

New England and World War I

“I DID IT FOR THE UPLIFT OF HUMANITY AND THE NAVY”: SAME-SEX ACTS AND THE ORIGINS OF THE NATIONAL SECURITY STATE, 1919–1921

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ON March 16, 1919, fourteen Navy recruits met secretly in the basement x-ray room of the naval hospital, in Newport, Rhode Island anxiously awaiting instructions for their new assignment. The senior operatives explained that the volunteers were free to leave if they objected to this special mission. The recruits were asked to join a covert operation to rid Newport of “cocksuckers and rectum receivers” through acts of kissing, anal penetration, and/or receiving fellatio or hand masturbation by the suspects.¹ Referred to as Section A, O.A.S.N. (Office of the Assistant Secretary of the Navy), the team, as described in two courts of inquiry, came under the authority of Assistant Secretary of the Navy Franklin D. Roosevelt and the Office of Naval Intelligence (ONI).²

Over the next few months, as written evidence piled up, Chief Petty Officer Ervin Arnold, mastermind of the operation, organized mass arrests in cooperation with the Newport Police Department. On the night of April 14, 1919, an ambulance carrying Arnold and his men sped through town to catch the suspects unaware. By the end of the evening, investigators had apprehended more than twenty accused sailors and imprisoned them aboard the broken-down ship,

¹Letter to President Woodrow Wilson, January 11, 1920, Bishop Perry Papers, Subject Series 29, Series No. VII, Box 9, Folder 331, Special Collections, University of Rhode Island Library, Kingston.

²I will refer to the operation as Section A; Roosevelt attached the group to his office on or before June 12, 1919, Roosevelt to Chief of Naval Intelligence, May 5, 1919, Memo N-14 CBM, in Transcript, Court of Inquiry Presided Over by Admiral Herbert O. Dunn, R.G. 125, National Archives, 2257–58, Washington, DC.

USS *Boxer*.³ All the alleged “deviants” stayed behind bars regardless of whether the court of inquiry recommended general courts martial for them. The accused sat, worried, and waited for their futures to unfold. There would be no armistice celebrations, no acknowledgment of jobs well done, no family reunions, and no parades for these men for their war efforts. Instead, they faced ruined reputations, prison, and dishonorable discharge.

Anxious and afraid, the suspects remained in solitary confinement for three months and twenty-one days before they received official charges of sodomy and scandalous conduct.⁴ Friends and family members of the accused complained about this outright denial of due process under military law as well as the unsanitary conditions of their confinement.⁵ Suspect Jeremiah D. Fowler and his father wrote repeatedly to Secretary of the Navy Josephus Daniels. Fowler’s father wrote, “it is unjust for them to be held so long without doing anything.” He mentioned that Jeremiah had written to Washington “every ten days for the last month” and received the reply that “they are very busy down there.”⁶ Fowler’s father further maintained that since the “boys” had been on the *Boxer*, there had been “spies and guards watching them all the time trying to get some evidence that they could use against them.” Fowler Sr., concerned with such conditions, also pointed out that some of the them had been ill “from the food given them, and they think it was poison.” As a result, “there is an infection of ring worms on the ship, and Jerry has a severe case

³The phrase “immoral acts” referred at this time to any sex act committed by people that went against the standard norms of sexual behavior. In addition, 1919 revisions to the Articles of War deemed sodomy a felony. Oral sex did not automatically fall under the charge of sodomy, as it depended upon each state’s determination. See “Sodomy” under the Articles of War in 10 U.S.C.A. §925 (West 1927).

⁴Sodomy has been categorized as criminal behavior for over 100 years. Even though oral sex did not constitute sodomy in Rhode Island, as it did in other states at this time, growing concerns about fellatio among sailors and civilians commanded center stage in Arnold’s investigation. See William N. Eskridge Jr., *Dishonorable Passions: Sodomy Laws in America* (New York: Viking Books, 2008), and *Gay Law: Challenging the Apartheid of the Closet* (Cambridge, MA: Harvard University Press, 1999). Oral sex fell under the title “Scandalous Conduct Tending to the Destruction of Good Morals” along with a plethora of other infractions. In 1919, Daniels requested a revision of the codes because he had trouble determining what the exact charge entailed.

⁵Article 43 of “Courts and Boards” explicitly instructed that “charges and specifications shall be furnished the accused at the time he is put under arrest.” Jonathan Katz, ed., *Government versus Homosexuals: Lesbians and Gay Men in Society, History and Literature* (North Stratford, NH: Ayer Company Publishers, 1975), 35.

⁶Fowler to Daniels, April 21, 1919, Secretary of the Navy, General Correspondence, RG 80, National Archives, Washington, DC (hereafter Sec. Navy Gen. Corres.).

on his face and neck.”⁷ Members of the community caught wind of the arrests when Senator Max Levy (R., RI) came to the aid of the prisoners. Tipped off by an official at the Jewish Welfare Board, Levy climbed aboard the ship and offered his legal services to the detainees who quickly accepted. Levy immediately contacted Captain Edward Campbell, commandant of the training station, and reminded him that the accused had been confined from April to July 1919 without being charged. Campbell claimed to be “sorry,” said he had written the Navy Department on “several occasions,” and acknowledged that it was “improper” that they were confined for so long. On August 6, after his interview with Campbell, Levy informed his friend, Rhode Island senator and member of the Senate Naval Committee Peter G. Gerry, about the illegal detainments. An alarmed Gerry called on Captain Richard H. Leigh, Acting Chief of Bureau of Navigation, who assured him that the matter would be taken up within ten days. Leigh consulted with Campbell who then conceded that he was “finally compelled to make official requests regularly at intervals for ten days for some action in these cases and that all these requests were ignored.”⁸ The officials who failed to deliver charges or process the prisoners gave Campbell the same excuse they gave concerned family members: that they were mired down in paperwork. Despite the efforts of concerned citizens, the first trial did not begin until over six months later, in October 1919.

Lack of due process gave Arnold and his men the time they needed to extract information through interrogation. The investigators routinely questioned the prisoners, withheld food and water, and in some cases used physical violence to compel confessions.⁹ Holding suspects for extended periods, often in unsanitary conditions, proliferated in

⁷Jeremiah D. Fowler to Josephus Daniels, April 21, 1919, Sec. Navy Gen. Corres., RG 80.

⁸Commanding Officer [Campbell], Naval Training Station, Newport, R.I. to Commandant [Admiral Spencer S. Wood], First Naval District, Boston, MA. [Herbert O. Dunn] July 21, 1919 and Commandant, First Naval District Wood to Secretary of the Navy, July 23, 1919, File 26283–2591:3, Josephus Daniels Papers, Library of Congress, Washington, DC (hereafter referred to as Daniels Papers).

⁹By the end of the nineteenth century, “the third degree had entered American slang to describe harsh police interrogation.” Law review articles linked the etymology to the secret rites of Freemasonry, but the phrase “third degree” became popular between 1900–1910 in reference to the brutality used by American police officers to obtain confessions. John Carter Wood, “‘The Third Degree’: Press Reporting, Crime Fiction and Police Powers in 1920s Britain,” *Twentieth Century British History* 21 (2010): 466.

military lock-ups during and after the war. In 1918, for example, conscientious objectors were kept in solitary confinement under barbaric conditions for fourteen-day intervals, which could go on throughout their entire twenty- to thirty-year sentences. During the Palmer Raids in Detroit, over one hundred immigrants were kept for over seven days in a twenty-four by thirty-foot space. Another eight hundred were contained for six days in a “windowless corridor of a federal building, where they were forced to share a single toilet.”¹⁰ The accused men in Newport experienced tremendous agony and frustration at the hands of naval officials and local police officers who used wartime legislation to advance their attack on gender and sexual non-conformity under the umbrella of national security concerns.¹¹

The public found out about Roosevelt’s “Newport Sex Squad” when *Providence Journal* editor John R. Rathom published attacks on the Navy for arresting Reverend Samuel N. Kent under the charges of vagrancy and lewd behavior. Newport clergymen rallied alongside Rathom and demanded a formal inquiry by the federal government, which resulted in two simultaneous investigations into Section A in late January of 1920. Both investigations, one by the Navy, the other by the US Senate Committee for Naval Affairs, agreed that the entrapment of “perverts” by naval personnel should be discontinued and outlawed. The senators firmly stated that “perversion” should be “eliminated,” but they felt “utterly shocked” by this deviation from the “American standard of morality” and found Roosevelt “morally responsible” for ordering young men and boys to “disrespect”

¹⁰Michael Linfield, *Freedom Under Fire: U.S. Civil Liberties in Times of War* (Cambridge, MA: South End Press, 1990), 42–43, 56–57.

¹¹I use the term “national security” as Melvyn Leffler defined it, “National security policy encompasses the decisions and actions deemed imperative to protect domestic core values from external threats” and extend it to Daniel Farber, Alan Brinkley, and Paul M. Schwartz’s utility in that national security concerns include a “perceived violent threat that implicates either the stability of the government (subversion), the general safety of large numbers of members of society, or the government’s ability to engage successfully in armed conflicts.” Melvyn P. Leffler, “National Security,” in *Explaining the History of American Foreign Relations*, 2nd ed., ed. Michael J. Hogan and Thomas G. Paterson (Cambridge, MA: Cambridge University Press, 2004), 123. Leffler has reflected on the meaning and heuristic usefulness of “national security” in “The American Conception of National Security and the Beginnings of the Cold War, 1945–48,” *American Historical Review* 89 (1984): 346–81; and “9/11 and American Foreign Policy,” *Diplomatic History* 29 (2005): 395–413. Daniel Farber, ed., *Security v. Liberty: Conflicts Between Civil Liberties and National Security in American History* (New York: Russell Sage Foundation, 2008), 1.

themselves in order to entrap those accused of deviancy. They strongly advised Roosevelt never be allowed to hold public office again.¹²

Many observers today remain unaware of Roosevelt's creation of Section A in 1919, and his public censure in 1921. Later historians and biographers of Franklin D. Roosevelt have referred briefly to his involvement in the scandal, ignored it altogether, or suggested it as inconsequential in light of his later political success.¹³ Roosevelt's involvement in this national scandal was instrumental in the success of Section A's entrapment of twenty-two sailors and sixteen civilians in Newport at a moment when the Navy as an agent of the state used wartime legislation actively to pursue and categorize certain individuals as criminal through a process of racialization in the interests of national security. Racialized "others" represented the "savage" and "uncivilized" in opposition to "white, virile, civilized" American manhood, and the construction of white masculinity relied on connections between "whiteness, reproductive marital heterosexuality, and modern American civilization."¹⁴ The notion that the "fairy" and the "pervert" engaged in abnormal sexual behavior resonated with prevalent notions of the racial "other" and an un-American masculinity as unfit and incapable of loyalty. An incredibly rich body of testimony of over six thousand pages in transcripts of boards of inquiry and general court-martial hearings expose the Navy's concerns about protecting the physical and moral health of military personnel, the naval training station, and the state. Still in effect in 1919, the Justice Department used wartime sedition and espionage laws as justification for silencing opposition to government regulations. Prosecutions of those who broke wartime laws came before the courts well into the 1920s. The enforcement of these laws contributed to the state's intervention in many areas of social life that reinforced control and regulation of same-sex acts. Without Roosevelt's support and Congress's allocation

¹²Katz, *Government versus Homosexuals*, 5, 30.

¹³Conrad Black, *Franklin Delano Roosevelt, Champion of Freedom* (Cambridge, MA: Public Affairs, 2005); Frank Friedel, *Franklin D. Roosevelt: The Ordeal* (Boston: Little Brown & Company, 1954); Ted Morgan, *FDR: A Biography* (New York: Simon and Schuster, 1986); Jean Edward Smith, *FDR* (New York: Random House, 2007); Geoffrey C. Ward, *A First-Class Temperament: The Emergence of Franklin D. Roosevelt* (New York: Harper & Row, 1989).

¹⁴Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth Century America* (Princeton, NJ: Princeton University Press, 2009), 4. Julian B. Carter, *The Heart of Whiteness: Normal Sexuality and Race in America, 1880–1920* (Durham, NC: Duke University Press, 2007), 7.

of funding, Section A would have been forced to stop their investigations in 1919 after the first court of inquiry. Though Roosevelt criticized his boss, the Secretary of the Navy, on many other occasions, he clearly supported Daniels's vision and the larger concerns of many Progressive Era reformers who expressed the need to protect military bodies from corruption.

When the Commission for Training Camp Activities (CTCA) charged that the Navy had not made an "aggressive effort" to protect sailors from "vicious influences" in many port cities, Secretary Daniels responded with a promise of reform. He stated, "a soldier or a sailor must be healthy to defeat the enemy; not only must he take care of his body, but he must nurture his soul." There will be a "new order of things" in Newport, declared Daniels, and if the "bawdy house remained, the Navy would leave." Through its bureaucratic processes, the Navy categorized individuals based on gender traits and sexual behaviors as "deviants," "degenerates," or "perverts" in order to punish them as criminals.¹⁵ Roosevelt and Daniels signed all of the files sent to the acting judge advocate. The specifications or charges read as either "Scandalous Conduct Tending to the Destruction of Good Morals," "Sodomy," or a combination of both. Each form stipulated the details of each man's offense:

Harold J. Trubshaw, hospital apprentice second class, United States Naval Reserve Force, while so serving at the U.S. Naval Training Station, Newport, R.I., did on or about March 28, 1919, in a room at the Army and Navy Young Men's Christian Association, Newport, Rhode Island, take the penis of one John M. Feiselman, yeoman first class, U.S. Navy . . . in his, the said Trubshaw's mouth; the United States then being in a state of war.

If the charge included "sodomy," the language further stated that the said man

had then and there indecently exposed his penis, allow and permit the said McCoy to place the same in contact with the exposed anus of him, the said Trubshaw, and did then and there allow and permit the said McCoy to

¹⁵Josephus Daniels, "Housing 1918-1919," Box 3, 4-6, Papers of Louis M. Howe, Franklin Delano Roosevelt Presidential Library, Hyde Park, NY (hereafter referred to as Howe Papers). Margot Canaday describes the process of bureaucratization of homosexuality, where the state "implicated" and "constituted" homosexuality "in the construction of stratified society." The "homosexual" was a "perverted type whose perversion was defined primarily by gender inversion (mannishness in women and effeminacy in men)." *The Straight State*, 4, 11.

commit sodomy in and upon the body of him, the said Trubshaw; the U.S. then being in a state of war.¹⁶

The phrase “the US then being in the state of war” determined the length of each man’s sentence. In wartime, prison sentences extended up to three times of those issued during peace. After six months, the general court-martial proceedings finally commenced, and fourteen of the accused sailors were sentenced to prison for up to twenty years based on the testimony of witnesses who were not present during the hearings. These investigations highlight the ways in which the US Navy participated in the larger contested process of constructing a national security state by policing gender and sexuality during WWI. Protecting individual military bodies, which in turn protected the national body, became a central security concern that promoted and reinforced long-standing homophobia for years to come.

Wartime legislation passed during World War I continued in effect after the signing of the armistice in November 1918 illustrating how many Americans suffered under the “politics of paranoia.” Politicians, Richard Hofstadter argues, gathered support for their causes by categorizing certain groups of people as pariahs meant to destroy the country and its values.¹⁷ Attempts to eradicate prostitution, federal legislation such as the Mann Act of 1910, new immigration regulations based on sexuality, fornication laws, and state action created to penalize “immoral practices” were parts of a larger effort to rid America of those believed to endanger the country.¹⁸ The transcripts of the boards of inquiry and general courts-martial in Newport reveal the Navy’s concerns about protecting personnel, the Navy, and the state in the interests of national security.¹⁹ Naval officials and

¹⁶Harold J. Trubshaw, October 14, 1919, Newport Cases, 1919, 26251–21476, Record of Proceedings, General Courts-Martial, National Archives, Washington, DC.

¹⁷Richard Hofstadter, *The Paranoid Style of American Politics* (New York: Vintage Books, 1952). Mary Dudziak argues that “wartime” functions as “an argument and an excuse for national security related ruptures of the usual legal order,” and its scope extends well beyond the signing of a resolution, ceasefire, or peace agreement. *War Time: An Idea, Its History, Its Consequences* (New York: Oxford University Press, 2012), 4.

¹⁸Allan M. Brandt, *No Magic Bullet: A Social History of Venereal Disease in the United States Since 1889* (Oxford, UK: Oxford University Press, 1985), 76. In fact, “fornication laws” rendered sex acts committed by unmarried couples illegal.

¹⁹My definition of the “state” is derived from Jennifer Frone in her work on private surveillance in the Progressive Era. The “state” refers to “agencies, departments, and officials of the government apparatus, but also to the non-state actors and social practices that helped bring the government into a larger field of power than it had

progressive reformers agreed that since soldiers and sailors protected the country, what they did with their bodies affected their ability to win the war and keep Americans safe. During this period, concerns about sexual morality, prostitution, and venereal disease received unprecedented attention from many Americans who reinforced the institutional and bureaucratic state's commitment to repressive policies.²⁰ As a result of this heightened attention to immorality, military and government officials increasingly viewed same-sex acts between sailors, whether "fairies" or "trade," in the same way they saw prostitutes, drug dealers, and prisoners: as unnatural, undeserving of citizenship, and threats to the progress of American society.²¹

Over time, government and military officials increasingly viewed persons who participated in same-sex acts as dangers to the nation, its institutions, and its future, necessitating the development of new state apparatuses of identification and containment long before the more systemic gay purges of the 1950s and the passage of the National Security Act of 1947.²² While many scholars look to 1947 for the birth of a national security state in American history, its roots lie in the First World War. Historians Mark Shulman and William Walker III prove that discussions about national security existed from the founding of the republic. Both scholars point to the First World War as the moment when national security concerns shaped the agenda of many reformers that later provided the blueprint for the post-WWII

traditionally enjoyed." Jennifer Fronc, *New York Undercover: Private Surveillance in the Progressive Era* (Chicago: University of Chicago Press, 2009), 195n61.

²⁰Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790–1920* (New York: Norton, 1992); Thomas C. Mackey, *Red Lights Out: A Legal History of Prostitution, Disorderly Houses, and Vice Districts, 1870–1917* (New York: Garland, 1987).

²¹"Fairy" used interchangeably with "queer" and "faggot" emphasized an individual's effeminate character. "Trade" suggested a sexual partner that embodied an aggressive masculine ideal, perhaps a sailor or a soldier. George Chauncey points out that some used the term "trade" to refer to men who insisted on payment for sex; but others, to refer to any "normal" man who allowed sexual advances by someone who was "queer." *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890–1940* (New York: Basic Books, 1994) 15, 16. Cf. Leila J. Rupp's *A Desired Past: A Short History of Same-Sex Love in America* (Chicago, IL: The University of Chicago Press, 1999), 96.

²²David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago, IL: University of Chicago Press, 2004); Shibusawa, Naoko, "The Lavender Scare and Empire: Rethinking Cold War Anti-Gay Politics," *Dipl. Hist.* 36 (2012): 723–52; Douglas Charles, *Hoover's War on Gays: Exposing the FBI's Sex Deviates Program* (Lawrence: University Press of Kansas, 2015).

national security state. Walker argues that by the end of World War I a “proto-national security state” had taken shape.²³

Intersectional categories of identity such as, but not limited to, race, gender, and sexual orientation influenced attacks made by state institutions and individuals who possessed the means and structural support to investigate and punish citizens for acts of anal penetration and oral coition long before the Cold War. Wartime government targeted vulnerable groups—African Americans, “hyphenated Americans,” immigrants, anarchists, socialists, labor leaders, sex workers, and anyone whose racial, political, and/or gender identity or sexual behavior challenged societal norms—as a means of expanding its power and influence over the private lives of individuals. Through the process of court inquiry and investigation in Newport, the members of the court and the Navy gradually formed an official policy on homosexuality as criminal behavior. “Don’t Ask, Don’t Tell” was a long way off from the methods of 1919, when officials could ask, did tell, and punished those they deemed guilty of “perversion.”²⁴

The Articles of War of 1916 stated for the first time that assault with the intent to commit anal penetration was a federal crime. Three years later, it was revised again to specifically include “sodomy” as a felony by itself, whether forced or consensual.²⁵ Although same-sex acts between two people had been punishable in earlier periods, sexual behavior did not necessarily define a person’s sexual identity. Michel Foucault and other scholars conclude that in the late nineteenth century a new understanding of sexuality unfolded. Foucault describes this shift as “The sodomite had been a temporary aberration, the homosexual was now a species.”²⁶ Separating behavior from innate nature, historians argue that the presence and behavior of gay men were more acceptable prior to World War I than after. Historian George Chauncey writes, “feelings about homosexuality in many

²³Shulman, “The Progressive Era Origins of the National Security Act,” *Dickinson Law Review* 104 (2000): 290, and Walker, *National Security and Core Values*, chap. 2.

²⁴“Don’t Ask, Don’t Tell” refers to the 1993 federal laws Pub.L. 103-160 (10 U.S.C. 654). See also David F. Burrell, “Don’t Ask, Don’t Tell: The Law and the Military Policy on Same-Sex Behavior,” *Congressional Research Service Report for Congress*, www.crs.gov, R40782 (accessed October 14, 2010).

²⁵Randy Shilts, *Conduct Unbecoming: Gays and Lesbians in the U.S. Military* (New York: Ballantine Books, 1994) 5–6.

²⁶Michel Foucault, *The History of Sexuality: An Introduction*, trans. Robert Hurley (1978 repr. New York: Vintage Books, 1990) 43. See also Siobhan Sommerville, *Queering the Color Line: Race and the Invention of Homosexuality in American Culture* (Durham, NC: Duke University Press, 2009) 2.

Newport circles, and indeed throughout the Navy, were still unsettled at this time . . . drag shows, for example, were popular, and nobody had protested them.”²⁷ Eleanor Roosevelt fondly remembered when President Woodrow Wilson attended one of the performances and was “chucked genially under the chin” by one of the “ladies” of the chorus. Mrs. Roosevelt was “impressed” by Wilson’s “understanding of young people,” as he made sure no one “punished” the young man for touching him.²⁸ After seeing a popular performance of *Jack and the Beanstalk*, Admiral William Sims, future president of the Naval War College, exclaimed, “I have never in my life seen a prettier ‘girl’ than ‘Princess Mary.’ She is the daintiest little thing I ever laid eyes on.” The *Providence Journal* reported likewise: Princess Mary “had the sweetest little face and tender, trusting blue eyes and that delightful elusive smile. . . . Any man Jack would have climbed the beanstalk after such as she.”²⁹ Sailors who played women on stage appeared to pose no danger to the Navy or the community; in fact, these shows were the most fashionable forms of entertainment in Newport.³⁰ Once the performers left the stage, their so-called effeminate behavior nonetheless challenged notions of American manhood and family structure. During and after WWI, the Navy worked to reaffirm virile white heterosexual masculinity in contrast with visible signs of effeminacy to justify oppressive policies.

Convinced of the efficacy of public intervention to ensure the health, safety, and morals of all Americans, many naval officials believed that young recruits to the expanded US Navy should be no exception. Section A operatives arrived at just the moment when private organizations, municipal organizations, and the federal government collaborated to increase control over the private lives of immigrants and citizens. Initially, Arnold found the Navy more than willing to

²⁷Chauncey, *Gay New York*, 9.

²⁸Blanche Wiesen Cook, *Eleanor Roosevelt: Volume I, 1884–1933* (New York: Penguin Books, 1992), 268.

²⁹*Providence Journal*, May 26, 27, 1919, see also Louis Glaser, “We Sail the Ocean Blue,” *Newport Recruit* 6 (August 1918): 9–11; Alfred Johnson, “Jack and the Beanstalk,” *Newport Recruit* 7 (June, 1919): 17, and “Jack and The Beanstalk,” *Newport Recruit* 7 (July 1919): 17–22.

³⁰In New York, as a result of the Mann Act, reformers suggested that members of theatrical groups be arrested and examined for venereal diseases. The assumption was that actors by nature were immoral. The Surgeon General’s Office rejected this proposal. David J. Pivar, *Purity Crusade, Sexual Morality and Social Control, 1868–1900* (Westport, CT: Greenwood Press, 1973).

provide the tools and authority necessary for organizing and carrying out surveillance and entrapment. After all, Woodrow Wilson had created the Commission for Training Camp Activities (CTCA) to assuage the fears of many reformers. They predicted that unprotected soldiers who gave into temptation would not only destroy “innocent women and children” but also infect the social structure when they transported the miserable and “degenerate” urban problems back into the heartland.³¹ CTCA Chairman Raymond Fosdick reported to Daniels in November 1917 describing Newport, Rhode Island, and Vallejo, California, as cities that “have been constant sources of trouble and have made no aggressive effort to protect the sailors who come to their cities from vicious influences.”³² The secretary responded with a public address that suggested Newport as a prime target for social reform: “morale” and “morals” went hand in hand. Daniels quoted Napoleon to establish his point: “An army travels on its belly; it is equally true that it fights with its soul. No army of degenerates could win the grueling test of endurance of modern warfare against an army of clean, fresh manhood, with all their vigor and body impaired.” Newport, he explained “was not in any way the modern Sodom,” but it reflected the “careless indifference” of many cities. It remained “smugly complacent” with regard to its duty to protect the swaths of men who now inhabited the popular summer resort. Fosdick vowed to keep military men safe from vice and moral degradation through close cooperation with state and local officials so that “mothers of the country” need not be afraid. Navy officials knew of the many social problems associated with port cities and vigorously promoted and supported efforts to clean these areas up. By the end of 1920, with the help of chief operative Arnold, Roosevelt employed forty-one enlisted sailors as Section A operatives and their mission extended across state lines.³³

Section A’s covert attack on sailors and civilians took place in the context of Progressive reformers focused on codifying the characteristics of “moral decency.” The preventive societies established in New York in the late nineteenth century by Charles Pankhurst and

³¹Brandt, *No Magic Bullet*, 60.

³²R. Fosdick to Josephus Daniels, November 23, 1917, Daniels Papers.

³³Testimony of Franklin D. Roosevelt, May 21, 1920, Records of the Proceedings of the Court of Inquiry, RG 125, Records of the Office of the Judge Advocate General (Navy), NA, 2301–2332 (hereafter Dunn Inquiry).

Anthony Comstock provided a convenient model for later reformers who supported institutions of power, in the words of Timothy Gilfoyle, “meant to control or destroy new forms of sexual and leisure behavior.”³⁴ Since the mid-1880s, various reformers had put forth a vision of social purity that demonized any act that challenged traditional family and marriage arrangements. Many Progressives argued in favor of moral crusades that often ended up stripping away the individual rights of working-class immigrants and African Americans.³⁵ Like preventive societies, the CTCA engaged in full-scale investigations of conditions in these reform campaigns. Each Army and National Guard Camp housed a direct representative of the Commission who reported to a supervisor in that district. Field agents from the CTCA, the Department of Justice, the Intelligence Department of the Army, as well as the staffs from the National American Social Hygiene Association, the Committee of Fourteen in New York, the Commission of Fifteen in Chicago, the Watch and Ward Society of New England, and the Bureau of Social Hygiene in New York, all worked together to collect the data needed to influence the areas that they believed needed change.³⁶

During wartime, vice commissions investigated sex work and increasingly referred to “sexual perversion” in their reports. One report stated, “Male prostitutes, (principally perverts) spread infection. They have a high mortality and morbidity rate. They increase the number of drug habitués.” The Vice Commission in Chicago noted that Illinois law determined same-sex practices were “infamous crimes” that led to the forfeiture of citizenship rights.³⁷ Since wartime conditions increased the number of men in urban centers and most red-light districts were closed, society members attributed these acts to the absence of female sex workers. Thus, reformers focused more of their attention on those who engaged in such behaviors as a problem

³⁴Timothy Gilfoyle, “The Moral Origins of Political Surveillance: The Preventive Society in New York City, 1867–1918,” *American Quarterly* 38 (1986): 637.

³⁵Pivar, *Purity Crusade*, 34; Paul Boyer, *Urban Masses and Moral Order in America, 1820–1920* (Cambridge, UK: Cambridge University Press, 1978), and Michael McGerr, *A Fierce Discontent* (Oxford, UK: Oxford University Press, 2005).

³⁶*The War Department, Commission on Training Camp Activities* (Washington, DC: Government Printing Office, 1917), 25.

³⁷Letter to Josephus Daniels, July 10, 1917, Daniels Papers. Vice Commission of Chicago, *The Social Evil in Chicago*, 290–91, and Havelock Ellis, *Studies in the Psychology of Sex, Volume 1: Sexual Inversion*, 3rd ed. (Philadelphia, PA: F.A. Davis Company, 1927), 290, 348, 350–51.

of urban life.³⁸ One scholar writes, “Self-identified gay men weren’t inventing a way of life in the nineteen months of the American involvement in the war; they were more likely bringing it ready formed into a new community from the disparate towns and cities they came from.”³⁹ Several studies demonstrate that by the early twentieth century many men already participated in “same-sex sexual communities” in cities all over the country regardless of how many women lived there.⁴⁰

As the Office of Naval Intelligence attempted to draw back from domestic surveillance at the end of the war, independent patriotic agencies picked up the slack with fervor. Historian Robert K. Murray notes, “the National Security League, the American Defense Society, and the American Protective League had converted thousands of otherwise reasonable and sane Americans into super-patriots and self-styled spy chasers,” with the intent to spread “rabid propaganda” about wartime “sabotage and sedition” to frighten the American public. Many of these citizen reformers had no previous detective experience but felt patriotism justified their actions. Roosevelt and his Section A operatives agreed, that the health of the Navy depended upon their efforts.⁴¹

During the senate subcommittee’s investigation of Section A’s methods, Roosevelt testified that “because of war conditions,” the Navy had deemed it necessary to conduct investigations “all over the United States.” “People were taken into the reserve in uniform and out of uniform for that purpose,” Roosevelt stated. The Navy hired detectives for a variety of cases, and Newport “was by no means the only place where a Naval Station was investigated.”⁴² Ivy League graduates dominated the Office of Naval Intelligence, and Roosevelt, a Harvard alumnus, often irritated Navy professionals when he dabbled in the “spy business.” Setting up a Naval Reserve Force for the

³⁸Chauncey, *Gay New York*, 145–47. Peter Boag, *Same-Sex Affairs: Constructing and Controlling Homosexuality in the Pacific Northwest* (Berkeley: University of California Press, 2003), 191.

³⁹John Loughery, *The Other Side of Silence: Men’s Lives and Gay Identities, a Twentieth-Century History* (New York: Henry Holt & Company, 1999), 15–16.

⁴⁰Jonathan Katz, *Gay American History: Lesbians and Gay Men in the U.S.A: A Documentary History* (New York: Plume, 1992); Chauncey, *Gay New York*; D’Emilio, *Sexual Politics, Sexual Communities*; Martha Vicinus and George Chauncey Jr., eds. *Hidden from History: Reclaiming the Gay and Lesbian Past* (New York: New American Library, 1989), 318–31.

⁴¹Murray, *Red Scare*, 12. Transcript, Dunn Inquiry, 2303.

⁴²Transcript, Dunn Inquiry, 2300–2.

purpose of gathering intelligence, Roosevelt often recruited amateurs, mostly his Harvard friends, who made up the Navy's and Army's domestic spy operation during World War I.⁴³ Roosevelt's private secretary, Louis M. Howe, tried to operate his own "informant network," much to the dismay and concern of naval officials and the ONI. The Bureau of Navigation whose primary task was personnel management had no money to "deal with Newport," and the newly appointed Director of Naval Intelligence, Admiral Albert P. Niblack, adamantly opposed interference in domestic affairs. He had no respect for extralegal methods and resisted departmental pressure to investigate Newport. In 1920, Niblack wrote, "It has been the aim of this office to use only reputable business methods and avoid anything savoring of 'gumshoe' methods. . . . This point cannot be too strongly emphasized."⁴⁴ Roosevelt ignored Niblack's opposition and utilized all resources at his disposal without support from the ONI.

Howe, Roosevelt's assistant, regularly investigated conditions at several naval bases. His reports listed what he considered dangerous temptations for sailors: prostitution, drugs, gambling, the sale of liquor, "homosexuality," and so-called chop suey restaurants. According to Howe's notes, chop suey restaurants were "the most terrible dives ever visited by the investigator," where the toilets were often used for "immoral purposes." With Chinese immigrants suspect under the Exclusion Act and implicated as the source suspects of illegal and immoral activities, the Newport chop suey restaurants were, according to Arnold, regular hangouts for "fairies."⁴⁵ Many military officials blamed immigrants for the corruption of sailors in the area, particularly Greek-American immigrants, who, according to Hudson, "made quite a practice of sodomy in Newport." The "Greeks" targeted newly enlisted men, got them drunk, and sodomized them before they could realize what had happened.⁴⁶ Progressive reformers and military

⁴³Roy Talbert Jr., *Negative Intelligence: The Army and the American Left, 1917-1941* (Jackson: University Press of Mississippi, 1991), 29; see also Jeffrey M. Dorwart, *The Office of Naval Intelligence: The Birth of America's First Intelligence Agency* (Annapolis, MD: Naval Institute Press, 1979), 29, 113.

⁴⁴Wyman H. Packard, *A Century of U.S. Naval Intelligence* (Washington, DC: Naval Historical Center, 1996), 77-78, and Albert P. Niblack, *The History and Aims of the Office of Naval Intelligence* (Washington, DC: Government Printing Office, 1920), 6.

⁴⁵Notes, Box 9, Folder, 1913-1921, Howe Papers. On race and the association of threats to public health and national security see Emily S. Rosenberg and Shannon Fitzpatrick, *Body and Nation: The Global Realm of U.S. Body Politics in the Twentieth Century*. (Durham, NC: Duke University Press), 2.

⁴⁶Testimony of Erastus M. Hudson, *Dunn Inquiry*, 1531.

personnel commonly blamed acts of deviance on immigrants. As David Langum has shown, immigration, urbanization, and the sexuality of women supported the notion that foreigners were to blame for the spread of prostitution. Not only were immigrants associated with the “social evil,” but they also introduced “special forms of perversions and depravity, which generated the slang ‘French’ for oral sex and ‘Greek’ for anal sex.”⁴⁷ Fear that America’s youth would accept these practices incited repressive reform legislation meant to protect the “innocent,” like sailors who encountered the so-called “dregs” of society in those cities where wartime conditions provided heightened opportunities for illicit behavior.

The implementation of gender identity and sexual activity as criteria for immigration law made a “direct statement on the part of the federal government about sexual matters and citizenship,” according to Eliza Starr Byard.⁴⁸ As early as 1902, the Bureau of Immigration asked Congress to give it more power to “defend us from the ingress of diseased, morally perverted, pauperized, and degenerate aliens, the social exuviae of foreign governments.”⁴⁹ Social reformers, local police, and civic officials blamed immigrant communities in urban centers for spreading the “social evil,” as concerns over the white slave trade intensified.⁵⁰ In 1910, Congress passed the Immigration Act of March 26, 1910, which focused on the exclusion and deportation of “immoral aliens.” Immigration officials held unprecedented powers to bar people they deemed unfit for American society. The link between same-sex acts and the danger of radical ideas as threats to the security of American society was embedded in the postwar patriotic fervor of entrapment, arrest, and incarceration before the Cold War.⁵¹ Recently historian David K. Johnson explained how the euphemism

⁴⁷David J. Langum, *Crossing over the Line: Legislating Morality and the Mann Act* (Chicago: University of Chicago Press, 1994), 18.

⁴⁸Eliza Starr Byard, “Inverts, Perverts, and National Peril: Federal Responses to Homosexuality, 1890–1956” (PhD diss., Columbia University, 2002), 20.

⁴⁹*Annual Report of the Commissioner-General of the Bureau of Immigration, 1902* (Washington, DC: US Government Printing Office, 1903), 61.

⁵⁰Langum, *Crossing over the Line*, 15–47.

⁵¹Byard, “Inverts, Perverts, and National Peril,” 35. See John D’Emilio, “The Homosexual Menace: The Politics of Sexuality in Cold War America,” in *Making Trouble: Essays on Gay History, Politics, and the University* (New York: Routledge, 1992); K. A. Cuordileone, “Politics in an Age of Anxiety: Cold War Political Culture and the Crisis in American Masculinity, 1949–1960” *Journal of American History* 87 (2000): 515–45; Robert J. Corber, *In the Name of National Security: Hitchcock, Homophobia, and the Political Construction of Gender in Postwar America* (Durham, NC: Duke University

“security risk” included “the alcoholic, the loquacious, and the pervert,” but often functioned as a synonym for homosexual in the 1950s. Likewise, Margot Canaday argues that although federal awareness of sex perversion existed early in the twentieth century, it was not until the McCarran-Walter Act of 1952 that immigration legislation “explicitly barred aliens alleged to be homosexual” from entrance to the United States.⁵² Yet, though the Immigration Law of 1917 did not explicitly restrict “perverts,” immigration officials held unprecedented powers to do just that well before the mid-twentieth century, and the activities of Section A demonstrated the culmination of these earlier hostilities towards individuals who might have identified as gay in the 1950s.

Alongside new immigration policies, domestic interventions to protect the state took shape through the creation of the National Security League (NSL). Its members provided a public service organization that lobbied for “increased and improved preparation for America’s defense from enemies at home and abroad.”⁵³ Even though it lost influence after 1918, the NSL articulated the concept of an institutionalized national security state. Members of the League advocated aggressive defense of the country through a variety of domestic safety measures. Through pamphlets and other means of educational instruction, the League warned that enemies existed at home and abroad, anyone who was not “100% American” put the country at risk. Americanization campaigns coincided with the idea that Universal Military Training was meant to cure the nation’s descent into what Theodore Roosevelt named a “wave of effeminacy.” “Americanism” and universal conscription were not meant to merely strengthen the military but also to weed out “religious or political dissenters, sexual ‘deviants,’ those who frequented prostitutes, and people convicted of crimes who had completed their punishment.”⁵⁴

Universal military training, a widely debated issue at the time, never materialized, but methods for its institution were tested during the war. It offered government the opportunity to re-make American manhood and, at the same time, control the process of selection. The

Press, 1993) and *Homosexuality in Cold War America: Resistance and Crisis of Masculinity* (Durham, NC: Duke University Press, 1997).

⁵²Johnson, *The Lavender Scare*, 8. Canaday, *The Straight State*, 21.

⁵³Shulman “The Progressive Era Origins of the National Security Act,” 2.

⁵⁴Sarah Watts, *Rough Rider in the White House: Theodore Roosevelt and the Politics of Desire* (Chicago, IL: University of Chicago Press, 2003), 51; Shulman, “The Progressive Era Origins of the National Security Act,” 317.

view of a “healthy” male changed according to methods of scientific management which helped shape new theories of “fitness.” Wartime increases in manpower enabled the Navy to redefine the type of man it hoped to recruit during and after the war, men “who it believed would elevate the character of enlisted personnel and enhance the prestige of the service.”⁵⁵ No longer would the military select personnel on previous notions of physical conditions, but it established rigid categories of moral fitness as well.

In addition to concerns about moral and physical fitness, Navy officials believed that an effort to recruit American sailors, that is white, non-immigrant from the heartland, would help to bolster its reputation. One rear admiral explained,

It has been our endeavor to enlist men throughout the whole country rather than to take them from the waterfront. We get a better class of men when we get them from the interior. They stay; they do not run away; they are not transients; they have homes; and they are people who respect the obligations of oaths more than the class of people who enlist along the waterfront.⁵⁶

Military officials, NSL members, and Progressive-Era reformers vigorously supported the notion that white Americans from the interior had a greater respect for the country and were better able to devote and sacrifice themselves for the good of the United States. Therefore, they constructed an embodiment of non-white immigrants and hyphenated Americans as having inherent elements of a criminal type that not only held little regard for the country but might be easily swayed to join forces in a campaign to destroy it from within.

Commander Francis J. Higginson, commandant of the Newport Naval Training Station, declared: “What we want must come from the country, from the other side of the Alleghenies and south of the Ohio. We want boys who have never seen, and do not know, any

⁵⁵Frederick S. Harrod, *Manning the New Navy: The Development of A Modern Naval Enlisted Force, 1899–1940* (Westport, CT: Greenwood Press, 1978), 7. The Navy also imposed stricter recruitment standards. It lowered the maximum recruitment age, and new recruits had to meet requirements of acceptable height, weight, and eyesight, have twenty sound teeth, and lack physical ailments such as venereal disease or bad hearing. At induction, doctors looked for signs of alcoholism and drug addiction. Recruits’ prior history could not include felonies, desertion, or dishonorable discharges. They had to be literate and, moreover, convey “sufficient evidence of good character to be enlisted.” The military’s use of the Stanford-Binet test also changed the way the military viewed “intelligence.” By 1920, the impact upon the Navy was significant; of its 108,950 men, only 17,560 had more than four years of service.

⁵⁶Harrod, *Manning the New Navy*, 54.

other flag than the American, who have good American backgrounds, and who have no Old World allegiances or affiliations. We want the brawn of Montana, the fire of the South, and the daring of the Pacific Slope.” Higginson emphasized that boys from the heartland embodied the physical strength, passion, courage, and sole loyalty to the United States needed to defend the country against its enemies. The Navy’s concerted efforts to procure this type of recruit brought new responsibilities to enact reforms of its own internal structure. The Navy trained men to fight the enemy abroad, and it now had a vested interest in protecting the nation from the villainous elements within. As a result, many naval investigations were formed to root out those they defined as corrupt: political dissenters, sexual “deviants,” men who frequented houses of prostitution and were convicted of crimes. As former President Theodore Roosevelt had instructed earlier: the virile American man assured the progress and success of the nation.⁵⁷

During the final year of the Newport scandal, the vilification of senior naval officials and the operatives ignited a public discussion centered on immorality in the Navy. The Dunn Board of Inquiry convened in Newport during the third week of January 1920 as a result of *Providence Journal* editor John R. Rathom’s attacks on the Secretary of the Navy’s office. This court of inquiry investigated the US government’s pursuit of the accused in an effort to alleviate growing public concern about the methods of Section A. The Navy appointed Rear Admiral Herbert O. Dunn, commandant of the First Naval District, to head the court. Dunn was a close friend of Daniels and Roosevelt, and he served simultaneously on the board of another investigation with Roosevelt. Ensign Henry I. Hyneman was appointed judge advocate general to defend the Navy against its critics. By the time the entrappers appeared before the court, a mysterious aura surrounded them. Members of the court, naval officials, and the public learned of their controversial methods, but no one knew exactly who these men were. Rumors circulated about their motivations and the operatives might have guessed that questions about their own sexuality loomed over them. Some were frightened into silence while others produced formulaic justifications for their work that echoed social purity reformers of the day. The method used to stereotype physical and psychological characteristics of outsiders is apparent in the court transcript. The suspects were asked repeatedly to describe same-sex

⁵⁷Theodore Roosevelt, *The Strenuous Life: Essays and Addresses* (New York: The Century Co., 1901).

encounters, gender traits, and behaviors associated with recognizing a “pervert,” and in doing so, the operatives and naval officials helped normalize a white male heteronormative notion of gender and sexual identity in the interests of national security. Dudley J. Marriott, a married thirty-year-old chief yeoman, USN, was the first operative questioned by Hyneman. At first, he seemed apprehensive and offered little information about his orders to investigate “immorality.” He, like those who came after him, reported that as operatives they “never” were “ordered to go the limit,” but they had understood that their actions were “sanctioned by the Navy and legally protected.”⁵⁸ Marriott volunteered because he apparently “enjoyed detective work” and had enthusiastically joined the team even after he learned about the type of duties involved. When Hyneman asked, “Why didn’t you resign?” Marriott explained, “I thought it was the proper thing to do to eliminate such conditions that existed where thousands of young boys were.” Marriott refused to admit that he had investigated “perversion” when asked directly, but instead obliquely stated that he had investigated “all conditions that tended to demoralize the Navy.”⁵⁹

Hyneman switched gears, hoping to catch Marriott off-guard, and asked again, “Why did you think your actions were protected?” Marriott answered, “I understood I was legally protected, and I also felt myself that I was ‘morally’ protected and my own conscious was perfectly clear on the subject.” Hyneman fired back: “Upon what did you base your moral protection?” Marriott responded, “I did it for the sake of the uplift of humanity in general to eliminate such men from decent society.” Because his motives were unselfish, it absolved him in his eyes from any behaviors that might otherwise be deemed “immoral.”⁶⁰

Marriott suggested that even though he engaged in practices that might otherwise be associated with degeneracy and weakness, his military identity, as a defender of the nation, both proved and insulated his masculinity. He could have sexual encounters with men without being considered “abnormal,” and he could revel in as well as control his base physicalities. Marriott’s sense of his self-control and national duty, according to historian Gail Bederman, provided the

⁵⁸Transcript, Dunn Inquiry, 1721–44.

⁵⁹Transcript, Dunn Inquiry, 1721–44.

⁶⁰Marriott referred to the same perspective Daniels received from Attorney General Palmer. Palmer to Daniels, March 3, 1921, RFP, Box 80, Franklin Delano Roosevelt Presidential Library, Hyde Park, NY.

embodiment of white American character and supremacy in the early twentieth century. The act of self-control over “masculine passions through strong character and a powerful will” become the basis of men’s “strength and authority” over women, the lower classes, and in this case “degenerates.”⁶¹ Mariott made the argument that Section A’s activities promoted the “uplift of humanity” in the interests of “decent society” in order to legitimize their claims to power as “civilized” men who utilized “primitive masculinity” in the interests of national security. As Bederman points out, people in the Progressive Era called upon the idea of civilization in a variety of ways to “maintain their class, gender, and racial authority.”⁶²

To further justify his actions, Marriott explained that Newport was in bad shape, and the operatives of Section A had worked harder and were paid less than if they had stayed at their old positions. The operatives did not do this work for any financial incentive; rather, they believed it was their duty to defend the innocent. Marriott concluded: “I did these things to save such boys as that from having their morals destroyed, and also to uphold the morale of the Navy, and to eliminate men lower than beasts from a rendezvous where young boys seventeen years of age are stationed.” The idea that “young boys” would be ravaged by “beasts” allowed the operatives to be viewed as the patriarchs, avengers, and righteous protectors.

Increased anxieties over the notion that same-sex acts jeopardized white male heterosexuality led to stricter policies of censure of particular bodies.⁶³ George Chauncey has examined how Americans after the 1930s broadened their perceptions of perversion viewing the “sex deviant” as “a symbol of the dangers posed by family instability,

⁶¹Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880–1917* (Chicago, IL: University of Chicago Press, 1995), 12. See also *Manliness and Morality: Middle Class Masculinity in Britain and America, 1880–1940*, ed. J.A. Mangan and James Walvin (New York: St. Martin’s Press, 1987), and Christina Simmons, “Modern Sexuality and the Myth of Victorian Repression,” *Passion and Power: Sexuality and History*, ed. Kathy Peiss and Christina Simmons (Philadelphia: Temple University Press, 1989), 157–77 and Frank Ninkovich, “Theodore Roosevelt: Civilization as Ideology,” *Dipl. Hist.* 10 (1986): 233–45.

⁶²Bederman, *Manliness and Civilization*, 23. See also Ninkovich, “Theodore Roosevelt: Civilization as Ideology,” 233–45. Transcript, Dunn Inquiry, 1721–44.

⁶³Bederman, *Manliness and Civilization*, 46. See also Martha Hodes, “Sexualization of Reconstruction Politics: White Women and Black Men in the South after the Civil War,” *Journal of the History of Sexuality* 3 (1993):402–17, and Jacqueline Dowd Hall, “The Mind That Burns in Each Body: Women, Rape and Racial Violence,” in *Powers of Desire: The Politics of Sexuality*, ed. Ann Snitow et al. (New York: Columbia University Press, 1979), 148.

gender confusion, and unregulated male sexuality and violence.” Increasingly, Chauncey argues, the press highlighted the “murders of little boys to demonstrate the dangers of unsuppressed homosexuality.”⁶⁴ In Newport, Section A leaders Arnold and Dr. Erastus Hudson instructed the operatives about the dangers of such vice among those who did not know any better. Several of the investigators utilized this powerful narrative to justify their methods of entrapment. At the end of his questioning, Marriott offered this admission: “I didn’t go into this investigation to satisfy any sexual passion; I went in for the uplift of the Navy, and the Navy as I know it.”⁶⁵ Section A’s mission, Marriott thought, had benefited Newport: “Every pervert took a train to San Francisco or different parts,” and he “never saw such a clean city after the raid.” The ultimate goal for Section A members was to protect the bodies of men who defended the nation. The operatives believed the law protected their morality because when they engaged in same-sex acts they did so for the greater good. Members of Congress thought differently.

When Roosevelt himself took the stand at the court of inquiry on May 21, 1920, he explained that the Commission on Training Camp Activities (CTCA) regularly inspected “moral zones” around military camps. The CTCA inspectors to these regions had explicit orders to identify anyone deemed a threat to military personnel. They engaged in the incarceration of seemingly promiscuous individuals under the “American Plan” funded by John D. Rockefeller, which authorized the arrest of women and men within a five-mile radius of a military base or camp for “immoral behavior.” Prostitutes were considered subversives and, like political dissenters and enemy agents, were rounded up and sent to detention centers. “Newport,” Roosevelt continued, “was by no means the only place under investigation.”⁶⁶

⁶⁴Chauncey, *Gay New York*, 359. See also Estelle Freedman, “Uncontrolled Desires: The Response to the Sexual Psychopath, 1920–1960,” in *Passion and Power*, ed. Peiss and Simmons, 199–225, and D’Emilio, “The Homosexual Menace,” 226–40; and Allan Berube, *Coming Out Under Fire: The History of Gay Men and Women in World War Two* (New York: Free Press, 1990).

⁶⁵Transcript, Dunn Inquiry, 1721–44.

⁶⁶Transcript, Dunn Inquiry, 2311. The Office of Naval Intelligence (ONI) routinely carried on such domestic duties during the war; however, after the armistice, the Secretary of the Navy directed the ONI back to obtaining foreign intelligence only. David J. Pivar, *Purity and Hygiene: Women, Prostitution and the “American Plan,” 1900–1930* (Westport, CT: Greenwood Press, 2002). Brandt, *No Magic Bullet*, 59, 71; Nancy K. Bristow, *Making Men Moral: Social Engineering During the Great War* (New York: New York University Press, 1996); Canaday, *The Straight State*, 60; and Regina G.

Hyneman hammered away at Roosevelt's professed ignorance of who the operators were, what they did to obtain evidence, and how he supervised the operation, which Roosevelt continuously tried to obfuscate. Roosevelt acted as if attaching the operation to his office was routine; in fact, he stated, "these men being attached to me meant no more than as if they had been attached to Hawaii."⁶⁷ Hyneman asked him to please "reconcile" that statement for the court. Roosevelt brushed it off and suggested that it was merely "an expression. . . . It was the same thing as if I had ordered a captain of a vessel or a fleet to carry out certain duties. It was primarily intended to arrange for . . . the payments in legal form under the Secretary's office."⁶⁸

Roosevelt took it upon himself to fund Section A out of monies appropriated by Congress for the Secretary of the Navy's office, but disingenuously claimed he knew nothing of the methods used to investigate vice. Hyneman asked him to define this "fund" used to support the covert operation, and Roosevelt explained that it "came out of the Contingent Navy Fund, which held roughly the sum of \$50,000.00." Congress appropriated the fund to the Secretary of the Navy's office to pay for the "unforeseen needs" of the department such as banquets, official receptions, oil paintings of war actions, and any other matter the secretary of the Navy deemed fit. "A report, of course, is made of the expenditures of that fund to Congress every year," Roosevelt declared. "Do you want the court to understand that the funds used for this investigation now under inquiry came from a source especially provided for by Congress for such a purpose?" Hyneman drilled back: "Yes!" came the resounding reply. Hyneman then asked Roosevelt if Section A had operated solely in the vicinity of Newport. Roosevelt answered "yes, primarily" that that was the goal, but if Section A uncovered "trouble in Newport" that "extended over the rest of the country," then the operatives had "entire authority" to follow it "to its source."⁶⁹ Passed in 1910, the Mann Act created the first national field offices of the Bureau of Investigation with agents in every state and every large city authorized to arrest "noncommercial adulterers and lovers" thereby providing Roosevelt's operatives with

Kunzel, *Fallen Women, Problem Girls: Unmarried Mothers and the Professionalization of Social Work, 1890–1945* (New Haven, CT: Yale University Press, 1993), 18, 36, 147–48.

⁶⁷Transcript, Dunn Inquiry, 2426.

⁶⁸Transcript, Dunn Inquiry, 2327.

⁶⁹Transcript, Dunn Inquiry, 2327.

the legal authority needed to cross state lines in attempts to root out “perversion.”⁷⁰

In a letter to Secretary Daniels, Roosevelt wrote: “As a lawyer I am perfectly clear in my own mind that the Court is right in this case, and that Judge Advocate General, Rear Admiral George R. Clark has no basis in law for the difficult distinction which he attempts to draw. The only clear distinction in law relates to the question of intent. In other words, if the intent of those authorized to investigate crime is honestly to obtain evidence without active solicitation, then the basic law declares no crime has been committed.” He continued explaining to Daniels with an analogy: The police department gets word that a house will be robbed tomorrow, so officers break into the house before the burglar and they catch him. “Under Admiral Clark’s theory the detective is guilty of the crime of breaking and entering. This is, of course, ridiculous on the face of it.”⁷¹

Unconvinced by Roosevelt’s analogy, Daniels looked to Attorney General A. Mitchell Palmer for advice about whether he should prosecute the entrappers. After his review of the case, Palmer assured Daniels that any person who participated in “a criminal offense for the purpose of enforcing, not violating, the law” was not an “accomplice” since no “criminal intent existed.” The judge advocate general argued that this rule excluded cases of sexual perversion that were *mala in se* (bad in themselves) and did not “require any specific intent.” The Justice Department disagreed: no authority “supported this distinction,” and the only one that dealt with it supported a contrary opinion. Palmer continued to explain why these men were not real accomplices: “He lacks criminal intent . . . [and] his intent is not evil but meritorious, since it is in aid, not in obstruction of justice. . . . The abhorrent disgust, such crimes excite may make the burden heavier upon the apparent accomplice to show his true intent was not criminal,” but, as Palmer maintained, he had the right to justify himself as a government agent under orders to detect and punish crimes.⁷²

On March 3, 1921, Daniels followed Palmer’s advice, absolved the operatives from prosecution, and rejected Admiral Dunn’s recommendations that naval personnel be barred from investigating this

⁷⁰Langum, *Crossing Over the Line*, 49.

⁷¹Langum, *Crossing Over the Line*, 49.

⁷²Franklin Delano Roosevelt, “Statement and Preliminary Minority Report”; Daniels to Roosevelt, July 27, 1921, Box 80, FDR Library.

type of vice in the future. Daniels held that he had “exhausted every one of the regular channels in an effort to clean up the town” and remained convinced that “in cooperation with the Department of Justice, the Navy itself must take steps to secure a wholesome environment for youths sent to Newport for training.”⁷³

While Roosevelt took the brunt of the blame, the committee nonetheless accused the leaders of Section A of “violat[ing] the moral code of the American citizen, and the rights of every American boy who enlisted in the Navy to fight for his country were utterly ignored.”⁷⁴ Only in the final judgment did the senators suggest that men who had enlisted to fight deserved the rights afforded to them as citizens. Despite this nod to due process, the US government, its officials, courts, extra-legal institutions, and thousands of citizens had supported or engaged in vigilante justice violating due process of law through harassment, discrimination, and suppression of opposition.

The committee strongly advised that the investigation of same-sex acts “at any time or place by enlisted personnel be expressly prohibited”;⁷⁵ however, “If perversion is known or believed to exist in the ranks of the Navy, even the suspicion of such a condition should immediately lead to the undesirable discharge of the men suspected.”⁷⁶ According to the senators, the instigation of an official inquiry through gossip and hearsay by Section A’s leaders should have brought about an arbitrary removal and relocation of the suspects into psychiatric institutions without military benefits. The notion that they believed “perversion” to be a disease that could spread to “normal” enlisted

⁷³Daniels to Chief, Bureau of Navigation, March 3, 1921, 26283–2591:36, Daniels Papers.

⁷⁴Senate Comm. on Naval Affairs, “Alleged Immoral Conditions,” in Katz, ed., *Government vs. Homosexuals*, 33.

⁷⁵Senate Comm. on Naval Affairs, “Alleged Immoral Conditions,” in Katz, ed., *Government vs. Homosexuals*, 35.

⁷⁶Senate Comm. on Naval Affairs, “Alleged Immoral Conditions,” in Katz, ed., *Government vs. Homosexuals*, 36. Aaron Belkin, *How We Won: Progressive Lessons from the Repeal of Don’t Ask, Don’t Tell* (New York: Huffington Post Media Group, 2011), Kindle Edition, Location 851. The idea that those who engaged in same-sex encounters had a “disease” persisted until the George W. Bush administration. In 2006, the military still categorized “homosexuality” as a mental illness. During his campaign to repeal DADT, Belkin uncovered a regulation in a medical journal document meant to instruct military doctors about how to assign ratings for the purposes of VA benefits. Listing homosexuality along with mental illness and impulse control as “certain mental disorders” made veterans “ineligible” to receive the points allowing them treatment at VA hospitals. The Bush administration did publish a revision of the regulation redefining homosexuality as a “defect” rather than a “mental disorder.”

personnel helps to explain their contempt for using sailors for investigative purposes.⁷⁷

Four months after the Navy's inquiry, on July 13, 1921, Daniels wired Roosevelt at Campobello that the three senate sub-committee members, L. Heisler Ball (R., DE), Henry W. Keyes (R., NH), and a conservative Mormon, William H. King (D., UT), would report without having heard his testimony. Roosevelt pleaded with the committee to allow him to make a formal statement. Senator Ball (R., DE) relented but gave Roosevelt two days to read the 6,000 single-spaced pages of testimony and prepare his reply. On July 18, 1921, FDR and his aides worked until 8:00 pm to prepare his testimony. As biographer Geoffrey Ward depicts it: "While a listless ceiling fan moved the humid air around the room, Franklin went to work in his shirtsleeves, teeth clenched in his pipe, angrily penciling point after point on a lined yellow pad, then passing the pages on to be typed." The next day, a confident Roosevelt strode up the stairs to the Capitol building to deliver his statement, but he was too late; the senate committee had already released the report to the press. Angry and indignant, Roosevelt read it anyway and then "white with exhaustion" turned and walked back down the stairs.⁷⁸ It was the last time Roosevelt would ever walk unaided again in Washington, DC.

The next day, the committee judged Roosevelt "morally responsible" for the "immoral acts" used to entrap sailors and civilians in his pursuit of alleged vice. Though piously acknowledging the problem in Newport, the committee condemned Section A's methods. The senate committee, along with the naval inquiries, still reinforced the idea that Newport did, in fact, "attract immoral people, plying their nefarious trades," and these conditions "were a menace both to the health and morale of sailors."⁷⁹ Well aware that the sexual identity of the operatives could be questioned, the senators specifically exonerated the investigators because they "were practically forced into this duty because of their ignorance of naval procedure and civil law, and their mental perspective regarding the obedience of any order given them by a superior." Innocent sailors should not have been coerced

⁷⁷U.S. Senate Comm. on Naval Affairs. "Alleged Immoral Conditions at Newport," in Katz, ed., *Government vs. Homosexuals*, 36.

⁷⁸Geoffrey C. Ward. *A First-class Temperament: The Emergence of Franklin D. Roosevelt* (New York: Harper and Row, 1989), 572.

⁷⁹Senate Comm. on Naval Affairs. "Alleged Immoral Conditions," in Katz, ed., *Government vs. Homosexuals*, 34.

into “allowing” their bodies to be “polluted”—a crime they will “remember and regret” to their “dying day.”⁸⁰ The senate committee’s conclusions gave the public a detailed account of the operatives’ activities, as it also condemned all Navy officials associated with Section A.⁸¹ Senator King refused to sign the majority report drafted by Republicans Keyes and Ball. The official findings did not include King’s points of contention. He believed that the entire operation had been carried out “without the knowledge of either of the Navy department chiefs.” Accusations that Roosevelt and Daniels “knew of these methods are wholly without justification and do a great injustice to the persons mentioned.” King did, however, write that Roosevelt “erred in adopting and approving the recommendations of Captain Leigh and Judge Advocate General Drury,” but he said that in the report any “testimony favorable to Roosevelt and Daniels seems to be ignored.”⁸²

Roosevelt publicly claimed that Republican committee members committed a “clear breach of faith” when they refused to let him testify. He accused the senators of “deliberate falsification of evidence, perversion of facts, misstatements for the record, and a deliberate attempt to deceive.” He further assailed his opponents for besmirching the Navy with “cheap ward politics,” and as an “American” he found it deplorable and “amusing” that these Republican senators attacked him so “savagely and maliciously.” Ball appeared to be unmoved by these accusations and threats, stating, “Any such claims Mr. Roosevelt makes are without foundation. The character of the statement given in the papers by Mr. Roosevelt is characteristic of the man. His speeches last fall were along a similar vein.”⁸³

While Roosevelt fought back publicly, privately he struggled with the assault on his good name. On July 21, 1921, he sat down and wrote a letter to committee member Keyes, a fellow Harvard alumnus: “I have had the privilege of knowing many thousands of Harvard graduates. Of the whole number, I did not personally know one whom I believed to be personally and willfully dishonorable. I regret that because of your recent despicable action, I can no longer say

⁸⁰Senate Comm. on Naval Affairs. “Alleged Immoral Conditions,” in Katz, ed., *Government vs. Homosexuals*, 30.

⁸¹On July 20, 1921, the *New York Times* called the details “unprintable.” “Lay Navy Scandal to FD Roosevelt,” *New York Times*, July 20, 1921.

⁸²Franklin Delano Roosevelt, “Statement and Preliminary Minority Report”; Daniels to Roosevelt, July 27, 1921, Box 80, FDR Library.

⁸³“Lay Navy Scandal to F.D. Roosevelt,” *New York Times*, July 20, 1921.

that. My only hope is that you will live long enough to appreciate that you have violated decency and truth and that you will pray your Maker for forgiveness." FDR, emotionally spent from this ordeal, decided in the end not to send the letter to Keyes, writing on the back of the envelope, "Not sent—what was the use?"⁸⁴ Roosevelt escaped any lasting consequences as did the Section A operatives. The entrapped men were not so lucky. The prisoners testified to their maltreatment and exploitation when the senators interviewed them at Portsmouth prison in the hope that justice would prevail. Instead, the Navy and its legal apparatus excused the crimes committed against these men without a second thought. Having suffered the shame and humiliation of courts of inquiry, unfair and misguided court-martial proceedings, and severe prison sentences, they were finally released and dishonorably discharged between December 1921 and March 1922. Their lives would never be the same. They did not receive any military benefits nor were they buried with the honor of military funerals.⁸⁵

While the members of the senate subcommittee suggested that the mistreatment of sailors and abuse of their rights occurred in a few exceptional cases, the evidence pointed to a systematic problem—the larger campaign supported by the Navy and Assistant Secretary, Roosevelt. The repression of unpopular ideas expressed by anarchists, socialists, and communists extended to include those who engaged in non-normative sexual practices and gender identities. Despite the report of the senate investigation, the quasi-vigilantism of Arnold and Section A was not an ad-hoc phenomenon. Rather, their covert investigation originally supported by the Office of Naval Intelligence contributed to the institutionalization of a national security state apparatus that would increasingly police gender and sexuality over time.

World War I, not the Cold War, marked the beginning of a national security state that grew out of the late nineteenth and early twentieth

⁸⁴FDR to Henry Keyes, July 21, 1921, Franklin Delano Roosevelt, Personal Papers, Naval Matters, Box 31, Rathom Case Correspondence, FDR Library.

⁸⁵"Tennessee, Find A Grave Index, 1796–2011," Ancestry.com, accessed October 9, 2012. Frank Omar Dye, "U.S. National Cemetery Interment Control Forms, 1928–1962," Ancestry.com, accessed October 9, 2012. Frank Omar Dye, service no. 001323957 (discharged 1921); Official Military Personnel Files, Enlisted Personnel, Navy; RG 024; Wade Stuart Hervery, service no. 001747847 (discharged 1920); Official Military Personnel Files, Enlisted Personnel, Navy; RG 024; Elmo Hubert Gianelloni, service no. 001606186 (discharged 1921); Official Military Personnel Files, Enlisted Personnel, Navy; RG 024; Maurice Jacob Kreisberg, service no. 001031908 (discharged 1921); Official Military Personnel Files, Enlisted Personnel, Navy; RG 024, National Personnel Records Center, St. Louis, MO.

centuries. The Great War provided government officials new opportunities to expand notions of America's core values as national security concerns, and the Newport scandal demonstrated the extent to which the construction of gender and sexual norms shaped national interests in the development of a security state. Roosevelt's later involvement in the creation of the Selective Service Act of 1940 and his insistence that "homosexual proclivities" be among the list of disqualifying "deviations" demonstrated the continuation of his past experiences in his presidential military policies. Both the Selective Service Act of 1940 and the creation of the Uniform Code of Military Justice in 1950 extended the regulations that assumed gender and sexual nonconformity posed a national security threat. These expansive policies targeted gay and lesbian service members up through the repeal of "Don't Ask, Don't Tell" and negatively affected without justification the reputations, careers, relationships, and overall health of hundreds of thousands of American citizens.

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