

The Lavender Scare:
How Anti-Homosexual Policy Created an Anti-Democratic Rhetoric



(Photograph by Tobin Kay: Frank Kameny (center) in the first Christopher Street Liberation Day Parade, New York City, 1970).²

Elizabeth Kostina
May 19, 2019
Ms. Lu-Hill

¹ The New York Review of Books, Long War Against a Gay 'Cure', January 2019, Digital Image, accessed May 11th, 2019, <https://www.nybooks.com/daily/2019/01/10/the-long-war-against-a-gay-cure/>.

² James Kirchick "The Long War Against a Gay 'Cure'." The New York Review of Books. January 10, 2019. Accessed May 11, 2019. <https://www.nybooks.com/daily/2019/01/10/the-long-war-against-a-gay-cure/>

It began with “Dear General Eisenhower.”³ Arthur Vandenberg Jr.’s letter addressed to President Eisenhower on January 13th, 1953 said, “I will not be able to assume the duties of Secretary to the President on January 20th. (...) [and] request that you grant me an extended leave of absence from your staff.”⁴ Eisenhower’s response came on January 17, and he expressed his concerns for Vandenberg’s health, telling him “you must take care of yourself. That is the one and the important thing.”⁵ Vandenberg seemingly made a full recovery three weeks later. His response on February 6th indicated he was “ready and anxious to go to work.”⁶ Eisenhower did not see it that way. His response dating March 3rd continued the myth of Vandenberg’s illness, noting “your physical difficulty has proved so stubborn in its refusal to yield to treatment.”⁷ Coolly putting down any notion of Vandenberg returning to his cabinet, Eisenhower mentioned that they were “proceeding with reorganization of the whole staff without your [Vandenberg’s] inclusion in it.”⁸ The media maintained the facade that Vandenberg was still ill. The New York Times wrote off the cause of his absence to the fact that Vandenberg had “stomach ulcers and did not know how long the ailment would continue.”⁹

Why would a president ignore the claim of his own Appointments Secretary? Especially one that he had worked so closely with, one that had helped elect him by organizing a national executive committee, and among other things, serving as Chairman for *Citizens for Eisenhower*

³ "Exhibit "Letter 11", Arthur H. Vandenberg Jr., to Dwight D. Eisenhower, January 13, 1953, Washington DC.

⁴ "Exhibit "Letter 11."

⁵ "Exhibit "Letter 12," Dwight D. Eisenhower to Arthur H. Vandenberg Jr., January 17, 1953, Washington DC.

⁶ Arthur H. Vandenberg, Jr. to Dwight D. Eisenhower, February 6, 1953, Washington DC.

⁷ Dwight D. Eisenhower to Arthur H. Vandenberg, Jr. March 3, 1953, Washington DC.

⁸ Ibid.

⁹ "Vandenberg Forgoes U.S. Post." *New York Times*, April 14, 1953. Accessed May 12, 2019.

<https://mattachinesocietywashingtondc.files.wordpress.com/2016/04/exhibit-14-vandenberg-forgoes-us-post-ny-times-april-14-1953.pdf>.

in New York?¹⁰ This refusal to acknowledge Vandenberg's recovery contradicted Vandenberg's clear intention to return to his civic duties.

The reason for Vandenberg's extended absence was not because of "health concerns." His extended absence from his vacation in Florida was due to the fact that he was a homosexual.¹¹ He had been exposed by J. Edgar Hoover to Eisenhower after failing to pass a "loyalty investigation by the FBI" after his appointment as Secretary to the President."¹² Vandenberg didn't know it just yet, but his fate as an active member of the Eisenhower administration had been determined in December 1952, when Hoover and Eisenhower met to discuss his loyalty investigation, (which he had failed), and Eisenhower was made aware that Vandenberg was a homosexual.¹³ Whether Vandenberg was complicit in easing his departure from Eisenhower's administration by not publicly outing himself as a homosexual at that time remains a moot point; Vandenberg's and Eisenhower's close history and relationship but their rather abrupt public end is just one example of the consequences of the Lavender Scare. The demonstration between old friends that any association with homosexuals would end in severed ties, showed the swift and secretive consequences of the Lavender Scare.

The Lavender scare remains largely undocumented today and refers to the massive and systemic firing of gay and lesbian employees from the federal workforce during the Cold War.¹⁴

¹⁰ Herbert S. Parmet, *Eisenhower and the American Crusades* (NY: Macmillan, 1971). 106; New York Times: James A. Hagerty, "Eisenhower Groups Open Office Here," February 8, 1952.

¹¹ "Executive Order 10450." Mattachine Society Washington DC. April 28, 2016. Accessed May 13, 2019. <https://mattachinesocietywashingtondc.org/legal-documents/executive-order-10450/>.

¹² Ibid; Russell Porter, *Vandenberg Jr. Is Selected As Eisenhower's Secretary*, N.Y. Times, Nov. 27, 1952, at 1.

¹³ "J. Edgar Hoover, 'Sex Deviates' and My Godfather," The New York Times, November 26, 2011. Accessed May 12, 2019. <https://www.nytimes.com/2011/11/27/opinion/sunday/j-edgar-hoover-outed-my-godfather.html>.

¹⁴ David K. Johnson, "The Lavender Scare: *the Cold War Persecution of Gays and Lesbians in the Federal Government*.(Chicago: University of Chicago, 2006), PG NUMBER ; Lucy Diavolo, "The United States Government's Anti-Gay Lavender Scare, Explained." Teen Vogue. April 26, 2019. Accessed May 12, 2019. <https://www.teenvogue.com/story/united-states-governments-anti-gay-lavender-scare-homosexuality-communism>.

Largely due to anti-communist hysteria and the link that was initially established between homosexuality and communism, the effects of the Lavender Scare were silently widespread.¹⁵ Near the end of the ‘purges’ in the late 1960s, “as many as 10,000 gay people had lost their jobs in the civil service,” others were fired for “guilt of association,” and coming out became nearly impossible without fear of discrimination and hate crimes.¹⁶ Because of the dogma surrounding being gay, public outings and firings usually led to suicides which the government actively hid or lied about the true cause of death.¹⁷ The massive firings of homosexuals from the government to ‘prevent the fall of democracy’ developed into a conservative mentality that dominated the thinking of policymakers.¹⁸

Homosexuals were targeted because they were a large minority group within the government during the 1950s and the 1960s. Total participation of men over 16 in the workforce was 86.4% in 1950, and 83.3% in 1960 as compared to 33.9% of all women in 1950 and 37.7% in 1960.¹⁹ There was a high demand for labor during the war in the manufacturing sector and because regulations allowed for higher wages, it meant a “rising supply of well-educated workers” were dominating work forces, and “African Americans were concentrated among the less-educated, low-earning workers.”²⁰ Because of the history of systemic oppression in the United States that did not provide equal opportunity of education and then, unemployment as a

¹⁵ Ibid.

¹⁶ Matt Reiman, "The U.S. Government Once Purged Gay Employees, Saying They Were a Threat to National Security." Timeline. February 28, 2017. Accessed May 12, 2019. <https://timeline.com/government-purged-gay-employees-ea274b33fbd0>; "LGBT History: The Lavender Scare." NGLCC. Accessed May 13, 2019. <https://www.nglcc.org/blog/lgbt-history-lavender-scare>

¹⁷ Ibid.

¹⁸ "LGBT History: The Lavender Scare."

¹⁹ Howard N Fullerton, Jr. "Labor force projections to 2010: steady growth and changing composition," Monthly Labor Review, November 2001, 22. <https://www.bls.gov/opub/mlr/2002/05/art2full.pdf>

²⁰ Ibid; "African Americans in the Twentieth Century." EHnet. Accessed May 13, 2019. <https://eh.net/encyclopedia/african-americans-in-the-twentieth-century/>.

result of poor education to African Americans and other minorities as it did to whites, the governing body in the 1950s was incredibly homogenous in both thinking and skin color. The first African-American to be appointed to a presidential cabinet was Robert C. Weaver in 1966 to Lyndon B. Johnson's cabinet, and the first woman appointed to a cabinet was Frances Perkins in 1933.²¹ The slowness of social reform meant that the government was composed of mainly conservative white men who were passing policy. Anti-communist fear was rampant, but coupled with the fear that homosexuals were "security risks" and with usually little to none substantial evidence to convict someone of being a communist, accusing someone of being a homosexual was much easier to prove. The massive purges of homosexuals in the government showed the 'progress' that was being made on communist infiltration; the more homosexuals that were fired because they were deemed security risks was indicative that the government was actively rooting out spies and successfully combating Communist infiltration.²²

It's important to note that the Lavender Scare was largely felt by gay men. Lesbians were not excluded from the treatment of homophobic hysteria, but they were less likely to be exposed. David Johnson, author of the monograph *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* noted

Much of the rhetoric of the purges stressed the threat from high-level bureaucrats or appointed officials, all of whom were assumed to be male. Of the initial ninety-one homosexuals fired from the State Department, for example, only two were women. (...) gay men were more likely to come to the attention of authorities than lesbians, who as women, had more limited access to public space.²³

²¹ "Frances Perkins." FDR Presidential Library & Museum. Accessed May 13, 2019. <https://fdrlibrary.org/perkins>; Ibid.

²² Johnson, 19.

²³ Johnson, 12.

Homosexuals and communists were established as the ‘same kind of person’ by the government and its officials: morally degenerate, mentally unstable, and threatening national security. By equating these two threats, the US government passed legislation that took away constitutionally guaranteed liberties and therefore contradicted the very democratic principles the US was attempting to protect. The rise of anti-communist and then, anti-homophobic policies and bills in the United States caused by the burgeoning pro-American mentality after World War Two, was detrimental and hypocritical to the “Freedom-Bringer” message that America was trying to champion.

In 1947, the Senate Appropriations Committee alluded to a mysterious force of “Communist personnel” that were pursuing a “deliberate, calculated program” to protect their interests of national security.²⁴ The Chicago Daily Tribune reported *119 Sex Perverts in State Dept.: House Member Suggests Widened Drive*, citing the popular opinion that “[h]omosexuals are considered to be great security risks in a federal job. They are known to be easy prey for foreign agents seeking access to government secrets.”²⁵

The rhetoric that was being pushed explained that if a man was gay, that made him more like a woman. Therefore, he would be more susceptible to blackmail because of his weaker nature. The loss of masculinity with the ever-growing visibility of gays in public helped justify-to policymakers and everyday people-that “a lack of masculinity undermined America's

²⁴ U.S. Congress. Senate. Congressional Record-Senate. *Volume 96, Part 8 (July 12, 1950 to July 31, 1950)*. 81st Cong., 2d sess. S. Doc. X 1.1.: Vol. P6. Congressional Record. 10806. Accessed May 12, 2019. <https://www.govinfo.gov/app/details/GPO-CRECB-1950-pt8/GPO-CRECB-1950-pt8-9-1/summary>.

²⁵ "OUST 119 MORE SEX PERVERTS IN STATE DEPT.: House Member Suggests Widened Drive." *Chicago Daily Tribune* (Chicago, Ill.), March 26, 1952. Accessed May 12, 2019. <https://exeter.idm.oclc.org/login?url=https://search.proquest.com/docview/178224714?accountid=36348> .

position in the world and threatened the moral fabric of a heterosexist nation.”²⁶ Interestingly enough, in the anti-Soviet fervor that the United States was in, historian Archibald MacLeish noted: “American foreign policy was a mirror image of Russian foreign policy: whatever the Russians did, we did in reverse.”²⁷ Then why did the contradiction lie in the notion that homosexuality was something decaying morals and families? Why was the difference not embraced if foreign policy was anti-Soviet and then, by default, against their “perfect heterosexual families”? The epitome of the ‘perfect’ family at the time or a ‘Nuclear Family’ was defined as “[a] married heterosexual couple and their young children living by themselves under one roof.”²⁸ Following World War Two, birth rates in the United States soared, divorce rates dropped, and the economy exploded, fueled by a post-war production rate.²⁹ The ultimate dream became the cookie-cutter suburban nuclear family model.³⁰ Homosexuality stood in stark opposition to this idea of the ‘perfect’ family and thus posed a threat to it. The notion that two same-gendered parents, that were not able to reproduce and therefore pass on familial ties, challenged the model of the nuclear family. To many, this undermined the war efforts to escape communism, as homosexuality was associated with it, and therefore the right to have heterosexual relationships was being taken away.

Concerns about homosexual employees were also raised because it was a common belief that homosexuals were mentally ill and degenerate. In 1948, Edwin H. Sutherland noted in the

²⁶ Randolph W Baxter, “Homo-Hunting’ in the Early Cold War: Senator Kenneth Wherry and the Homophobic Side of McCarthyism,” *Nebraska History* 84 (2003), 128.

https://history.nebraska.gov/sites/history.nebraska.gov/files/doc/publications/2003-Homo_Hunting.pdf

²⁷ Griffin Fariello, *Red Scare: Memories of the American Inquisition: An Oral History*. (Bridgewater, NJ: Replica Books, 1998): 24.

²⁸ Tim McLean, "Social Problems." 10.1 Overview of the Family | Social Problems. March 25, 2016. <https://courses.lumenlearning.com/suny-hecc-socialproblems/chapter/10-1-overview-of-the-family/>.

²⁹ Ibid.

³⁰ Ibid.

Journal of Criminal Law and Criminology: "The laws of Minnesota and Wisconsin define it as "emotional instability or impulsiveness of behavior, or lack of customary standards of good judgment (...)." ³¹ To this, one might ask how it is possible to prove or disprove 'good judgment.' People attributed someone's homosexuality to their personality and as the "arrest of personal development in the pre-adolescent period and exhibitionism as regression to infancy." ³²

An epic bombshell was dropped on the public in 1948; Alfred Kinsey published *Sexual Behavior in the Human Male*. ³³ Kinsey had begun researching sexuality in 1941, and he and his staff conducted and compiled interviews asking questions about people's sexuality, totaling a sample of roughly 12,000. ³⁴ *Sexual Behavior* claimed that "37% of males had homosexual physical contact to the point of orgasm at least once (...) and 4% of males are exclusively homosexual throughout the entirety of their lives." ³⁵ While these statistics were and remain disputed as to their validity, there is no question that Kinsey's publication had an impact on the United States population at the time. With the publication of *Sexual Behavior*, Kinsey seemed to be trying to normalize homosexuality, rather than further stigmatize it and contribute to the Lavender Scare. In the introduction of *Sexual Behavior*, Kinsey states that his work "represents an attempt to accumulate an objectively determined body of fact about sex which strictly avoids social or moral interpretations of the fact." ³⁶ However, his publication helped 'confirm' the

³¹ Edwin H. Sutherland, "The Sexual Psychopath Laws." *Journal of Criminal Law and Criminology (1931-1951)* 40, no. 5 (1950): 543-54.

³² Ibid, 549.

³³ Johnson, 53.

³⁴ Alan Branch, "Alfred Kinsey: A Brief Summary and Critique." ERLC. May 21, 2014.

³⁵ Ibid, citing Alfred Kinsey, *Sexual Behavior in the Human Male*. (Philadelphia: W.B. Saunders, 1948), 620, 651

³⁶ Kinsey, *Sexual Behavior in the Human Male*, 5.

burgeoning fear that “the country’s moral codes were loosening and that homosexuality was becoming more prevalent, or at least more visible” after the war.³⁷

Kinsey’s approach to explaining society’s address of homosexuals within the boundaries of factual evidence went ignored in favor of a fear-based rhetoric by many critics. Edmund Bergler, an Austrian-American psychoanalyst was apprehensive of Kinsey’s research because he believed the data would be “politically and propogandically used against the United States abroad, stigmatizing the nation as a whole in a whisper campaign.”³⁸ Others agreed with Bergler, fearing that because homosexuals were not able to reproduce and because of their growing visibility, it cast a shadow on Americans and American families. Miriam G. Reumann in *American Sexual Character: Sex, Gender, and National Identity in the Kinsey Reports* wrote how an expert on the Soviet Union in 1951 said that “Americans were perceived as having “sunk so low that we are interested only in sexual pathology. Our family has decayed, our morals have disintegrated. We are hardly human anymore.”³⁹ The cold war, a fight for the ‘better’ ideology, meant that “indications of American moral decline led inevitably to political embarrassment (...) Sexual excess, moral relativism, and gender chaos weakened America’s stature in the eyes of allies and enemies alike.”⁴⁰

Following the publication of *Sexual Behavior*, conversations about and the focus on homosexuality became more prominent in social and governmental spheres. In June 1948, President Truman signed the Miller Sexual Psychopath law “[t]o provide for the treatment of

³⁷ Branch, “Alfred Kinsey”; Johnson, 53.

³⁸ Johnson citing Edmund Bergler, “The myth of a new national disease; homosexuality and the Kinsey report.” *Psychiatr Q.* 1948 Jan;22(1): 66-88.; Miriam G. Reuman, *American Sexual Character: Gender and National Identity in the Kinsey Reports*. (Los Angeles (Calif.): University of California Press, 2005), 184.

³⁹ *American Sexual Character*, 46.

⁴⁰ *Ibid*, 47.

sexual psychopaths in the District of Columbia, and for other purposes.”⁴¹ This law was a response to the rise of homosexual visibility and conversations surrounding homosexuality and indirectly criminalized sodomy between homosexual couples by referring to an “unnatural or perverted sexual practice with the commission of which the defendant may be charged.”⁴² The law dictated that if a person was “determined to be a sexual psychopath” (i.e. a homosexual) they would be released only “when the Superintendent of Saint Elizabeths Hospital finds that he has sufficiently recovered so as to not be dangerous to other persons (...).”⁴³ The problem with relying on the subjective opinion of the Superintendent was that it was ultimately up to their discretion to release or not release a person. A standard system was not evolved for responding to the homosexual threat. Because of this, ‘good’ or ‘bad’ judgment was an unfair justification of how the law should operate because it was completely subjective.

Senator Joseph McCarthy publicly addressed the ‘indecent’ of homosexuals as a moral problem, a “mess of twisted, warped thinkers” and when removed from the government, “a new birth of honesty and decency in government” would emerge.⁴⁴ While Joseph McCarthy is largely (but falsely) credited with beginning the purges from the State Department, he was the first politician to bring this to the attention of the public by making remarks about “commies and queers.”⁴⁵ The Red Scare and the Lavender Scare happened at approximately the same time in the 1950s, both feeding off of each the fear generated by the other, but both began before

⁴¹ Miller Sexual Psychopath Law, Statue 206, HS. 427, 42 (June 8, 9, 1948).
<http://www.loc.gov/law/help/statutes-at-large/80th-congress/session-2/c80s2ch428.pdf>

⁴² Ibid, section 104.

⁴³ Ibid; Ibid, Statue 207.

⁴⁴“Enemies from Within”: Senator Joseph R. McCarthy's Accusations of Disloyalty." HISTORY MATTERS - The U.S. Survey Course on the Web. Accessed May 12, 2019. <http://historymatters.gmu.edu/d/6456>.

⁴⁵ Johnson, 3.

McCarthy's fame.⁴⁶ This clearly shows that the Lavender and Red scare were not products of McCarthy, but were merely brought into the national limelight by him.⁴⁷ McCarthy's aggressive approach confirmed the beliefs of so many at the time: that the country was sinking into a slow destruction of morality and societal custom due to "subversion" in the State Department, giving his accusations credibility, especially since he made the accusations in the wake of Mao Zedong's Communist forces taking control of China and a successful test of an atomic bomb by the Soviets.⁴⁸ Senator Wherry of Nebraska eloquently pointed out, "If you want to be against McCarthy, boys, you've got to be either a communist or a cocksucker."⁴⁹

At a speech in Wheeling, West Virginia, McCarthy announced on February 9, 1950, that he had a "list of 205 [State Department employees] that were known to the Secretary of State as being members of the Communist Party and who nevertheless are still working and shaping the policy of the State Department."⁵⁰ On February 10, he announced that "57 card-carrying members of the Communist Party" worked in the Department.⁵¹ However, "McCarthy never produced any solid evidence that there was even one communist in the State Department," but despite the inconsistencies and no reasonable evidence, "his charges struck a chord with the American people."⁵² On February 20, 1950, McCarthy presented the Senate with 81 cases of

⁴⁶ "LGBT History: The Lavender Scare."

⁴⁷ Johnson, 21.

⁴⁸ Mark T. Hove, *History of the Bureau of Diplomatic Security of the United States Department of State, Chapter 4: McARTHURISM AND COLD WAR Diplomatic Security in the 1950s*. Washington, D.C.: U.S. Dept. of State, Bureau of Diplomatic Security, 2011. Accessed May 13, 2019, 123. <https://www.state.gov/documents/organization/176702.pdf>

⁴⁹ Baxter, 19.

⁵⁰ "McCarthy Says Communists Are in State Department." History.com. November 13, 2009. Accessed May 13, 2019. <https://www.history.com/this-day-in-history/mccarthy-says-communists-are-in-state-department>.

⁵¹ Hove, 122.

⁵² "McCarthy Says Communists Are in State Department."

“loyalty risks”; of the 81, cases #14 and #62 were ‘clear’ instances of homosexuality.⁵³ Case 14 referred to a “flagrantly homosexual” translator who had been fired but then rehired.⁵⁴ When asked by Committee chair Senator Millard Tydings to name the accused, (knowing Case #14 was about Joseph Panuch, and that “McCarthy had praised Panuch’s work just two weeks earlier,”) McCarthy stammered, the Committee descended into partisan arguing, and the meeting ended.”⁵⁵ Quoting a conversation that McCarthy had had with an intelligence officer, he had been told that “You will find (...) that practically every communist is twisted mentally or physically in some way. (...) Homosexuality,” McCarthy asserted, “was the psychological maladjustment that led people toward communism.” This perpetuated the cultural perception that “subversives” were mentally degenerate and therefore more easily manipulated.⁵⁶

The Congressional Record of the Senate for July 24th, 1950 stated: “It is evident that there is a deliberate, calculated program being carried out not only to protect Communist personnel in high places but to reduce security and intelligence protection to a nullity.” The word “homosexuals” appeared seven times in the Senate transcript; each reference to said homosexuals denoted their ‘moral degeneracy’ and their infiltration of the State Department in relation and as the “deliberate, calculated program.”⁵⁷ In a conversation between two senators, Karl. E. Mundt and Kenneth Wherry, Mundt described the hearings being conducted by a subcommittee led by Hoey J. regarding “homosexuality, sex perversion, and moral degeneracy

⁵³ Judith Akins, "These People Are Frightened to Death." National Archives and Records Administration. Accessed April 30, 2019. <https://www.archives.gov/publications/prologue/2016/summer/lavender.html>.

⁵⁴ Johnson, 16.

⁵⁵ Hove, 125.

⁵⁶ Johnson, 16.

⁵⁷ U.S. Congress. Senate. Congressional Record-Senate. *Volume 96, Part 8 (July 12, 1950 to July 31, 1950)*. 81st Cong., 2d sess. S. Doc. X 1.1.: Vol. P6. Congressional Record. 10806. Accessed May 12, 2019. <https://www.govinfo.gov/app/details/GPO-CRECB-1950-pt8/GPO-CRECB-1950-pt8-9-1/summary>.

and some of the other queer attributes of those former employees of the State Department.”⁵⁸ Mundt also references a ‘report’ being developed by the subcommittee with a described methodology to keep “homosexuals and sexual perverts” out of government service completely, so they “shall not be moved from one branch of the Federal Service to another. We are dealing only with the homosexuals, the sex perverts, and moral degenerates.”⁵⁹ Voice of the religious right Senator Kenneth Wherry of Nebraska said: “Can you think of a person who could be more dangerous to the United States of America than a pervert?”⁶⁰ This idea was not uncommon or even considered ‘incorrect,’ as others concurred with Wherry, proclaiming that “homosexuals and their sympathizers would lead to a gradual corruption of all aspects of American culture.”⁶¹ New York Representative Katherine St. George contested that an “international ring,” (the increasing visibility of homosexuality and therefore the spread of Communism) imposed a great danger to the US and was “not to be dismissed lightly.”⁶² A report issued stated that “homosexuals and other sex perverts are not proper persons to be employed in Government for two reasons; first they are generally unsuitable, and second, they constitute security risks.”⁶³ This circular way of thinking: that homosexuals were security risks because of their ‘weaker’ tendencies and therefore would give state secrets away if questioned, dominated the public and political spheres all throughout the 1950s and ‘60s.

⁵⁸ Ibid, 10843.

⁵⁹ Ibid.

⁶⁰ Mark Neocleous, *Critique of Security*. (Montreal: McGill-Queen's University Press, 2008), 11, 130.

⁶¹ Heather Hines, "THE LGBT COMMUNITY RESPONDS: THE LAVENDER SCARE AND THE CREATION OF MIDWESTERN GAY AND LESBIAN PUBLICATIONS." (Graduate College of Bowling Green State University, 2017), 12.

⁶² Ibid, 13.

⁶³ Ibid, 21.

In 1952, the first volume of Diagnostic and Statistical Manual of Mental disorders was published which classified homosexuality as a sociopathic mental disease.⁶⁴ The publication and classification of homosexuality as a mental disease solidified the popular conception that homosexuality was a disease and, by doing so, laid the groundwork for Executive Order 10450, as it ‘confirmed’ through the use of psychology that homosexuality was dangerous. Both Order 10450 and the other security measures were enacted due to a fear that moral codes were loosening, the popular opinion at the time. However, this did not mean it was enacted with constitutional or legislative legitimacy.

Executive Order 10450 was signed by President Eisenhower on July 27th, 1953.⁶⁵ The order exchanged the ‘loyalty system’ that had been passed by Truman in 1947 with a system of new guidelines for verifying which employees were allowed to remain in governmental service.⁶⁶ It “signaled a change in emphasis from issues of political loyalty to broader notions of general character and suitability.”⁶⁷ Whereas Executive Order 9835 established that any person deemed “disloyal or subversive” was a “threat to our democratic processes” but equal and due protection “from unfounded accusations of disloyalty must be afforded,” Order 10450 expanded on the previous ‘guidelines’ of determining governmental loyalty.⁶⁸ Order 10450 expanded its criteria for firing alleged security risks to “whether the employment or retention in employment (...) is clearly consistent with the interests of the national security.”⁶⁹ Any deference from “interests of

⁶⁴ “These People Are Frightened to Death.”

⁶⁵ “Executive Order 10450,” Mattachine Society Washington DC. April 28, 2016. Accessed May 13, 2019 <https://mattachinesocietywashingtondc.org/legal-documents/executive-order-10450/>

⁶⁶ Johnson, 123.; “Harry S. Truman Presidential Library & Museum.” Truman’s Loyalty Program. Accessed May 14, 2019. <https://www.trumanlibrary.org/dbq/loyaltyprogram.php>.

⁶⁷ Ibid.

⁶⁸ “Executive Order 9835.” Teaching American History. Accessed May 13, 2019. <https://teachingamericanhistory.org/library/document/executive-order-9835/>

⁶⁹ Exec. Order No. Executive Order 10450--Security requirements for Government employment, 3 C.F.R. All (1953). Accessed April 30, 2019. <https://www.archives.gov/federal-register/codification/executive-order/10450.html>

national security" would thus constitute firing.⁷⁰ EO 10450 states "Any criminal (...) conduct (...) sexual perversion (...) which in the opinion of competent medical authority may cause significant defect in the judgment. (...) Any facts (...) that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security."⁷¹ Because homosexuality was classified as mental illness, and because the prevailing opinion at the time was that homosexuals were "twisted, warped thinkers," and would give out national secrets because of their mental handicap, Section 8.(a), iii, iv, and 3 of Executive Order 10450 made homosexuals easy targets.⁷² Those sections stipulated that if a person was found guilty of "sexual perversion. (...) any illness, including any mental condition, of a nature which (...) in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee."⁷³ These clauses made it legal to ostracize and fire gay employees, but in doing so, the United States was taking steps towards the Soviet Union's regime, not away from it. The Soviets had re-criminalized homosexuality when Stalin came to power in the 1920s and passed a law that allowed for the conviction and arrest of gays with a punishment of up to five years of hard labor.⁷⁴ The law was in effect until 1993.⁷⁵

In observing the clauses, one can find that there exists a 'gray area' in determining the judgment or reliability of the employee. In Truman's veto of the McCarran Act in 1950, an act intended to "protect the United States against certain un-American and subversive activities," he

⁷⁰ Ibid

⁷¹ Ibid, 8a, iii-3.

⁷² Ibid; "Enemies from within."

⁷³ Executive Order 10450, sec 8a, 3-4.

⁷⁴ "The History of Homosexuality in Russia: From Soviet Sex Changes to Gay Gulags." Radio National. December 04, 2013. Accessed May 20, 2019.

<https://www.abc.net.au/radionational/programs/rearvision/the-history-of-homosexuality-in-russia/5134412>; "Was Homosexuality Illegal in Communist Europe?" NOTCHES. October 23, 2017. Accessed May 20, 2019.

<http://notchesblog.com/2017/10/24/was-homosexuality-illegal-in-communist-europe/>.

⁷⁵ Ibid.

noted that the act infringed on civil liberties granted by the Constitution.⁷⁶ He feared that the act would have the opposite effect than intended; it would actually compromise national security and was a “long step toward totalitarianism.”⁷⁷ Interestingly, Truman’s fear of suppressing communist voices was due to the belief that freedom of speech was a “fundamental axiom of American freedom” and the idea that punishment should be doled out to people based on “the crimes they commit, but never for the opinions they have,” but this argument did not extend to the anti-homosexual laws he tried to champion.⁷⁸ Truman wrote, “It is frequently difficult in legal proceedings to establish whether or not a man has committed an overt act, such as theft or perjury (...) that men have particular ideas or opinions,” but this argument was not applied to homosexuality as it dealt with physical desire or as a ‘thought’ crime.⁷⁹ This idea is at odds with Order 10450, which commands the opinion of a “competent medical authority” to make the ultimate statement.⁸⁰ The subjectivity of the medical authority trumped legality as well as the establishment by the court that people had particular ideas. Morality and legality clashed as the argument for homosexuality as a moral deviation morphed into one of civil rights.

The rhetoric was rewritten by an astronomer turned activist, Dr. Franklin Kameny. He entered the scene of the Lavender Scare and rewrote the argument against homosexuality as a civil rights issue.⁸¹ Kameny’s primary arguments centered on the idea that “the Government’s

⁷⁶ McCarran act, U.S. Statutes at Large, 81st Cong., II Sess., Chp. 1024, p. 987-1031.

⁷⁷ Harry Truman, "254. Veto of the Internal Security Bill." Public Papers Harry S. Truman 1945-1953. Accessed May 12, 2019. <https://www.trumanlibrary.org/publicpapers/index.php?pid=883>.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Executive Order 10450.

⁸¹ Johnson, 190.

approach is archaic, unrealistic, and inconsistent with basic American principles” despite the underlying rhetoric that the legislation was a defense for democracy.⁸²

Kameny had graduated from Harvard University in 1956, was hired by the army in 1957 as an astronomer, but was fired the same year when it was found he was a homosexual.⁸³ He appealed his case through all of the court levels until it reached the Supreme court, where his appeal was denied.⁸⁴ He argued that the government had no right to determine a ground of unspecified “immoral conduct” as a charge for arrest or firing from employment and that the vagueness of the regulations and the lack of succinct language left the laws “so broad and vague as to be meaningless.”⁸⁵ Because a large part of the decision was up to the discretion of the Civil Service Commission as well as the Medical Authority, the system was not fairly designed because it relied so much on personal opinion. Opinion, Kameny argued, was something so subjective that it was unfair to base legislation off of it. He wrote that if the Civil Service Commission decided what was immoral and moral, what would stop them from saying “left-handedness, red-headedness, a liking for horse-meat steaks, or membership in either political party or in none at all” was moral or immoral?⁸⁶ The first amendment of the Constitution guarantees that “Congress shall make no law respecting an establishment of religion (...).” Kameny used this to argue that “a particular definition of immoral acts is tantamount to its

⁸² "Letter to the Members of the US House of Representatives." Frank Kameny to House of Representatives, Washington, D.C. August 28, 1962. Washington, DC.

⁸³ David W. Dunlap “Franklin Kameny, Gay Rights Pioneer, Dies at 86." The New York Times. October 12, 2011. Accessed May 12, 2019.

<https://www.nytimes.com/2011/10/13/us/franklin-kameny-gay-rights-pioneer-dies-at-86.html>.

⁸⁴ Ibid.

⁸⁵ Franklin Edward Kameny, Petitioner v. Wilber M. Brucker, Secretary of the Army, et al., Respondents “Petition For a Writ of Certiorari To the United States Court of Appeals for the District of Columbia Circuit” No. No. 676 (January 27, 1961).

https://mattachinesocietywashingtondc.files.wordpress.com/2015/01/kamenypetition_for_a_writ_of_certiorari_d3.pdf

⁸⁶ Ibid.

establishing certain religious beliefs and discarding or disowning others, and to setting up an implicit religious test for the holding of public employment.”⁸⁷ To further his point, Kameny compared homosexuality with gastronomic tastes and how it was unreasonable to cite citizens “sexual tastes or habits” for a justification for exclusion from employment if one’s gastronomic tastes were not included in the employment process.⁸⁸ Because both sexual preference and preference for certain foods were completely subjective, he contended that it made no sense to pass laws that restricted the personal opinion of an individual because that undermined Constitutional principles.⁸⁹ Kameny wrote:

Petitioner happens to enjoy horse meat steaks, a taste shared with him by a small number of fellow Americans, a taste against which most Americans are strongly prejudiced (...) a taste which is legal, (...) a taste which has nothing to do with the practice of Astronomy. Will the Civil Service Commission find him unsuitable to work as an Astronomer because of his taste, (...) on the ground that he is a homosexual (...) the Commission considers him disqualified to work as an Astronomer. Where is the reason, the logic, or the consistency in this? There is none.⁹⁰

Kameny’s arguments were more factually-based because he focused on the disjunction between laws and principles guaranteed by the Constitution as compared to ideas of morality and immorality. Despite evidence to the contrary, anti-homosexual legislation and tactics that occurred during the Lavender Scare as a consequence of anti-communist hysteria were not founded in statistical data or any data at all. The burgeoning ideological war of heterosexuality vs. homosexuality was argued as a ‘divergence’ within individual and national morals and therefore, completely subjective. Looking at available data from the time, for example, Kinsey’s evidence shows that the notion that homosexuality was a morally degenerate disease was untrue

⁸⁷ Ibid; "First Amendment." Legal Information Institute. Accessed May 12, 2019. https://www.law.cornell.edu/constitution/first_amendment.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ “Petition For a Writ of Certiorari To the United States Court of Appeals for the District of Columbia Circuit.”

multiple times because people at the time took it to mean that ‘homosexuality’ was spreading rapidly. Kameny noted that “the Government’s approach is archaic, unrealistic, and inconsistent with basic American principles” despite the underlying rhetoric that the legislation was a defense for democracy.⁹¹ In passing legislation that was clearly unjustified by the statistical data available to all at the time and the encroachment of civil liberties, the laws against homosexuals during the Lavender Scare were unconstitutional.

Works Cited:

Primary:

Arthur H. Vandenberg, Jr. to Dwight D. Eisenhower. February 6, 1953. Washington DC.

Diagnostic and Statistical Manual Mental Disorders. Vol. 1. 5 vols. Washington, DC: American Psychiatric Association, Mental Hospital Service, 1952.

"Enemies from Within": Senator Joseph R. McCarthy's Accusations of Disloyalty." HISTORY MATTERS - The U.S. Survey Course on the Web. Accessed May 12, 2019.
<http://historymatters.gmu.edu/d/6456>.

Exec. Order No. Executive Order 10450--Security requirements for Government employment, 3 C.F.R. All (1953). Accessed April 30, 2019.
<https://www.archives.gov/federal-register/codification/executive-order/10450.html>

"Exhibit "Letter 12." Dwight D. Eisenhower to Arthur H. Vandenberg Jr. January 17, 1953. Washington DC.

"Exhibit "Letter 11". Arthur H. Vandenberg, Jr. to Dwight D. Eisenhower. January 13, 1953. New York, NY.

"First Amendment." Legal Information Institute. Accessed May 12, 2019.
https://www.law.cornell.edu/constitution/first_amendment.

Franklin Edward Kameny, Petitioner v. Wilber M. Brucker, Secretary of the Army, et al., Respondents “Petition For a Writ of Certiorari To the United States Court of Appeals for the District of Columbia Circuit” No. No. 676 (January 27, 1961).
https://mattachinesocietywashingtondc.files.wordpress.com/2015/01/kamenypetition_for_a_writ_of_certiorari_d3.pdf

⁹¹ "Letter to the Members of the US House of Representatives." Frank Kameny to House of Representatives, Washington, D.C. August 28, 1962. Washington, DC.

Kinsey, Alfred C, Wardell B Pomeroy, and Clyde E Martin. *Sexual Behavior in the Human Male*. Philadelphia: W.B. Saunders, 1948.

"Letter to the Members of the US House of Representatives." Frank Kameny to House of Representatives, Washington, D.C. August 28, 1962. Washington, DC.

McCarran act, U.S. Statutes at Large, 81st Cong., II Sess., Chp. 1024, p. 987-1031.

Miller Sexual Psychopath Law, Statue 206, HS. 427, 42 (June 8, 9, 1948).
<http://www.loc.gov/law/help/statutes-at-large/80th-congress/session-2/c80s2ch428.pdf>

New York Times: James A. Hagerty, "Eisenhower Groups Open Office Here," February 8, 1952.

"OUST 119 MORE SEX PERVERTS IN STATE DEPT.: House Member Suggests Widened Drive." *Chicago Daily Tribune* (Chicago, Ill.), March 26, 1952. Accessed May 12, 2019.
<https://exeter.idm.oclc.org/login?url=https://search.proquest.com/docview/178224714?accountid=36348>.

"PERVERTS CALLED GOVERNMENT PERIL"; Gabrielson, G.O.P. Chief, Says They Are as Dangerous as Reds--Truman's Trip Hit Gabrielson Warns Industry." *New York Times*, April 18, 1950. Accessed April 30, 2019.
<https://www.nytimes.com/1950/04/19/archives/perverts-called-government-peril-gabrielson-gop-chief-says-they-are.html>

Russell Porter, *Vandenberg Jr. Is Selected As Eisenhower's Secretary*, N.Y. Times, Nov. 27, 1952, at 1.

Sutherland, Edwin H. "The Sexual Psychopath Laws." *Journal of Criminal Law and Criminology* (1931-1951) 40, no. 5 (1950): 543-54. Accessed May 12, 2019.
 doi:10.2307/1137845.

Truman, Harry S. "254. Veto of the Internal Security Bill." Public Papers Harry S. Truman 1945-1953. Accessed May 12, 2019.
<https://www.trumanlibrary.org/publicpapers/index.php?pid=883>.

U.S. Congress. Senate. Congressional Record-Senate. *Volume 96, Part 8 (July 12, 1950 to July 31, 1950)*. 81st Cong., 2d sess. S. Doc. X 1.1.: Vol. P6. Congressional Record. 10804-0862. Accessed May 12, 2019.
<https://www.govinfo.gov/app/details/GPO-CRECB-1950-pt8/GPO-CRECB-1950-pt8-9-1/summary>.

"Vandenberg Forgoes U.S. Post." *New York Times*, April 14, 1953. Accessed May 12, 2019.
<https://mattachinesocietywashingtondc.files.wordpress.com/2016/04/exhibit-14-vandenberg-forgoes-us-post-ny-times-april-14-1953.pdf>.

Monograph:

Hines, Heather, Benjamin P. Greene, and Michael E. Brooks. "THE LGBT COMMUNITY RESPONDS: THE LAVENDER SCARE AND THE CREATION OF MIDWESTERN GAY AND LESBIAN PUBLICATIONS." Master's thesis, Graduate College of Bowling Green State University, 2017.

https://etd.ohiolink.edu/!etd.send_file?accession=bgsu1499359433882651&disposition=inline

Johnson, David K. *The Lavender Scare : The Cold War Persecution of Gays and Lesbians in the Federal Government*. Pbk. Chicago: University of Chicago Press, 2006.

""These People Are Frightened to Death"." National Archives and Records Administration. Accessed May 12, 2019.

<https://www.archives.gov/publications/prologue/2016/summer/lavender.html>.

Secondary:

"African Americans in the Twentieth Century." EHnet. Accessed May 13, 2019.

<https://eh.net/encyclopedia/african-americans-in-the-twentieth-century/>.

Akins, Judith. ""These People Are Frightened to Death"." National Archives and Records Administration. Accessed May 12, 2019.

<https://www.archives.gov/publications/prologue/2016/summer/lavender.html>.

Apuzzo, Matt. "Uncovered Papers Show Past Government Efforts to Drive Gays From Jobs." The New York Times. May 21, 2014. Accessed April 30, 2019.

<https://www.nytimes.com/2014/05/21/us/politics/uncovered-papers-show-past-government-efforts-to-drive-gays-from-jobs.html>.

"Argument (2)." Mattachine Society Washington DC. March 10, 2015. Accessed May 12, 2019.

<https://mattachinesocietywashingtondc.org/legal-documents/amicus-marriage-equality/argument-2/>.

Baxter, Randolph W, "Homo-Hunting? in the Early Cold War: Senator Kenneth Wherry and the Homophobic Side of McCarthyism," Nebraska History 84 (2003): 119-132.

https://history.nebraska.gov/sites/history.nebraska.gov/files/doc/publications/2003-Homo_Hunting.pdf

Branch, Alan. "Alfred Kinsey: A Brief Summary and Critique." ERLC. May 21, 2014. Accessed May 12, 2019.

<https://erlc.com/resource-library/articles/alfred-kinsey-a-brief-summary-and-critique>.

Diavolo, Lucy. "The United States Government's Anti-Gay Lavender Scare, Explained." Teen Vogue. April 26, 2019. Accessed May 12, 2019.

<https://www.teenvogue.com/story/united-states-governments-anti-gay-lavender-scare-homosexuality-communism>;

Dunlap, David W. "Franklin Kameny, Gay Rights Pioneer, Dies at 86." *The New York Times*. October 12, 2011. Accessed May 12, 2019.

<https://www.nytimes.com/2011/10/13/us/franklin-kameny-gay-rights-pioneer-dies-at-86.html>.

"Executive Order 10450." Mattachine Society Washington DC. April 28, 2016. Accessed May 13, 2019. <https://mattachinesocietywashingtondc.org/legal-documents/executive-order-10450/>.

"Executive Order 9835." Teaching American History. Accessed May 13, 2019.

<https://teachingamericanhistory.org/library/document/executive-order-9835/>.

Fariello, Griffin. *Red Scare: Memories of the American Inquisition: An Oral History*. (Bridgewater, NJ: Replica Books, 1998).

"Frances Perkins." FDR Presidential Library & Museum. Accessed May 13, 2019.

<https://fdrlibrary.org/perkins>.

"Harry S. Truman Presidential Library & Museum." Truman's Loyalty Program. Accessed May 14, 2019. <https://www.trumanlibrary.org/dbq/loyaltyprogram.php>.

Herbert S. Parmet, *Eisenhower and the American Crusades* (NY: Macmillan, 1971). 106.

"The History of Homosexuality in Russia: From Soviet Sex Changes to Gay Gulags." Radio National. December 04, 2013. Accessed May 20, 2019.

<https://www.abc.net.au/radionational/programs/rearvision/the-history-of-homosexuality-in-russia/5134412>.

"The History of Psychiatry & Homosexuality." LGBT Mental Health Syllabus. Accessed May 12, 2019. https://www.aglp.org/gap/1_history/.

Hove, Mark T. *History of the Bureau of Diplomatic Security of the United States Department of State, Chapter 4: McCARTHYISM AND COLD WAR Diplomatic Security in the 1950s*.

Washington, D.C.: U.S. Dept. of State, Bureau of Diplomatic Security, 2011. Accessed May 13, 2019. pp 121-160. <https://www.state.gov/documents/organization/176702.pdf>.

Howard N Fullerton, Jr., and Mitra Toossi, "Labor force projections to 2010: steady growth and changing composition," *Monthly Labor Review*, November 2001, pp. 21–38.

<https://www.bls.gov/opub/mlr/2002/05/art2full.pdf>

"J. Edgar Hoover, 'Sex Deviates' and My Godfather." *The New York Times*. November 26, 2011. Accessed May 12, 2019.

<https://www.nytimes.com/2011/11/27/opinion/sunday/j-edgar-hoover-outed-my-godfather.html>.

Kirchick, James, "The Long War Against a Gay 'Cure'." The New York Review of Books. January 10, 2019. Accessed May 19, 2019.
<https://www.nybooks.com/daily/2019/01/10/the-long-war-against-a-gay-cure/>.

"Lavender Scare: U.S. Fired 5,000 Gays in 1953 'Witch Hunt'." ABC News. March 05, 2012. Accessed May 12, 2019.
<https://abcnews.go.com/Health/lavender-scare-us-fired-thousands-gays-infamous-chapter/story?id=15848947>.

"LGBT History: The Lavender Scare." NGLCC. Accessed May 13, 2019.
<https://www.nglcc.org/blog/lgbt-history-lavender-scare>.

"McCarthy Says Communists Are in State Department." History.com. November 13, 2009. Accessed May 13, 2019.
<https://www.history.com/this-day-in-history/mccarthy-says-communists-are-in-state-department>.

McLean, Tim. "Social Problems." 10.1 Overview of the Family | Social Problems. March 25, 2016. Accessed May 13, 2019.
<https://courses.lumenlearning.com/suny-hccc-socialproblems/chapter/10-1-overview-of-the-family/>.

Neocleous, Mark. *Critique of Security*. Montreal: McGill-Queen's University Press, 2008.

Reimann, Matt, "The U.S. Government Once Purged Gay Employees, Saying They Were a Threat to National Security." Timeline. February 28, 2017. Accessed May 12, 2019.
<https://timeline.com/government-purged-gay-employees-ea274b33fbd0>.

Reumann, Miriam G. *American Sexual Character: Sex, Gender and National Identity in the Kinsey Reports*. Los Angeles (Calif.): University of California Press, 2005.

Schrecker, Ellen. "'The Legacy of McCarthyism'." Modern American Poetry. Accessed May 12, 2019. <http://www.english.illinois.edu/maps/mccarthy/schrecker6.htm>.
 from Schrecker, Ellen. *The Age of McCarthyism*. Boston: Bedford Books of St. Marvins Press, 1994. (pp. 92-94)

Storrs, Landon R. Y. "McCarthyism and the Second Red Scare." Oxford Research Encyclopedia of American History. June 08, 2017. Accessed April 30, 2019.
<http://oxfordre.com/americanhistory/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-6>.

"'These People Are Frightened to Death'." National Archives and Records Administration. Accessed April 30, 2019.
<https://www.archives.gov/publications/prologue/2016/summer/lavender.html>.

Tobin, Kay. Frank Kameny (center) with Mattachine Society of Washington members marching in the first Christopher Street Liberation Day Parade, New York City, 1970. Digital image. The Long War Against a Gay 'Cure'. January 10, 2019. Accessed May 11, 2019. <https://www.nybooks.com/daily/2019/01/10/the-long-war-against-a-gay-cure/>.

"Was Homosexuality Illegal in Communist Europe?" NOTCHES. October 23, 2017. Accessed May 20, 2019. <http://notchesblog.com/2017/10/24/was-homosexuality-illegal-in-communist-europe/>.

"White House Appoints First Black Cabinet Member." African American Registry. Accessed May 13, 2019. <https://aaregistry.org/story/white-house-appoints-first-black-cabinet-member/>.