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Prologue

For decades in the United States, particularly dating from the mid-twentieth century, gay men and women feared law enforcement of every stripe. Being arrested at a private gathering or party, in a gay bar, or soliciting sex in a seemingly remote location meant being publicly outed, losing their jobs, and an end to life as they knew it. Being arrested on a “morals charge” meant social stigmatization, including possible incarceration or commitment to a mental institution, and being ostracized by family and friends. Topping the list of law-enforcement agencies gays and lesbians feared most was the Federal Bureau of Investigation (FBI). Unlike local police, FBI agents had not only inexhaustible federal resources and connections but a carefully crafted public image as scientific investigators who never failed in their efforts. To be discovered, then outed, by J. Edgar Hoover’s FBI was one of the worst possible scenarios any gay man or woman could face.

Until now, the history of the FBI investigations, monitoring, filing of information, and deep obsession with gays and lesbians has only been documented sporadically and its origins unknown. There are reasons for this lacuna. Sophisticated and documented histories of the FBI have existed only since the mid-1970s, after FBI abuses became public through congressional investigations and a newly invigorated Freedom of Information Act (FOIA) permitted scholars access to FBI files as primary sources. Contemporaneous to this, also for the first time, historians began to develop gay and lesbian history. Necessarily, then, it took time before an effort to reconstruct a comprehensive history of the FBI and gays was even possible. The first FBI histories focused, naturally, on documenting bureau investigative abuses, civil liberties violations, and the creation of specialized files used to insulate sensitive or illegal FBI activity. Biographies of the long-serving FBI director then began to appear, followed by a variety of “FBI and . . .” books covering everything from racial minorities to student activists to anthropologists to obscenity; the list is now extensive. Few FBI historians have touched upon FBI interest in gays and lesbians, and those who have did so in a limited or focused fashion.

Historians of the gay and lesbian past have not examined in detail, or comprehensively, FBI interest in those with same-sex attraction. This is a function of the difficulty in accessing source material on a wide range of

subjects using the FOIA. It is time-consuming and costly. Released files are often heavily redacted, sometimes the FBI resists researchers' efforts, and the bureau still routinely destroys files it deems nonhistorical and will not release anything if the subject is still living—limiting what we can know about the FBI and more recent gay and lesbian history. Gay and lesbian historians have also typically lacked a sophisticated understanding of both the complicated nature of the long history of the FBI and its byzantine filing procedures. Without an appreciation for both, any examination of FBI files relating to gays and lesbians often will make no sense and reveal little. FBI files are not stamped "Sex Deviates File," for example. The FBI document file number alone, a cryptic series of numbers—105-34074-104—reveals FBI agents' use of the Sex Deviates File, type of case, and size of the file. Knowing this first is key to FBI research.

There have been occasional and episodic histories of FBI interest in gays, lesbians, and their respective advocacy groups, however. FBI historian Athan Theoharis offered the best when he wrote his book *Chasing Spies* (2002), an examination of FBI failures to stem foreign counterintelligence but success in promoting the politics of McCarthyism. Theoharis devoted a chapter to the FBI and gays, "The Politics of Morality," that detailed J. Edgar Hoover's promotion of both a politics of counterintelligence (gays as liable to blackmail) and a politics of morality (gays as a moral peril). Theoharis examined briefly, and only as part of his larger study, the 1950s congressional committees investigating the gay threat; the start of the more formal Sex Deviates Program and File; and the FBI in relation to Adlai Stevenson, Arthur Vandenberg, and Joseph Alsop.¹

Other FBI historians offered less on the FBI and gays, a function of writing comprehensive single-volume histories of the bureau. Richard Gid Powers restricted his coverage only to the rumors surrounding Hoover's sexuality in his FBI history *Broken* (2004). Rhodri Jeffreys-Jones briefly touched upon FBI interest in gays at different points in *The FBI: A History* (2007). Journalist Tim Weiner also only briefly touched upon the FBI and gays as they related to the Central Intelligence Agency (CIA), Stevenson, and the Dwight Eisenhower and Lyndon B. Johnson administrations in *Enemies: A History of the FBI* (2012).²

The first significant notation of the FBI in a history of the gay and lesbian past was in John D'Emilio's *Sexual Politics, Sexual Communities* (1983). As both lesbian, gay, bisexual, and transgender (LGBT) and FBI studies then were young, D'Emilio was necessarily restricted to simply noting the varied

FBI interest and footnoting some FBI files related to gays and lesbians. As part of a larger study examining gender—specifically the “ideology of masculinity”—and the US descent into Vietnam, Robert Dean dissected FBI targeting of Charles Thayer, Charles Bohlen, and others in the foreign policy establishment during the 1950s Lavender Scare in his *Imperial Brotherhood* (2001). (During the 1950s the color red denoted communists, pink signified sympathizers, and lavender was reserved for gays.) As Dean saw it, bucolic conservatives such as J. Edgar Hoover, Joseph McCarthy, and others found it expedient to attack members of the elite, entrenched, foreign policy establishment who had propagated the containment policy by questioning their sexuality (the “effete” elite), their associations with gays, and their level of anticommunist resoluteness (being “soft” on communism). Without a doubt, perceptions of gender were an important ingredient in FBI efforts, but they were not *the* driving force. Dean’s thesis, moreover, is convincing only when looking narrowly at the temporal confines of the 1950s public Lavender Scare and the eastern elite. When one considers more broadly FBI targeting of gays over five decades (dating from the mid-1930s) and well beyond elites, it becomes clear there were multifaceted influences at different times driving FBI targeting of gays.³

Marcia Gallo’s otherwise excellent history of the lesbian group Daughters of Bilitis (DoB), *Different Daughters* (2006), only briefly noted FBI interest in the group. Unsurprisingly, Gallo also mischaracterized FBI interest as part of its illegal COINTELPRO disruption program. Her inexact and brief treatment of FBI interest in that organization represents the typical problem with LGBT histories: an incomplete understanding of the FBI and, especially in the case of the DoB, the spotty nature of extant FBI records. In his important book *The Lavender Scare* (2004), David K. Johnson deftly documented the public and political Lavender Scare, in which Hoover’s FBI played a major role, but only briefly noted Hoover’s interest in Bohlen, Stevenson, Thayer, and the like. The FBI itself was not indexed in the book. As with Gallo’s study, this is an unsurprising function of the difficulty and lengthy time it takes to access sometimes incomplete FBI files along with Johnson’s not being a specialist in FBI history.⁴

Other limited scholarly examinations that have touched upon both the FBI and gays are either those that stand alone without any broader FBI contextualization or those that are part of altogether different studies. These include Alexander Stephan’s book “*Communazis*”: *FBI Surveillance of German Émigré Writers* (2000) and Adrea Weiss’s article “Communism, Perversion,

and Other Crimes against the State: The FBI Files of Klaus and Erika Mann” (2001). Also in this category are Lawrence R. Murphy’s article about the gay baiting of Senator David Walsh, “The House on Pacific Street: Homosexuality, Intrigue, and Politics during World War II” (1985), and Irwin F. Gellman’s first exposé of Undersecretary of State Sumner Welles’s peccadilloes in *Secret Affairs: Franklin Roosevelt, Cordell Hull, and Sumner Welles* (1995). The FBI involvement in gay baiting General Philip Faymonville was briefly recounted in Mary Glantz’s article “An Officer and a Diplomat? The Ambiguous Position of Philip R. Faymonville and United States–Soviet Relations, 1941–1943” (2008).⁵ No one has ever contextualized or examined together the FBI’s concurrent investigations of Welles, Walsh, and Faymonville, however.

Hoover’s War on Gays presents the first comprehensive history of FBI interest in, obsession with, and politics surrounding gays, lesbians, and their respective organizations. As such, it attempts to merge FBI scholarship with the scholarship of gay and lesbian history to reach a more comprehensive understanding and contextualization of the broader history. This book is therefore predominantly original research and, in part, historical synthesis, revisiting different areas previously, but often separately, researched and examined by other historians. To understand better FBI interest in some of these once-trod subjects, I have returned to the primary sources to construct my own understanding of them in light of broader FBI history and to suss out details others have overlooked.

This book, therefore, revisits the Second World War–era FBI interest in Welles, Walsh, and Faymonville but examines them together as part of a greater whole. It also revisits, including with new material, FBI investigations of Thayer and Bohlen (and others), subjects of interest to Dean and (with Bohlen) Theoharis. It further revisits and contextualizes, again with new detail, the FBI and Stevenson, Vandenberg, Alsop, and Senator Henry Cabot Lodge Jr., all subjects Theoharis has previously discussed. Significantly, this study also builds on Theoharis’s discovery of the FBI Sex Deviates Program and File. Theoharis learned about it from FBI documents that indirectly described its general purpose and methods. This book offers, for the first time, analysis using the previously unreleased and original FBI Sex Deviates Program policy document. It offers previously unknown details about the program and, with other documents, dates the program’s implementation to earlier than we had previously thought.

The pages that follow make clear that there was no single causal factor, gender or otherwise, to explain the fifty-plus-year FBI interest in gays, lesbians, and the politics surrounding them. A confluence of forces at particular moments—starting in 1937 and ending in the 1990s—including gender, perceptions of morality, politics, bureaucracy, personality, economics, culture, the construction and intensity of homophobia in the United States, and changing perceptions of homosexuality helped shape the ways in which the FBI responded to gays, lesbians, and their respective organizations. Yet even with all this, there was always one common, persistent thread ever present since 1937: an overarching and intense fear and loathing of gays. Although FBI officials and others always had an official rationale for targeting gay citizens—characterizing them as criminals or vulnerable to blackmail and influence, for example—always underneath it all was an irrepressible animus. One Civil Service Commission (CSC) bureaucrat, incredibly, even admitted as much in a policy memo in the mid-1960s. The construction and intensity of homophobia changed over time and was/is something influenced by shifts in US society and culture. The FBI responded with this homophobia, influenced by contemporaneous forces and events of many types. FBI agents, throughout, were able to marshal a seemingly inexhaustible supply of willing informants and use their liaisons with police departments, government agencies, and others in targeting gays and lesbians. Their efforts both frightened and intimidated countless gay citizens and energized still others to organize and fight for equality. In the long run the FBI was unable to resist forces demanding change from it and other more conservative institutions, yet none of those efforts in any way were easy. In fact, going up against the FBI was singularly difficult as well as dangerous.





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Hoover's War on Gays



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CHAPTER I

Was J. Edgar Hoover Gay? Does It Matter?

To address the questions posed in this chapter's title simply and directly: we do not, and cannot, know; and no.

For decades, even during his own directorship, J. Edgar Hoover's sexuality was the subject of rumors. These rumors were largely based on gay stereotypes and potent US sociocultural influences that dictated gender roles during Hoover's lifetime. For much of US history—particularly in the post-Second World War period—a paternalistic, hypermasculinized, dominant, heterosexual culture defined expectations in US society. A man was presupposed one day to marry, have several children, and be the breadwinning king of his suburban castle. He further was expected to dominate his demure wife, whose only jobs were to raise the kids, buy the groceries, haul them home in a station wagon, cook the meals, and clean the home. Hoover defied all of this. He remained a lifelong bachelor and a man particularly close to his mother. He lived with her until she died in 1938, by which time Hoover was forty-three years old, and only then did he buy his own house. Hoover also maintained a long and close friendship with another bachelor, the number two man at the Federal Bureau of Investigation (FBI), Clyde Tolson, with whom he regularly dined and took vacations. All the while Hoover touted a strict, Victorian value system and castigated those forces in US society he believed were decaying it from within. He dispatched FBI agents to intimidate anyone who suggested he was gay.

A couple of examples illustrate this last point. During 1943, FBI agents learned that District of Columbia businessman John Monroe had claimed Hoover was a "fairy." This was not all. Monroe also claimed to have proof, which, he bragged, protected him from the FBI. This information was developed by the New York Field Office of the FBI but not reported to headquarters until January 1944. When Hoover learned about it, he responded instantly in two ways. First, FBI officials officially admonished the special agent in charge (SAC) in New York for not forwarding the information

promptly. Second, FBI Assistant Director Louis Nichols paid a visit to Monroe to make him, in Hoover's oft-uttered refrain, "put up or shut up." Monroe was sufficiently intimidated, which was the goal, and he signed a statement affirming he had never made the claim about Hoover.¹

FBI harassment of those spreading homosexual allegations about Hoover was not restricted to prominent individuals. After FBI agents learned a woman had made disparaging comments about the FBI director's sexuality at her bridge club in Cleveland, the SAC in that city paid her a visit. He admonished her about the claim and convinced her to tell her bridge partners at the next meeting that she was wrong and sorry for having made the comments. Similarly, after a beautician in Washington, DC, gossiped about Hoover's sexuality, she was visited by two FBI officials who similarly intimidated her.²

It is not a surprise that many people—then as well as now—recognized something peculiar about Hoover and his unbending social orthodoxy and just assumed he was gay. Over the decades, moreover, there appeared a multitude of stories purporting to prove Hoover's homosexuality or other seemingly related aspects or quirks about him, but it all came to a head at a precipitous moment. With the cold war and its attendant anxieties over by 1993—at the same time a fired gay FBI agent daringly sued the FBI to win back his job—these stories about Hoover received a significant boost after conspiracy-theory novelist Anthony Summers published his sensational biography of the FBI director. Summers resurrected the old rumors to claim not only that Hoover was gay but that he wore dresses and failed to target organized crime rings for prosecution because they had blackmailed him with a compromising sexual photo.³

In a world more driven by media than ever before, that boost accelerated to become a cultural phenomenon, the effects of which continue even today. The magazine *Vanity Fair* published excerpts from Summers's book, the normally discriminating PBS series *Frontline* aired a documentary on Hoover using Summers as somehow an expert on the FBI director, and then the media frenzy multiplied exponentially. Various news outlets carried unverified stories about Hoover's sexuality and related topics, including a 1993 *New York Post* piece that claimed Hoover had been caught up in a 1960s extortion investigation involving somebody using young men to target prominent gays by placing them in compromising positions and then extorting from them sums as large as \$150,000. This particular rumor contained a kernel of truth, however. In fact, a 1960s FBI investigation

captioned “Compromise and Extortion of Homosexuals,” code-named HOMEX, investigated famed pianist and performer Liberace among others (see Chapter 7), but it never involved Hoover as a subject. The media hype then extended to lowbrow jokes on Jay Leno’s *Tonight Show* about the FBI director’s presumed sexuality, and jokes were even offered by opposing prominent national politicians—notably President Bill Clinton and Republican Bob Dole—about Hoover’s alleged cross-dressing.⁴ The media hype then evolved to become a common and instantly recognizable cultural meme as reflected in the Hollywood spoof film *Naked Gun 33 1/3: The Final Insult* (1994), in which Detective Frank Drebin is retiring and shown his exalted spot on the retirees’ wall of fame. The wall included not portraits but Drebin’s carefully framed handcuffs and detective’s suit situated among others, including J. Edgar Hoover’s carefully framed handcuffs and pink, frilly, froufrou dress.⁵

The indomitable Hoover meme, and the seemingly uncritical public acceptance of the “fact” of Hoover’s homosexuality and cross-dressing, prompted Athan Theoharis—the dean of FBI historians and no defender of Hoover—to respond with a book examining the evidence Summers used in his biography. In short, Theoharis deflated that evidence by showing none of it was verifiable, convincing, or from credible sources—the bread and butter of academic historians. He also pointed out that many in the gay community, perhaps unsurprisingly, happily anointed Hoover homosexual because they had a vested political interest either in exposing “his hypocritical homophobia” or in holding him up as an example that gays, in fact, had long held sensitive and important government positions.⁶

There is no need to recount in detail here every single example of Summers’s so-called evidence, but the now culturally popular stories about Hoover and the most significant of Summers’s evidence should nevertheless briefly be surveyed. One of Summers’s sources, Susan Rosenstiel, claimed to have seen Hoover at two separate gay parties, one in 1958 and the other in 1959, at the Plaza Hotel in New York City. These were parties hosted by Roy Cohn (former aide to Senator Joseph McCarthy and himself reputedly a gay man), at which Hoover was alleged to have been wearing women’s clothing while having gay sex. A skeptical Theoharis asked the question: why would Rosenstiel be attending gay orgies? Why, moreover, would she be attending them with her wealthy, conservative-minded husband who was so worried about his public image that he hired former FBI official Nichols—Hoover’s skilled public relations man in charge of the FBI Crime Records

Division—to protect that image? Rosenstiel, moreover, was divorced from her husband by the time she told these tales, and Summers had paid her for them.⁷

Theoharis argued convincingly the details of Rosenstiel's claims were so outlandish that they defied credulity. In the midst of the Lavender Scare, when even an allusion to homosexuality would wreck someone's career and forever ruin his or her life, the director of the FBI supposedly not only allowed himself to be seen at two gay orgies but wore a "fluffy black dress, very fluffy, with flounces, and lace stockings and high heels, and a black curly wig . . . makeup on and false eyelashes, . . . sitting there in the living room of the suite with his legs crossed." Hoover was introduced to Rosenstiel, moreover, as "Mary"—a common gay euphemism—and openly had sex with two teenagers dressed in leather while one of them read from a Bible.⁸ "Nothing is missing" in this account, Theoharis perceptively noted, while concluding it best represented a stereotypical "homophobic account" from a motivated woman seeking to "defame her second husband, with whom she had been involved in a bitterly contested divorce which lasted ten years in the courts."⁹

Theoharis also critically examined another source Summers used to suggest Hoover sought professional treatment for his homosexuality. Again this raises the issue of even the slightest allusion to homosexuality ruining one's career, which should lead any discriminating historian to question the source's authenticity. Theoharis pointed out, moreover, that the source was not the psychiatrist himself, who supposedly treated Hoover, but his widowed wife. Raising even more flags was her assertion that the medical records that would prove the contention had been destroyed, leaving nothing backing the claim but hearsay. More fantastical yet was Summers's claim that Democratic Senator William Fulbright was the individual who had recommended this particular doctor to Hoover. In short, using hearsay evidence, Summers asks us to believe that Hoover, again, in the middle of the Lavender Scare, unhesitatingly sought a recommendation from a prominent politician—whose political views he did not share—so that he could place himself in the vulnerable position of seeking psychotherapeutic treatment to cure his homosexuality. Even worse, Hoover was willing to do this when he knew therapists' confidentiality was not inviolable. His own FBI agents, as this book demonstrates, used therapists as willing sources of information about gays.¹⁰

Summers's third source on Hoover's homosexuality involved the claim that a photo existed of Hoover having gay sex with Tolson, that members

of the Mafia had it, and that they were blackmailing the FBI director to avoid investigation. Just as with the previous evidence, this allegation is loaded with red flags. As Theoharis pointed out, nobody has ever produced the photo; people have merely claimed to have seen it. Even more fantastical, the photo was supposedly taken by Office of Strategic Services (OSS) officers in 1946 to be used as bureaucratic leverage against Hoover's FBI. At the time, federal agencies were entangled in a bureaucratic fight over who would be responsible for foreign intelligence after the Second World War. The photo then somehow supposedly found its way into the hands of organized crime rings. One glaring problem with this account, Theoharis observed, was that the OSS had dissolved a year prior to the photo having been taken. Theoharis also keenly pointed out that if the OSS, indeed, had a compromising photo of Hoover, the agency would not have used it as mere leverage but would have used it to purge Hoover from the FBI. Hoover would have been regarded as a security risk, and it would have been an unprecedented opportunity to forever remove a perennial, manipulative bureaucrat. It is true enough Hoover and other bureaucrats wrangled over who would control postwar foreign intelligence—I have written about it myself—but the photograph story simply defies credulity.¹¹

There have been various responses to the renewed, post-1993 suggestions about Hoover's sexuality and supposed cross-dressing in which authors have typically come down on one side or the other. Several former FBI officials have offered their views, including Ray Wannall, who long served as a top bureau official at headquarters—ultimately rising to be assistant director of the FBI Intelligence Division. Wannall dismissed Summers's allegation in his memoir, arguing that the best journalists in the country had covered Hoover for almost fifty years and “developed nothing to confirm rumors of this nature, which cropped up occasionally during Hoover's lifetime, usually tied to his status as an avowed bachelor.” He even cited the fact that journalist Jack Anderson, who famously and publicly questioned Hoover's sexuality in the 1970s, decided by the 1990s he did not believe either the cross-dressing story or that Hoover was gay given the FBI director's history of “venomous” comments about homosexuality.¹²

Cartha DeLoach, once head of the FBI Crime Records Division (where the Sex Deviates File was kept) before rising to the number three position in the FBI, similarly commented on the homosexual allegations in his memoir and elsewhere. DeLoach referred to Summers's conclusions as nothing but a “string of opinions, rumors, and undocumented charges” that the

biographer presented as fact. Revealing his own homophobia (and no doubt that institutionalized in Hoover's FBI), DeLoach wrote that the allegations "so disgusted me that I simply put it out of my mind" until he was so commonly asked about it that he devoted a chapter of his memoir to the issue.¹³

To DeLoach, the idea that Hoover and Tolson could be gay was unbelievable. "You can't work side by side with two men for the better part of twenty years," he argued, and "fail to recognize signs of such affections." He also refuted Summers's claims that Hoover and Tolson had effeminate characteristics. DeLoach said, employing typically gendered language of his era, both "were tough and manly. Hoover was a bulldog." As for Tolson, "there wasn't the slightest sign of weakness or 'prettiness' in his face." Then, taking a dig at Summers personally, DeLoach observed that Tolson "was certainly more of a man than Mr. Summers, and I've seen both at close quarters."¹⁴

Besides relying on his own bigotry and stereotypes to refute Summers, DeLoach recognized that Summers's evidence was flimsy at best. He characterized that evidence as the "testimony of corpses. They are convenient witnesses because they can't be cross-examined." DeLoach even castigated the media for seemingly excusing Summers's homophobic and stereotypical characterization of Hoover, especially "given the current fashion to approve of and promote homosexuality."¹⁵

The rumors about Hoover remained alive and strong, however, leading DeLoach to continue his defense of the FBI director. In 2003 he commented online, "Many of us who knew Director Hoover for many years know he was not a cross-dresser and homosexual. As one of his top assistants (Deputy Director), I traveled with him, saw him frequently each day and often under trying circumstances while working on major cases. He was a deeply religious, old-fashioned, twofisted type, who believed in firm discipline. Under no circumstances would he have risked his reputation and that of the FBI by such habits unbecoming to his way of life. He was tough and recognized that to gain the cooperation of the public he had to win respect."¹⁶

William W. Turner, a former FBI agent who served the bureau for a decade, in 1970 wrote a memoir (updated and republished in 1993) about his experiences, characterizing himself as the Ralph Nader of the FBI—a man who "gradually became disabused of my illusions about the Bureau" and decided the US public needed to know what it was funding. Turner, a man who was fired from the FBI in 1961, obviously had a bone to pick and was no defender of the bureau or Hoover. He, in fact, believed Hoover devoted too much time to anticommunism at the expense of organized crime. Turner

decided to accept the notion that Hoover was gay and claimed that agents, having no evidence of Hoover's sexuality, often referred to his closeness with Tolson as "unwholesome." He wrote that Hoover's sexuality, to him, "really didn't matter except for the fact that Hoover not only preached family values, he bashed homosexuality with a vengeance."¹⁷

The impact and persistence of these popular notions about Hoover's supposed homosexuality have, indeed, been profound. Those writing popular history have, perhaps unsurprisingly, accepted the cultural meme blindly or with little skepticism. To cite just one example, writer Charles Kaiser published a well-written popular history of the gay movement, *The Gay Metropolis* (1997), in which he described Hoover's relationship with Tolson as "homoerotic" regardless of whether we know the answer to the "mystery of whether the relationship was actually consummated."¹⁸

Even some academic historians have accepted the story with qualification or seemingly at face value. Hoover biographer and FBI scholar Richard Gid Powers noted in his 1987 biography, *Secrecy and Power*, that the work routine and friendship between Hoover and Tolson "was so close, so enduring, and so affectionate that it took the place of marriage for both bachelors." He also cited the only suggestive evidence he found about their relationship, intimate photos Hoover took of Tolson asleep. Powers did not fully discount the notion that Hoover and Tolson might have had a sexual relationship, and he purposefully called it "spousal" because it was so unclear, but in the end he was forced to conclude, perceptively, "There is no compelling evidence for a definitive judgment in either direction."¹⁹

Craig Loftin argued in his otherwise excellent study of ordinary gays who wrote to *ONE* magazine that a "strong case can be made that Hoover and Tolson should be considered a gay married couple." Loftin arrived at this conclusion after having examined the ways in which everyday gay couples lived their lives at midcentury: masking their relationships in different ways, often living separately but otherwise doing everything else together, including jointly owning a business, which gave them both financial independence and an officially "partnered" relationship. To him, because Hoover and Tolson were seemingly inseparable but especially because they worked as the top two FBI officials, vacationed together, and dined together constantly, because Hoover willed most of his estate to Tolson, because their life together as heterosexuals "makes no sense" and evidence of their heterosexuality "is nonexistent," and because Hoover's targeting of gays is evidence of his passing as straight, Loftin concluded Hoover and Tolson fit

the typical pattern of other gay couples of the time.²⁰ To arrive at this conclusion, one must first accept the notion that Hoover and Tolson were gay—and evidence of that is based on nothing but conjecture and stereotyping. Second, none of Hoover's and Tolson's behavior as described by Loftin is evidence of sexuality unless one accepts stereotyped behavior somehow as valid historical evidence. For that matter, why does anyone's relationship—especially when there is an inexhaustible supply of widely divergent, nontraditional relationships in humankind—have to “make sense”? That a relationship somehow “makes sense” really means that it fits dominant cultural expectations. As for Hoover targeting gays to cover, or mask, his sexuality, as we shall see in this book, there were specific and larger forces behind the fact that Hoover's FBI targeted gays originating in 1937 and escalating in 1950–1951. The events transpiring in these periods had nothing whatsoever to do with masking. Besides, Hoover was not the only bureaucrat targeting gays; a multitude of others also targeted gays ruthlessly in an effort to purge them from federal employment. Masking is an unconvincing and simplistic explanation for gay targeting.

In a byzantine essay, Claire Bond Potter pondered proof of sexuality and the issue of rumor in history. She asked, “How ought historians to treat evidence about events that may be not factual, partially factual, or impossible to prove? And in the absence of proof, how do we account for the capacity of unfactual stories to tell otherwise unspeakable truths about political culture?”²¹

Making use of queer theory, Potter on one level made a valid point about historians' attempts either to prove or disprove Hoover's sexuality. She keenly observed, “Whether J. Edgar Hoover was a homosexual or not is not the point.” She noted that whichever way one examined it, Hoover did not fit the mold of what would have been considered a “normal” man in his era—not that he was necessarily gay but that he was peculiar, or queer, for what would be expected in the midcentury United States.²² This is fair enough because dwelling on whether Hoover was gay (or straight), I think, misses the point about what all the various Hoover stories tell us about the homophobia of his era and the paramount power of conformist heterosexual culture (i.e., Hoover's sexuality was questioned precisely because he did not fit culturally imposed expectations).

Potter also called for a “queer narrative in which gossip is critical historical evidence about the tension between public political culture and private citizenship, [which] would suggest that both things [Hoover as closeted gay

man and Hoover as confirmed bachelor] may be true and yet neither factual.” She asserted, “We do not have facts about Hoover’s sex life, but we do have evidence in the gossip about Hoover’s sex life.” She then called for reading evidence “from the vantage point of dissonance, repression, stigma, perversion, and inversion” for an “intervention in political history.” Her point seems to be that lack of proof of Hoover’s homosexuality is also not proof of his heterosexuality, especially given popular recognized traits of the closet in Hoover’s life. Strangely, she suggested not holding “researchers’ feet to the fire over the quality of their evidence.”²³ Instead, she proposed historians examine what Hoover desired, “whether sexually or politically.”²⁴

I contend that the discourse over whether Hoover was gay or straight might be tempting and something interesting about which to speculate (provided one admits to speculation), but in the end is not particularly helpful in advancing our understanding of what Hoover’s FBI did when investigating or monitoring gays for more than half a century. We simply do not know—and, indeed, cannot know—what Hoover’s sexual preference (whether gay, straight, bisexual, asexual, or repressed), was and whether it played any discernible role in what he and his FBI did. It seems no longer worth expending the energy to prove, factually, his sexuality one way or the other. It is already illuminating that Hoover’s not fitting cultural expectations of masculinity inspired curiosity about his sexuality (and he always quickly and quietly, but unsurprisingly, had such speculation quashed). Additionally, drawing theoretical conclusions using gossip as historical evidence over Hoover’s sexuality seemingly just complicates the matter at hand. I will leave that task to historians immersed in queer theory.

Many people, though, seem to thrive on the question of whether a gay or straight Hoover explains what his FBI did vis-à-vis gay citizens. We can easily dismiss this proposition, I think, by employing an historical counterfactual—a what-if question. What if we knew—as a concrete fact—that Hoover was, as they say, straight as an arrow? What if he had married, had several children, had the typical 1950s wife as a homemaker, and so forth? Would, then, FBI Director Hoover have done anything markedly different vis-à-vis gays over the decades? It seems logically consistent that he would have done nothing different. Hoover’s treatment and targeting of gays would still make sense to us given the era and the larger historical, political, social, and cultural forces at play. Therefore, and to reiterate, dwelling on Hoover’s sexuality is not helpful to our comprehension of the FBI’s relationship with gays. It should also be remembered that not only did Hoover’s

FBI go after gays but virtually every part of government was targeting or somehow attempting to regulate gays dating from the federal government's mid-1930s "discovery" of homosexuality. Far more helpful to understanding the FBI role in targeting gays is comprehending how their place as a unique group of human beings in US society unfolded and changed over time as public and cultural attitudes about them evolved from the late nineteenth century and rapid US industrialization and urbanization to the advent of the Great Depression.

The recognition of a unique group of human beings, singled out and known for their same-sex attraction, did not exist until the latter third of the nineteenth century. The German medical community, or more specifically the neuropsychiatric medical community, first recognized gays in a clinical fashion. It started with the German medical professor Karl Westphal, who in 1869 published a medical treatise about a woman with same-sex attraction and a man who was effeminate. Westphal used the (translated) phrase "contrary sexual sensation" to describe their apparent condition. Later as other European sexologists such as Vienna-based Richard von Krafft-Ebing further researched the topic, the notion evolved, in German, into the term *homosexualität*—medical terminology crafted by combining the Greek *homos*, or "same," with the Latin *sexualis*. By 1892, as German medical texts were being translated, the term migrated into the English language as "homosexuality." Even before the 1880s, however, US medical professionals were making use of Teutonic-inspired same-sex concepts. Intriguingly, medical professionals and others did not, and could not, recognize a specific group of "heterosexuals" until they recognized "homosexuals." Heterosexual (from the Greek *hetero*, or "different") as a term thereby came into existence only by 1900.²⁵

As medical professionals began to recognize and observe what they styled homosexuals, ordinary people with same-sex attraction began to realize their own unique status as a minority group. This phenomenon was a function in the United States of rapid industrialization and urbanization during the last three decades of the nineteenth century. Prior to this, same-sex copulation—sodomy, or buggery—was regarded merely as an individual, sinful act, grouped together with other sexual transgressions such as adultery, fornication, incest, and even bestiality.²⁶

As US culture shifted from its traditional, rural, agricultural roots to an

urban, industrial, and interconnected life, society and culture dramatically changed. Land was no longer the basis of wealth. New and varied technological developments shifted the basis of wealth, which now became a function of technological innovation. Power-driven machines fueled by coal after 1830 replaced water, animals, and human beings as sources of energy; technology increased productivity; factories rather than cottages became the locus of production of goods; and developments in transportation made the movement of those goods and people more rapid. Innovations in communications technology, such as the telegraph, led to instant communications and a now-functional (and smaller) national economy rather than a collected assortment of local markets. Using railroads as a guide, big businesses began to organize in cities and on a national level, leading to urban development and exploding municipal populations. In these urban populations, teeming with factory workers, the gay identity would form.

Cheap human labor was central to keeping these urban, industrial factories operating without pause. This attracted not only immigrants from Eastern and Southern Europe—fleeing desperation and bringing with them new languages, customs, religions, and ideas—to US industrial centers after 1880 but also a large number of rural US citizens. Those who had previously lived in close-knit farm villages or towns, where they were constantly under the watchful eyes of their families and religious authorities, now found themselves living among thousands of strangers. They realized, for the first time, they were living largely autonomous and anonymous personal lives free from the yoke of moral overseers. Many of those who moved to the cities in search of work, moreover, were single. They lived in boarding houses or tenements rather than with their nuclear or extended families. Living largely isolated lives, they craved social interaction, which they were forced to seek out among the businesses in cities that catered to hospitality.

As they began to socialize, those with same-sex attractions—that is, those the medical community was starting to recognize as members of a distinct group—suddenly realized they were not alone. They were not aberrations or individuals driven into sin by moral lapses or plotting supernatural beings. There were others like themselves, and they began to meet. Because their sexual activity was still regarded as sinful, they met in the least respectable parts of town, in bars where people like themselves would be tolerated and where they could meet freely and interact. Places such as New York City's Paresis Hall became notorious in the view of middle-class denizens not only for their apparent degeneracy but their working-class dominance. Yet even

places such as these fascinated well-to-do citizens, who occasionally visited them to take in the spectacle and gawk at these strange and different people. This form of entertainment came to be known as “slumming.”²⁷

Quite naturally a new vernacular evolved beside the one invented by the medical community to describe these people with same-sex attraction. These terms had varied meanings and were applied in different ways and in different circumstances. They are important to note because they were used at different historical times covered in this book. At the turn of the twentieth century, because most people identified men interested in same-sex relations as either acting in an effeminate manner or assuming the female sexual role, they commonly and popularly referred to these people in society euphemistically as “fairies.” This gendered descriptor, used to differentiate the *other* from the “normal,” dominated until the mid-twentieth century.²⁸

Law enforcement, along with medical and moral regulators, typically used the terms *degenerate* and *pervert*, or—again viewing same-sex attraction as essentially a reversal of men’s and women’s gender-specific roles—as *invert*. In the 1920s and even more so by the 1930s, “deviate” or “sex deviate” became common to describe somebody not perceived as “normal.” As historian George Chauncey has pointed out, our contemporary term, *homosexual*, did not really catch on as common parlance until the mid-twentieth century.²⁹

During the 1920s and later, gay men were still commonly perceived as effeminate (despite the fact that how individuals carried themselves ran the spectrum), and some compared them to flowers: pansy, daisy, or buttercup. Some were called *nance* or *nancy boy*. Lesbians could be called, crudely, *she-men* or, at least in New York, *bull daggars*—again, based on a gendered view. Some homosexual men referred to themselves as *faggots* or *queens*, but these also had more specific meanings alluding to one’s uniquely effeminate manner. Men who were otherwise considered heterosexual but would consent to sex with gay men provided they played the dominant, assertive, or “male” role, were called *trade*. In other words, they were willing to trade something in exchange for sex. In the 1910s and 1920s, some homosexual men did not want to be identified by effeminate traits and thus chose *queer* (as in not the usual) as a more neutral term that, itself, would evolve to become derogatory. Finally, by the 1930s and 1940s, *gay* came into usage by a younger generation who perceived the popular terms *fairy* and *queer* as unpalatable.³⁰

To be sure, from the late nineteenth century through the 1920s, there were common negative perceptions or even hatred of those with same-sex

attraction, but it was never dominant. Historian Jay Hatheway has located the origin of US homophobia as having two roots. One origin was the concept of American exceptionalism—that US citizens were special, uniquely different, and morally superior to the corruption, depravity, and debased values of the Old World. In one sense, dating to the Founding Generation and the Enlightenment, the concept of liberty—so essential to the new nation—was rooted in the laws of nature, which if followed resulted in harmony. It therefore did not take much for US educators, moral champions, politicians, and others to focus on the regulation of sex as a moral, and perhaps unique to this nation, political obsession.³¹

Hatheway found the second origin of US homophobia in the concept of essentialism. Dating from the late nineteenth century, the idea that men and women had firm and concrete *essential* characteristics that defined them was powerful and unchallenged. In what we would today consider social stereotypes, women were regarded as weak, subordinate, docile, and demure—the feminine; men were regarded as strong, aggressive, dominant, and tough—the masculine. Hatheway observed that both American exceptionalism and essentialism coalesced “in early antebellum America to forge a very conservative national ideology that resisted inclusion,” so that when a group of citizens emerged in the late nineteenth century identified by their same-sex attraction—perceived through a gendered lens—it is easy to understand how the dominant, heterosexual culture came to view them so negatively (to whatever degree) given perceptions of themselves and the world.³²

Those negative perceptions came to a head in 1919 after the conclusion of the First World War, at the US Naval Base in Newport, Rhode Island. Besides the base, Newport was also home to the Naval War College and a military hospital, making it a significant location for the navy in the immediate postwar period. The scandal’s origins can, in one sense, be dated to the arrival at the base in early 1919 of Chief Machinist’s Mate Ervin Arnold, a patient suffering from rheumatism transferred from San Francisco.³³

Prior to joining the navy well over a decade before, Arnold had been a trooper with the Connecticut State Police. Perhaps as a result of his policing duties—he regularly pursued and arrested “perverts”—Arnold was a confirmed homophobe. He said in official testimony, “I can take you up on Riverside Drive [in New York City] at night and show them [homosexuals] to you, and if you follow them up, nine times out of ten you will find it is true.” He even claimed he could identify them by how they carried themselves and

how they looked. In the hospital, Chief Arnold, a self-anointed gay expert, saw navy personnel and patients, all male, referring to one another using female nicknames, discussing sex, acting in an effeminate manner, and even apparently sometimes wearing makeup—all violating proscribed gender roles.³⁴

Chief Arnold took detailed notes of his observations and discussed the situation with others who held similar views. His discussions led to his learning that the local Army-Navy Young Men's Christian Association (YMCA) was a popular meeting place for gay men, who were known there as the "gang." Perhaps believing enough was enough, Arnold approached the hospital welfare officer, Dr. Erastus Hudson, who also held views similar to Arnold's. The information was then passed up to the commander of the naval station, who then traveled to Washington, DC, to discuss the matter with senior Navy Department officials: Secretary of the Navy Josephus Daniels and Assistant Secretary of the Navy Franklin D. Roosevelt. Daniels was not available, and it was the job anyway of the assistant secretary to run the day-to-day affairs of the navy, so Roosevelt was receptive to and authorized an investigation that extended into 1920.³⁵

We can understand the navy's broad interest in these matters by recognizing its context. Around the same time the Newport matter was unfolding, the Red Scare of 1919–1920 was also under way. In the aftermath of a seemingly endless number of labor strikes in 1919, followed by a series of mail and house bombings at the hands of anarchists, all happening after the Bolshevik Revolution in Russia, Attorney General A. Mitchell Palmer decided to purge the United States of its apparent foreign radical threat. The Bureau of Investigation (the "Federal" was not added until 1935) worked in collusion with the Immigration Bureau of the Department of Labor to round up foreign radicals via dragnet raids and mass arrests to have them deported. The end result was widespread civil liberties violations. In Newport, as nationally, the navy was looking for threats.

In Newport, a court of inquiry was formed to investigate further beyond the observations of Chief Arnold. Initially, Navy Department officials wanted the Bureau of Investigation to investigate, but a request was hastily prepared and a preoccupied bureau was lackadaisical in responding. In the end the bureau was not interested, no doubt having its hands full with the Red Scare. The navy therefore continued its own investigation and, given his background, made use of Chief Arnold. Arnold suggested employing an undercover operation to trap gay men at the YMCA. The base commander

authorized Chief Arnold and Dr. Hudson to focus on three matters: drug and alcohol use, “perverts,” and female prostitution. In their efforts, Arnold and Hudson ignored the first and third matters to focus almost exclusively on the prevalence of homosexuality at the navy base.³⁶

Over March and April 1919 the two men recruited investigators—willing decoys, really—to catch gay men red-handed. They sought out reliable but not overly intelligent, good-looking, young sailors in their late teens or early twenties who were willing to place themselves in awkward positions as sex decoys. Once recruited, these young men combed the city making friends with suspects, attending their parties, taking them to dinner, and returning with them to their rooms.³⁷

To catch their prey, the decoys were quite willing—despite self-identifying as heterosexual—to have sex with them and unhesitatingly report the lurid details to their superiors. This included taking their clothes off with the suspects and having oral and anal sex all the way to climax. This, along with other circumstantial and hearsay evidence, was then compiled by the court of inquiry, which then authorized arrests to drag targeted men for questioning before the court. Over the next three weeks, twenty-four sailors were questioned or had witnesses offer evidence against them. The arrested men never knew about the decoys until after being found guilty, but some of them, upon facing interrogation, decided to inform on their colleagues.³⁸

In the end, the court of inquiry recommended that seventeen men be court-marshaled on charges of sodomy, scandalous behavior, or both. Few had lawyers; none were permitted to confront their accusers (the decoys). Two men were dishonorably discharged from the navy, and two others were released for lack of evidence, but most were found guilty and received jail terms of between five and twenty years. The investigation, however, was not finished. It quickly expanded beyond the military to focus next on civilians.³⁹ At the time, military authorities and the federal government had jurisdiction for the region adjacent to military bases.

The navy investigators resented the fact that the YMCA was being used as a gay meeting place, and they disliked equally the fact that this was all happening under the nose of the Reverend Samuel Kent, who worked at the YMCA. Because this all happened on his watch, because he seemed to allow gays to use the YMCA, because he showed excessive sympathy for hospitalized sailors, and because he was perceived as effeminate, Reverend Kent himself was suspected of being gay. Kent and others were arrested and charged with lewd conduct under state law.⁴⁰

Because of lack of evidence against him, Kent was found innocent in court. Navy investigators then promptly charged him with violation of federal law—there was a wartime law aimed at reducing “moral contamination” in the area of a military base. After his first trial Kent had left New England for Michigan and had to be forced to return for trial. This time, however, Kent had the backing of clergy and other influential supporters. The prosecution then backfired on the navy, and Kent was again found innocent of all charges.⁴¹ The now-embarrassing event led to a larger navy investigation of the Newport affair, which, unsurprisingly, promptly exonerated the investigators.

Secretary Daniels wrote to Roosevelt in March 1921, during the last days of the Wilson administration, that he had been “sweating blood over the Newport case” but believed the “conclusion reached is just to all concerned.”⁴² The navy investigation was, of course, really a whitewash. That, in turn, led to a highly politicized US Senate investigation, the report of which was not released until 1921 (after the presidential election in which Roosevelt was the Democratic vice-presidential nominee), making the political lives of both Secretary Daniels and Assistant Secretary Roosevelt markedly uncomfortable.⁴³

When released in the summer of 1921, the Senate report condemned the decisions of both Daniels and Roosevelt. The Senate, of course, was firmly in the hands of Republicans after the 1920 election, so their conclusions, though with some merit, nevertheless had a strong political tinge. The Senate found that Daniels and Roosevelt both knowingly used sailors “as participants in immoral practices for the purpose of obtaining evidence on which to dismiss offenders from the navy.” To Republicans this was dismissive “of every American boy who enlisted in the navy to fight for his country.”⁴⁴

The Democratic leader on the Senate committee investigating Newport, Senator William King of Utah, found the Senate report “in many particulars unjust and unfair.” He castigated Republicans for making unjust deductions and writing a report designed to “confuse the reader and compel unjust and false judgments.” He asserted that neither Daniels nor Roosevelt were aware of the methods employed at Newport until it was too late. He cited the fact that even the navy court noted Roosevelt’s ignorance until he had been approached by clergy defending Reverend Kent in September 1919.⁴⁵

Roosevelt also issued his own public statement regarding the Senate findings. He said he bemoaned the “bad faith and a conscious perversion of

facts” by the majority of senators using the Newport incident “as the vehicle for cheap ward politics.” He also claimed it amused him that they “consider me worthwhile attacking so maliciously and savagely.” Roosevelt admitted that he asked for help from the Justice Department rather than leaving it to the navy, but that it did not work out. He also admitted to assenting to the “formation of an investigating squad” led by Hudson and Arnold, who, he said, had been “recommended to me by all concerned and by the Red Cross Officer at Newport.” He categorically denied, however, that he had ever supervised their work or knew any of the details as they investigated. He said that as assistant secretary of the navy, he was far too busy with other matters to deal with something so small and involving a relative handful of people. When by September 1919 he learned of the investigative methods employed, Roosevelt claimed to have issued orders immediately that they be stopped.⁴⁶

The Newport incident is significant in a couple of ways. As historian Chauncey has pointed out, despite the furor over “moral” conditions at Newport and the employment of young sailors engaging in “immoral practices”—as the *New York Times* reported—to trap gay sailors, the decoys themselves were never considered homosexual, deviant, or perverted. Provided they played the masculine, dominant sex role—the penetrative role, or, in the case of oral sex, the receptive role—they were not regarded as homosexual and, thereby, not a (or the) problem. This tells us much about cultural perceptions and construction of homosexuality (based on perceived and preferred gender roles) during the New Era of the 1920s and prior to the Great Depression.⁴⁷

Newport is also significant, it seems to me, for the role played by Assistant Secretary of the Navy Roosevelt. Although he might not have been intimately involved with the tactics employed to trap gay men in Newport, Roosevelt nevertheless authorized the investigation and in that sense was a significant player in the first major federal investigation of gays in US history. It is terribly ironic, then, that he would later, and for a second time, play a significant role—this time as president—when he decided to involve the presidency in another investigation. This one involved the kidnapping and murder of ten-year-old Charles Mattson in 1937 and prompted J. Edgar Hoover’s FBI to begin a systematic and widespread collection of information about “sex offenders” that would only continue to grow and evolve over the following five decades. This made Roosevelt central to the first significant federal investigation of gays and to the start of the most significant federal targeting of gays.

One final event preceding the Great Depression sheds significant light on the origins of the FBI surveillance of gays: the brutal 1924 murder of fourteen-year-old Bobby Franks at the hands of nineteen-year-old Nathan Leopold and eighteen-year-old Richard Loeb. Products of well-to-do, prominent families in Chicago and highly intelligent (in fact, arrogantly so), Leopold was a University of Chicago law student in the process of transferring to Harvard and Loeb was a graduate of the University of Michigan. The two gay lovers, clearly sociopaths, decided to commit murder to see if they could get away with it. The case engrossed the US public and illustrates the perceptions of gays in the 1920s and how those views would change within only twelve years.

In the fall of 1923, Leopold and Loeb decided to commit murder. Knowing something about criminal forensic techniques, they used a portable Underwood typewriter stolen from a University of Michigan student on which to write the ransom note. Through the fall and spring they planned the murder, believing if they did it carefully and deliberately enough they would never be discovered and thereby demonstrate (to themselves) their superior intelligence. Knowing they could not use their own automobile, under an assumed name Leopold rented a car from the Rent-a-Car business on Michigan Avenue in Chicago while Loeb waited by the phone to confirm Leopold's fake identity for the car rental agent when he called.⁴⁸

According to the prosecution, Leopold and Loeb had no particular victim in mind other than some boy with wealthy parents. They wanted a ransom of \$10,000 that, they instructed in their prewritten note, should be thrown from a train at a specific point. They proceeded with their plan on 21 May 1924. Leopold attended classes at the University of Chicago while Loeb made preparations for the murder. Their premeditated plan included using ether to render their victim unconscious, rope to bind him, a metal chisel to bludgeon him to death, and hydrochloric acid to burn away his identifying features.⁴⁹

They drove to the Harvard School in Chicago, the same private school both Leopold and Loeb once attended, to find and choose a victim. They parked their rental car at a distance and used binoculars to spot their target. Initially targeting young Johnnie Levinson because he had wealthy parents, their plan was foiled when Levinson failed to walk in their direction. It was then that fourteen-year-old Franks, who was an acquaintance of Loeb's, walked by the car. They offered him a ride home and convinced him to climb into the front passenger seat, which he did. They then pulled the car

around a corner to avoid undue scrutiny. Immediately after parking, one of them savagely and repeatedly bludgeoned the boy in the head with the chisel, then pulled him into the rear seat and shoved a rag in his mouth while using his hand to clasp his mouth shut until the boy expired.⁵⁰

According to the prosecution, immediately after killing Franks, Leopold and Loeb “took his shoes and stockings and trousers off”—the prosecution argued they raped the boy. They then wrapped the “bleeding, mangled, and dead” body in a blanket and, armed with revolvers in case they were stopped, drove it to a remote area with which Leopold was familiar from ornithology class. Before dumping the body, however, they coldly stopped to eat their packed dinner.⁵¹ Only after they arrived at their disposal location did they remove the remainder of the boy’s clothes before pouring acid on his face and submerging the body, face first, in a drain. The water ended up washing away most of the acid, foiling that aspect of their plan. It was here that Leopold, unbeknownst to him, accidentally dropped his eyeglasses. They then returned to the Leopold family home to burn the boy’s clothes and dispose of the other evidence, including tossing the chisel from the car and burying those items that would not burn. They then washed the rental car, returned it, phoned the Franks house to inform his parents about the kidnapping, and mailed the ransom note.⁵²

After finding the body and Leopold’s glasses, the police managed to trace them to the teenager. They were uncommon glasses, made in New York City and sold by only one company in Chicago. By measuring the prescription, the police were able to narrow the glasses down to three suspects, including Leopold. Brought in for questioning, Leopold made up a lie about bird-watching in the area and having tripped and fallen, thus explaining losing his glasses. The police only dug deeper, gathering more evidence incriminating Leopold and Loeb until they finally confessed on 31 May.⁵³

Coming from well-to-do families, Leopold and Loeb ended up hiring as their lawyer Clarence Darrow, the famous attorney noted for taking on unusual cases. (It would be the following year that Darrow defended biology teacher John T. Scopes in the famous so-called monkey trial.) Recognizing the hopelessness of their case given their confession and the mountain of evidence against them, Darrow convinced them to change their plea to guilty. His goal, as he explained to them, was to save them from execution. Darrow believed a jury would never find the pair innocent and would not likely be convinced to spare them from the noose. If they pleaded guilty, however, Darrow believed he could convince a single judge schooled in

the law, as opposed to a biased jury, to spare the teenagers from death—especially because Illinois had never in its history executed a teenager who confessed to murder.⁵⁴

Leopold and Loeb pled guilty and threw themselves on the mercy of the court, necessitating a hearing to determine their final punishment. Darrow, long an opponent of capital punishment, noted the state's execution history and argued that the two were mentally deranged and, as such, deserved incarceration rather than execution. The state argued for execution using the defendants' homosexuality against them. The prosecutor argued, "These two defendants had had a quarrel and made it up—and I will not go into the nature of that quarrel; there is a lot of evidence in this case that has not come out and I do not intend to repeat it, to shock any person who may be listening" and then referred to Leopold and Loeb as "perverts." He argued that, sexually, Leopold was the "aggressor" and Loeb the "victim" and that they "entered into a childish compact" of murder so that Leopold would continue "these unnatural crimes" with Loeb. In other words, Leopold convinced Loeb to help him get away with murder in return for sexual favors. The prosecutor exclaimed that he himself "was a grown man before I knew of such depravity."⁵⁵

The Leopold and Loeb trial was followed intently in the press and as a state crime did not involve the Bureau of Investigation—an organization, in any event, that only evolved into a true national police force with a scientific crime lab during the Great Depression. Given the New Era's preoccupation with sex, it is little wonder that a trial using psychological theories about sex as evidence was so closely scrutinized. The theories of Sigmund Freud were popular among members of the US public in the 1920s, even if they did not truly understand them. Sex was discussed openly like never before, a function of the so-called New Morality. Followers of the case were fascinated by the legal spectacle, and when the judge decided to spare the murderers' lives, it was reported in newspapers from coast to coast.⁵⁶ Yet the significance of the Leopold and Loeb case, ironically enough, lies not so much in what happened as in what *did not* happen. The case, with all its vivid detail reported in the press and consumed nationally, did *not* lead to a sex-crime panic or a widespread national clampdown on gays, nor did it spark a systematic federal effort to target apparently dangerous homosexuals as a threat to children.

On the contrary, it was regarded as a curiosity and an aberration. Frederick Lewis Allen, for example, merely listed Leopold and Loeb in his iconic

and near-contemporaneous retrospective *Only Yesterday* (1931) as one example among many of something merely interesting to the “casual newspaper reader in 1924.” Historian of the 1920s Michael Parrish noted that critics of the Leopold and Loeb case saw in the teens the “moral wasteland created by families with too much money, young men with too much education and not enough simple morality grounded in religion.” In other words, members of the public did not perceive an overarching flaw in US society that would lead them to see a dangerous threat in gays and reevaluate gender roles, as they would during the Great Depression. Instead, the Leopold and Loeb case was perceived as a function of the material excesses and moral drift of the 1920s, not among the larger society necessarily but a specific segment and particular example. After the economy crashed in 1929 and the Depression started in 1930, however, US citizens would make profound social and cultural reevaluations so that when an eerily similar kidnapping and murder of another young boy transpired a decade later, the ramifications would be profound for the FBI’s relationship with gays.⁵⁷

