

Chapter Title: WELFARE “With the Ugly Word Written across It”: Homo-Hetero Binarism, Federal Welfare Policy, and the 1944 GI Bill

Book Title: The Straight State

Book Subtitle: Sexuality and Citizenship in Twentieth-Century America

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Published by: Princeton University Press

Stable URL: <https://www.jstor.org/stable/j.ctt7t3vw.9>

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PART II
Explicit Regulation



CHAPTER 4

WELFARE

“With the Ugly Word Written across It” Homo-Hetero Binarism, Federal Welfare Policy, and the 1944 GI Bill



Transiency during the World War II years took a form in some ways new and in some ways familiar. Even more people were said to be on the move than during the Depression, with a good number of them heading for jobs in war-production centers. Social workers worried about conditions in the dormitories set up for war workers (many of them young men and boys) where “homosexuality was being practiced.”¹ Some reformers noted as well how much “the veteran of today remind[ed] them of the Depression migrant.”² Indeed, the sheer number of veterans among the transients was striking, as the transient problem increasingly came to be seen as a major veterans’ issue.³ Social service agencies like Travelers Aid directed their services toward veterans and pleaded for federal help with this large population of unattached.⁴ They eventually got an answer of sorts when Congress enacted the GI Bill in 1944. This was major legislation directed at settling men down

¹Margaret Blenkner and Jeannette M. Elder, “Migrant Boys in Wartime as Seen by U.S.O. Travelers Aid,” *Social Service Review* 29 (September 1945): 335.

²See “Travelers Aid Services to Veterans,” Migrant Boys in Wartime folder, box 21, Travelers Aid Association Records, Social Welfare History Archives, Minneapolis, MN.

³Margaret Creech, “Travelers Aid Service in Wartime,” in *Social Service in Wartime*, ed. Helen R. Wright (Chicago: University of Illinois Press, 1944), 106–32; National Committee on Service to Veterans, *Veterans on the Move: Report on Transient Veterans*, Veterans no. 3 folder, box 98, USO Administrative files, YMCA Archives, Minneapolis, MN. A full third of transients in California, for example, were veterans. California Committee for the Study of Transient Youth, *Transient Youth in California: A National, State, and Local Problem*, 1948, folder 3, box 1, California/Migrant Homeless Collections, California Social Welfare Archives, Los Angeles, CA.

⁴“Travelers Aid Services to Veterans.” For a history of Travelers Aid, see Grace Eleanor Kimble, *Social Work with Travelers and Transients: A Study of Travelers Aid Work in the United States* (Chicago: University of Chicago Press, 1935); “Milestones in the History of Travelers Aid,” Misc. folder, box 25, Travelers Aid Association Records.

after wartime. It provided soldiers with home and business loans, employment services, college or vocational training, and unemployment compensation. Yet while extremely generous for some, not all veterans could access the help. In 1945, the Veterans Administration (VA) issued a policy barring GI Bill benefits to any soldier who had been administratively discharged as undesirable “because of homosexual acts or tendencies.”⁵ These undesirably discharged soldiers were then the ones most likely to become “drifters” after the war—cut off from federal support for “readjustment,” sometimes unwelcome back home, and holding separation papers that hurt their chances in the labor market.⁶

In the years between the Federal Transient Program (FTP) and the GI Bill—years in which early experimentation blossomed into a full-blown welfare state—a vague opposition between mobility and settlement hardened into a clear line between homosexuality and heterosexuality in federal citizenship policy. So sharply was that line drawn—and so quickly did the impetus to police homosexuality explicitly rather than by proxy begin to spread across the federal bureaucracy—that it might seem as though a switch was suddenly thrown during the World War II period. And indeed, the war did make vast resources available for all kinds of new federal endeavors during these years.⁷ But the shift in policy also picked up on earlier debates that had taken place in the 1920s and 1930s. Within the military, this was a discussion about whether to administratively discharge homosexual personnel in addition to court-martialing soldiers for violent and public sexual acts; within the welfare bureaucracy, it was a debate about the relative merits of channeling social provision to single individuals in need or male breadwinners in families. Not the circumstances of wartime alone, then, but an expanding state’s steady accretion of tools, knowledge, and experience finally culminated in a decision to act.

The federal regulation of homosexuality during the World War II era thus seems a bit different if one keeps an eye out for linkages to earlier policymaking, rather than assuming a sudden step into utterly unfamiliar territory. So, too, the picture of antihomosexuality during the war years is altered when the emphasis is tilted away from the military, where historians have tended to look, and toward the welfare state by

⁵Excerpts from “VA Instructions,” quoted in Donald Webster Cory, *The Homosexual in America: A Subjective Approach* (New York: Greenberg, 1951), 278–79.

⁶“Travelers Aid Services to Veterans”; Jules V. Coleman, “When People Move—Motives, Meanings, and Problems,” in Professional Papers folder, box 24, Travelers Aid Association Records.

⁷On the impact of World War II on state-building, see Bartholomew H. Sparrow, *From the Outside In: World War II and the American State* (Princeton, NJ: Princeton University Press, 1996).

focusing on veterans' benefits.⁸ This is only a tilt, of course, because care for veterans is the point at which the military meets the federal welfare bureaucracy. The former (an especially potent space of same-sex eroticism) and the latter (empowered to decide which *sorts* of individuals would benefit from state largesse) made for a combustible mix. The result was the first federal policy to directly exclude persons identified as homosexual from the benefits of the welfare state. And it was actually the VA, with its memory of being saddled with the care of psychiatric discharges after the Great War, rather than the military, which occasionally looked on queer soldiers as a necessary reserve, that was the most zealous gatekeeper. Congress, believing the VA had usurped its authority, was even more ambivalent about the agency's policy. But eventually all major parties fell into line. Once they did, this was not a trivial or symbolic kind of exclusion. Along with Social Security, the GI Bill comprised the largest portion of welfare state expenditure at midcentury.⁹

If the last chapter was about the losing side of the welfare state, this one concerns the winning side where entitlement and masculinity come together. What is important about moving across that border (losing to winning, queer to straight, single to married, on the move to settled down) is that the suggestive and symbolic removal of the sexually deviant from federal relief (via termination of support for the unattached) has morphed into the *actual removal* of homosexuals from programs for veterans' benefits. In examining this latter case, this chapter again draws on the powerful feminist historiography on the welfare state, and also urges more attention to sexuality alongside gender. Feminist historians have already shown that embedded in the GI Bill, as in other welfare state social provision, was a heterosexual norm that positioned male heads of households as the most deserving citizens.¹⁰ Yet this conclusion

⁸See especially Allan Bérubé, *Coming Out Under Fire: The History of Men and Women in World War II* (New York: Plume, 1990); Leisa D. Meyer, *Creating G.I. Jane: Sexuality and Power in the Women's Army Corps during World War II* (New York: Columbia University Press, 1996).

⁹See Edwin Amenta and Theda Skocpol, "Redefining the New Deal: World War II and the Development of Social Provision in the United States," in *The Politics of Social Policy in the United States*, ed. Margaret Weir, Ann Shola Orloff, and Theda Skocpol (Princeton, NJ: Princeton University Press, 1988), 120. For a consideration of the military as a welfare state institution, see Brian Gifford, "The Camouflaged Safety Net: The U.S. Armed Forces as Welfare State Institution," *Social Politics* 13 (Fall 2006): 372–99.

¹⁰See, for example, Susan M. Hartmann, *The Home Front and Beyond: American Women in the 1940s* (Boston: Twayne Publishers, 1982); Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000); Gretchen Ritter, "Of War and Virtue: Gender, American Citizenship, and Veterans' Benefits after World War II," *Comparative Study of Conscripted in the Armed Forces* 20 (2002): 201–26. Also, Lizabeth Cohen provides a compelling account of exclusions from GI Bill benefits based on

about the heterosexual bias of the GI Bill (and welfare state programs more generally) has been reached by analyzing how state benefits were filtered through marriage.¹¹ Historians have focused, in other words, on one-half of the binary (heterosexuality) while leaving the other half (homosexuality) mostly in the shadows. Casting a light on those shadows reveals that soldiers discharged for homosexuality were not just inadvertently excluded from the economic benefits of the GI Bill because they did not fit into the normative heterosexual family model through which benefits were primarily channeled. Rather, homosexual exclusion was deliberate, built into the very foundation of the welfare state.

This is not the origin story about the GI Bill that is usually told. It complicates (along with the feminist critique) the celebratory way in which the GI Bill is often understood, as democratizing citizenship by opening up education and home-ownership, thereby providing “a modicum of economic welfare and security.”¹² The GI Bill—one of the most far-reaching pieces of social policy legislation in the twentieth century—did have this effect. By 1948, the program represented a staggering 15 percent of the federal budget, and veterans constituted nearly

race, class, and gender. See Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Knopf, 2003): 137–43, 156–60, 166–70.

¹¹This statement most closely describes Cott's work on the GI Bill in *Public Vows*, but see also Hartmann, *The Home Front and Beyond*; Cohen, *A Consumers' Republic*. Some other important feminist works that clarify this relationship between welfare state benefits and marriage more generally are Linda Gordon, *Pitied But Not Entitled: Single Mothers and the History of Welfare, 1890–1935* (Cambridge, MA: Harvard University Press, 1994); Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th-Century America* (Oxford: Oxford University Press, 2001). Linda Kerber's research on women's access to veterans' preference points (while not actually a part of welfare state benefits) is related and significant. Linda K. Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998), chapter 5.

¹²The GI Bill was a classic example of what British sociologist T. H. Marshall called “social citizenship”—the notion that citizenship would become truly democratic when all citizens had the socioeconomic resources to participate to the fullest extent in the social and political life of the nation. Marshall formulated his ideas about social citizenship in the context of mid-twentieth-century Britain. While the U.S. welfare state was more miserly than its British counterpart, some American policymakers hoped that the GI Bill would inaugurate social citizenship in the United States. T. H. Marshall, “Citizenship and Social Class,” in *The Citizenship Debates: A Reader*, ed. Gershon Shafir (Minneapolis: University of Minnesota Press, 1998), 94; Edwin Amenta, *Bold Relief: Institutional Politics and the Origins of Modern Social Policy* (Princeton, NJ: Princeton University Press, 1998). Some examples of the celebratory literature on the GI Bill include Michael J. Bennett, *When Dreams Came True: The G.I. Bill and the Making of Modern America* (Washington, DC: Brassey's, 1996); Suzanne Mettler, *Soldiers to Citizens: The G.I. Bill and the Making of the Greatest Generation* (New York: Oxford University Press, 2005); Theda Skocpol, “Delivering for Young Families: The Resonance of the G.I. Bill,” *American Prospect* 7 (September–October 1996): 66–72.

one-half of the student body in colleges and universities across the country.¹³ “No other New Deal initiative,” the political scientist Ira Katznelson concludes, “had as great an impact on changing the country.”¹⁴

Yet close attention to the Veterans Administration’s use of homosexuality to restrict veterans’ benefits also demonstrates that the trajectory of American citizenship in the twentieth century was not simply expansionary. Rather, the GI Bill resulted in a simultaneous expansion and contraction in citizenship—making education and homeownership available to many working- and middle-class Americans at the same moment that it explicitly prevented soldiers discharged for homosexuality from taking advantage of those same benefits. Even as citizenship was supposedly becoming more democratic, then, the status of citizenship did not confer a shared set of benefits. Rather, benefits were selectively distributed to differentiate first- and second-class citizens—a differentiation that not only set soldiers above civilians, but as VA policy makes clear, simultaneously relied on ascriptive characteristics such as sexual identity to separate the deserving from the undeserving.

The case of federal welfare policy also shows how citizenship operated through inclusion as well as exclusion. While approximately nine thousand World War II-era soldiers and sailors were denied GI Bill benefits because they were undesirably discharged for homosexuality, a much greater number of soldiers who experienced and even acted on homosexual desires were able to use the GI Bill.¹⁵ Some did so because the military judged them “casual offenders” who it either returned to

¹³Samantha Sparks, “The G.I. Bill: The Rites of Its Passage” (master’s thesis, Duke University, 2001), 20–24, 96; Kathleen Jill Frydl, “The GI Bill” (PhD diss., University of Chicago, 2000), 201.

¹⁴Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: W. W. Norton, 2005), 113. “Study after study,” Cohen writes, “has documented that World War II veterans achieved substantially higher median incomes, educational attainments, home ownership rates, and net worths than non-veterans of comparable age” (*A Consumers’ Republic*, 138).

¹⁵For an estimate that between 1941 and 1945, more than four thousand sailors and five thousand soldiers were so discharged, see Bérubé, *Coming Out Under Fire*, 147. On the greater number who might have been considered eligible for such discharges but were not, see *ibid.*, 245. According to Alfred C. Kinsey’s midcentury reports, roughly 4 percent of adult men and 2 percent of adult women were exclusively homosexual in their sexual behavior. By those estimates, perhaps five hundred thousand or more of the sixteen million men and women who served during World War II would have been exclusively homosexual—a number that dwarfs the nine thousand undesirably discharged for homosexuality. See Alfred C. Kinsey, Wardell B. Pomeroy, and Clyde E. Martin, *Sexual Behavior in the Human Male* (Bloomington: University of Indiana Press, 1948), 610–66, especially 651; Alfred C. Kinsey et al., *Sexual Behavior in the Human Female* (Philadelphia: Saunders, 1953), 446–501.

the service or honorably discharged. Profoundly domesticating legislation, the GI Bill helped some of these “casual” or “situational” offenders transition from the homosociality of the World War II military to the heterosexual and familial imperatives of postwar America. Yet the more explicit demarcation between homosexuality and heterosexuality led not only to the category of the casual homosexual (who was really a salvageable heterosexual), but to the construction of a closet in federal welfare policy as well. That closet enabled many soldiers who experienced homosexual desire during the war to claim benefits because they were undetected. The World War II policy on homosexuality thus provided not only for formal exclusion, in other words, but also for a degraded kind of inclusion in citizenship. And the stakes of being included—on any terms at all—were only made higher by the magnitude of the GI Bill programs.

Congressional Enactment of the GI Bill

Veterans had received some assistance after previous wars, but the scope of GI Bill support was unprecedented.¹⁶ The GI Bill was a cornerstone of postwar planning—a “model . . . welfare system” for recipients—and the generosity of the program was based on gratitude to returning veterans who had suffered severe disruption and hardship during the war.¹⁷ It was also based on a broader cultural fear of the possibility of another depression and the social instability that sixteen million unemployed veterans might provoke, of “a military group returning to find their services no longer needed, [of] a working class without jobs,” as veteran Charles G. Bolte put it in 1945.¹⁸ Legislators remembered the World War I veterans who had formed a Bonus Army and marched on Washington, DC, to demand their bonuses, as well as the veterans among Depression-era transients. They worried that a new generation of World War II veterans would wander the country aimlessly if not directed in some way. The country would have “a lot of

¹⁶ Veterans from the Revolutionary War, the Civil War (not including Confederate soldiers), the Spanish-American War, and World War I all received some form of compensation from the federal government—typically land grants, cash bonuses, or pensions. Sparks, “The G.I. Bill,” 57. See also Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA: Belknap Press, 1992).

¹⁷ Sar Levitan and Karen A. Cleary, *Old Wars Remain Unfinished: The Veterans Benefit System* (Baltimore: Johns Hopkins University Press, 1973), 27; U.S. Congress, Senate, Committee on Finance, *Providing Federal Government Aid for the Readjustment in Civilian Life of Returning World War II Veterans*, 78th Cong., 2nd sess., March 18, 1944, 2.

¹⁸ Charles G. Bolte, *The New Veteran* (New York: Raynal and Hitchcock, 1945), 49.

trouble," Senator Harley Kilgore warned, if soldiers were not given some way to "cool . . . off."¹⁹ These images of angry, anchorless men counterposed the strongly domestic thrust of the legislative initiatives under consideration, which treated marriage and family life as critical to the veterans' rehabilitation. Stressing education, employment, and home-owning, veterans' benefits were intended to tame soldiers into husbands, to stop the ex-serviceman who was "drifting" and help him "to make long[-term] plans."²⁰

Support for the GI Bill gained momentum as it moved through Congress, despite the initial opposition of some New Dealers (including Roosevelt) to the exclusion of civilians from the extensive benefits of the bill. The New Dealers had by the late 1930s trimmed veterans' benefits programs because they believed, according to social scientists Edwin Amenta and Theda Skocpol, "that the needs of ex-soldiers should be met chiefly through programs directed at the entire population."²¹ And Roosevelt had bravely gone to an American Legion convention to tell veterans that "no person, because he wore a uniform must thereafter be placed in a special class of beneficiaries over and above all other citizens."²² Such sentiments led Roosevelt to prefer a competing version of the GI Bill that distributed benefits to civilians as well as veterans.²³

The VA, under the leadership of the anti-New Deal Republican Frank Hines, was committed to a different set of principles. First, the VA should be designated as the agency to provide *all* services to returning veterans, and second, civilians should in no way be brought into programs for returning veterans.²⁴ "Whenever the opportunity arose to win benefits for veterans that would be denied to other citizens," Amenta writes, "the VA jumped at it."²⁵ Closely allied with the VA, the American Legion drafted the numerous proposals for programs for veterans into a single omnibus bill. The resulting legislation expressed the commitment of the American Legion and the VA to the idea that civilians not join veterans in collecting benefits. Indeed, the historian Kathleen Frydl notes that the American Legion continued to fight against civilian benefits long after the GI Bill was enacted; it opposed not only

¹⁹ U.S. Congress, Senate, Committee on Military Affairs, *Hearings on S. 1730 and S. 1893*, 78th Cong., 2nd sess., June 14, 1944, 343.

²⁰ Alfreda Stanley, "A Study of the Moving Person in War-time: A Sampling of Clients Known to the USO-Travelers Aid Service in New Orleans" (master's thesis, Tulane University, 1947), 32 in box 24, Travelers Aid Association Records.

²¹ Amenta and Skocpol, "Redefining the New Deal," 85–86.

²² Frydl, "The G.I. Bill," 47.

²³ *Ibid.*, 23.

²⁴ *Ibid.*, 75.

²⁵ Amenta, *Bold Relief*, 243.

the “intermingling of civilians and veterans” but also “the granting of any greater benefits to civilians than those granted to veterans.”²⁶

With an increasingly conservative Congress committed to abolishing New Deal reforms and with growing popular support for a veterans’ bill, the VA’s vision of postwar reform triumphed over Roosevelt’s.²⁷ Conservatives supported the bill, in the historian Alan Brinkley’s words, “precisely because the program was limited to veterans,” directing benefits to an especially deserving segment of the citizenry. New Deal liberals initially opposed the legislation, but they eventually signed on in the hope that, according to Brinkley, the GI Bill would become the basis of a “broader network of programs aimed at the whole population.” Even Roosevelt changed his position on benefits for veterans, stating that soldiers had “been compelled to make a greater . . . sacrifice than the rest of us.”²⁸

The version of the bill that Congress passed was generous in that it offered full benefits to all who had served a minimum of ninety days and received a discharge “under conditions other than dishonorable.”²⁹ The implicit rationale behind the eligibility policy was that while military service was an obligation of citizenship, such service deserved to be rewarded when faithfully rendered. “Basically, every citizen has a duty to serve in the armed forces,” noted a navy report (which conflated “citizen” and “man”), but the GI Bill was “passed by a grateful Congress for the benefit of persons who served . . . during World War II.”³⁰ From the outset it was clear that dishonorably discharged soldiers, regardless of their length of service, had not earned entitlement to GI Bill benefits, whereas soldiers who were separated with honorable discharges after even brief service had.

²⁶ Frydl, “The GI Bill,” 150, 402.

²⁷ The elections of 1942 brought a conservative coalition into power that began dismantling New Deal programs. The pendulum swung back a bit in 1944 when the election returned twenty-four seats to the Democrats, but the overall culture in Congress remained conservative. Brian Waddell, *The War against the New Deal: World War II and American Democracy* (De Kalb: Northern Illinois University Press, 2001), 132.

²⁸ Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Knopf, 1995), 259. “Veterans’ benefits were a bargain for conservatives who feared increasingly high taxation and the extension of New Deal national government agencies,” writes Amenta, explaining conservative support for the GI Bill. “Veterans’ benefits would go to a small group without long term implications for others, and programs would be administered by the VA, diverting power from New Deal bureaucracies” (*Bold Relief*, 247).

²⁹ Servicemen’s Readjustment Act of 1944 (GI Bill of Rights), Public Law 78-346, U.S. Statutes at Large 58 (1944) 284.

³⁰ Commander-in-Chief Atlantic and U.S. Atlantic Fleet to Secretary of Defense, June 1946, decimal 292, box 800, decimal file G-1 Personnel, Records of the War Department General Staff, RG 165, National Archives, College Park, MD.

Yet all branches of the service awarded a series of discharges that ranged between honorable and dishonorable. The commonest of the in-between discharges was called a “blue” (later an “undesirable”) discharge because the document was printed on blue paper. The blue discharge was an administrative discharge that involved neither a court-martial nor a prison sentence. It had been in existence since World War I, when approximately twenty-four thousand such discharges were issued.³¹ But it came into much greater usage during the Second World War, when it was often employed for the quick removal from the service of a soldier whose offenses did not merit a court-martial or whose case lacked sufficient evidence.³²

The proposed legislation made undesirably discharged soldiers—whether separated for homosexuality or other forms of “inaptitude”—eligible for the GI Bill by declaring that all soldiers who were discharged “under conditions other than dishonorable” could claim benefits. Army and navy representatives objected to this terminology, and urged the Congress to limit the extension of benefits to soldiers discharged “under honorable conditions.” Without that limitation, the navy’s Admiral Jacobs warned one senator, “benefits will be extended to those persons who will have been given . . . undesirable discharges [and] might have a detrimental effect on morale.”³³ Various members of Congress disagreed, arguing that the legislation should distribute benefits broadly. Presented with the objections of the military to the more generous terminology, Congresswoman Edith Nourse Rogers commented, “I would rather take the chance so that all deserving men get their benefits.”³⁴ During hearings on the GI Bill, chairman John Rankin of the Committee on World War Veteran’s Legislation declared, “I am for the most liberal terms.”³⁵ The Senate report on the proposed GI Bill legislation noted that many blue discharges—released for “minor offenses”—had served faithfully and with distinction. “It is the opinion of the com-

³¹World War I records show that there were 24,260 discharges issued that were in-between honorable and dishonorable. File no. 211, box 37, AGO Legislative and Policy Precedent file 1943–1975, Records of the Adjutant General, RG 407, National Archives, College Park, MD.

³²Bérubé, *Coming Out Under Fire*, chapter 5.

³³Quoted in *Congressional Record*, 78th Cong., 2nd sess., March 24, 1944, 3077. Whether benefits would be distributed to soldiers discharged “under honorable conditions” or under conditions “other than dishonorable” was one of the main points of controversy during Senate debate on the GI Bill. Roland Young, *Congressional Politics in the Second World War* (New York: Columbia University Press, 1956), 214.

³⁴Quoted in *Congressional Record*, 78th Cong., 2nd sess., June 13, 1944, 5890.

³⁵U.S. Congress, House, Committee on World War Veteran’s Legislation, *Hearings on H.R. 3917 and S. 1767*, 78th Cong., 1st sess., March 30, 1944, 419.

mittee," the report concluded, that "such offenses should not bar entitlement to benefits."³⁶

Accordingly, when Congress finally enacted the veterans' legislation, it authorized benefits to all who had been discharged "under conditions other than dishonorable." The military itself interpreted the new legislation as granting benefits to soldiers with undesirable discharges: "The recently enacted 'G.I.' legislation," explained the army's adjutant general, "contains provisions under which it appears that [those with blue discharges] are eligible for . . . benefits."³⁷

The VA and Homosexual Exclusion

The VA would nonetheless distort the terms of the eligibility requirements in administering the new law. The agency opined that although distinct from a dishonorable discharge (which required a court-martial conviction), an undesirable discharge could take place *under honorable or dishonorable conditions*. A soldier with an undesirable discharge would receive benefits, the VA declared, only if the agency determined that they had been discharged under "honorable conditions."³⁸ "The matter of definition is left to . . . the Veterans Administration," stated one VA official, asserting that the agency would make that determination on a case-by-case basis.³⁹

Many soldiers accused of homosexuality during World War II were caught in this limbo between an honorable and a dishonorable discharge. Shortly after the war broke out, the military "tightened . . . anti-homosexual screening standards" for induction as part of a push for greater screening of recruits (for which with "due modesty, the Veterans' Administration claim[ed] credit").⁴⁰ The military also began to rely on the blue discharge to separate soldiers for homosexuality as the re-

³⁶U.S. Congress, Senate, Committee on Finance, *Providing Federal Government Aid for the Readjustment in Civilian Life of Returning World War II Veterans*, 78th Cong., 2nd sess., March 18, 1944, 15.

³⁷Adjutant General to James Burke, District Attorney, September 28, 1944, file no. 211, box 36, AGO Legislative and Policy Precedent file 1943-1975, Records of the Adjutant General, RG 407.

³⁸Frank T. Hines, "Legal Bars under Section 300, Public No. 346, 78 Cong., and Character of Discharge under Public No. 2, 73 Cong., as Amended, and Public No. 346, 78 Cong.," October 30, 1944, Policy Series 800.04, volume 2, Records of the Department of Veterans Affairs, RG 15, National Archives, Washington, DC; U.S. Congress, House, Committee on Military Affairs, *Blue Discharges*, 79th Cong., 2nd Sess., January 30, 1946, 9.

³⁹Luther Ellis to Mr. Hiller, October 30, 1944, Policy Series 800.04, volume 2, Records of the Department of Veterans Affairs, RG 15.

⁴⁰See "Neuropsychiatric Problems of the Veterans Administration," May 1944, Corre-

sult of a determined effort by military psychiatrists and other officials at the outbreak of the war. The new policy relied on a three-part typology for dealing with homosexuality in the service. First, there was the violent offender who committed sodomy by force and was subject to court-martial. In cases involving violence, military policymakers thus treated homosexuality as an act. But in the majority of the cases, the military had begun to process homosexuals as a class of people. "Homosexual proclivities and acts," the assistant chief of naval personnel wrote in 1942, "represent . . . the habitual performances of persons actually homosexual in their respective inclinations."⁴¹ This "true" or "confirmed" homosexual was to be discharged undesirably. The military's belief in a true homosexual who was "attracted only to members of his own sex"—a correlate of the notion that persons were defined by their desire for same- or opposite-sex partners—reflected a growing binarism in the way that policymakers understood sexuality.⁴² (The pervert had no precise opposite, but the homosexual clearly did.) That binarism was also evident in the final class in the typology—the "casual" homosexual who was actually "a normal young man" who "through curiosity or intoxication submits to the practice . . . without being by nature homosexual."⁴³ This last type—really a "salvageable" heterosexual—was to be treated and returned to duty.⁴⁴

spondence and Papers folder, 1944, box 5, Social Work Service of the United States Veterans Administration, Social Welfare History Archives; "Release of Information Records in Connection with Program for Screening Men Inducted into the Army to Determine Those Mentally or Emotionally Unfit for Service," February 26, 1944, Correspondence and Papers folder, 1944, box 5, Social Work Service of the United States Veterans Administration, Social Welfare History Archives. Bérubé describes screening regulations from 1942 that "for the first time defined both the homosexual and the normal person . . . and clarified procedures for rejecting gay draftees." The procedures "listed three possible signs for identifying male homosexuals . . . 'feminine bodily characteristics,' 'effeminacy in dress and manner,' and a 'patulous [expanded] rectum.'" See Bérubé, *Coming Out Under Fire*, chapter 1. For an account that focuses on the Women's Army Corps, see Meyer, *Creating G.I. Jane*.

⁴¹Chief of Naval Personnel to Commandant, U.S. Marine Corps, "Proposed Procedure for the Disposition of Cases of Homosexuality," July 22, 1942, file no. P13-7, box 845, General Correspondence 1925–1940, Records of the Bureau of Naval Personnel, RG 24, National Archives, College Park, MD.

⁴²"Notes on Homosexuality and Suggestions concerning Its Control and Punishment," circa 1943, decimal 000.51, box 5, decimal file 1918–1942, Records of the Judge Advocate General, RG 153, National Archives, College Park, MD.

⁴³Memorandum from Colonel John M. Weir to Director of Military Personnel, "Sodomists," December 17, 1942, decimal 250.1, box 438, G-1 Personnel decimal file 1942–1946, Records of the War Department General Staff, RG 165.

⁴⁴The policy was revised slightly and reissued as "War Circular # 3" in 1944. See documents in decimal 250.1, box 438, G-1 Personnel decimal file 1942–1946, Records of the War Department General Staff, RG 165.

The policy shift—which emphasized discharge over court-martial and imprisonment—had been debated since the mid-1920s. It finally earned the support of military hard-liners because it preserved prison as an option for the most egregious offenses, while providing the military with a more flexible way to both remove those with “undesirable traits” and retain those it judged “reclaimable.” The new discharge policy, in some aspects more humane, enabled the military to broaden its operation beyond those who could be convicted of sodomy to police homosexual status much more expansively. Indeed, the war years provided the significant state infrastructure that processing homosexuals as people required. Soldiers suspected of homosexuality might be followed by vice patrols, observed in hospitals, diagnosed by psychiatrists, assessed by the Red Cross, and interrogated by military police, before finally having their fate determined before a military board.⁴⁵

The army issued around five thousand undesirable discharges for homosexuality during World War II. Some four thousand sailors were undesirably discharged for homosexuality from the navy during the same period.⁴⁶ While the discharge was also given to drug addicts, bed wetters, alcoholics, and African American soldiers who challenged segregation, its association with homosexuality made it especially damaging to those who received it.⁴⁷ Soldiers who bear “the stigmatization of an ‘other than honorable’ discharge . . . face all the problems of explanation at home,” reported an army captain, “especially when the reason [is] homosexuality.”⁴⁸ “I am ashamed to let anyone know what has happen [sic],” one African American woman wrote to the National Association for the Advancement of Colored People (NAACP) on behalf of her son. Her sense of shame (and secrecy) may suggest that her son committed a homosexual offense, or perhaps it reflects the way that the sexual stigma of the discharge made challenges to the military’s system of Jim Crow more costly. “Please forgive writing bad,” she closed, “I am trying to rush before anyone comes in.”⁴⁹ The Henry Foundation, a New

⁴⁵ Bérubé, *Coming Out Under Fire*, chapter 5.

⁴⁶ Between December 7, 1941, and June 30, 1945, the army issued 51,963 total undesirable discharges. U.S. Congress, House, *Blue Discharges*, 3; Bérubé, *Coming Out Under Fire*, 232.

⁴⁷ Generally, soldiers with psychoneurotic conditions were honorably discharged. U.S. Congress, House, *Blue Discharges*, 7.

⁴⁸ Wilson R. G. Bender, “Rehabilitation and the Returning Veteran,” *Mental Hygiene* 29 (January 1945): 29.

⁴⁹ “We are a family never had any type of bad record of any kind,” the woman continued. It is unclear if the discharge of this woman’s son was for homosexuality, but the NAACP did advocate for soldiers who had been so discharged. Defense Department and War Department Correspondence, Change in Discharge Cases, 1948–1951, box 59, part I, Washington Bureau, NAACP Records, Library of Congress, Washington, DC.

York organization that assisted individuals in trouble with the law for homosexual offenses, stated that the undesirable discharge, "following a man through the years," was "too great a punishment." The organization reported that it had "been consulted on several occasions by citizens and [veterans' organizations] in their efforts to lighten what in many cases has been an intolerably unjust burden."⁵⁰ Congressman Rankin declared that he would rather come home with a *dishonorable* discharge than as "neither fish nor fowl," with an undesirable discharge that "I would have to explain for the rest of my life."⁵¹

While the VA had assumed responsibility for deciding which undesirables would be eligible for benefits, as a practical matter the agency was initially confused about how to adjudicate individual cases. "This office is having considerable difficulty in defining the term 'under conditions other than dishonorable,'" the VA Administrator Frank Hines wrote to Secretary of the Navy James Forrestal in 1944.⁵² As a result of such initial confusion, the VA began to construct more explicit guidelines for adjudicating benefits. In October of that year, the VA used language from the World War Veterans' Act of 1924 to argue that any discharge for an offense involving "moral turpitude" would constitute a discharge under dishonorable conditions.⁵³ But in implementing this policy, the VA ignored the provision of the 1924 law requiring that a soldier be convicted by a civil or military court before being disqualified from benefits. A memo from VA headquarters expressed frustration that local VA offices were following the language of the 1924 legislation more literally, and were awarding benefits to blue discharges as long as they had not been convicted under civil or military law.⁵⁴ One adjudicator, facing numerous cases of soldiers given undesirable discharges for homosexuality, wrote in to ask whether "in the absence of any . . . convictions by court-martial" such discharges were to be considered as under dishonorable conditions.⁵⁵

⁵⁰George Henry, "Report of the Psychiatrist-in-Chief," April 15, 1949, box 62, Society for the Prevention of Crime Papers, Rare Books and Manuscripts Library, Columbia University, New York.

⁵¹U.S. Congress, House, Committee on World War Veterans' Legislation, *Hearings on H.R. 3749 and Related Bills*, 79th Cong., 1st sess., June 20, 1945, 159.

⁵²Frank T. Hines to Secretary of the Navy James Forrestal, August 9, 1944, Policy Series 807, Records of the Department of Veterans Affairs, RG 15.

⁵³Frank T. Hines, "Legal Bars under Section 300, Public No. 346, 78 Cong., and Character of Discharge under Public No. 2, 73 Cong., as Amended, and Public No. 346, 78 Cong.," October 30, 1944, Policy Series 800.04, volume 2, Records of the Department of Veterans Affairs, RG 15.

⁵⁴Solicitor to Board of Veterans' Appeals, September 28, 1945, Policy Series 300.5, Records of the Department of Veterans Affairs, RG 15.

⁵⁵Adjudication Officer W. F. Greene to Director, Veterans' Claims Service, April 21, 1945, Policy Series 800.04, volume 2, Records of the Department of Veterans Affairs, RG 15.

As the letter indicates, the VA's policy on eligibility for undesirables confused some adjudicators, because why wouldn't a discharge that was by definition *not dishonorable* fall into the category "under conditions other than dishonorable"? The apparent irrationality surrounding the VA's policy was compounded by the situation of service members discharged for homosexuality, only some of whom were charged with committing homosexual acts, and many of whom had stellar service records.⁵⁶ To some VA adjudicators, such soldiers must have seemed the sort Congress had in mind when it added to the GI Bill the liberalizing provision that those whose service had been "meritorious, honest, and faithful" were not to be deprived of benefits.⁵⁷

In April 1945, Hines responded to such confusion by issuing an order that addressed homosexuality explicitly. The policy held that an undesirable discharge because of homosexual acts or *tendencies* "will be considered as under dishonorable conditions and a bar to entitlement."⁵⁸ Hines's order did not end debate on the issue, however. A letter from the American Civil Liberties Union (ACLU) challenged the new VA policy. The ACLU maintained that because a blue discharge was not a dishonorable discharge, it was awarded under conditions other than dishonorable and the denial of benefits was illegal. The VA's response to this letter was simply to reassert the text of the new policy on homosexuality.⁵⁹ Likewise, local VA offices, slow to catch on to the 1945 directive, continued to request clarification in adjudicating the eligibility of veterans discharged for homosexuality. The decentralized administration of benefits—devised to allow southern states to keep black veterans out of the program—thus may have ironically slowed homosexual exclusion for a time.⁶⁰ Headquarters dismissed these queries about how to handle sol-

⁵⁶Homosexuals "may even turn out to be excellent soldiers," *Newsweek* admitted. "Soldiers and Sex," *Newsweek*, July 26, 1943, 70, 72.

⁵⁷"Section 1503 amends section 1603 as passed by the Senate and, as amended, requires a discharge or release from active service under honorable conditions as a prerequisite to entitlement to benefits . . . but adds a liberalizing provision, to the effect that, except as to persons dishonorably discharged, benefits to which a person otherwise would be entitled but for a discharge under other than honorable conditions may be awarded if his service is shown to be otherwise meritorious, honest, and faithful." U.S. Congress, Senate, *Providing Federal Government Aid for the Readjustment in Civilian Life of Returning World War II Veterans*, 16.

⁵⁸U.S. Congress, House, *Blue Discharges*, 8–9.

⁵⁹Clifford Forster, American Civil Liberties Union, to Omar Bradley, Veterans Administration, January 18, 1946, Policy Series 800, Records of the Department of Veterans Affairs, RG 15; O. W. Clark, Veterans Administration, to Clifford Forster, February 2, 1946, Policy Series 800, Records of the Department of Veterans Affairs, RG 15.

⁶⁰On the GI Bill's "provisions for the dispersion of administrative responsibilities that were designed to shield Jim Crow," see Katznelson, *When Affirmative Action Was White*, 124.

diers discharged for homosexuality with pronouncements that the policy was “fully comprehensive and sufficiently clear.”⁶¹

Insisting on the clarity of the policy, the VA drew a line between homosexuality and heterosexuality to separate deserving veterans from undeserving ones. And while the military awarded the undesirable discharge for a variety of traits or behaviors, only the discharge for homosexuality led to a separate policy statement from the central office. For other undesirables, “decisions about who qualified [were] kept in state [administrators’] hands.”⁶² The policy of 1945, by contrast, exemplified federal leadership in the attempt at homosexual exclusion. As the policy was “one of the last orders of an outgoing administrator,” some explanation for it may rest in Hines’s biography.⁶³ Hines, a conservative Republican, was appointed to head the Veterans Bureau by President Warren G. Harding in 1923, and then reappointed by presidents Calvin Coolidge and Herbert Hoover. In 1930, the Veterans Bureau became the VA, and Hines was appointed its first administrator. He ran the agency tightly, “emerging with a [budget] surplus every year.” During the Great Depression, he fought to block early disbursement of the bonus payment to World War I veterans, insisting that the government had already “dealt most generously with its veterans.”⁶⁴ Even after the passage of the GI Bill, observed the *New York Times*, “under General Hines’s administration, there were no complaints of extravagance.”⁶⁵

Hines also would have been at the helm when a handful of federal transient camps specifically for veterans—run jointly by the FTP and the VA—were established.⁶⁶ He would have seen them fail, and observed firsthand the way that this attempt at social provision was damaged by rumors about perversion among the beneficiaries. This experience also may have fortified his conviction, shared by other New Deal opponents, that too much social provision was degenerative for the recipients. One army official, for example, believed the damage had already been done with respect to “WPA types” in the service who lacked strong “masculine identification.”⁶⁷ For Americans more generally, Hines

⁶¹George E. Brown, Director of Veterans Claims Service to Manager, “Instructions Numbers 1, 2, and 3, Sections 300 and 1503, Public No. 346, 78th Congress,” May 11, 1945, Policy Series 800.04, volume 2, Records of the Department of Veterans Affairs, RG 15.

⁶²Katznelson, *When Affirmative Action Was White*, 127.

⁶³Cory, *The Homosexual in America*, 278–79.

⁶⁴*Current Biography 1944* (New York: H. W. Wilson, 1945), 296–99. *Current Biography* was an encyclopedia with brief bibliographic essays on important Americans.

⁶⁵“Brig. Gen. Hines, Ex-V.A. Head, Dies,” *New York Times*, April 5, 1960, 37.

⁶⁶On the Federal Transient Program, see chapter 3.

⁶⁷Major Kilpatrick to Dr. Harry Steckel, October 24, 1942, Office of Surgeon General/Army Nomenclature folder, box 25, Papers of Superintendent Winfred Overholser, Records of St. Elizabeth’s Hospital, RG 418, National Archives, Washington, DC.

“expressed fear that the moral fiber of the [citizenry] is in danger of being undermined through work relief and security programs,” as a 1944 biographical sketch of the VA administrator elaborated. “He has . . . expressed the opinion that one hundred dollars a month from a Government relief or Social Security program would induce many citizens to give up all effort to get private employment.”⁶⁸ The navy also echoed Hines’s concern about the way that the GI Bill was implemented, particularly the “52-20 Club,” which provided unemployed veterans \$20 a week for up to fifty-two weeks. “Benefits should not encourage laziness,” warned a navy report on the GI Bill. For “many *unmarried* servicemen without responsibilities [the 52-20 Club] offered a one year vacation with pay.”⁶⁹ Implicit in such warnings was the idea that besides soldiering, the male citizen’s other obligations were to get a job and have a family. If generous benefits freed men of those obligations, such benefits would create weak and dependent men.⁷⁰ Hines’s overall frugality may have resulted in a specific policy barring soldiers suspected of homosexuality from benefits because of these broader cultural associations linking weakness, dependency, and immorality.⁷¹ Moreover, in drawing on the association between overly generous entitlement and moral decline, the VA’s antihomosexual policy justified the agency’s dismissal of congressional intentions to distribute benefits broadly—a dismissal that some undesirably discharged soldiers would soon challenge.

The Veterans’ Response

The VA’s policy on blue discharges did not make sense to some undesirably discharged veterans and their families. One mother, whose son had told her that his undesirable discharge was on account of homosex-

⁶⁸ *Current Biography 1944*, 298. “Pensionitis” was the particular term coined by the VA to describe “debilitating dependence on the state” by those with psychiatric discharges. See Ellen Herman, *The Romance of American Psychiatry: Political Culture in the Age of Experts* (Berkeley: University of California Press, 1995), 120, 344.

⁶⁹ Commander-in-Chief Atlantic and U.S. Atlantic Fleet to Secretary of Defense, June 1946, decimal 292, box 800, decimal file G-1 Personnel, Records of the War Department General Staff, RG 165 (emphasis added).

⁷⁰ Related to this is Kessler-Harris’s discussion of the opposition of trade unionists to universal entitlement programs because they believed such programs would create “cringing” and dependent men (*In Pursuit of Equity*, 68).

⁷¹ Postwar culture tended to conflate effeminacy, weakness, and homosexuality. The connections between degeneration due to excessive social provision and the threat of same-sex sexuality in domestic policy have a strong counterpart in cold war foreign policy. See, for example, Robert D. Dean, *Imperial Brotherhood: Gender and the Making of Cold War Foreign Policy* (Amherst: University of Massachusetts Press, 2001); K. A. Cuordileone,

uality, called the War Department to ask for clarification. "They told me," she reported to her son, "that every soldier who does not hold a dishonorable discharge is entitled to the G.I. [Bill of] Rights." Trying to allay her son's fears that he would receive nothing for his time in the service, his mother incorrectly reassured him: "I think someone is trying to hand you a terrific line," she soothed. "No one can see how they can withhold [your benefits]." ⁷²

The economic value of the benefits was extremely important to many veterans. "If anything should prevent my future education," worried one veteran discharged for homosexuality, "I'd be sunk because the money to carry on myself is simply not available." ⁷³ Going to college on the GI Bill, or buying a house or starting a business with a VA loan, were indeed critical steps toward occupational achievement as well as financial stability. But it was not the economic benefits alone that made the GI Bill so important to veterans. Collecting on the entitlements of the program also brought honor to many families who had never sent a son or daughter to college, or had never owned a home. Just as collecting benefits conferred honor on the recipient, the economic costs of being denied GI Bill benefits were not easily separated from the stigma of the discharge. "[My family is] not wealthy and without the aid of the government, school is practically out of the question," one soldier wrote another. "If [they] ever found out it would be awful, because Mother worships the ground I walk on and she could never take it." ⁷⁴ The letter of another soldier discharged for homosexuality also conflated the stigma of the discharge with its economic penalties:

Now I'm up against it. What is painfully embarrassing is that [blue] discharge. . . . What am I to do? Starve? Be kicked around because things got too much for me to bear? Because I really am in need, and unemployed, and willing and able to re-enlist, if only they will take me on, provisionally or otherwise, so I can disprove once and for all what nonsense appears in my case record. ⁷⁵

"'Politics in an Age of Anxiety': Cold War Political Culture and the Crisis in American Masculinity, 1949–1960," *Journal of American History* 87 (September 2000): 515–45; Robert L. Griswold, "The 'Flabby American,' the Body, and the Cold War," in *A Shared Experience: Men, Women, and the History of Gender*, ed. Laura McCall and Donald Yacovone (New York: New York University Press, 1998), 323–48.

⁷²Mother to "Dear," 1944, box 4, World War II Project Records, Gay, Lesbian, Bisexual, and Transgender Historical Society, San Francisco. The World War II Project Records are largely comprised of primary source materials collected by Bérubé during the course of researching *Coming Out Under Fire*. I am grateful to him for making these sources available to other researchers.

⁷³Milqui to Harold, March 6, 1945, box 4, World War II Project Records.

⁷⁴Milqui to Harold, February 20, 1945, box 4, World War II Project Records.

⁷⁵Francesco ——— to VA Administrator Omar Bradley, October 19, 1945, case no.

The humiliation of the blue discharge was more severe because of its association with homosexuality. But different families handled the stigma differently. "I really can't see where you can think that coming home would be anything desperate to face," one mother told her son. "We all know dozens of boys who are out of the service on psychiatric discharges." She attempted to calm her son's fears that friends and neighbors would discover his blue discharge. "Have you ever seen daddy's discharge? Did anyone important ever ask to see it? Are you sure that *it* was an honorable one?"⁷⁶

Despite this mother's assurances, employers and universities did ask to see discharge papers, often with devastating results for veterans. "These 'blues' do hold a veteran back in so many ways," commented a soldier who had been denied his prewar position after an employer saw his blue discharge.⁷⁷ "I really am . . . determined to clear myself," another veteran wrote, "[The blue discharge] is an obstacle, and I can't tolerate it much longer."⁷⁸ Indeed, some policymakers began to worry that the denial of rights and benefits stigmatized undesirably discharged soldiers so severely that they were unable to reenter society. The "individual is not going to become a very useful citizen to society if he is walking around with a blue discharge," Congressman B. W. Kearney fretted during debate on the GI Bill.⁷⁹ A decade later, in 1957, the navy's own Crittenden Report warned that "the service is creating a group of unemployables by [issuing] the undesirable discharges."⁸⁰ Many World War II soldiers—especially those who were drafted—came home infuriated that their blue discharges were actually closing doors that were open to them before the war. "I cannot prevent myself from feeling outraged at the injustice of the government's returning me to a society with whose contempt I shall be in constant struggle," one man wrote in a letter, "and further burdening me with the stigma which is automatically attached to the person receiving a [blue discharge]."⁸¹

Faced with both social stigma and the loss of benefits, veterans had a variety of reactions. A few literally walked away, embarking on a "pat-

4217128, Veterans' Claims Service, obtained through the Freedom of Information Act, in author's possession. I have omitted this man's last name, and have made similar alterations in all postwar chapters to protect the privacy of individuals who may still be living. I have not altered the name of any individual involved in a federal court case.

⁷⁶Mother to Harold, 1944, and November 1944, box 4, World War II Project Records (emphasis added).

⁷⁷Soldier to Senator Lister Hill, August 28, 1946, box 6, World War II Project Records.

⁷⁸Francesco ——— to Major Frederick Vater, May 6, 1945, case no. 4217128, Veterans' Claims Service, obtained through the Freedom of Information Act, in author's possession.

⁷⁹Quoted in *Congressional Record*, 78th Cong., 2nd sess., May 12 1944, 4454.

⁸⁰Crittenden Report, box 16, World War II Project Records.

⁸¹Harold to Blanche, November 18, 1944, box 4, World War II Project Records.

tern of wandering.”⁸² Some may have had nearly the opposite response (to settle down), as with one undesirable (discharged for homosexuality) who contemplated getting married “and demand[ing] things on that basis.”⁸³ Others simply disregarded the blue discharge and applied for benefits anyway. “I filed an appeal at the Veterans Administration in Kansas City to claim compensation for a nervous condition sustained in the Service,” one soldier told a friend, predicting that his claim would be rejected as a result of his blue discharge.⁸⁴ And receiving benefits in the first instance offered no assurance of keeping them. One Florida veteran, for example, was discharged from the navy in 1944 for engaging in consensual homosexual activities. Despite his blue discharge (which occurred before the VA issued its policy on homosexuality), he used GI Bill benefits to enroll at the LaFrance School of Beauty Culture in Miami. Things were going well for him—the school received \$500 a year for tuition, and the veteran received an allowance of \$50 a month—until he was featured in an article in the *Miami Herald*. An official in the navy (who apparently knew the sailor and was familiar with the circumstances surrounding his discharge) saw the article and wrote to the VA to ask “if all naval personnel discharged for [homosexuality] will receive the benefits of the laws administered by the Veterans Administration?” VA headquarters in Washington, DC, then notified the local office in Bay Pines, Florida, that the veteran was ineligible for benefits.⁸⁵

Indeed, it was not at all uncommon for the VA to be aggressive in correcting mistakes it made during the years that the policy was being worked out. The agency had established its own “little FBI” to address “matters of personal interest” to VA administrator Hines.⁸⁶ “The VA is

⁸²National Committee on Service to Veterans, *Veterans on the Move*.

⁸³Milkie to Harold, June 30, 1945, box 4, World War II Project Records.

⁸⁴Bob to Harold, November 28, 1944, box 4, World War II Project Records. In 1967, the Society for Individual Rights conducted a survey of soldiers discharged for homosexuality (which would have included World War II veterans). The survey asked if veterans had applied for veterans’ benefits after their discharge—a question that suggests the practice was probably not uncommon. Confidential Survey, Society for Individual Rights, Military 1960s folder, ONE/IGLA Archives, Los Angeles.

⁸⁵Bureau of Naval Personnel to Veterans Administration, “Enlisted Personnel Discharged with Undesirable Discharges—Veterans’ Benefits,” March 15, 1945, Policy Series 800.04, volume 2, Records of the Department of Veterans Affairs, RG 15; District Civil Readjustment Officer, U.S. Naval Reserve to Chief of Staff, 7th Naval District, February 21, 1945, Policy Series 800.04, volume 2, Records of the Department of Veterans Affairs, RG 15; Administrator of Veterans Affairs Frank T. Hines to Bureau of Naval Personnel, March 25, 1945, Policy Series 800.04, volume 2, Records of the Department of Veterans Affairs, RG 15.

⁸⁶A. Rosen to the Director, November 28, 1945, “Investigative Unit of Veterans Administration,” and “GIs Guarded from Fraud by ‘Little FBI,’” November 26, 1945, *Washington Post*, both obtained through the Freedom of Information Act, in author’s possession.

hep against these Blue bastards," observed one undesirable.⁸⁷ "My friend Louie is still going to school under his own power and simply takes things as they come," wrote one soldier to a friend. "He recently received a letter from the [VA] 'requesting' him to pay back to the United States Treasury the sum of \$475 that he received under the GI Bill."⁸⁸ Another soldier who was undesirably discharged for homosexuality managed to qualify for GI Bill benefits and used them to obtain his bachelor's degree. After the VA discovered the error, the agency not only demanded repayment but also threatened the young man with a civil suit and imprisonment for receiving money under false pretenses. The soldier contacted the Henry Foundation, which then enlisted the help of a U.S. senator to obtain a waiver from the VA for the soldier.⁸⁹

Faced with the specter of the VA coming after them, many veterans did not claim benefits directly but instead used established channels to protest the denial of benefits. In the text of the GI Bill, Congress had provided for the establishment of boards of review within all branches of the service. An undesirably discharged service member's only recourse was to go before a board of review to request that their discharge be upgraded to honorable. Some soldiers who decided to fight for an upgrade blamed the military for what had happened to them. "When I entered the army I had certain homosexual tendencies," one explained in a letter to a friend. "Army life developed them into traits of character which I will never be able to change. [This camp] has done the most damage to me and it was here that I fell into a clique of homosexuals that has brought me into the classification of 'confirmed.'"⁹⁰ The same soldier's mother concurred that the military was responsible for her son's state. "Since the army has had a large part in tearing down your health and mental abilities," she told him, "I see no reason why they should not assume at least part of the responsibility for building you up again."⁹¹

As such veterans went through the appeals process, they sought out other blue discharges for help and counsel. "I'd appreciate any concrete advice and procedure you can give on how to handle the Veterans Administration," one veteran wrote another.⁹² Undesirably discharged soldiers monitored the situation, and kept each other apprised of legal or political changes. This same soldier told his friend of a newspaper story he had read about the blue discharges. "The article stated that none of the stigma of the dishonorable discharge is to go

⁸⁷ Bob to Harold, November 28, 1944, box 4, World War II Project Records.

⁸⁸ Milqui to Harold, September 20, 1945, box 4, World War II Project Records.

⁸⁹ George Henry, "Report of the Psychiatrist-in-Chief," April 15, 1949, box 62, Society for the Prevention of Crime Papers.

⁹⁰ Harold to Blanche, November 18, 1944, box 4, World War II Project Records.

⁹¹ "Maw" to Harold, November 20, 1944, box 4, World War II Project Records.

⁹² Milqui to Harold, April 12, 1945, box 4, World War II Project Records.



“Ex-Serviceman Seeks Answers.” Travelers Aid partnered with the United Service Organization to provide services to returning soldiers, including those holding undesirable discharges and considered especially likely to “drift” after the war. Travelers Aid Collection, Social Welfare History Archives. Used with permission.

along with the blue” he reported, “and that we are to receive all the benefits of the G.I. Bill.”⁹³

Blue discharges reached out for assistance not only to one another, but to a range of organizations as well. The Veterans’ Affairs Office of the NAACP devoted most of its resources to helping African Americans who had gotten blue discharges, some of whom had been discharged for homosexuality, upgrade their discharges to honorable.⁹⁴ Some blue discharges wrote to the ACLU—one man discharged for homosexuality contacted the ACLU to recommend himself as a “suitable plaintiff” should the ACLU decide to fight “Hines’s arbitrary ruling which denies veterans’ rights.”⁹⁵ Social service agencies—to whom “veterans released

⁹³Milqui to Harold, January 8, 1946, box 4, World War II Project Records.

⁹⁴See, for example, Defense Department and War Department Correspondence, 1948–1951, box 59, part I, Washington Bureau, NAACP Papers.

⁹⁵In this case, the ACLU declined to act. The ACLU’s position was that it would not take action in cases where it appeared that homosexual acts had occurred. But the agency was sympathetic to the plight of veterans discharged for homosexuality. ACLU lawyers read Donald Webster Cory’s book, *The Homosexual in America*, and expressed concern about possible VA discrimination. Edward ——— to Alan Reitman, November 28, 1951, box 1127, folder 1, “Military Discharges,” American Civil Liberties Union Collection, Seeley G. Mudd Archives, Princeton University, Princeton, NJ.

with the blue discharge will . . . be well known”—also extended help.⁹⁶ In New York City, for example, the Henry Foundation helped undesirably discharged veterans directly and also corresponded with the American Red Cross and the American Legion on behalf of soldiers discharged for homosexuality.⁹⁷ Travelers Aid as well made its services available to blue discharges, providing help, for instance, to one soldier discharged for homosexuality and on the road because his mother “was not at all eager to have him at home.”⁹⁸ Veterans “with various degrees of disturbance” made their way to desks in railway terminals set up jointly by Travelers Aid and the United Service Organization. (One army officer was incredulous that “any man would [go] to the United Service Organization in Grand Central Station and ask for help with an intimate personal problem.”)⁹⁹ Finally, many undesirably discharged soldiers wrote to members of Congress, some of whom were becoming increasingly vexed by the situation of the blue discharges.¹⁰⁰

Congressional Ire

When Congress enacted the GI Bill, members had expressed concern that soldiers who were undesirably discharged would be unfairly denied benefits. The final version of the legislation they passed—which created boards of review within each branch of the service—reflected

⁹⁶William C. Menninger, “Psychiatric Social Work in the Army and Its Implications for Civilian Social Work,” in *Proceedings of the National Conference of Social Work* (New York: Columbia University Press, 1945), 91.

⁹⁷George Henry, “Report of the Psychiatrist-in-Chief,” April 15, 1949, box 62, Society for the Prevention of Crime Papers; Alfred A. Gross to Charles Cook, November 3, 1949, box 62, Society for the Prevention of Crime Papers; George W. Henry, *All the Sexes: A Study of Masculinity and Femininity* (Toronto: Rinehart and Company, 1955), 372.

⁹⁸Jules Coleman, “When People Move—Motives, Meanings, and Problems,” Professional Papers-1 folder, box 24, Travelers Aid Association Records.

⁹⁹Dorothy Elkund, “Psychiatric Social Work and Casework in the USO,” Miscellaneous folder, box 25, Travelers Aid Association Records.

¹⁰⁰See, for example, George E. Brown, Veterans’ Claims Service, to Congressman Vito Marcantonio, January 1946, Policy Series 800, Records of the Department of Veterans Affairs, RG 15; Vito Marcantonio to General Omar Bradley, December 22, 1945, Policy Series 800, Records of the Department of Veterans Affairs, RG 15; Civilian Aide to Secretary of War and Marshall P. Patton, May 8, 1947, Subject File, 1940–1947, Records of the Civilian Aide to the Secretary of War, RG 107, National Archives, College Park, MD; Civilian Aide’s Notes concerning Cases of Individual Blue Discharges, “Blue Discharges,” Subject file, 1940–1947, Records of the Civilian Aide to the Secretary of War, RG 107; Letter to Honorable Michael Kirwin, file no. 949, box 86, AGO Legislative and Policy Precedent file 1943–1975, Records of the Adjutant General, RG 407; Soldier to Senator Lister Hill, August 28, 1946, box 6, World War II Project Records; Senator C. Wayland Brooks to Vice Admiral Ross T. McIntire, Navy Department, July 18, 1944, box 13, World War II Project Records.

that concern. While soldiers could attempt to upgrade their discharges through the boards, Congress did not have the foresight to establish an appeal mechanism within the VA itself. As members of Congress became increasingly aware of the number of blue discharges denied benefits by VA adjudicators, some members began to feel that the VA was violating the generous intent of the GI Bill. Resistance to the VA policy came not only from undesirably discharged soldiers, in other words, but from Congress itself.

Congressional frustration with the VA's policy on blue discharges first surfaced in the fall of 1945. Race, not sexuality, was the initial basis of congressional concern, as evidenced by Senator Edwin Johnson's reading into the *Congressional Record* a series of editorials on the injustice of the blue discharge from an African American paper, the *Pittsburgh Courier*. "There should not be a twilight zone between innocence and guilt," Johnson remarked on the Senate floor.¹⁰¹ Congressional criticism of the VA's policy was centered not in the Senate, but in the Democratic-chaired House Committee on Military Affairs, where a seven-member subcommittee held hearings in the fall of 1945 and then drafted a remarkable report protesting the VA policy on blue discharges.¹⁰² In explaining that the blue discharge targeted those who had committed misconduct, including "sodomy or sex perversion," and those who exhibited undesirable traits of character, including "psychopathic personality manifested by homosexuality," the authors of the report clearly considered both the situational offender and the "true" homosexual as among the victims of the VA's policy.¹⁰³ In contrast to the way that the VA singled out soldiers discharged for homosexuality, however, the committee made its case for the more liberal extension of benefits without sharply distinguishing between soldiers discharged for homosexuality and other recipients of the blue discharge.

Although the committee did not, like the VA, use sexuality to differentiate among veterans, its members seemed to recognize that the association between the blue discharge and homosexuality exacerbated its stigma. The language of the discharge, between honorable and dishonorable, gave the impression "that there is something radically wrong with the man in question," the committee wrote, "something so mysterious that it cannot be talked about or written down, but must be left to

¹⁰¹ Quoted in *Appendix to the Congressional Record*, 79th Cong., 1st sess., 1945, A4778.

¹⁰² The Special Committee of the Committee on Military Affairs that authored the report on blue discharges was comprised of Chair Carl Durham (D-NC), Robert L. F. Sikes (D-FL), Arthur Winstead (D-MS), Melvin Price (D-IL), Thomas E. Martin (R-IA), Ivor D. Fenton (R-PA), and J. Leroy Johnson (R-CA). Many of these men were veterans of either World War I or World War II.

¹⁰³ U.S. Congress, House, *Blue Discharges*, 2.

the imagination."¹⁰⁴ Homosexuality—which was actually becoming less visible as it was coming to be identified with sexual-object choice rather than gender inversion—was more likely on the minds of committee members when they made that assertion than the other offenses that led to a blue discharge (such as drunkenness or insubordination).¹⁰⁵ Likewise, the committee noted that the vagueness of the discharge meant that “moral suspicions are aroused.”¹⁰⁶ The stigma surrounding the blue discharge was so powerful, the committee complained, that many of those facing an undesirable discharge “have been known to ask for an out-and-out dishonorable discharge.”¹⁰⁷ The report expressed amazement at the numbers who had come forward to complain, thus “publicizing the stigma of having been discharged from the Army under circumstances which savor of disgrace.” Still, those who complained surely spoke for thousands more, “who feel the same sense of injustice but prefer to bury their hurt in as much oblivion as possible.”¹⁰⁸

The report protested the unfairness of the blue discharge. Soldiers caught in its web were denied the procedural protections provided to soldiers who were court-martialed. The military refused legal counsel to candidates for blue discharges, and it did not give them a record of the hearing proceedings. Its victims were young, inexperienced men (and women) whose mistakes were often quite minor in nature.¹⁰⁹ The blue discharge would prevent them from receiving benefits, make post-war employment difficult, cause them to be denied admission to many colleges and universities, and as the report claimed, “depress and tor-

¹⁰⁴ *Ibid.*, 6.

¹⁰⁵ On gender inversion, sexual-object choice, and visibility, see Regina Kunzel, *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality* (Chicago: University of Chicago Press, 2008), chapter 3. This notion that the offense cannot be named also seems to suggest “the love that dare not speak its own name” that originally appeared as a line in the Alfred Douglas poem “Two Loves.” Douglas was the companion of Oscar Wilde, and the line was quoted during Wilde’s trial in 1895 for homosexual offenses. The poem is reprinted in Stephen Coote, *Penguin Book of Homosexual Verse* (Harmondsworth, UK: Penguin Books, 1983), 262–64.

¹⁰⁶ U.S. Congress, House, *Blue Discharges*, 7.

¹⁰⁷ *Ibid.*, 6.

¹⁰⁸ *Ibid.*, 1.

¹⁰⁹ The report did refer to women soldiers, but rarely, and only in ways that highlighted their exceptionality as, for example, in the following passage: “In the event the ‘enlisted man’ is a woman, an officer of the Women’s Army Corps serves on the board [of officers].” Women were not targeted to the same extent as men for homosexual offenses during World War II. They were, however, occasionally undesirably discharged—more often for gender inversion (mannishness) than for sexual acts per se. See chapter 5. Also relevant is Leisa D. Meyer, “The Myth of Lesbian (In)visibility: World War II and the Current ‘Gays in the Military’ Debate,” in *Queer American History*, ed. Alida M. Black (Philadelphia: Temple University Press, 2001), 271–81; Meyer, *Creating G.I. Jane*, chapter 7.

ture them for the rest of their days."¹¹⁰ The fact that many of these soldiers had been drafted made the members of the committee especially sympathetic. "Some succumbed to temptations they never met until they entered the Army," the committee wrote, referencing the opportunity that life in the military during World War II provided for homosexual activity.¹¹¹ The army should eject such men and women from the service, the report argued, but it should not make the "rest of their lives grievous."¹¹²

The committee was particularly incensed that the VA had usurped congressional authority in its refusal of benefits to blue discharges. The report argued that the law's awkward phraseology, "under conditions other than dishonorable," reflected a clear congressional desire to distribute benefits broadly. Congress "intended that all persons not actually given a dishonorable discharge should profit by this generosity."¹¹³ By evaluating each undesirable discharge as either under honorable or dishonorable conditions, the VA refused to "take the discharge at its face value."¹¹⁴ The committee called the VA policy "illogical" and "disingenuous."¹¹⁵ Asserting that the VA had secured the support of the War Department, the report called the current policy a "squeeze play" by the two agencies. The VA exercised "something like court-martial jurisdiction" over soldiers whom the "Army has been unable or unwilling to subject to dishonorable discharge by court-martial." The 1946 report concluded with strong recommendations that the VA be stopped "from passing moral verdicts on the history of any soldier" and be required "to accept all veterans but those expressly excluded by Congress in . . .

¹¹⁰U.S. Congress, House, *Blue Discharges*, 10.

¹¹¹Ibid., 11. Some within the military also believed that military life itself created conditions that encouraged homosexuality. "While there is no intention to compare army camps with prisons," stated a 1943 army report on homosexuality, "there is no gainsaying the fact that in many military establishments the interference with the soldiers' normal way of life is substantial. His reduced access to female companionship, his close association twenty-four hours a day with men of his own age and of all kinds of character, the complete change of his daily routine, and the accent on vigorous outdoor living, coupled in time of war with suppressed apprehension of the implications of the future, all affect his mental cosmos." "Notes on Homosexuality and Suggestions Concerning its Control and Punishment," circa 1943, decimal 000.51, box 5, decimal file 1918-1942, Records of the Judge Advocate General, RG 153.

¹¹²U.S. Congress, House, *Blue Discharges*, 10.

¹¹³Ibid., 8.

¹¹⁴Ibid. The NAACP raised a similar objection, noting in a report that the "Veterans Administration has ruled that the 'other than dishonorable' clause in the G.I. Bill eliminates most blue discharges, even though the interpretation of this phrase in army language would admit such persons." William H. Hastie and Jessie Dedmon to Walter White, March 9, 1946, box G-18, group II, NAACP Records.

¹¹⁵U.S. Congress, House, *Blue Discharges*, 8.

[the GI Bill].¹¹⁶ Moreover, the committee urged that the blue discharge be eliminated; instead, soldiers demonstrating “inaptness” or “inadaptability” should receive a discharge under honorable conditions.¹¹⁷

As a result of this congressional pressure, the military moved to correct past inequities. “The major difficulty resulting from the past use of the blue discharge is that causes for separations have ranged from honorable to dishonorable,” Brigadier General John L. Pierce, the president of the secretary of war’s Discharge Review Board, explained in a memo. “[Some] government agencies and some industries are attempting to determine whether the blue dischargee’s separation was under honorable or dishonorable conditions as a prerequisite to either benefits or employment.” But the general noted that often no such distinctions were made, and sometimes blue discharges were automatically considered dishonorable. “In some instances this same view of a blue discharge undoubtedly affects the individual’s standing within his community,” Pierce concluded.¹¹⁸

To address the issues that the Committee on Military Affairs had raised, the army replaced the blue discharge with a “general discharge” for unsuitability in 1947. The general discharge was considered under honorable conditions, “granted to those found unsuitable as inept but who otherwise meet all qualifications for an honorable discharge.”¹¹⁹ Those who received the general discharge were eligible for benefits. Simultaneously, for more serious offenses, the military preserved the undesirable discharge, to be awarded without benefits under dishonorable conditions “for unfitness or misconduct as a result of administrative action.”¹²⁰

The spirit of reform, however, only briefly included soldiers charged with homosexuality. From late 1945 to 1947, the military experimented with awarding honorable discharges (as distinct from the general discharge under honorable conditions) to soldiers who had committed no homosexual acts but had “tendencies.” Officials stopped the practice after this short period of leniency. Thereafter, soldiers who had homosexual tendencies, as the next chapter will show, were occasionally awarded general discharges. They were also awarded undesirable discharges, as were soldiers who committed homosexual acts.¹²¹ But

¹¹⁶ *Ibid.*, 9.

¹¹⁷ *Ibid.*, 14.

¹¹⁸ Brigadier General John L. Pierce to War Department General Staff, May 13, 1946, file no. 949, box 86, AGO Legislative and Policy Precedent file 1943–1975, Records of the Adjutant General, RG 407.

¹¹⁹ “New Discharge Plan Is Adopted by the Army,” *New York Times*, May 21, 1947, 4; U.S. Congress, House, *Blue Discharges*, 14.

¹²⁰ U.S. Congress, House, *Blue Discharges*, 14.

¹²¹ The military’s discharge policy has changed several times since World War II. From

whether they were generally or undesirably discharged, the VA continued to treat soldiers who committed homosexual acts or were suspected of homosexual tendencies as ineligible for benefits.¹²²

The Shift in Congressional Attitudes

Well into the 1950s, many members of Congress remained concerned about soldiers who were undesirably discharged. "Congress has interested itself in the field of discharges, particularly undesirable discharges," noted a Department of Defense (DOD) memo from 1957.¹²³ That interest rose in tandem with the increased use of the administrative discharge, which surged after the passage of the 1950 Uniform Code of Military Justice provided more rights to soldiers who were court-martialed.¹²⁴ In response, members of the Senate held hearings to determine if the administrative discharge was being used to circumvent the code. (The military viewed the hearings as congressional "mollycoddling" of soldiers.)¹²⁵ The Senate's deliberation came in the midst of a sustained effort by Congressman Clyde Doyle—in 1957, the representative from California drafted legislation to help those undesirably discharged soldiers whose punishment, he believed, was out of proportion to their offenses while in the military. Doyle's proposed legislation

October 1945 to 1947, the War Department mandated that enlisted personnel with homosexual tendencies who had committed no in-service acts be granted honorable discharges. In 1947, this lenient policy was reversed: although soldiers with homosexual tendencies who had not committed homosexual acts were technically eligible for an honorable discharge, most so charged received undesirable discharges, as did soldiers who had engaged in consensual homosexual acts. See Louis Jolyon West and Albert J. Glass, "Sexual Behavior and the Military Law," in *Sexual Behavior and the Law*, ed. Ralph Slovenko (Springfield, IL: Charles C. Thomas Publisher, 1965), 254–55; Colin J. Williams and Martin S. Weinberg, *Homosexuals and the Military: A Study of Less Than Honorable Discharge* (New York: Harper and Row, 1971), 26–29.

¹²²Bérubé, *Coming Out Under Fire*, 230; R. J. Novotny, Assistant Deputy Administrator, to Manager, VA Regional Office, Los Angeles, California, January 24, 1955, obtained through the Freedom of Information Act, in author's possession.

¹²³Ad Hoc Committee on Administrative Discharges, memo, circa 1957, file no. 211, box 36, AGO Legislative and Policy Precedent file 1943–1975, Records of the Adjutant General, RG 407.

¹²⁴On the Uniform Code of Military Justice, see Elizabeth Lutes Hillman, *Defending America: Military Culture and the Cold War Court-Martial* (Princeton, NJ: Princeton University Press, 2005). On the rise of undesirable discharge rates in the mid-1950s, see "Administrative Discharges: Policies, Procedures, Criteria," 9, file no. 211, box 36, AGO Legislative and Policy Precedent file 1943–1975, Records of the Adjutant General, RG 407.

¹²⁵U.S. Congress, Senate, Committee on the Judiciary, *Hearings on the Constitutional Rights of Military Personnel*, 87th Cong., 2nd sess., February 20–21, March 1, 2, 6, 9, and 12, 1962, 534.

would enable soldiers to upgrade undesirable discharges if they could prove that their “character, conduct, activities, and habits since [being] granted [the] original discharge [had] been good for . . . not less than three years.”¹²⁶ The bill was intended to eliminate the stigma of an undesirable discharge for those who had acted as good citizens in civilian life. Because the bill stipulated that soldiers who had their discharges upgraded would receive no additional benefits, but only remove “unearned stigma [from] deserving men and women,” the bill also preserved the military’s fundamental principle that benefits would go to good soldiers rather than good civilians.¹²⁷

In many ways an outgrowth of the 1946 House report, *Blue Discharges*, this later campaign to help recipients of undesirable discharges differed in one critical aspect. In the years immediately following the Second World War, lawmakers had been concerned with the fate of *all* blue discharges. The 1946 report included soldiers discharged for homosexuality as among those unfairly victimized by the VA’s benefits policy; indeed, the report did not always distinguish between them and other blue discharges. The 1957 Doyle bill eliminated such blurriness. Its intent was to salvage the reputations of those who suffered from the association between the blue discharge and homosexuality—an association that had only become more stigmatizing as the linkage between Communism and homosexuality tightened during the red scare of the early 1950s.¹²⁸ Given that the legislation would have no impact on benefits, its only effect seemed to be to mark certain undesirably discharged soldiers as nonhomosexuals. The bill mimicked the VA’s earlier use of sexuality to differentiate among citizens, and reflected the increasing salience of homosexuality and heterosexuality as constructs that not only divided the populace but also structured public policy.

Doyle and his colleagues saw the proposed legislation as addressing a long-standing inequity: “An admitted homosexual, or an admitted user of narcotics is awarded an undesirable discharge,” noted a report by Doyle’s special subcommittee on military discharges. “So, also, is the man who is discharged administratively for committing a series of petty offenses.”¹²⁹

¹²⁶U.S. Congress, House, Committee on Armed Services, *Hearings before Special Subcommittee on H.R. 1108*, 85th Cong., 1st sess., June 24, 1957; *Congressional Record*, 85th Cong., 1st sess., August 5, 1957, 13666. After committee hearings, the Doyle bill was redrafted and introduced as H.R. 8722. The new legislation was substantially the same—only it made more explicit that the Armed Services were only required to consider good conduct in civilian life in tandem with the circumstances surrounding the original discharge.

¹²⁷*Congressional Record*, 85th Cong., 1st sess., August 5, 1957, 13666.

¹²⁸John D’Emilio, “The Homosexual Menace: The Politics of Sexuality in Cold War America,” in *Passion and Power: Sexuality in History*, ed. Kathy Peiss and Christina Simmons (Philadelphia: Temple University Press, 1989), 226–40.

¹²⁹U.S. Congress, House, Committee on Armed Services, *Hearings on H.R. 8722*, 85th Cong., 1st sess., July 23, 1957, 3217.

Was it reasonable, asked the committee's attorney John Blandford during hearings on military discharges, "this lumping together" of undesirably discharged veterans "with . . . homo[s]?"¹³⁰ Should a boy who had gone AWOL on several occasions, he inquired, "go through his life with the same stigma as one who is an admitted homosexual?" To make his point, Blandford asked a DOD official if in giving out dinner invitations, he would distinguish between homosexuals and other blue discharges. "I certainly would not be . . . anxious to invite homosexuals to my home," the official replied.¹³¹ The House report on the legislation urged that "immediate steps be taken to differentiate by class among the various types of undesirable discharges."¹³²

The method of differentiation varied. Initially, the legislation proposed to give soldiers an upgraded discharge, but the military balked at the idea that civilian conduct should have any bearing on one's military service record. In a gesture of compromise with the secretary of defense, Doyle later introduced legislation that would allow the original discharge to stand, but provided soldiers who demonstrated good civilian behavior with an "Exemplary Rehabilitation Certificate" that they could show to prospective employers.¹³³ (Doyle asked industry leaders if they would interview undesirably discharged soldiers, and the answer was "universally 'no'"; but with the Exemplary Rehabilitation Certificate the answer from the "great bulk" of employers was "yes.")¹³⁴ Both proposals aimed to provide a way to distinguish those individuals who were not "undesirables *in the accepted sense of the word* and who [had] established themselves in society following their separation from the service."¹³⁵ It was not lost on soldiers discharged for homosexuality that this "rehabilitation" would not extend to them, as with one vet who wrote a letter to the ACLU declaring Doyle's proposed certificate to be "the product of a cruelly warped sense of justice." Because "most people despise a homosexual," he elaborated, "it does not matter that I am a decent human being who fought for this country in Korea."¹³⁶

Because the Doyle legislation was designed, in part, to give undesirably discharged soldiers a way to prove to prospective employers and community members that they were not homosexual, it is hardly surprising that settling down with a wife and children demonstrated the

¹³⁰ U.S. Congress, House, *Hearings before Special Subcommittee on H.R. 1108*, 2379.

¹³¹ *Ibid.*, 2366.

¹³² U.S. Congress, House, Committee on Armed Services, *House Report to Accompany H.R. 8722*, 85th Cong., 1st sess., July 23, 1957, 6.

¹³³ *Congressional Record*, 86th Cong., 1st sess., January 27, 1959, 1213–14; *Congressional Record*, 86th Cong., 1st sess., June 2, 1959, 9575.

¹³⁴ U.S. Congress, Senate, *Hearings on the Constitutional Rights of Military Personnel*, 315.

¹³⁵ U.S. Congress, House, *House Report to Accompany H.R. 8722*, 6 (emphasis added).

¹³⁶ Frank ——— to Rowland Watts, June 19, 1961, folder no. 27, box 1067, ACLU Collection.

sort of behavior that Doyle's committee pointed to as entitling a veteran to a fresh start. One undesirably discharged soldier, for example, was late returning from leave on several occasions. But "after getting out of the service, he has assumed the position of a man," one congressman explained, "and has done a very commendable job of providing for his family."¹³⁷ Another man, described during the hearings as the type that the proposed legislation could help, returned home with his undesirable discharge, "has accepted a position in a trucking firm, has a family of his own, and has become a very good citizen."¹³⁸ Yet another soldier "made a fool of himself on [liquor]" when he was in the service. After being given a blue discharge, though, the man married, obtained a decent job, and had two children. "He wanted to get a veteran's loan to acquire a home for his children, his wife, and himself," the author of the bill reported.¹³⁹ The legislation under consideration would not make a loan available to such a man, but it would restore to him a kind of symbolic first-class citizenship. The proposed legislation thus was designed to protect certain soldiers and their families from the stigma of the undesirable discharge. In this way, the Doyle bill stood in contrast to current discharge policy, which as one congressman pointed out, left young fathers holding discharge papers that their sons would not understand when they found them in "daddy's drawer." All "the 8 year old . . . sees," this representative concluded, "is undesirable."¹⁴⁰

Forty members of Congress had introduced similar or identical bills, and the Doyle bill passed the House with nearly unanimous support. The military strongly objected to the bill, however, on the grounds that military discipline would be damaged if Congress violated the military's basic principle that "an honorable discharge should be given only for honorable military service."¹⁴¹ Accordingly, when the Senate Armed Services Committee asked for the Pentagon's views on the legislation, the Pentagon stalled for over two months—long enough that the legislation died in Senate committee. But Doyle was tenacious, continuing to reintroduce a version of the bill in several following sessions of Congress. Each time, the bill received unanimous or nearly unanimous support in the House only to be blocked by military opposition on the Senate side.¹⁴² Finally, in 1966, Congress passed a watered-down version of

¹³⁷ *Congressional Record*, 85th Cong., 1st sess., August 5, 1957, 13674.

¹³⁸ U.S. Congress, House, *Hearings before Special Subcommittee on H.R. 1108*, 2606.

¹³⁹ *Ibid.*, 2476.

¹⁴⁰ *Ibid.*, 2379.

¹⁴¹ *Ibid.*, 2359.

¹⁴² A legislative history is provided in U.S. Congress, House, Committee on Armed Services, *Hearings on H.R. 16646, H.R. 15053, and H.R. 10267*, 89th Cong., 2nd sess., July 26, 1966, 10286.

the bill. It specified that the secretary of labor (rather than the DOD) would issue the Exemplary Rehabilitation Certificate, which would in no way affect the original military discharge.¹⁴³

While the military took issue with Doyle's assertion that the undesirable discharge was often too punitive, the DOD and congressional proponents of the Doyle bill agreed about one thing: soldiers discharged for homosexuality did not deserve lenient treatment. An internal 1957 DOD memo that proposed administrative changes to the military's discharge policy to avoid "the necessity for legislation of the type represented by . . . [Doyle]" warned against any changes that would remove the military's authority to discharge homosexuals.¹⁴⁴ "Surely there can be no great disagreement," one DOD official ventured, "with the administrative separation under other than honorable conditions of the homosexual."¹⁴⁵ Doyle certainly did not disagree. On the floor of the House, the congressman explained that he had decided that the undesirable discharge had some value (and should not be eliminated entirely) when he thought of the situation, "true of homosexuals," where "individuals admit to having certain undesirable traits but cannot . . . be legally convicted by court-martial."¹⁴⁶

The way the Doyle legislation proposed to rehabilitate certain soldiers itself suggests how the undesirable discharge had become even more stigmatizing than it was immediately after the Second World War. The greater stigma was the result of two factors. First, in response to the 1946 House report on blue discharges, the military had begun to give general discharges to some of those whose discharges fell between honorable and dishonorable. In continuing the World War II-era practice of using the undesirable discharge for soldiers discharged for homosexuality, the military increased the association between undesirability and homosexuality. "An undesirable discharge," one law professor told a Senate subcommittee, "carries with it the suspicion of homosexuality,

¹⁴³The bill was enacted as Public Law 89-690, *U.S. Statutes at Large* 80 (1966) 1017. *Congressional Record*, 89th Cong., 2nd sess., October 4, 1966, 25083; *Congressional Record*, 89th Cong., 2nd sess., October 18, 1966, 27390.

¹⁴⁴Proposed DOD Directive, May 6, 1957, file no. 211, box 37, AGO Legislative and Policy Precedent files 1943-1975, Records of the Adjutant General, RG 407.

¹⁴⁵U.S. Congress, Senate, *Hearings on the Constitutional Rights of Military Personnel*, 10.

¹⁴⁶*Congressional Record*, 85th Cong., 1st sess., August 5, 1957, 133667. Doyle's position on homosexuality did not stop the DOD from exploiting homosexuality to argue against the bill: "Should H.R. 1108 be enacted," the DOD wrote in opposition to the legislation, "a person administratively discharged as a homosexual . . . could demand that he be issued the same type of honorable discharge to which a combat veteran with a splendid record would be entitled, simply by establishing that his post-service conduct had been good." U.S. Congress, House, Committee on Armed Services, *House Report to Accompany H.R. 8722*, 11.

almost invariably."¹⁴⁷ Second, the increasing centrality of homophobia in 1950s' political culture—expressed most vividly in a congressional investigation in 1950 into “sex perverts” in the federal government—made the suspicion that homosexuality might lurk behind one's undesirable discharge even more damaging than it had been immediately after the war.¹⁴⁸ That the VA purged nearly as many suspected homosexuals from its employ as the Department of State did during the early stages of the “lavender scare,” suggests as well that the agency continued to push the sexual stigma of the discharge well after the departure of General Hines.¹⁴⁹

The impulse to protect some recipients of the undesirable discharge from the stigma of homosexuality was a major impetus behind Doyle's various attempts to sort veterans retroactively. After its enactment, the legislation helped to lessen the stigma of homosexuality for some undesirably discharged (presumably) heterosexual soldiers, while leaving them in a benefitless limbo of good citizenship. That legislators were not more concerned with restoring benefits to those soldiers is evidence of not only how much *closer* Congress had moved to the VA in its antipathy toward homosexuality, but also how much *further* it had moved from New Deal aspirations to distribute state resources broadly among the citizenry. As with the transients, one has to wonder if the two phenomena are related: Did the specter of perverse sexuality cast a shadow on the idea of universal social provision?¹⁵⁰

¹⁴⁷U.S. Congress, Senate, Committee on the Judiciary and Special Subcommittee of the Committee on Armed Services, *Hearings on S. 745-762, S. 2906-2907*, 89th Cong., 2nd sess., January 18, 19, 25, and 26, and March, 1, 2, and 3, 1966, 335.

¹⁴⁸U.S. Congress, Senate, Committee on Expenditures in Executive Departments, *Employment of Homosexuals and Other Sex Perverts in Government*, 81st Cong., 2nd sess., 1950.

¹⁴⁹Of the 574 cases of sex perversion documented in civilian agencies between January 1947 and November 1950, 143 were employees of the Department of State, and 101 were employees of the VA. The next highest number belongs to the Department of Commerce at 49 and then the Department of Agriculture at 32. Most agencies had no cases. See U.S. Congress, Senate, *Employment of Homosexuals and Other Sex Perverts in Government*, appendix III. On cold war homophobia and political culture more generally, see Cuordileone, “Politics in an Age of Anxiety”; D'Emilio, “The Homosexual Menace”; David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: University of Chicago Press, 2004); Randolph William Baxter, “Eradicating This Menace”: Homophobia and Anti-Communism in Congress, 1947-1955” (PhD diss., University of California, Irvine, 1999).

¹⁵⁰This is, of course, a highly speculative point, but one that I intend to suggest future avenues for research. Comparative work on this question might be especially useful. Is there a relationship between the universal social citizenship provided by the Beveridge plan in Britain and the government's 1957 Wolfenden Report, recommending the decriminalization of homosexual offenses (recommendations that were enacted in 1967, nearly four decades before the U.S. Supreme Court's *Lawrence v. Texas* decision)? What should historians make of the fact that the most socially democratic welfare states (in Scandi-

The Closet

Policy decisions by the military and the VA, and later by the Congress, drew on and helped strengthen an increasingly binaristic understanding of sexuality. As with other dualisms—man/woman, good/evil, light/dark—the two poles of sexual identity were not equally valued. Rather, as homosexuality began to crystallize as the opposite of heterosexuality in the postwar period, the latter was more explicitly connected to (while the former was more estranged from) first-class citizenship. That dynamic was readily apparent in the VA's reliance on sexual identity as the clearest criteria by which to adjudicate benefits to soldiers. But while the VA's reliance on a homosexual-heterosexual binary to separate the deserving from the undeserving helped to attach heterosexuality to the best class of citizens, it was only partially successful at channeling the flow of benefits toward them. A majority of the male and female soldiers who experienced or acted on homosexual desire during the Second World War *were* GI Bill beneficiaries.¹⁵¹ "You know as well as I that there have been many 'homosexuals' in the Navy and the Army," one soldier frankly told Secretary of the Navy Forrestal, and "that many have been discharged 'under honorable conditions' because they were undiscovered."¹⁵² The army's surgeon general conceded in 1946 that "following confidential research studies it is known that homosexuals were inducted into the service," and that "most of them served long and faithfully."¹⁵³ These soldiers were able to use GI Bill benefits to start businesses, buy homes, and attend college.¹⁵⁴ The down-payment that these soldiers made on their GI Bill entitlements

navia) have generally been the most progressive in providing rights for sexual minorities? Closer to home, is it only a coincidence that the first state to enact same-sex marriage (Massachusetts) followed that legislation with a pathbreaking plan to provide to its citizens the most universal health care in the nation?

¹⁵¹ See, for example, Bérubé, *Coming Out Under Fire*, 245.

¹⁵² Robert ——— to James Forrestal, July 16, 1946, box 15, World War II Project Records.

¹⁵³ Norman T. Kirk to Assistant to the Secretary of War, July 20, 1946, box 17, World War II Project Records.

¹⁵⁴ All of which may have furthered the development of urban subcultures, which were a precondition for the emergence of the gay rights movement. See John D'Emilio, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940–1970* (Chicago: University of Chicago Press, 1983). Bérubé argues as well that the gay rights movement was to some extent motivated by the unfair treatment of soldiers suspected of homosexuality by the military and under the GI Bill. "The GI Bill of Rights, which was meant to protect veterans from the inequities of the discharge system, together with the campaign against blue discharges, introduced the concepts of 'rights,' 'injustice,' and 'discrimination' to public discussions of homosexuality" (*Coming Out Under Fire*, 249, 253).

was remaining hidden while in the service.¹⁵⁵ “I have laid down an iron clad rule for myself that any[one to whom] I may be connected officially is ‘off limits,’” one officer wrote, after a “section eight” case landed on his desk “with the ugly word [blue discharge] written across it. . . . Not if I can help it,” he concluded.¹⁵⁶ For such individuals, the state’s allocation of veterans’ benefits may have been internally fragmenting—providing the possibility for a better life even while stigmatizing a central element of it.

In essence, the military establishment used the GI Bill to build a closet within federal social policy. The closet depended on the visible exclusion of certain soldiers believed to have engaged in homosexual acts or to possess homosexual tendencies. The closet simultaneously allowed for the inclusion of many soldiers who experienced homosexuality during World War II. Yet the invisibility of those soldiers was critical. It drove deeper the wedge separating homosexuality and citizenship by enabling military and VA officials to pretend that homosexual soldiers had not defended their country, and that they could not meet the obligations of good citizens. This sleight of hand in turn highlighted the masculinism of the citizen-soldier. “War is not a petting party,” remarked one congressman during debate on the GI Bill, “it is not a powder puff affair.”¹⁵⁷

Such masculinism also helped conceal another type of soldier—women—and ensured that women’s contributions to the war effort would also be minimized.¹⁵⁸ This made it more difficult for women veterans to claim their benefits as rights they had earned, and reinforced lawmakers in upholding the gender inequities that had been written into the GI Bill legislation. The GI Bill offered the most generous benefits to married men—shoring up their position as family providers

¹⁵⁵Soldiers were made aware that in-service conduct would have an impact on their lives after discharge. The text of one “Armed Forces Talk” warned soldiers that homosexuality was one of the grounds for an undesirable discharge, and that “your eligibility for veterans’ preference in federal employment, for payments for service-connected disability, for a pension, and for many other benefits and privileges . . . will depend upon the type of discharge you receive. . . . Therefore, it is of the utmost importance to your future life that you do all you can to earn a discharge under honorable conditions. To do so should be one of your major concerns throughout your service.” “Armed Forces Talk,” 288, file no. 211, box 36, AGO Legislative and Policy Precedent file 1943–1975, Records of the Adjutant General, RG 407.

¹⁵⁶The discharge was for homosexuality. Sid to Hal, May 7, 1944, decimal 250.1, box 73, General Correspondence 1939–1947, Records of the Inspector General, RG 159, National Archives, College Park, MD.

¹⁵⁷U.S. Congress, House, *Hearings on H.R. 3917 and S. 1767*, 203. The speaker was the committee chair, John Rankin.

¹⁵⁸Women’s military service was rendered invisible by devaluing women’s actual military service as well as women’s work in the war industries.

through dependency allowances and survivors' benefits.¹⁵⁹ Women's benefits—particularly allowances granted to care for dependents—were inferior to men's to begin with, and women veterans also faced hostility from the veterans' organizations that helped so many male veterans obtain their GI Bill benefits.¹⁶⁰ Most critically, the fact that the military capped women's participation in the military at 2 percent of the total force (until 1967) circumscribed women's overall access to the GI Bill, automatically directing 98 percent of state resources allocated for veterans toward men.¹⁶¹ All of this ensured that most women would experience the expansion of welfare state provision primarily through their husbands' benefits.¹⁶²

The GI Bill did more than just create a closet, then. It also institutionalized heterosexuality by channeling resources to men so that—at a moment when women had made significant gains in the workplace—the economic incentives for women to marry remained firmly in place. The

¹⁵⁹For the way that military benefits for active-duty personnel also “structure the social relations of recipients, primarily in ways that promote the reproduction of dominant gender and familial forms,” see Gifford, “The Camouflaged Safety Net,” 388. On the GI Bill's selective generosity, see Cohen, *A Consumers' Republic*, 137–39; June A. Willenz, *Women Veterans: America's Forgotten Heroines* (New York: Continuum, 1983), 169. Legislators intended that widows of deceased male veterans receive their husbands' benefits (and the use of dead or disabled husbands' veterans preference points) as derivative of the men who had “earned” them, rather than as women's own entitlements. Ritter, “Of War and Virtue,” 223. As Cott observed, “The G.I. Bill dispensed privileges to as much as one quarter of the population . . . and at the same time confirmed the rightness of a family model in which the male head was the most secure and best skilled provider in the household” (*Public Vows*, 191).

¹⁶⁰According to Hartmann, the “assumption that women were economic dependents not supporters” undermined benefits for women veterans (*The Home Front and Beyond*, 44). Women veterans could not collect unemployment benefits until they demonstrated that they were not receiving support from a male wage earner. Male dependency distressed legislators; hence, women veterans attending college collected smaller allowances for dependent spouses than did male veterans. Cohen, *A Consumers' Republic*, 138. Similarly, unremarried widows, but not widowers, of veterans were eligible for GI loans for homes, farms, and businesses. Benefits for dependents of women veterans were equalized in 1972. Willenz, *Women Veterans*, 169, 193. On discrimination against women in benefits' counseling, see Cohen, *A Consumers' Republic*, 138.

¹⁶¹*New York Times*, July 26, 1946, 18; Kerber, *No Constitutional Right to Be Ladies*, 227. Hartmann explains that “the G.I. Bill . . . increased the gap between men and women in opportunities and status” (*The Home Front and Beyond*, 26). Not all women who served in the military during the Second World War were eligible for GI Bill benefits. It wasn't until 1980 that women who served in the Women's Auxiliary Army Corps (the predecessor to the WAC) and the Women's Airforce Service Pilots (the air force equivalent of the WAC) were awarded veterans' benefits. Willenz, *Women Veterans*, 169.

¹⁶²Women were also incorporated into Social Security—the other major welfare state outlay—primarily through their husbands' benefits. See Kessler-Harris, *In Pursuit of Equity*, chapter 3.

institutionalization of heterosexuality in federal welfare policy was a two-part process that required the state to provide economic support for marriage (through male breadwinners) at the same time that it stigmatized homosexuality.¹⁶³ The way that sexual identity was used to differentiate among citizens both drew on and helped to preserve other axes of subordination, especially, in this case, that of gender.¹⁶⁴ Still, wives might collect benefits, and so might numerous soldiers who had expressed homosexual desire during the war. But the shakiness of their claims only underscored the dignified and easy access to benefits that the prototypical heterosexual male citizen-soldier enjoyed. The way that the GI Bill excluded certain soldiers from the benefits of citizenship must be understood in tandem with the way that it included them; that inclusion not only shored up male and heterosexual privilege, but simultaneously relied on those who differed from the normative to reveal the most deserving strata of the citizenry.

Benefits for veterans illustrate that establishing conditions for inclusion and exclusion in national citizenship also meant distinguishing homosexuality from heterosexuality. The homosexual-heterosexual binary visibly emerged in federal welfare policy during these critical years of American state-building. It seemed to happen quite suddenly, but federal officials for years had been gradually setting traits and behaviors that were coming to be associated with homosexuality in opposition to citizenship (in military, immigration, and welfare policy). The pace of change quickened during and after World War II, however, and the state's increased social provisioning was one impetus behind the speedup, as it provided officials with yet another reason to sort and evaluate the citizenry. The VA's implementation of the GI Bill in particular demonstrates how the state's distributive function sharpened iden-

¹⁶³On the history of state economic support for marriage, see Cott, *Public Vows*; Kessler-Harris, *In Pursuit of Equity*; Peggy Pascoe, "Race, Gender, and the Privileges of Property: On the Significance of Miscegenation Law," in *Over the Edge: Remapping the American West*, ed. Valerie J. Matsumoto and Blake Allmendinger (Berkeley: University of California Press, 1999), 215–30.

¹⁶⁴Implementation of the GI Bill also reinforced the whiteness of the normative citizen. Many black soldiers received dishonorable or undesirable discharges, making them ineligible for the GI Bill. But even black soldiers who were technically eligible experienced difficulty collecting their benefits; veterans' organizations denied them membership; those who approached the VA for help sometimes faced hostility; white colleges refused them admission; and housing loans were often useless for them because the VA required veterans to qualify at private banks, many of which refused to qualify black veterans for loans. Cohen, *A Consumers' Republic*, 167–73. David Onskt argues that the GI Bill was of limited use to black World War II veterans in the South because of both racial discrimination and poor administration. See David Onskt, "First a Negro . . . Incidentally a Veteran': Black World War Two Veterans and the G.I. Bill of Rights in the Deep South, 1944–1948," *Journal of Social History* 31 (Spring 1998): 517–44. See also Katznelson, *When Affirmative Action Was White*.

tity categories in especially acute ways. With more resources to give out, the question of *who* would benefit became substantially more important (to those offering the handouts and to those with their hands out). What kind of person was deserving of state support? What kind of person was not? In the context of answering those questions, the federal government would come to penalize the homosexual, as one midcentury commentator put it, “less for what he does than for what he is.”¹⁶⁵

While homosexual status would begin to be explicitly targeted, the tools used for such policing across the federal bureaucracy would, paradoxically, remain vague. Such vague tools (like the undesirable discharge) absolved the state of having to provide hard evidence of homosexual behavior, *but not from having to produce the category that it simultaneously wanted to regulate*. In making its vague devices work with its explicit prohibitions—prohibitions against being homosexual—the federal government would help to constitute homosexuality. This production occurred not despite but through ambiguous instruments. The military’s policy on homosexual “tendencies,” as the next chapter will show, is an especially revealing example.

¹⁶⁵ Alfred A. Gross to George Rundquist, September 18, 1962, folder 4, box 1068, ACLU Collection.