life.

Ashleigh Coren: The thing about Lucy is that Lucy went right back to being Lucy afterwards. And I think that to me is a takeaway. That even going through all of that traumatic, and I would actually classify it as violent scrutiny, she was like, I'm going to keep doing me. You can't tell me who I am.

Lizzie Peabody: Banned from Oxnard, Lucy and Ruben moved to Los Angeles. And this is where the paper trail stops. Nobody can even say for sure what year she died. Ashley says, that's both disappointing and comforting. Because we don't know how Lucy's story ends, but we know she didn't end up back in court. Unfortunately, criminal records are the only way we know about many trans pioneers like Lucy Hick Anderson, Mary Jones, Joseph Lobdell, Francis Thompson, the list goes on.

Ashleigh Coren: That's something that's pretty bittersweet. Because on the one hand, there's documentation. We do have documentation available. But on the other hand, the documentation is related to something that is incredibly painful in these people's histories, which is the law being used to regulate people's bodies and identities. The law being used to invalidate people's identities. And just their right to live their lives freely.

[MUSIC]

Lizzie Peabody: Trans people have always been here, even if our histories have failed to record their stories. Or purposely erased them. And that's why Ashleigh Coren is tracking down stories like Lucy's. Because not a lot is known about LGBTQ+ people in American history prior to the 1960s. And the soon-to-be built, Smithsonian American Women's History Museum, will include stories about these historical figures.

Ashleigh Coren: Traditionally, particularly when thinking about women's history, while there are tons of information about lesbian American subjects, there's not a lot of material on trans, or transgendered people. And so, I really wanted to make sure that even if we didn't have an object of this person in the collection, that I wanted to create something that I could share with the public.

Lizzie Peabody: Professor Snorton says, Lucy's story is just as relevant today as it was 75 years ago. The law is still being used to regulate gender identity. We tend to see our times as unique, but they're not.

Riley Snorton: I think Lucy Hicks Anderson, as a Black trans pioneer, is remembered as a fore mother, as an ancestor, as a possibility model. Lucy Hicks Anderson's story really resonates today.

Ashleigh Coren: And the thing about Lucy Hicks Anderson's story too, is that not only was she visible, but she wasn't hiding. She was trying to be a valuable member of her community. She wanted to be the center of her community, and I think that, that's something that's really, for lack of better term, dope, about her. Is that she was just like, I don't care. I'm going to be me, and I'm going to be the coolest woman ever. And I think given what we know about the history of Black transgender people in this country, there's something that's so refreshing to know about the fact that somewhere in California, in the 1940s, there was this Black woman cooking probably the best pies her community has ever seen, and just living her truth.

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Lizzie Peabody: You've been listening to Sidedoor, a podcast from the Smithsonian with support from PRX.

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Lizzie Peabody: You can find a link to Riley Snorton's book, “Black on Both Sides, A Racial History of Trans Identity,” in our newsletter. We'll also share pictures of Lucy Hicks Anderson. You can subscribe at si.edu/sidedoor.

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Lizzie Peabody: For more stories of important women in history, be sure to look into the Smithsonian American Women's History Initiative. To learn more, go to womenshistory.si.edu. Or join the conversation using #becauseofherstory on social media.

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Lizzie Peabody: And remember, you can find us on social media at Sidedoor Pod on Twitter and Instagram. Or you can email us directly at sidedoor@si.edu. We'd love to hear from you.

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Lizzie Peabody: For help with this episode, we want to thank Riley Snorton, Ashleigh Coren, and the Association of LGBTQ Journalists.

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Lizzie Peabody: Our podcast team is James Morrison, Nathalie Boyd, Ann Conanan, Caitlin Shaffer, Tami O'Neill, Jess Sadeq, Lara Koch, and Sharon Bryant. Additional editing by Sydney Bauer and Sarah Cohen. Fact Checking by Adam Biznow. Episode Artwork is by Dave Leonard. Extra support comes from Jason and Genevieve at PRX. Our show is mixed by Tarek Fouda. Our theme song and episode music are by Breakmaster Cylinder.

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Lizzie Peabody: If you want to sponsor our show, please email sponsorship@prx.org.

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Lizzie Peabody: I'm your host, Lizzy Peabody. Thanks for listening.

Ashleigh Coren: This woman was featured in Time Magazine in the 1940s, but it's called California Sin and Souffle. Which I think is just a really great name for a biopic. If there's ever a biopic of Lucy Hicks Anderson, I think Sin and Souffle is top three titles for her biopic.

Lizzie Peabody: Sin and Souffle. I like it.