

**BUILDING A NEW HETEROSEXUAL STATE:
The Cold War Governmentalization of Sexual Orientation**

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For the past 30 years and more Americanists have deployed and elaborated the concept of state-building in order to capture how, when, and why elected and unelected officials, and also reformers outside government, push hard to augment officials' ability to provide capable governance. State-building and state-builders can and do expand state capacity. That is, their activity of state-building enlarges both what elected and unelected officials, citizens, activists, and private sector entrepreneurs and firms can subsequently contemplate for governance -- and what policy (or entrepreneurial) projects these principals can later actually accomplish.¹

Much of the literature on state-building quite correctly assumes that state capacity, in a democratic context, is a democratic good. State capacity can expand the menu of collectively useful initiatives for officials and citizens to think about and discuss. Democracy after all features open public debate about how government ought to acquire and deploy public resources -- such as revenue, infrastructure, access to high-grade expertise, accurate and appropriate information and about society and the economy, or means of coercion. Such debate would matter little, and be no more than hollow chatter, if government could not actually accomplish collective goals that are defined through open debate and other distinctively democratic institutions and processes.

But Nietzsche memorably wrote that "the state is the coldest of all cold monsters."² While hardly unfurling this particular banner more and more scholarship also documents normatively ambiguous or illiberal state-building that stigmatizes a population in order to serve a larger governance goal that, in principle, is desirable.³ Various facets of the rise of the "carceral state" and of the associated expansion of the criminal justice systems of state and local governments have thus captured scholarly

attention.⁴ The legitimate goal has been crime control⁵ – but the state-building dynamics have been illiberal to say the least. Illiberal state-building can create – and entrench – political, social, and economic marginality.

Here I build on the growing scholarly awareness of illiberal state-building and do so in a context that, on reflection, is patently surprising. The surprise is this: sexual orientation became a central preoccupation of America’s national government, and this lasted for decades – literally into the 21st century. Usually we think of America’s sexual minorities ca. 1950 as being at America’s margins, in gayborhoods and subcultures – and the encounters with the state were with liquor control boards and police vice squads. But here I tell a different story: government-wide thinking about sexual orientation and its implications for governance emerged within the Madisonian system, our national bureaucracies, our defense and national security contracting system, and our armed forces.

I focus below on the establishment, 1945-1953, by the presidency and by Congress of a requirement that everyone who works in and for the American state – both its civilian and military sides – be *heterosexual*. In this eight year period, key bureaucrats, congressional entrepreneurs, and, crucially, President Eisenhower forged a connection between, on the one hand, the resilience of American civilian and military bureaucracies and (on the other) the sexual orientation of both the “servants of the state”⁶ and, a fortiori, those who superintended them, whether the supervision came from the Oval Office, the Civil Service Commission, the cabinet, or the newly built Department of Defense. This critical period might aptly be called the building of a new heterosexual state.

Elected and unelected officials then screened the entire state to discover homosexuals and lesbians -- and when they thought they had found them they expelled them. These officials also installed screening devices for keeping homosexuals and lesbians out -- beyond the boundaries of the federal government, the military, and national bureaucracies.

Homosexuals and lesbians were tainted people. They possessed (in Erving Goffman's 1963 formulation) "an attribute that is deeply discrediting."⁷ Homosexuals and lesbians were thus threats to public administration and military service. They had to be purged from all of the federal government as quickly as possible, from congressional staff to the Pentagon to consular offices in Europe, the Far East and elsewhere. And then homosexuals and lesbians had to be kept out.

This chapter traces the dynamics behind this metamorphosis. An overview of it can be found in **Table One**, "Milestones in Making the Heterosexual State, 1945-1953." (Find the table behind the endnotes.) The left-most column shows dates, followed by a column listing the agency, congressional committee, or official associated with that date, and the right-most column notes a policy statement, disclosure, or recommendation.

The urge (as it were) for straight government first surfaced in a 1945 policy statement of the Civil Service Commission (again, see Table One) that homosexuals were not fit for government employment. Yet that passage in the Commission's personnel manual was no more than an omen; initially it had little effect. A far more consequential step was the Defense Department statement in 1949 that "prompt separation of known homosexuals from the Armed Forces is mandatory." This directive set in motion purges and waves of personnel investigations throughout the armed forces

(to be described in the next chapter.) Referring to the policy two former military psychiatrists later viewed it as inaugurating “a whole new punitive era.”⁸

In late February 1950, at a congressional hearing attended by the Secretary of State, several U.S. Senators elicited testimony that the State Department had dismissed nearly a hundred homosexuals. In May a second oversight event -- an ad hoc Senate investigation composing a Democrat as the senior member and a Republican as junior member -- issued separate reports, based on closed hearings, about “homosexuals in government service.” Then a third Senate investigation met over several months (July-November 1950) and issued a report in December: “Employment of Homosexuals and Other Sex Perverts in Government.”⁹ It called for vigorous efforts to remove all homosexuals and lesbians from federal employment.

The Truman Administration did not respond to (indeed it covertly opposed the) congressional prodding. As we will see below, Truman and Eisenhower differed fundamentally on whether to purge “sex perverts.” Thus it would take a change in which party -- Republicans or Democrats -- controlled the White House to break the policy stalemate. President Eisenhower’s Executive Order 10450 of April 27, 1953 did just that. His order abolished the loyalty screening system established by President Harry Truman in 1946 and recast the logic of federal personnel management. Eisenhower’s order prioritized sexual orientation as a security criterion for employment.

The “standards” section of EO 9835, promulgated by President Truman, listed such relevant bases for “refusal of employment” or “removal” as sabotage, espionage, treason, sedition, advocacy of treason or sedition, advocacy of revolution, force, or violence against “the constitutional form of government of the United States,” disclosure of

sensitive documents or information, acting in the interests of another government, and membership, affiliation or association with a subversive organization, as determined by the Attorney General.¹⁰

President Eisenhower's EO 10450, Section 8, offered a stark contrast. Section 8(a)(1) of the order listed (i) any indication of lack of trustworthiness, (ii) any falsifications "of material facts" by the person receiving appointment, and (iii) "Any criminal, infamous, dishonest, *immoral*, or *notoriously disgraceful conduct*, habitual use of intoxicants to excess, drug addiction, *sexual perversion*." [emphases added]. The listing of "immoral, or notoriously disgraceful conduct" and "sexual perversion" preceded those other criteria which closely resembled the EO 9835 criteria: "... sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefore..."; "...sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States..."¹¹ By textually prioritizing the security criteria over the previous loyalty criteria President Eisenhower signaled that he had fundamentally altered his predecessor's program. Suitability (including being heterosexual) and loyalty to the United States were now *equal* criteria.

To be clear, when Eisenhower revamped the investigative policies and agencies that he inherited from the Truman era he was *not* singularly focused on purging "sex perverts." Eisenhower had several governance goals; some were more important than others. Perhaps the most important consideration was rationalizing and streamlining the diverse criteria and screening routines that operated by the time Eisenhower took office. Additionally Eisenhower was properly intent, or so he thought, on

demonstrating that the President, *not* Congress, was in charge of the national security state.

Congress contributed to the apparent need for Eisenhower's 1953 rationalization when it enacted Public Law 733 in August, 1950. That statute authorized a wide range of officials (the Secretaries of Commerce, Defense, State and Treasury, the Secretaries of the Air Force, Army, and Navy, the Attorney General, the Atomic Energy Commission, the chairman of the National Security Resources Board, and the Director of the National Advisory Committee for Aeronautics) to "suspend without pay" pending an investigation "any civilian officer or employee" if, at the "absolute discretion" of the responsible official, this action was "deemed necessary in the interest of national security."¹²

President Truman, however, declined to exploit Public Law 733. Seeking to deflect the security issue Truman appointed a bipartisan Commission on Internal Security and Individual Rights in January, 1951. Also, in April, 1951 he issued Executive Order 10241. It underscored his administration's clear emphasis on loyalty. His March 1947 executive order establishing the Loyalty Review Board specified "reasonable ground for belief in disloyalty." The April 1951 amendment certainly loosened the standard to "reasonable doubt" concerning loyalty and was thus a concession to Republican attacks. This led to the reopening of about 2,700 previously closed cases.¹³ But Truman was also insisting on loyalty, not security, as the basis for internal investigation and dismissal.¹⁴

By the end of the Truman Administration there were sharp tensions with Congress, and particularly with Republicans in Congress, over competing criteria for employee investigation and dismissal. The Red Scare entrepreneurship of Senator Joseph

McCarthy plainly contributed to these strains. McCarthy had become a major protagonist in the politics of internal subversion.

One result was administrative disarray. The Subcommittee on Federal Manpower Policies of the Senate Committee on Post Office and Civil Service, issued a report in March, 1953 noting that:

“Confusion exists in the area of personnel investigation by reason of the fact that there are three general programs dealing with the denial of employment, and the suspension and separation of Government employees. The Interdepartmental Committee on Internal Security, in a report dated April 29, 1952, points out that it is extremely difficult, if not impossible to draw clear lines of demarcation among the suitability, security, and loyalty programs.”¹⁵

Another issue was presidential prerogative. This became very clear in Eisenhower’s first State of the Union Address, which he gave to Congress on February 2, 1953. After discussing global affairs, foreign policy, military readiness, government spending, wage and price controls, and the economy Eisenhower turned to governance.

“Our vast world responsibility accents with urgency our people’s elemental right to a government whose clear qualities are loyalty, security, efficiency, economy, and integrity. The safety of America and the trust of the people alike demand that the personnel of the Federal Government be loyal in their motives and reliable in the discharge of their duties. Only a combination of both loyalty and reliability promises genuine security...Confident of your understanding and cooperation, I know that *the primary responsibility for keeping out the disloyal and the dangerous rests squarely upon the executive branch. When this branch so conducts itself as to require policing by another branch of the Government, it invites its own disorder*

and confusion. I am determined to meet this responsibility of the Executive. [emphasis added]...I believe that the powers of the executive branch under existing law are sufficient. If they should prove inadequate, the necessary legislation will be requested.”¹⁶

Eisenhower announced that he would assert control over the national debate on security and loyalty – and then proceeded to do that.

In short, “sex perverts” in government were, in the larger scheme, subordinate to presidential control of the executive branch and to containment of congressional meddling. By the same token the sexual orientation of the federal government’s employees certainly ranked among Eisenhower’s concerns. Eisenhower’s memoir illuminates the extent to which it mattered.

In Mandate for Change, Eisenhower stated that the planning for a new security system began at the first cabinet meeting. At this meeting, he emphasized to his cabinet that the “legitimate rights of employees must be protected. Second, procedures...had to be simplified...and more uniform standards applied throughout the government. Third, security rather than loyalty must be the test. In regard to the third standard it is important to realize that many loyal Americans, by reason of instability, alcoholism, *homosexuality* [emphasis added], or previous tendencies to associate with Communist-front groups, are unintentional security risks.”¹⁷ To then draft the order, the President worked closely with the new Attorney General, Herbert Brownell. Brownell was himself quite concerned that anyone in federal service who was “a homosexual or an alcoholic or was leading an irregular, abnormal life” would be “automatically a subject for blackmail.”¹⁸

Soon after issuing the order Eisenhower and Brownell appeared on national television – using a new but growing medium. (Between 1950 and 1953 the percentage of households with a television set had jumped from 9% to 45%.)¹⁹ The White House portrayed their broadcast format – a televised cabinet meeting – as an innovation in the practice of democracy. On June 3, 1953, Eisenhower and Brownell announced that their new security program would protect “the security of our homes.” They told viewers that their plan would handle the problem of otherwise loyal employees whose “personal habits” made them vulnerable to “blackmail.”²⁰

In retrospect we can see that all this was a major recasting of the American state – indeed those who did it recognized that they should announce it to the American people. Yet the metamorphosis did not really sink into the public mind. Political scientists have shown that politicians must continuously (even relentlessly) hammer on an issue to get the public’s attention. Citizens have very busy non-citizen lives and most will not grasp that a new public concern exists nor know just what government is doing. Attentive subsets of the public certainly exist for many issues, comprising people who closely monitor either one or a portfolio of issue concerns. Major events seize and focus the public as well. But otherwise news items about policy and politics and their implications can and do fade quickly for the vast majority.²¹

The press, to be sure, did cover the “sex perverts” issue before Eisenhower took office. The Chicago Tribune earlier provided regular reporting of the threat from “sex perverts” in the federal government. Given the paper’s wide subscription in about 12 midwestern states, its articles reminded a significant part of the heartland that Washington seemed to harbor dangerous homosexuals.²²

But the making of a new heterosexual state never reached what Russell Neuman dubs the “threshold of public attention,” that is, an issue so salient that survey researchers believe that they must regularly probe it.²³ Not until 1970 was there a relevant survey, a Kinsey Institute/National Institutes of Mental Health survey (showing that Americans agreed that homosexuals were unfit for public service.)²⁴

Also, most homosexuals and lesbians knew that they were different individuals, yes, but social historians have underscored that many, perhaps most, were far from certain that they belonged to a politically oppressed group. In some cities they visited gay bars, attended drag balls, rode in motorcycle clubs, and engaged in beach or park cruising. This was social not political bonding. Regular police harassment, which was indeed new, may have suggested the existence of a common identity and perhaps a linked fate. But the emergence of a new heterosexual state hardly impinged on the immediate circumstances and routines of the millions who did not have straight sexual orientation.

On the other hand, the change caught the attention of those men and women who *did* follow current events closely -- and who also recognized that their sexual orientation differentiated them *as a group* from heterosexuals. Donald Webster Cory’s little-known 1951 classic, The Homosexual in America, quite directly responded to events in Washington. As we will see in Ch. 4, Cory’s book was a precursor of gay political thought in American intellectual history. It treated homosexuals as a minority that faced discrimination. Cory pictured American society as deeply repressive and conformist.²⁵

Indeed it was. The new heterosexual state had a larger social context, and it could not have been more forbidding for people who today self-consciously call themselves “queer,” “gay,” or “lesbian.” The process of making straight government played out

against a background of new social fears concerning criminal sexual deviance and of a far more influential role in American society for psychiatric expertise. The intersection of that specific fear and the medical consensus that homosexuality was an undesirable pathology requiring treatment had a critical consequence: it stifled dissent from heterosexuals who were appalled by the change in the state.

The confluence meant that in the mid-1950s very few major intellectuals or doctors, to say nothing of elected politicians, dared to speak out. George Kennan was one: he denounced the drive for exclusively heterosexual government as “immature philistinism.”²⁶ Another was the public intellectual and political philosopher, Max Lerner, then a columnist at the New York Post, which published twice a day in New York City with a circulation of 366,000. Lerner wrote a series of critical columns concerning the “Panic on the Potomac.”²⁷ Benjamin Karpman of Howard University, a psychiatrist on staff at America’s one federal psychiatric facility, St. Elizabeth’s Hospital in the District of Columbia, also sharply criticized congressional preoccupation with “sex perverts” in government: “The idea of declaring all homosexuals *persona non grata* in all Government agencies is predicated on prejudice, and prejudice only.”²⁸

But there was little that Kennan, Lerner, Karpman and the few others like them could do to gain any broader support for concerns that they expressed. As two well known journalists rather accurately wrote in their lurid “exposé,” Washington Confidential, “what becomes of the marked twilight-sex, unwelcome at home, pariahs afar?...Like immigrants from foreign lands... these people are aliens in their own.”²⁹

Why Then?

Why did this 1945-53 revolution in the American state's relationship to the sexuality of its officials, servants, and soldiers happen when it did? One leading view points to a public mood – and indeed we know from the study of “policy waves” that there are such things as public moods and that they have major consequences.³⁰ In a pioneering study of what he memorably dubbed “the Lavender Scare,” David Johnson documents a campaign of persecution that suddenly erupted within the Washington establishment.³¹

Other scholars have posited, moreover, that the new mood had deep social origins. WWII and the immediate post-war period disturbed and partly revolutionized sexuality, gender roles, and how the family functioned. Adults left their home communities on an enormous scale – and then returned and resettled in large numbers both at home and elsewhere, in new places. Women entered the work force during the war – and even more entered the workforce *after* the war as the economy continued to grow rather than slump into post-war recession. Many children were now outside the care of a family member, in an extramural context for child supervision that was not a school.³² America perhaps needed a scapegoat amid unsettling social change. Intuiting this social demand America's elites went after “sex perverts.”³³

Yet the idea of national gender-role malaise in search of a scapegoat is too strong. It is attractive if one thinks that society regulates the state. But recall the lack of survey evidence prior to the Kinsey Institute survey of 1970. Indeed Margot Canaday argues that autonomous federal bureaucrats – not popular attitudes --- laid the foundations for political homophobia.

In a masterful study Canaday shows that from the late 'teens into the 1940s low, mid-level, and executive officials thought carefully about what their agencies ought to do in

uncertain bureaucratic encounters with people who did not seem manly or who engaged in same-sex behavior. She describes, for example, bureaucratic learning in the operation of the camps of the New Deal's Federal Transient Program (location within the Federal Emergency Relief Administration) and the Civilian Conservation Corps. Mid-level and front-line officials gradually developed names, categories, and administrative responses – and their “street-level” ideational activity filtered upward. “The desire to regulate” sexual orientation “moved around in an expanding state, developing situationally in tandem with the state’s need to do something else – process newcomers, go to war, or distribute resources...” Canaday’s view clearly implies that the Lavender Scare had a rich administrative seedbed.³⁴

But one can adopt an even wider-angle and more broadly developmental account. An imprudent assertion by Canaday usefully indicates how to do that. Canaday ventures that anti-homosexual policies snapped into place everywhere during the sharp government expansion of WWII: “so quickly did the impetus to police homosexuality ...spread across the federal bureaucracy...that it might seem as though a switch was suddenly thrown during the World War II period.”³⁵ But Canaday’s claim strains what political scientists know about bureaucracies. A central tenet of the bureaucratic politics literature is that bureaucracies and their members behave quite differently from each other, depending on goals, tasks, recruitment, and institutional design.³⁶

Dispersion in bureaucratic behavior, *not* uniformity, was particularly likely during WWII. Existing bureaucracies grew quickly. Dozens of new ones were created. Washington needed single men and women in a hurry, able to move there to staff a burgeoning government and to work long hours. In July 1941 there were 185,182 civilian employees working in the District of Columbia. By July 1944 there were

270,501, a 46% increase.³⁷ Through executive order in October 1940 the White House created a new category, the “probational-indefinite” employee exempt from normal Civil Service screening. It was among the policy changes that soon eased government growth.

Such expansion certainly paved the way for debate within Washington’s executive, administrative, and congressional circles about what rules to have for screening those in government service. The concept of a “loyalty” was first placed into the 1939 Hatch Act in its prohibition for federal employees of “membership in any political party or organization which advocates the overthrow of our constitutional form of government.” But it took time – not to say great controversy and conflict – for congressional, executive, and bureaucratic actors to spin off the related concept of “security risk.”³⁸

This brings squarely to the role of *party dynamics*. The seething politics of Republican opposition to Democratic dominance of the national party system – particularly presidential elections – become critical for a satisfying explanation. National party politics created a potential for leadership and action within the Republican party as it sought to seize the White House after two decades of exile from the executive branch.³⁹

Early, bold, and demonizing efforts to name and define a hidden administrative threat to the nation emerged among Senate Republicans. A particularly talented figure was Senator Kenneth Wherry (R-NE), a major (if today little known) party activist who was determined to restore Republican strength. Wherry showed considerable (if by our standards chilling) skill in sensationalizing the issue of “perverts” in government. A Washington Post story reported that Wherry considered “hunting homosexuals” to be “his specialty.”⁴⁰

But in the end the commanding figure who imposed government-wide order – a “uniform standard” – was Dwight D. Eisenhower. He and his attorney general, Herbert Brownell, indeed threw the switch that Canaday surmised as “thrown during the WWII period.” Eisenhower’s epoch-making 1952 campaign argued to the electorate that Republicans could govern America and solve America’s problems better than Democrats. In that the campaign succeeded spectacularly. Eisenhower not only won in a landslide. Republicans also regained unified control of the federal government for the first time since 1929. In the aftermath of this stunning change, Eisenhower and Brownell designed and implemented Executive Order 10450.

The Rationales for a New Heterosexual State

Fundamentally, making straight government was a state-strengthening project *in the eyes of those who called for it and who carried it out*. There were several rationales, all somewhat different. But they all converged on generating institutional resilience by exploiting the federal government’s sharply expanded internal investigative capacities that had been built up during WWII.⁴¹

One view looked outward to the geopolitical context. As Eisenhower’s 1953 State of the Union Address suggested, the international context plainly demanded a stronger state and high-functioning men and women. America’s changed geopolitical position after WWII, locked in polar struggle with Soviet imperialism, required a state purged of a critical vulnerability. This was the presence of people who could be blackmailed to betray America’s diplomatic plans, its national security policies, its defense industrial policies, and its atomic energy policies.⁴²

As a Republican member of the House put it in a speech to the chamber in April, 1950,

“I wish the American people would keep in mind the fact that a security risk does not have to be a member of the Communist Party...It is not only conceivable but highly probable that many security risks are loyal Americans; however, there is something in their background that represents a potential possibility that they might succumb to conflicting emotions to the detriment of the national security. Perhaps they have relatives behind the iron curtain and thus would be subject to pressure. Perhaps they are addicted to an overindulgence in alcohol or maybe they are just plain garrulous. The most flagrant example is the homosexual who is subject to the most effective blackmail. It is an established fact that Russia makes a practice of keeping a list of sex perverts in enemy countries and the core of Hitler’s espionage program was based on the intimidation of these unfortunate people.”⁴³

This security rationale was not the same rationale as the Defense Department’s policy, which pivoted on classifying homosexuals and lesbians as abnormal and thus unfit for the demands and rigors of military life. The military also saw homosexuals and lesbians as inherently disruptive because they would be gathered in close quarters with other men and women and they would therefore exploit their same-sex circumstances to be sexually active.

The rationale adopted by President Eisenhower and Attorney General Brownell, in contrast, crystallized a widely held belief about *high-status* homosexuals and lesbians, namely that they deeply feared exposure as homosexuals and lesbians and the consequent loss of their high status. This was not a fiction: homosexual blackmail

gangs and corrupt police willing to blackmail wealthy men were in fact common in the 1920s and 1930s. Familiarity with that social fact among national politicians was very likely. It was a form of elite knowledge about the perils that successful homosexuals and lesbians faced in having careers.⁴⁴

The civilian rationale was also likely fed by a presumption that was expressed in the 1950 Senate report of what would later become the Permanent Subcommittee on Investigations, namely, that bureaucracies with homosexuals or lesbians in them could engender predatory behavior:

“...perverts will frequently attempt to entice normal individuals to engage in perverted practices. This is particularly true in the case of young and impressionable people...It is particularly important that the thousands of young men and women who are brought into Federal jobs not be subjected to that type of influence while in the service of the Government. One homosexual can pollute a government office.”⁴⁵

A corollary of this may well have occurred to those who believed in building a new heterosexual state: that those who succumbed to blackmail might *recruit* others who were like them.

There was one more element reinforcing these various and overlapping rationales for straight government. It was only an indirect force, but it surely helped the various rationales to appear self-evidently prudent, whatever more liberal psychiatrists (such as Benjamin Karpman) might say. This was the post-war upsurge of public dread concerning sexual deviance, broadly speaking – which is further detailed below. Eisenhower and Brownell could act forcefully through executive order, and the Department of Defense could pursue its program of investigation and purges, because

civilian and military leaders surely knew that, if asked, the public would wholeheartedly agree. In that sense society played a key role in the state-building process. Public opinion was a latent influence that empowered those who built exclusively straight government.

The Executive Branch During And After WWII

Let me turn next to surveying the disjointed evolution within the central government (both during WWII and then in the run-up to the inauguration of President Eisenhower) of personnel policies that were specifically focused on “perverts.” If one wants to fully appreciate how Eisenhower imposed order from above then it is essential to grasp how discordant and conflicting the American state’s internal operations concerning homosexuality actually were before Eisenhower acted.⁴⁶

De Facto Liberalization in the Armed Forces

As Eisenhower wrote in his memoir, “procedures...had to be simplified...and more uniform standards applied throughout the government.” One institution that struggled with “procedures...and...standards” regarding homosexuals and lesbians was the military. During WWII the armed forces experienced a little-known de facto liberalization of its policies toward the military service of gays and lesbians. The exponential expansion of the armed forces during WWII rapidly heightened official awareness that there were homosexuals and lesbians in the ranks in large numbers. Gays and lesbians indeed served at the highest rates the U.S. armed forces had (and has) ever experienced. The armed forces of the U.S. numbered just under 200,000 in 1939,

about the size of the Romanian Army.⁴⁷ But by 1945 about 16 million citizens and residents had entered the armed forces, and 10 million had been conscripted.⁴⁸

The vast majority of the men and women who were not heterosexual of course acted straight in combat (there is no queer way to shoot a gun after all) and in performing all of the other tasks (driving vehicles, cooking, laundry, etc.) that make military units function. But the presence of difference in the ranks became clear to military police, for instance, as they patrolled bars and clubs where men and women socialized and relaxed or discovered that there was beach-cruising in the Pacific theater. The operation of hospitalization and discharge policy provided another signal. Military psychiatrists (more on them shortly) hospitalized about 9000 sailors and soldiers between 1941 and 1945, diagnosed them as “sexual psychopaths,” and set in motion their discharge. Yet between 1900 and 1939 the total number of sodomy court martials in the Navy was 224, and in a three year period, 1938-1941, the Army issued only 34 convictions for sodomy.⁴⁹

Some officers resented the noticeable presence of homosexuals and lesbians, and in some units – the exact number is not known – mid-level officers segregated and quarantined male homosexuals in special camps prior to effecting their discharge.⁵⁰ Yet, on balance, the wartime military personnel experience was friendly to those who were recognizably not heterosexual.⁵¹ This was because the all-out nature of the great crisis recast military attitudes towards the approximately one million non-strights in uniform. As early as 1942 top officials directed that the regulation widely understood to apply to homosexual discharges should be placed in abeyance for soldiers performing well. By 1945 the Secretary of War directed that discharged homosexual cases be reviewed for possible re-induction into the military.⁵²

Another shift – the establishment of an alliance with the emerging profession of psychiatry – tended to reinforce the liberalization. Military psychiatrists became deeply involved in military personnel management for the first time.⁵³ New cadres of psychiatrists tracked and discussed the presence of “sexual psychopaths.” In doing that the military psychiatric establishment partly normalized homosexuality and lesbianism. Psychiatrists certainly considered non-straight sexual orientation a medical problem. Their clinicalization in fact contributed to the post-war innovation that in time became a symbol of gay and lesbian oppression, the Diagnostic and Statistical Manual of the American Psychiatric Association.⁵⁴ But during WWII most grasped that essential military service by “sexual psychopaths” was quite widespread.⁵⁵

Bureaucratic Expansion

Meanwhile, on the civilian side, America’s central government grew pell-mell during and after WWII. There was a 55.8% increase in the civilian employment of the military between 1939 and 1949. The Department of State expanded from 6,249 employees to 21,203 employees in that decade. The Veterans Administration expanded from 38,493 to 195,488. During the war about 130 new and temporary agencies were created.⁵⁶

Amid all this institutional tumult a standard governing gays and lesbians did emerge. In November 1945, the Civil Service Commission issued a revision of its Organization and Policy Manual stating that

“Homosexuals are not considered suitable persons for Federal employment. Examples of evidence acceptable as proof by the Commission are court records or convictions for some form of perversion, statement to that effect by the

employee to coworkers or to his [sic] physician, admittance to hospital for that reason, admission by the employee to a Commission representative or other reliable source of information.”⁵⁷

Yet five years later, when the Senate’s permanent government investigations subcommittee issued its path-breaking report, Employment of Homosexuals and Other Sex Perverts in Government, it seemed to the committee as if the Civil Service policy had made little difference. The report complained “that many civilian agencies have taken an entirely unrealistic view of the problem of sex perversion and have not taken adequate steps to get these people out of government...Some agencies tried to avoid the problem...making no real effort to investigate charges of homosexuality...”⁵⁸

Partial Movement Toward Straight Government, 1946-1949

Nonetheless, islands of a hardline position toward gays and lesbians did emerge. One was the State Department. In 1946 Secretary of State James Byrnes evidently asked Senate appropriators to write language that would give the Secretary of State extraordinary authority to dismiss security risks.⁵⁹ That authority, known as the McCarran Rider, after the conservative Nevada Democrat, Senator Pat McCarran, read: “...the Secretary of State may, in his absolute discretion, on or before June 30, 1947, terminate the employment of any officer or employee of the Department of State or of the Foreign Service of the United States whenever he shall deem such termination necessary or advisable in the interests of the United States...”⁶⁰ A year after the inclusion of this rider, in 1947, the State Department publicly announced that it took the McCarran Rider to mean that a “poor security risk may be judged because of *sexual*

peculiarities [emphasis added], alcoholism, or because of an indiscreet and chronically wagging tongue; without any question of the individual's loyalty to this country.”⁶¹

The other – and far larger – island was the new Department of Defense. The process began in the Navy when its Secretary proposed a review of personnel policies to address “a problem which appears to be growing.” The Navy's new procedures for preventing service by gays were in place by July 1949. The Navy procedures evidently affected personnel planning in the new Department of Defense.⁶² In August 1949, the Defense Department Personnel Policy Board recommended general adoption of the Navy procedures. On October 11th, the Department then issued its new policy directive that “prompt separation of known homosexuals from the Armed Forces is mandatory.”⁶³

Debate and Resistance

Legitimate, insider opposition to the momentum for straight government was real – but the disagreement faltered quickly. To take the most important case, before the Department of Defense issued its 1949 policy statement House Democrats fought with the Veterans Administration and the armed services over its “undesirable discharge” policy. Such “blue discharges” stigmatized homosexual veterans and prevented their participation in the GI Bill program. Members of Congress insisted that veterans who were denied federal benefits because of homosexual conduct were worthy of national respect for their military service.⁶⁴

In 1950, on the floor of the Senate, Sen. Millard Tydings [D-MD] chastised those who were eager to find and dismiss “sex perverts:” “I ask my colleagues to stop the continual heckling...about homosexuals...a man may have this terrible disease...and yet may not be a party to foreign espionage or may not be a party to being deliberately

disloyal to his Government.”⁶⁵ To be sure, this was the only such instance in Congress of a member of Congress enunciating what was – for its time – a humane and enlightened point of view. But it is hard to imagine anyone daring to take such a stand just a few years later.

Also, the White House resisted the pressures for straight government. Reacting to the Senate’s investigation of the “sex perverts” problem, President Truman quietly sought to shape the final report and prevent the kind of language that was written into it.⁶⁶ He also relied on the expertise of the newly established National Institute of Mental Health (NIMH) to push for a relatively tolerant view of homosexuals in government service.⁶⁷ NIMH conducted a series of educational seminars, titled “Perversion Among Government Workers,” with civil servants. The NIMH Director who led the seminars, Dr. Robert Felix, agreed that homosexuals could not work in security-sensitive government positions. But he held that otherwise there should be no bar to government service.⁶⁸

President Truman also pushed for a government-wide discussion about national security criteria in personnel administration. He commissioned studies under the auspices of the new National Security Council – and an Interdepartmental Committee on Internal Security evidently debated sexual orientation as a disqualification. But whether that would become a major criterion was left open to the President to decide in the absence of clear consensus on the criterion and its relative importance.⁶⁹

Indeed, it might well have mattered if Truman’s successor in office had been a Democrat. To be sure, election of a Democrat in 1952 was unlikely simply because Democrats accomplished the extraordinary from 1932 to 1948: they won the presidential election five times in a row. The longer Democratic control of the

presidency lasted the sooner it would end. Republican resurgence at some point was baked into the deep competitiveness of presidential electoral politics. The dice were loaded against Adlai Stevenson, the party's ill-fated 1952 standard-bearer.⁷⁰

But the larger point is that even in the early 1950s there were discernible differences between the major parties on minority rights. The Republican party historically was the party of civil rights. However as the non-Southern wing of the Democratic party emerged and institutionalized itself during the New Deal and WWII its politicians and activists, many from the trade unions, became robustly committed to civil rights.⁷¹ Strikingly, despite the Republican party's historic commitments to civil rights the most intense promoters within Congress of an exclusively heterosexual state were almost all Republicans.⁷² A change in party control of the presidency – particularly if it were coupled with Republican control of Congress – was thus likely to open the way for further development of a broad sexuality regime within the American state.

Party Dynamics and Republican Resurgence

How then did Republican electoral resurgence actually play out? The question that clearly hung over the Republican party in 1952 was: what would it take to unlock the Democratic hold on the White House? As George Mayer wrote in 1964, "The election of 1948 demonstrated again how desperately the Republican party needed fresh issues. It could not win by opposing the New Deal, by echoing it, or by making equivocal statements about it."⁷³ The underlying political resilience of the New Deal presidential electoral coalition did not mean that it was politically invulnerable. But it did mean that its political vulnerability lay in new issues – such as the need for clean and honest government and strong foreign policy during the Cold War.⁷⁴ The Democratic party's

seeming invulnerability to challenge suggested to Republicans that they must reframe inter-party conflict.

Republicans had already begun experimenting with the Communists-in-government issue during the 1946 congressional elections – and Gov. Thomas Dewey, looking ahead to the 1948 campaign that he ended up losing, commissioned an internal campaign study of the issue’s profitability for the GOP. But Truman’s anti-Communism, his loyalty program, and the quest for Cold War liberalism inside the Democratic party and in organized labor all provided the Truman Administration with considerable cover – which may explain why Dewey chose not to attack Truman. The Democratic party’s strong anti-Communism meant that other good government issues were a requirement.⁷⁵

Fortunately for the GOP the Truman administration’s persistent (and now largely forgotten) difficulties with corruption scandals subtly shifted issue conflict in the GOP’s favor in 1952. That shift did not determine the election’s outcome. Eisenhower was a war hero, he was likeable, and the public was quite concerned about the Korean War. But the broadly resonant issue of corruption – honest government is after all something that everyone wants – widened the opening for Eisenhower. It added resonance to his theme that it was “time for a change.” It meant that Eisenhower associated himself with a new and superior approach to governance and public administration.⁷⁶

In the end Eisenhower defeated Adlai Stevenson 55.1% to 44.4% in the popular vote, carried 39 states (including Stevenson’s home state of Illinois) to Stevenson’s 9 (most in the Border and Deep South), and he won 422 Electoral College votes to Stevenson’s 89. Coupled with the return of unified Republican control of both the presidency and

Congress, Eisenhower's success led to the widespread perception that he had a mandate from the people.⁷⁷

The American people hardly voted for a new heterosexual state when the 1952 national elections produced unified Republican control of the federal government. But given the extent to which congressional Republicans were concerned about "sex perverts," and given the vigor with which Eisenhower moved to assert control over the issue through his new internal security program, a new heterosexual state is what the American people got in 1953.

Sexuality, Fear, and Psychiatry

We have one more matter to consider: *fear* – and how fear overlapped with a separate phenomenon, the new prestige of American psychiatry. Americans had been living with a mood of anxiety for a very long time. But a new apprehension – indeed its force stunned contemporary observers – fatefully coincided with the making of exclusively straight government. It had to do with sex and in particular with sex criminals.

Americans were thinking and talking about sex and sexuality before, during, and after WWII in a way that they had never done previously. The most widely remarked evidence of it of course is the celebrity in the late 1940s and early 1950s of Alfred Kinsey, the pioneering sex researcher.⁷⁸

A 1949 Roper Organization personal interviews survey of nearly 6,000 adults found that 54% of respondents thought that colleges should offer classes "that take up the subject" of sex education.⁷⁹ A 1950 Roper personal interviews survey of nearly 3,000 adults for Life magazine found that 64% thought that sex education should be taught in

high schools.⁸⁰ A similarly worded 1951 Gallup survey of about 1,370 adults found that 63% of adults approved of sex education in high schools.⁸¹

But sexuality was seen not only as a matter of education and widely disseminated scientific research. It was also seen as a socially disruptive, even potentially menacing force. Gradually *mass* awareness of a distinction between *sexual normalcy* and sexual expression, on the one hand, and *sexual deviance*, on the other, diffused through society. Radio news, which carried news of sex crimes, increased movie-going and consumption of horror movies about sex fiends such as “M,” and heightened law enforcement against sexual criminals spread the idea that were sexual predators. In the late 1930s five states responded with legislative action to apprehend and institutionalize sexual predators.⁸²

After WWII popular and expert concern with “sexual psychopathy” returned and was more intense and widespread. Speaking in August 1949, at a Crime Conference at the University of Colorado in Boulder, Paul W. Tappan, the expert consultant to the New Jersey Commission on the Habitual Sex Offender and a strong critic of the political reaction to the public’s concerns, characterized it as “a problem that has stimulated acute social anxiety.”⁸³ The Journal of Social Hygiene published a special November 1949 issue on “sex offenders.” Its editorial comment was titled “Peril Points in Community Life,” and it noted that “[n]ewspapers and magazines, most of which formerly thought such subjects taboo for family reading, now turn the spotlight on sex crimes and sex criminals, whose activities are said to have reached and passed the ‘peril point’ for public safety in many towns and cities.”⁸⁴ In a 1952 review of Michigan’s report on the sex offender issue, a former military psychiatrist, Lewis Loeser, wrote, “Spurred on by magazine and newspaper publicity, a state of hysteria may be said to exist at the present time.”⁸⁵

Were these expert assessments of the public mood overdrawn? Evidently not. Four little known surveys, fielded in 1950, 1952, 1953, and 1956, by the National Opinion Research Corporation at the University of Chicago (1950, 1953) and the National Election Studies at the University of Michigan (1952, 1956) give us much of the answer. The questions were fielded within larger surveys that sought to capture how intolerant or tolerant the public was toward unpopular minorities, such as Jews and Communists, a key concern of post-war survey research for obvious reasons. It is important to note that question wording was *not* keyed to a widely discussed policy option.

Both the NORC and NES survey workers showed parallel wordings to their different respondents. NORC fielded a statement that read, “*Prison is too good for sex criminals. They should be publicly whipped or worse.*” The NES fielded “*Sex criminals deserve more than prison, they should be whipped publicly, or worse.*” Besides the “Can’t Decide” option, NORC survey respondents chose between: “Agree” and “Disagree.” The NES surveys asked for responses among “Agree Quite A Bit,” “Agree a Little,” “Disagree a Little,” “Disagree Quite A Bit,” or “Don’t Know.”⁸⁶ To ease comparison across the samples, I have collapsed the “agree” and “disagree” responses in the NES surveys. The results are displayed in **Table Two**, “Punitive Attitudes Towards ‘Sex Criminals,’ 1950-1956” (which can be found after the endnotes.)

Both surveys revealed a fairly high (though far from a majority) level of fright. A mix of dread and fury was abroad in the land – certainly enough to suggest that the expert assessment of “acute social anxiety” was close to the mark.⁸⁷ And such anxiety quickly triggered legislation. Between 1947 and 1955, twenty-one additional states enacted “sexual psychopath” statutes, and in 1948 Congress enacted one for the District

of Columbia. The overall theme in these statutes was: we can find them and when we do we will lock them up -- for life if necessary.⁸⁸

None of this was good news for gays and lesbians. One popular magazine, Coronet, pictured homosexuals as a giant reserve army of sex offenders:

“...a sinister threat to American youth is fast developing...more than 8,000,000 Americans today are actual or potential homosexuals...many are inclined to regard the sex pervert merely as a ‘queer’ who never harms anyone but himself. This is an extremely dangerous and short-sighted attitude, according to those who have studied the problem. For instance, Eugene D. Williams, Special Assistant Attorney General of California, declares: ‘...the homosexual is an inveterate seducer...he presents a social problem because he is not content being degenerate himself: *he must have degenerate companions and is ever seeking younger victims.*’”⁸⁹ [emphasis in the original]

This was from a magazine that had rapidly grown in circulation from 87,000 in the late 1930s to 2 million subscriptions (and almost a million newsstand copies).⁹⁰

We do not know whether the criminologists who consulted to state legislatures and the state legislators who wrote the “sexual psychopath” statutes explicitly placed homosexuality within a spectrum of criminal pathologies in the same irresponsible way that helped to boost sales of Coronet. The legislative debates and committee processes have yet to be reconstructed.

But it is perhaps telling that the “sex crime” panic of 1955 in Sioux City, Iowa and the Boise, Idaho 1955-56 panic both turned into Kafkaesque nightmares that associated pedophilia and homosexuality. The Sioux City scare indeed led to the temporary imprisonment in a mental hospital of 20 adult males simply for being homosexual.⁹¹

In addition to popular attitudes that could easily extend towards homosexuality, some (perhaps most) medical experts had dispiriting views of homosexuality. Read what the American Psychiatric Association declared concerning “Sexual deviation” when it issued its first Diagnostic and Statistical Manual (DSM). It can be found under the general category of “Personality Disorders” (a classification for “disorders of *psychogenic* origin or without clearly defined tangible cause or structural change,” [emphasis added]) and within the sub-category of “Sociopathic personality disturbance:”

“This diagnosis is reserved for deviant sexuality which is not symptomatic of more extensive syndromes, such as schizophrenic and obsessional reactions. The term includes most of the cases formerly classified as ‘psychopathic personality with pathologic sexuality.’ The diagnosis will specify the type of the pathologic behavior, such as homosexuality, transvestitism, pedophilia, fetishism, and sexual sadism (including rape, sexual assault, and mutilation.)”⁹²

Because psychiatry had become far more salient in American life during and after WWII the authority of such statement was considerable. In 1946 there were 146 residency programs in psychiatry, but a decade later there were 194. In 1954 12.5% of medical school graduates chose psychiatry as their specialty.⁹³

The DSM did not stand for all American psychiatrists. Consider the director of the Idaho Division of Mental Health, a former Navy psychiatrist with a Mormon background who became active in working with Boise families during the city’s “sex crime” panic in 1955 and 1956. During the process he did not openly normalize homosexuality. But he carefully avoided getting swept up in the dynamics of popular fear.⁹⁴

The country was *not* deeply and everywhere unsafe for lesbians and gay men. Tolerance and acceptance could be found in such unlikely places as the city of Charleston, South Carolina. Gay and lesbian bars existed in many small cities. A thriving and politicized gay subculture emerged in Los Angeles – so rapidly in fact that the local press briefly believed that it might become an electoral force. Freedom of political association partly existed for lesbians and gay men. The FBI and the Post Office did monitor and censor lesbian and gay activists. But the homophile movement endured, the first instances of ongoing collective action by gays and lesbians.⁹⁵

America as a whole was not quite a straight police state. Nonetheless a novel and hostile context of elite and mass opinion emerged as a backdrop to the actions that political, administrative, and military leaders took to establish the new heterosexual state. By the early 1950s America's straight majority considered the presence of gays and lesbians an unwanted "social problem." They were defective, sometimes predatory people abroad in the land, in local communities – and in government institutions, including America's armed forces. In state legislatures, mass journalism, psychiatry, psychology and criminology and all throughout federal civilian and military institutions and Congress, straight Americans adopted stances of pity, disdain, fear, high-minded concern, and knowledgeable certainty that action was required when it came to this "social problem."

Uncle Sam's Closets

Within the federal government a new era of furtive secrecy dawned. Not only homosexual civil servants, soldiers, sailors, and officers, but also homosexual members of the Senate and House, homosexual and lesbian advisers to the President, homosexual

and lesbian judges, and homosexual and lesbian congressional staffers and judicial clerks surely struggled every day at work – to the extent that they were aware of their difference and unable to fully repress it – to keep their difference secret from colleagues. After all they could be instantly branded as national security risks, threats to the reputation of the institution they served, or unsuitable, clinically ill, and incompetent – and exiled from the government to which they were dedicating their lives.

In this era of deep, indeed inherent uncertainty everyone knew that there were homosexuals and lesbians who “passed” as straights. Sexual orientation did (and does) not unambiguously disclose itself to the casual – or even a close – observer. Voicing such uncertainty during a Senate committee hearing, a somewhat baffled legislator asked a witness if the problem of detection could not be solved through “a quick test like an x-ray.”⁹⁶

The federal government now had closets. There were many such closets: the closet for uniformed personnel, the closet for civilian personnel, and the closets for members of Congress, for the White House staff, for congressional staff, for judges, and for judicial clerks. Honeycombed throughout the federal government, America’s national security agencies, and America’s armed forces, these innumerable closets projected paranoia, fear, monitoring, and self-monitoring deep into the central state and the Madisonian system as well – and indeed into regulation of private sector firms that did business with the Cold War national security state. It placed a premium on “acting straight” while performing governmental, executive, legislative, judicial, military, and national security work.

ENDNOTES

¹ The foundational work is Stephen Skowronek, Building a New American State: The Expansion of National Administrative Capacities, 1877-1920 (Cambridge: Cambridge University Press, 1982.) The impact of Skowronek's pioneering study can be seen, for instance, in Daniel Carpenter, Reputation and Power: Organizational Image and Pharmaceutical Regulation at the FDA (Princeton: Princeton University Press, 2010.)

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⁴ The literature now is quite large; a particularly well-regarded work is Amy E. Lerman and Vesla M. Weaver, Arresting Citizenship: The Democratic Consequences of American Crime Control (Chicago: University of Chicago Press, 2014.)

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⁶ Margaret C. Rung, Servants of the State: Managing Diversity and Democracy in the Federal Workforce, 1933-1953 (Athens: University of Georgia Press, 2002.)

⁷ Erving Goffman, Stigma: Notes on the Management of Spoiled Identity (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1963), p. 3.

⁸ Louis Jolyon West and Albert J. Glass, "Sexual Behavior and the Military Law," in Ralph Slovenko, ed., Sexual Behavior and the Law (Springfield, IL: Charles C Thomas Publisher, 1965), pp. 250-272, at p. 256. Their military careers are profiled at pp. ix and xiv.

⁹ United States Senate, "Employment of Homosexuals and Other Sex Perverts in Government." Interim Report Submitted to the Committee on Expenditures in the Executive Departments By Its Subcommittee on Investigations Pursuant S. Res. 280 (81st Congress). Document No. 241. 81st Congress, 2nd Session. (Washington, DC: Government Printing Office, December 15, 1950).

¹⁰ The best administrative and institutional-historical discussion, still, of the Truman loyalty program is Eleanor Bontecou, The Federal Loyalty-Security Program (Ithaca: Cornell University Press, 1953). E.O. 9835 is easily available online through googling; it is also reproduced in Appendix I of Bontecou, pp. 275-281; the "Standards," Part V of the order, at p. 280. For an important new discussion of the politics and broad impact on

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¹² http://en.wikisource.org/wiki/Public_Law_81-733

¹³ Landon R.Y. Storrs, "Revisiting Truman's Federal Employee Loyalty Program," in Richard S. Kirkendall, ed., The Civil Liberties Legacy of Harry S. Truman (Kirksville, MO: Truman State University Press, 2013), pp. 67-80, at p. 70.

¹⁴ Thus the Loyalty Review Board's strict and fairly libertarian interpretation of the loyalty criterion remained in effect after the executive order. See Robert N. Johnson, "The Eisenhower Personnel Security Program," Journal of Politics 18 (November 1956): 625-650, at p. 629.

¹⁵ United States Congress. Senate. 83rd Congress. 1st Session. Committee on Post Office and Civil Service. Subcommittee on Federal Manpower Policies. "Personnel Investigations of Employees and Applicants For Employment in the Executive Branch of the Government For Loyalty, Suitability, and Security," p. 1.

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¹⁷ Dwight D. Eisenhower, Mandate For Change 1953-1956 The White House Years (Garden City, NY: Doubleday & Company, Inc., 1963), pp. 309 and 315.

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⁴¹ See "Chronology of the Federal Loyalty-Security Program" (Appendix 3) and "Statistics of the Federal Loyalty-Security Program" (Appendix 4) in Storrs, Second Red Scare, pp. 286-292.

⁴² Although 5% of the 150 known cases of espionage for a foreign power from 1947 to 2001 have in fact been homosexuals, only one publicly known case in that interval resulted from blackmail – and it was connected to a heterosexual situation. No case has ever been discovered *and* reported for the second half of the 20th century of treason due to blackmail for being homosexual. Moreover, the rate of Soviet espionage in the United States, while quite high during the period of the WWII alliance (and before), dropped very sharply in the post-war period. Executive Order 10450 in effect addressed a problem (espionage) that had temporarily disappeared, though it did resurface at a higher rate in the 1960s and at a particularly high rate in the 1980s. See Katherine L. Herbig and Martin F. Wiskoff, "Espionage Against the United States by American Citizens, 1947-2001," PERSEREC (Defense Personnel Security Research Center), Technical Report 02-5, July 2002, esp. pp. 16, 23.

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⁴⁶ States may seek to “standardize,” but one has to account for the conditions under which standardization is possible. See Desmond King and Marc Stears, “How the American State Works: A Theory of Standardization,” Perspectives on Politics 9 (September 2011): 505-518

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⁵⁰ On the “queer stockades,” see Bérubé, *ibid*, pp. 217-23.

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⁵² Bérubé, Coming Out Under Fire, pp. 179-180.

⁵³ The definitive study, still unpublished, is Rebecca Schwartz Greene, “The Role of the Psychiatrist in World War II,” Ph.D. Dissertation, Columbia University, 1977.

⁵⁴ Some of the story is available in Committee on Nomenclature and Statistics of the American Psychiatric Association, Diagnostic and Statistical Manual: Mental Disorders (Washington, DC: American Psychiatric Association, 1952), Foreword, esp. pp. v-viii. A suggestive discussion is Nicholas R. Leggett, “Institutions and the Military’s Anti-Gay Policy: Professional, Legal and Organizational Contributions,” Critical Sociology 20 (January 1994): 45-63. See also, Arthur C. Houts, “Fifty Years of Psychiatric Nomenclature: Reflections on the 1943 War Department Technical Bulletin, Medical 203,” Journal of Clinical Psychology 56 (July 2000): 935-967, and for Medical 203 itself, see “Nomenclature of Psychiatric Disorders and Reactions, War Department Technical Bulletin, Medical 203,” Journal of Clinical Psychology 2 (July 1946): 289-296, esp. the

classification of “sexual deviate” (at p. 293), which tacitly equates homosexuality and “transvestitism, pedophilia, fetishism, and sexual sadism (including rape, sexual assault, mutilation.)”

⁵⁵ Bérubé, *Coming Out Under Fire*, chs. 5-6 offers the most extensive discussion. See also, on the role of Harry Stack Sullivan in trying to establish an enlightened screening system, Naoko Wake, “The Military, Psychiatry, and ‘Unfit’ Soldiers, 1939-1942,” *Journal of the History of Medicine and Allied Sciences* 4 (October 2007): 461-494. An essential introduction is William C. Menninger, *Psychiatry in a Troubled World: Yesterday’s War and Today’s Challenge* (New York: The Macmillan Company, 1948), ch. 16. Menninger was Chief Consultant in Neuropsychiatry to the Surgeon General of the Army, 1943-1946, and commissioned as a Brigadier General. Discussion of his arguments for a non-punitive approach can be found in West and Glass, “Sexual Behavior and the Military Law,” pp. 252-255.

⁵⁶ Hugh Rockoff, “World War II and the Growth of the U.S. Federal Government,” *Japan and the World Economy* 11 (1999): 245-262, Table 3 and p. 255.

⁵⁷ Bradley Usher, “Federal Civil Service Employment Discrimination Against Gays and Lesbians, 1950-1975: A Policy and Movement History,” Ph.D. Dissertation, New School for Social Research, 1999, p. 66.

⁵⁸ “Employment of Homosexuals and Other Sex Perverts in Government,” p. 10.

⁵⁹ Thomas Winship, no title, *The Washington Post*, 26 March 1950, p. M2: reporting on the Hill-Wherry committee, and discussing Senator Homer Ferguson (R-MI): “Senator Homer Ferguson...a subcommittee member refused to comment on the inquiry yesterday but said difficulty in dismissing sex perverts was one reason why the so-called McCarran rider was tacked to its appropriations bill two years ago...Ferguson said former Secretary of State James F. Byrnes had emphasized to him the difficulty of ridding his department of perverts and other [sic] because he had no discretionary powers of his own.”

⁶⁰ Public Law 490, Department of State, Justice, Commerce and the Judiciary Appropriation Act of 1947 (July 5, 1946), in *United States Statutes At Large Volume 60* (Washington: United States Government Printing Office, 1947), pp. 446-458, at p. 458.

⁶¹ United States Department of State, Bureau of Diplomatic Security, *History of the Bureau of Diplomatic Security of the United States Department of State* (October 2011), p. 87, available at <http://www.state.gov/m/ds/rls/rpt/c47602.htm>

⁶² Perhaps the Navy had a potential first-mover advantage in shaping personnel policy during military unification that Secretary of the Navy Sullivan seized, especially with the unification process being led by a former Secretary of the Navy, i.e. James Forrestal. Alternatively, perhaps one of the rewards for the Navy’s cessation of its opposition to military unification – a critical turning point -- was a tacit or explicit agreement on DoD adoption of its personnel policy. On the Navy’s pivotal role, see Demetrios Caraley,

The Politics of Military Unification: A Study of Conflict and the Policy Process (New York: Columbia University Press, 1966), pp. 256-263.

⁶³ Bérubé, Coming Out Under Fire, pp. 260-61.

⁶⁴ Margot Canaday, The Straight State: Sexuality and Citizenship in Twentieth Century America (Princeton: Princeton University Press, 2009), pp. 158-163.

⁶⁵ Johnson, Lavender Scare, p. 27.

⁶⁶ Johnson, Lavender Scare, pp. 105-7. Randolph Baxter has shown that Truman was personally quite appalled by the politicization of homosexuality; see Randolph W. Baxter, " 'Eradicating This Menace': Homophobia and Anti-Communism in Congress, 1947-1954," Ph.D. Dissertation, University of California at Irvine, 1999, pp. 245-257.

⁶⁷ Gerald N. Grob, "PHS Chronicles: Creation of the National Institute of Mental Health," Public Health Reports 111 (July/August 1996): 378-381. Available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1381885/>

⁶⁸ Johnson, Lavender Scare, pp. 105-107.

⁶⁹ Report of the Commission on Government Security, Pursuant to Public Law 304, 84th Congress, As Amended (n.p., n.d.), pp. 8-15.

⁷⁰ Larry M. Bartels, "Electoral Continuity and Change, 1868-1996," Electoral Studies 17 (September 1998): 301-326.

⁷¹ Eric Schickler, "New Deal Liberalism and Racial Liberalism in the Mass Public, 1937-1968," Perspectives on Politics 11 (March 2013): 75-98.

⁷² Gerard Sullivan, "A Bibliographic Guide to Government Hearings and Reports, Legislative Action, and Speeches Made in the House and Senate of the United States Congress on the Subject of Homosexuality," Journal of Homosexuality 10 (Fall 1984): 135-191, especially pp. 139-145.

⁷³ George H. Mayer, The Republican Party, 1854-1964 (New York: Oxford University Press, 1964), p. 475.

⁷⁴ On consensus issues, see Donald E. Stokes, "Spatial Models of Party Competition," American Political Science Review 57 (June 1963): 368-377; Vavreck, The Message Matters; and, Patrick J. Egan, Partisan Priorities: How Issue Ownership Drives and Distorts American Politics (Cambridge University Press, 2013).

⁷⁵ Jonathan Bell, The Liberal State on Trial: The Cold War and American Politics in the Truman Years Columbia Studies in Contemporary American History (New York: Columbia University Press, 2004), chs. 1-4; Bowen, Roots of Modern Conservatism, chs. 2-3; James Boylan, The New Deal Coalition and the Election of 1946 (New York:

Garland Publishing Co., 1981), pp. 135-139; Alan D. Harper, The Politics of Loyalty: The White House and the Communist Issue, 1946-1952 Contributions in American History Number Two (Westport, CT: Greenwood Publishing Corporation, 1969), ch. 3; Francis H. Thompson, The Frustration of Politics: Truman, Congress, and the Loyalty Issue (Rutherford, NJ: Farleigh Dickinson University Press, 1979), chs. 1-3.

⁷⁶ Patricia Heidotting Conley, Presidential Mandates: How Elections Shape the National Agenda, (Chicago: University of Chicago Press, 2001), p. 82; Andrew J. Dunar, The Truman Scandals and the Politics of Morality (Columbia: University of Missouri Press, 1984); Morris Janowitz, with Dwaine Marvick, Competitive Pressure and Democratic Consent: An Interpretation of the 1952 Presidential Election 2nd edition (Chicago: Quadrangle Books of the University of Chicago Press, 1964), pp. 43, 52-53; "Harry S. Truman," in C. Vann Woodward, ed., Responses of the Presidents To Charges of Misconduct (New York: Delacorte Press, 1974), pp. 325-348, prepared by James Boylan under the supervision of William E. Leuchtenburg.

⁷⁷ To access the relevant data navigate to:

[http://www.presidency.ucsb.edu/showelection.php?year=1952;](http://www.presidency.ucsb.edu/showelection.php?year=1952)

[http://www.archives.gov/federal-register/electoral-college/scores.html;](http://www.archives.gov/federal-register/electoral-college/scores.html)

[http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm;](http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm) and

<http://history.house.gov/Institution/Party-Divisions/Party-Divisions/>

⁷⁸ John D'Emilio and Estelle B. Freedman, intimate Matters: A History of Sexuality in America 3rd ed. (Chicago: University of Chicago Press, 2012; originally published 1988), pp. 239-288.

⁷⁹ Roper/Fortune Survey, Apr, 1949. Retrieved Oct-1-2014 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut. Retrieved by setting date range 1949-1955 and entering "sex" as keyword. Dataset identifier is USRFOR-1949-076.

⁸⁰ Roper Commercial Survey, Jul, 1950. Retrieved Oct-1-2014 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut. Retrieved by setting date range 1949-1955 and entering "sex" as keyword. Dataset identifier is USRCOM1950-040.

⁸¹ Gallup Poll (AIPO), Jan, 1951. Retrieved Oct-1-2014 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut. Retrieved by setting date range 1949-1955 and entering "sex" as keyword. Dataset identifier is USAIPO1951-0470.

⁸² Estelle B. Freedman, " 'Uncontrolled Desires': The Response to the Sexual Psychopath, 1920-1960," Journal of American History 74 (June 1987): 83-106.

⁸³ Paul W. Tappan, "The Sexual Psychopath: A Civic-Social Responsibility," Journal of Social Hygiene 35 (November 1949): 354-373, at 354.

⁸⁴ “‘Peril Points’ in Community Life,” Journal of Social Hygiene 35 (November 1949): 353.

⁸⁵ Lewis H. Loeser, Review of State of Michigan, Report of the Governor’s Study Commission on the Deviated Criminal Sex Offender (Detroit 1951), Annals of the American Academy of Political and Social Science 279 (January 1952): 215-216, at p. 216.

⁸⁶ Additionally, the sample sizes for the NES questions were about 43% the size of the NORC samples.

⁸⁷ Simple cross-tabulations of the NES data performed by my research assistant Katherine Javian (Swarthmore College and Widener University) disclosed that Democrats were more punitive than Republicans, poorly educated respondents were more punitive, and women were more punitive. There is some indication as well that Southerners were more punitive.

⁸⁸ Interested readers may also wish to use the New York Times big data tool – Chronicle -- at <http://chronicle.nytlabs.com/> and entering “sex crime” into the search field. The results validate the secondary literature that were two “panics,” one in the late 1930s and a post-WWII “panic.” The Google Ngram tool, when set to the dates 1900 to 1960 for American English, shows a very sharp spike in monographic discussion of “sex crime” that runs from the late 1940s into the mid-1950s. See <https://books.google.com/ngrams/> For a cogent scholarly discussion see Philip Jenkins, Moral Panic: Changing Concepts of the Child Molester in Modern America (New Haven: Yale University Press, 1998), chs. 2-3. For a careful description of the statutes, see Alan H. Swanson, “Sexual Psychopath Statutes: Summary and Analysis,” Journal of Criminal Law, Criminology, and Police Science 51 (July-August 1960): 215-235.

⁸⁹ Before joining the office of the Attorney General of California. Eugene D. Williams was a distinguished military lawyer immediately after WWII and a key figure in prosecuting Japanese war crimes. See <http://lib.law.virginia.edu/imtfe/content/page-1-1973>

⁹⁰ Douglas Martin, “Oscar Dystel, Who Saved Bantam Books, Dies at 101,” New York Times, May 29 2014, at http://www.nytimes.com/2014/05/29/business/media/oscar-dystel-who-saved-bantam-books-dies-at-101.html?_r=2

⁹¹ John Gerassi, The Boys of Boise: Furor, Vice, and Folly in an American City (New York: Collier Books, 1966); Neil Miller, Sex-Crime Panic: A Journey to the Paranoid Heart of the 1950s (Los Angeles: Alyson Books, 2002). An illuminating documentary film about the Boise story is “The Fall of ‘55” – navigate to <https://www.facebook.com/Fallof55>

⁹² American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders (Washington, DC: American Psychiatric Association, 1952), p. 39.

⁹³ Gerald N. Grob, "Origins of *DSM-I*: A Study in Appearance and Reality," American Journal of Psychiatry 148 (April 1991): 421-431, p. 429

⁹⁴ Gerassi, Boys of Boise, pp. 29-32.

⁹⁵ See sources in note 13; on Charleston, see James T. Sears, Lonely Hunters: An Oral History of Lesbian and Gay Southern Life, 1948-1968 (Boulder: Westview Press, 1997), ch. 5.

⁹⁵ Ken Alder, The Lie Detectors: The History of An American Obsession (New York: Free Press, 2007), p. 224.

TABLE ONE:
Milestones in Making the Heterosexual State, 1945-1953

1945	Civil Service Commission	“Homosexuals are not considered suitable persons for Federal employment. Examples of evidence acceptable as proof by the Commission are court records or convictions for some form of perversion, statement to that effect by the employee to coworkers or to his [sic] physician, admittance to hospital for that reason, admission by the employee to a Commission representative or other reliable source of information.” ¹
1946	United States Statutes	“...the Secretary of State may, in his absolute discretion, on or before June 30,1947, terminate the employment of any officer or employee of the Department of State or of the Foreign Service of the United States whenever he shall deem such termination necessary or advisable in the interests of the United States...” ²
1947	Department of State	“...poor security risk may be judged because of sexual peculiarities, alcoholism, or because of an indiscreet and chronically wagging tongue; without any question of the individual’s loyalty to this country.” ³
1949	Department of Defense	“...homosexual personnel, irrespective of sex, should not be permitted to serve in any branch of the Armed Forces in any capacity, and prompt separation of known homosexuals from the Armed Forces is mandatory.” ⁴
1950	United States Senate	<i>February 28, 1950:</i> State Department officer discloses dismissals of 91 homosexuals at a Senate hearing ⁵ <i>May 1950:</i> Rival reports from Subcommittee of Subcommittee on Appropriations For the District of Columbia on “Subversive Activity and Homosexuals in the Government Service” ⁶ <i>December 1950:</i> Senate Report calls for comprehensive effort to purge homosexuals and lesbians from the government. ⁷
1950	Atomic Energy Commission	Presumption of security risk for “[m]anifest tendencies demonstrating...inability to keep important matters confidential...or homosexuality.” <i>November 17, 1950.</i> ⁸
1953	Presidency	<i>April 1953:</i> President Eisenhower issues executive order establishing “sexual perversion” as a basis for dismissal from government service and as a new factor for security clearance review. ⁹

Sources:

¹ Bradley Usher, “Federal Civil Service Employment Discrimination Against Gays and Lesbians, 1950-1975: A Policy and Movement History,” Ph.D. Dissertation, New School for Social Research, 1999, p. 66.

² Public Law 490, Department of State, Justice, Commerce and the Judiciary Appropriation Act of 1947 (July 5, 1946), in United States Statutes At Large Volume 60 (Washington: United States Government Printing Office, 1947), pp. 446-458, at p. 458.

³ United States Department of State, Bureau of Diplomatic Security, History of the Bureau of Diplomatic Security of the United States Department of State, p. 87, available at <http://www.state.gov/m/ds/rls/rpt/c47602.htm>

⁴ Allan Bérubé, Coming Out Under Fire: The History of Gay Men and Women in World War Two (New York: The Free Press, 1990), pp. 260-61.

⁵ United States Congress. Senate, Subcommittee of the Committee on Appropriations, Departments of State, Justice, Commerce, and the Judiciary Appropriations for 1951, 81st Congress, 2nd Sess., February 28, 1950, 581-603

⁶ Randolph W. Baxter, “‘Eradicating This Menace’: Homophobia and Anti-Communism in Congress, 1947-1954,” Ph.D. Dissertation, University of California at Irvine, 1999, ch. 3.

⁷ United States Senate, “Employment of Homosexuals and Other Sex Perverts in Government.” Interim Report Submitted to the Committee on Expenditures in the Executive Departments By Its Subcommittee on Investigations Pursuant S. Res. 280 (81st Congress). Document No. 241. 81st Congress, 2nd Session. (Washington, DC: Government Printing Office, December 15, 1950)

⁸ Federal Register, Saturday, November 25, 1950, pp. 8093-94.

⁹ Executive Order 10450, “Security Requirements for Government Employment,” April 27, 1953, online by Gerhard Peters and John T. Woolley, American Presidency Project, <http://www.presidency.ucsb.edu/ws/index.php?pid=59216>

TABLE TWO:
Punitive Attitudes Toward “Sex Criminals,” 1950-1956

	“Sex criminals deserve more than prison, they should be whipped publicly, or worse.” [NES]			
	Or			
	“Prison is too good for sex criminals. They should be publicly whipped or worse.” [NORC]			
	1950	1952	1953	1956
Agree	34%	40.9%	34%	41.8%
Disagree	53%	58.5%	59%	58.2%
Source	<i>NORC</i>	<i>NES</i>	<i>NORC</i>	<i>NES</i>

Citations:

1950 and 1953 NORC surveys come via iPoll: [1950]: Attitudes Toward Jews And Communism, Nov, 1950. Retrieved Oct-1-2014 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut. Conducted by National Opinion Research Center, University of Chicago during November, 1950 and based on 1,272 personal interviews. [USNORC.500294.R34]; [1953] Foreign Affairs And Minorities, Jun, 1953. Retrieved Oct-1-2014 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut. Conducted by National Opinion Research Center, University of Chicago during June, 1953 and based on 1,291 personal interviews. [USNORC.530341.R36] In both cases retrieved by author by setting keyword as “sex” and date range 1949-1955. For NES: American National Election Study, “1952 Time Series Study” and “1956 Times Series Study,” at http://electionstudies.org/studypages/download/datacenter_timeseries_NoData.htm Retrieval, assembly, and analysis of NES data by Katherine Javian, Swarthmore College and Widener University.