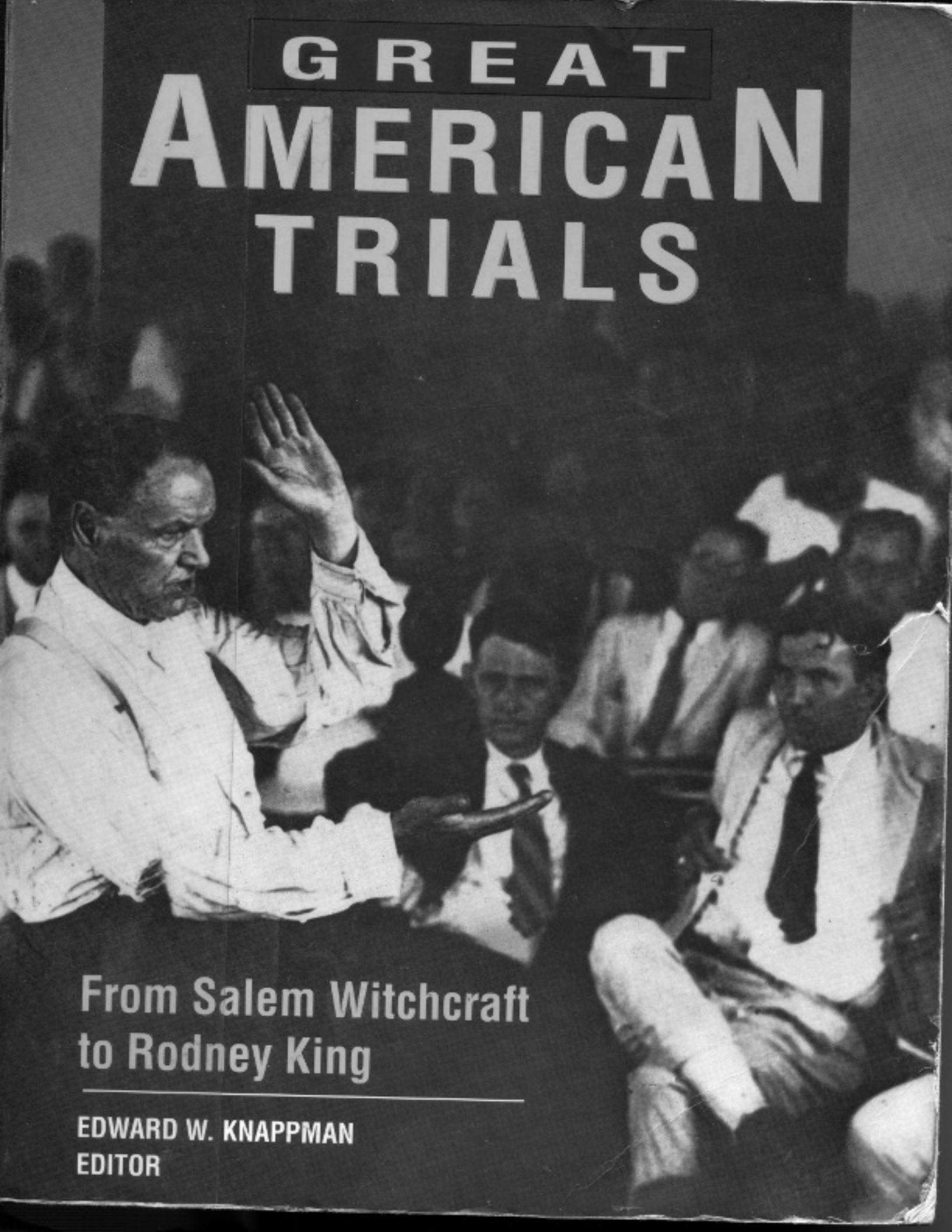


GREAT AMERICAN TRIALS



From Salem Witchcraft
to Rodney King

EDWARD W. KNAPPMAN
EDITOR

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**EDWARD W. KNAPPMAN,
EDITOR**

**Stephen G. Christianson and Lisa Paddock,
Consulting Legal Editors**

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Sally Rand Trial: 1946

Defendant: Sally Rand (Helen Gould Beck) **Crime Charged:** Indecent exposure, corrupting the morals of an audience, and conducting an obscene show **Chief Defense Lawyer:** J.W. "Jake" Ehrlich

Chief Prosecutor: Frank Brown **Judge:** Daniel R. Shoemaker

Place: San Francisco, California **Dates of Trial:** November 13-14, 1946

Verdict: Not guilty

SIGNIFICANCE

The brief trial of Sally Rand demonstrated the importance of reminding a judge of the need to see all evidence in a case with his or her own eyes. The case also provided a lighthearted, if not frivolous, moment in the usually serious calendar of court proceedings.

By 1946, Sally Rand was a nationally known entertainer whose *shtick* was unique: Synchronized to music, she waved six-foot fans while she danced nude behind them. A show-business veteran who had performed in vaudeville, movies, and Broadway chorus lines, she enjoyed an unprecedented reputation. Ever since her appearance in 1933 as a headliner, with a bevy of associated female dancers, in "The City of Paris" extravaganza at the Chicago World's Fair, the name "Sally Rand" and the term "fan dancer" had been synonymous. (Over that summer in Chicago, Illinois, her weekly pay had risen from \$125 to \$3,000.) Her act had played in clubs nationwide and won particular acclaim in Los Angeles, California, and Las Vegas, Nevada.

Up the Runway . . . to "Clair de Lune"

At the Golden Gate International Exposition on Treasure Island in San Francisco Bay in 1939 and 1940, "Sally Rand's Nude Ranch," featuring Sally and her troupe of females (all wearing nothing but holsters and badges), was a big hit. But one November evening in 1946, while she was appearing at the Club Savoy on O'Farrell Street in San Francisco, six members of that California city's police department watched her dance slowly and, apparently, naked up a dimly lit runway as she maneuvered a giant white fan in rhythm to Claude Debussy's romantic "Clair de Lune." Professing shock at what they viewed as an indecent performance, they arrested her. Section 311 of the Penal Code, they said, barred

"indecent exposure, corrupting the morals of an audience, and conducting an obscene show."

Sally immediately called Jake Ehrlich, a leading San Francisco attorney who was well-known as the defender of celebrities and criminals. He had successfully defended singer Billie Holiday and drummer Gene Krupa against drug charges.

Prosecutor Frank Brown opened the trial by putting police Captain Joseph Walsh on the stand. The captain testified to the onerous duty his six officers had performed in watching Sally Rand disrobe, behind her fans, from full costume to a single tiny flesh-colored triangular patch—an item which, in the excitement of making the arrest, they had failed to seize as evidence. The captain was able, however, to report specific details: The patch had 10 beads sewn at each corner.



Fan dancer Sally Rand behind her ubiquitous fans. (Hearst Newspaper Collection, University of Southern California Library)

"Dealing with the Naked Truth"

Defense attorney Jake Ehrlich pointed out to Judge Daniel R. Shoemaker that nudity was "respected in the highest artistic circles and elsewhere," and reminded the court of the masterpieces of sculptors Praxiteles, Michelangelo, and Rodin. "May I suggest, Your Honor," he said, "that we adjourn until tomorrow morning, at which time my client will perform her specialty for you? Thus instead of second-hand accounts and narrow-minded criticisms, we'll be dealing with the naked truth."

The judge not only agreed but provided, at Ehrlich's request, a court order that would release Sally Rand immediately if she were arrested for the same offense again before the trial was completed. That night, with the Savoy crammed with customers and policemen, Sally Rand danced, was interrupted for arrest, and was revealed (when the lights were ordered turned up) to be wearing long flannel underwear and, instead of a triangular patch, a small card marked "CENSORED. S.F.P.D." So embarrassed they didn't know what else to do, the cops arrested the dancer even though she was fully clothed. She presented her court order for immediate release and went on with her midnight show as usual.

The next morning at the Savoy, a jam-packed crowd of court and newspaper people watched Sally Rand dance through her customary performance. When all returned to the courtroom, Judge Shoemaker said, "Anyone who could find something lewd about the dance as she puts it on has to have a perverted idea of morals." With that, the judge pronounced Sally Rand not guilty on all counts.

Sally Rand then went back to fan dancing.

—Bernard Ryan, Jr.

Suggestions for Further Reading

Ehrlich, J.W. *A Life in My Hands*. New York: G.P. Putnam's Sons, 1965.

Nash, Jay Robert. *Encyclopedia of World Crime*. Wilmette, Ill.: CrimeBooks, 1991.

"1933: Fifty Years Ago." *American Heritage* (April/May 1983): 9.