"An Indelible Mark": Gay Purges in Higher Education in the 1940s

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In June 1948, Wisconsin Superior Court Judge Roy H. Proctor sentenced four University of Wisconsin students to one year probation for "participating in abnormal sexual activities." The four students were among a group of twelve men on and off campus who had been arrested by city and university police. Their sentence was mild, given that the judge could have put them in prison for up to five years. Judge Proctor warned them that if there was a second offense, they should not expect leniency. "Each and all of you should feel deeply ashamed," Proctor told them; "your conduct has caused an indelible mark to be placed against you. Certainly you will have to watch your step in the future, not only to avoid becoming second offenders, but to allay all suspicions of your becoming involved again."[1] Indeed, when one of the young men tried to move on with his life, university administrators made sure that the "indelible mark" followed him.

During the 1940s, at least three public universities—the Universities of Texas, Wisconsin, and Missouri—had purged students and/or faculty presumed to be homosexual. Two of those institutions had set in place administrative machinery in order to keep track of just such indelible marks. The cases at Texas, Wisconsin, and Missouri open a window onto a little known aspect of the history of higher education in the United States. Although we know in a general way that homosexuals were discriminated against during the 1940s, there is scant documentation about the treatment of homosexuality on college campuses. We therefore do not know frequency, patterns, or the extent of campus purges of homosexuals, nor do we know the processes that were put in place, "the administrative machinery" that was built to deal with the issue.

This article lays out evidence of purges at three universities during the 1940s. A purge that occurred at the University of Texas in 1944 has

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[1] "Morals Offenses Bring Probation," *Wisconsin State Journal*, June 21, 1948, 9.

become largely invisible, as issues of academic freedom have subsumed the issue of homosexuality in the historical record. We reestablish the role of an anti-gay agenda in the ousting of a university president. In the cases at the universities of Wisconsin and Missouri, we discuss the building of the administrative machinery that would be used to purge campuses of gay students. Finally, a wealth of information regarding one student at the University of Missouri allows us to provide details about one student's use of democratic discourse in his defense. The justification for a purge at the State Department in 1947 had been that homosexuals were an increased security risk, and therefore posed a threat to democracy. But Richard Jackson at the University of Missouri used prodemocracy arguments to *defend* himself against the actions of the administration; he argued that spurious charges, not the existence of homosexuality, were the threat to democracy.[2] In addition, the student and his mother warned against the danger of too much power and control in the wrong people's hands. We conclude with some thoughts about next steps for research.

This article builds on a small amount of existing literature on homosexuality and campus life. While there are some historical works on this topic, none examine the immediate post-War period. Most studies of gay students in higher education look at the repression of the 1950s or the post-Stonewall period.[3] Only two studies deal with an earlier period, and that work deals with two elite institutions (Dartmouth and Harvard) in the 1920s.[4] There are works that address gay purges in the military, the federal government, and of K–12 teachers and faculty in the 1950s, but there is no existing work on gay students or faculty in the 1940s.[5] We also do not yet know the arguments used against, or by, gay students. The same unproven and irrational

[2]To protect the anonymity of disciplinary files, we are using a pseudonym for any individuals whose records we have only via disciplinary files. In cases where information is gleaned from public sources, such as newspapers, we are using the actual names.

[3]Kathleen Weiler, "The Case of Martha Deane: Sexuality and Power at Cold War UCLA," *History of Education Quarterly* 47 (Winter 2007): 470–96; John D'Emilio, *Making Trouble: Essays on Gay History, Politics, and the University* (New York: Routledge, 1992); Patrick Dilley, *Queer Man on Campus: A History of Non-Heterosexual College Men, 1945–2000* (New York: RoutledgeFalmer, 2002).

[4]Nicholas L. Syrett, "The Boys of Beaver Meadow: A Homosexual Community at 1920s Dartmouth College," *American Studies* 48 (Summer 2007): 9–18; William Wright, *Harvard's Secret Court: The Savage 1920 Purge of Campus Homosexuals* (New York: St. Martin's Press, 2005).

[5]Allan Bérubé, *Coming Out Under Fire: The History of Gay Men and Women in World War Two* (New York: The Free Press, 1990); David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: University of Chicago Press, 2004); Stacy Braukman, *Communists and Perverts Under the Palms: The Johns Committee 1956–1965* (Gainesville: University of Florida Press, 2012); Karen L. Graves, *And They Were Wonderful Teachers: Florida's Purge of Gay and Lesbian Teachers* (Urbana: University of Illinois Press, 2009). For a review of the field of the history of

accusations made against gay schoolteachers and faculty in the late 1950s and 1960s—that of harming innocent children—could not be used against gay college students. Nor could the trumped-up arguments used against gay State Department employees—that of risking national security—be used against students.[6] To what extent, then, did purging of gay college students happen in the 1940s, what justifications were used, and how did gay students resist the administration or defend themselves from accusation? This article is a first step in beginning to fill in this gap.

The purges at these three universities had much in common with a similar purge of gay men and lesbians from the State Department in Washington, D.C., a purge that is widely associated with McCarthyism. Indeed, much of what we know about this type of discrimination against gays and lesbians is about the McCarthy era. However, the State Department purge, and the events at Texas, Wisconsin, and Missouri, preceded the rise of Senator McCarthy. If we rely on information about McCarthyism for our understanding of anti-homosexual expulsions, we misunderstand a large portion of the story. This article documents gay purges on college campuses in the years before the rise of McCarthyism. Historian David Johnson argues that in 1950, outrage over homosexuals in the State Department was bigger than outrage over Communists. Further, Johnson argues, anti-homosexual crusades preceded the anti-Communist crusade. A member of Congress first expressed concern about gays in the State Department in 1947, three years before McCarthy's infamous entrance onto the witch hunt stage. In fact, although McCarthy did much to link Communists and homosexuals, the attacks on gays in the military and in the State Department had been going on for several years before McCarthy's rise to power.

As Johnson argues, 1948 was a hugely pivotal year in gay issues. That was the year that Alfred Kinsey published his *Sexual Behavior in the Human Male*, revealing that actual behavior was quite different from accepted standards. Not only were men engaging in far more masturbation and adultery than the general public might have thought, men also were engaging in homosexual activity. According to Kinsey, "37 percent of those surveyed had engaged in at least one homosexual

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education and gays, lesbians, and bisexuals, see Karen Graves, "'So, You Think You Have a History?': Taking a Q from Lesbian and Gay Studies in Writing Education History," *History of Education Quarterly* 52 (November 2012): 465–87.

[6]Historian David Johnson draws a distinction between a person constituting a security risk versus a loyalty risk. Loyalty was a state of mind; a Communist sympathizer was a loyalty risk. A person might be a security risk, however, by engaging in behavior that might lead to betraying secrets either inadvertently (by sharing too much information while under the influence of alcohol, for instance) or begrudgingly because of being blackmailed (under threat of having one's homosexuality exposed, for instance). Johnson, *The Lavender Scare*, 5–7. Also see Braukman, *Communists and Perverts*.

act . . . since the onset of adolescence." Or, as Kinsey put it, "more than one male in three of the persons that one may meet as he passes along a city street" had had at least one homosexual experience.[7] For some people, this revelation of the frequency of homosexuality led to questions about "normal" sexual behavior. An article in *The University of Chicago Law Review*, for instance, reviewed state sex crimes and penalties and concluded that laws should "not punish voluntary private sexual relations between adults," arguing that law needed to reflect "social facts."[8]

For other people, however, data about the surprising frequency of homosexuality was "a sign of declining American morals," and indication of a need for more punitive laws.[9] Conflating moral questions and mental health, many of these new laws included mandatory psychiatric treatment. The definition of homosexuality as pathology may have come from the military during World War II. As historian Allan Bérubé has shown, the military changed its approach from an earlier system of court martialing those caught in homosexual acts, to a wartime system of labelling as mentally ill and dishonorably discharging anyone who appeared to have any homosexual tendencies.[10] Historian Beth Bailey argues that this view of homosexuality—labeling the person as mentally ill rather than labelling a particular act as criminal—moved from the military to college campuses after the War.[11] By 1949, several states and the District of Columbia had passed "sexual psychopath" laws. Where homosexuality had been merely a misdemeanor "disorderly conduct" offense, now even the presumption of homosexuality—without evidence of any homosexual behavior—could result in institutionalization.[12] This was the case in Wisconsin at the time of the purge there. The purges at the universities of Wisconsin and Missouri may well have been part of a backlash against the suggestion that homosexuality might be normal. Prior to this, though, came the dismissals at the University of Texas.

The Case of the University of Texas

Unlike the other cases of the 1940s, the firing of University of Texas faculty presumed to be homosexual preceded the release of the

[7] Johnson, *The Lavender Scare*; Alfred Kinsey, Wardell Pomeroy, and Clyde Martin, *Sexual Behavior in the Human Male* (Philadelphia: W. B. Saunders, 1948), 623, 659.

[8] "Post-Kinsey: Voluntary Sex Relations as Criminal Offenses," *The University of Chicago Law Review* (January 1949): 182.

[9] Johnson, *The Lavender Scare*, 54.

[10] Bérubé, *Coming Out Under Fire*.

[11] Beth Bailey, *Sex in the Heartland* (Cambridge: Harvard University Press, 2002).

[12] Johnson, *The Lavender Scare*, 56.

Kinsey Report. This is the first and the largest instance we have found so far, following the purges of the 1920s. In November, 1944 the Texas Regents dismissed President Homer P. Rainey after several years of increasing tension between the Regents and Rainey. In 1942, the Regents had fired several economics professors for espousing New Deal policies, including labor laws. The Regents later banned several books from university syllabi, including John Dos Passos' *USA*, a novel that some of the Regents found subversive. When President Rainey publicly protested these and other conflicts, the Regents fired him. Students and some faculty went on strike, and organized a "funeral" march mourning the death of academic freedom. As many as 8,000 students marched from the campus to the Capitol and to the Governor's Mansion. Rainey's firing—then and long afterwards—became associated with the cause of academic freedom, and rightly so. The American Association of University Professors (AAUP) investigated and censured the university for nine years. This is an important story in the history of academic freedom.[13]

Far less well known is that the Rainey affair also included a purge of gay faculty and students. In fact, when the Regents first were required to justify their firing of Rainey, they cited his lack of toughness in ousting homosexuals. In October 1943, a faculty member reported to Rainey that it had come to his attention that two former students currently living in Midland, Texas had been arrested on charges of homosexuality, and that these young men had implicated the university. Rainey went to Midland and discussed the situation with police there, learning that one of the former students named a specific faculty member with whom he had been involved. Rainey returned to campus and handed the matter over to the State Director of Public Safety for further investigation. According to historian Alice Cox, in the summer of 1944 "the investigator started picking up students for questioning, and as the students were released, word started to spread over the campus that an investigation of homosexuality was underway."[14] At the end of the summer, with the investigation completed, Rainey reported the issue to the Board of Regents.[15] According to one newspaper account, ten faculty and fifteen students either were dismissed or expelled or left due to the investigation.[16]

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[13] Alice Cox, "The Rainey Affair: A History of the Academic Freedom Controversy at the University of Texas, 1938–1946," (Ph.D. dissertation, University of Denver, 1970).

[14] Ibid., 78.

[15] Ibid.

[16] "Charges Texas Prexy Hid 'Nest' of Perversion,'" *Chicago Daily Tribune*, November 18, 1944, 16.

The Regents needed to show a good reason for firing Rainey, and Rainey's opposition to faculty being fired for their political views, as in the case of the economics professors, or his opposition to censuring of literature, as in the case of the English department's use of the Dos Passos novel, was likely to reflect negatively on the Regents in the public eye. What the Regents did, then, was to contend that Rainey had not taken swift or severe enough action against gays on campus. In the Texas State Senate hearings on the incident, Regent Orville Bullington testified that when Rainey learned about "a nest of homosexuals" at the university, "he kept it in his bosom eight long months."[17] When asked if he meant that Rainey condoned homosexuals, Bullington said that he did not think that was the case, but that Rainey "was not handling it vigorously enough."[18] Rainey, for his part, asserted that he had handed the issue over to the proper authority—the Department of Public Safety—to handle it.[19]

Rainey, and later the AAUP, objected that his alleged lack of vigor in ousting homosexuals was a smokescreen for other political issues. This is a "red herring" and not the "real reasons" for Rainey's dismissal, an AAUP representative said; Rainey was "diligent," not lax "with reference to the [homosexual] situation."[20] Likely this is accurate; the Regents had many other reasons, including state politics, to dislike Rainey and to want to remove him from office. Rather than risk public opprobrium by stating their real reasons, they grabbed on to a reason that would meet with little objection: as president, he had not protected the morality of the campus. Rainey defended himself in part by saying that of course he had moved to dismiss homosexuals, and therefore this was not the real reason the Board had dismissed him. Neither he nor the AAUP expressed any disapproval of the ousting of homosexual professors. When the AAUP issued the results of its investigation, it never even mentioned homosexuality or the dismissal of tenured professors who were accused of homosexual acts.

The Rainey case at Texas received a lot of national press for several years—at first when Rainey was fired, and then two years later when the AAUP issued its report. Other university presidents surely were well aware of the situation. It may have been the first time that the president of a university was public excoriated for not being more aggressive in

[17]Bullington, Senate Proceedings, I, p. 450, as quoted in Cox, "The Rainey Affair," 113–114.

[18]"Charges Texas Prexy Hid 'Nest" of Perversion," *Chicago Daily Tribune*, November 18, 1944, 16.

[19]Homer P. Rainey, *The Tower and the Dome: A Free University versus Political Control* (Boulder, CO: Pruett Publishing Co., 1971).

[20]"Professors Ask Full Inquiry on Texas U. Morals," *Chicago Daily Tribune*, November 22, 1944, 12.

dismissing gay faculty and students. Well before McCarthy, a public figure was openly vilified for giving even the appearance of protecting homosexuals. What impact this had on how universities handled issues of homosexuality on their own campuses is yet to be unraveled.

The Rainey case also demonstrates that the university administration at Texas did not have its own mechanism for dealing with the issue of gay faculty or students. Rainey handed the case over to the state's Department of Public Safety—an agency off campus and outside the purview of the university. In just a few short years, the approaches at Wisconsin and Missouri were completely different. There, universities built their own "administrative machinery," separate from other state-wide departments or initiatives, for dealing with the issue.

The Case at the University of Wisconsin

The same year that the Rainey case made headlines around the country, a statewide meeting of sheriffs in Wisconsin urged passage of a law that would mandate institutionalization for all sex offenders, including homosexuals. The sheriffs were not happy with the minimal jail sentences already in place. The law championed by the sheriffs passed in 1947, just prior to the brief period of relative tolerance ushered in by the Kinsey Report. Known as a sexual psychopathic offender law, it "permitted the institutionalization for treatment of any sexual psychopath, whether or not the person committed a crime."[21] In 1951, the law was modified to require that the alleged psychopath be guilty of committing a crime before being held indefinitely; the law was not repealed until 1980.[22]

Events targeting homosexuals at the University of Wisconsin began in June, 1948 when a campus police officer found two students in a car on university property. Newspaper accounts do not reveal exactly what the students were doing in that car, although it is easy to speculate. Campus police contacted city police and the district attorney's office, and launched an investigation. Two men were arrested on June 9, a third on June 11, and seven more on June 12. Among them were five current and four former university students. Four of the five current students pleaded guilty, and were given one year's probation and the stern warning from Judge Proctor that opened this article. At the time of their sentencing, June 21, the newspaper already listed these four as "former" students. Perhaps the students withdrew, or perhaps the

[21]George Painter, "The Sensibilities of Our Forefathers: The History of Sodomy Laws in the United States," http://www.glapn.org/sodomylaws/sensibilities/wisconsin.htm; downloaded March 25, 2014.

[22]http://www.boxturtlebulletin.com/2013/12/06/60870, downloaded March 25, 2014.

university had wasted no time in dismissing them. The fifth student pleaded guilty to a lesser charge of disorderly conduct and was fined $100.[23]

The administration at the University of Wisconsin dealt in two ways with students presumed to be homosexual, depending on whether there was proof of homosexual activity or not. The two central offices involved were the university police and the psychiatric division of the Student Health Services. Campus police "drive about in squad cars" looking for offenders of various types, including simple traffic violations. In the course of touring the campus, these officers, commissioned by the city police as "peace officers," might on occasion witness other activity. It was these "peace officers" who arrested the two students in a car that June night. In the case that there was evidence of homosexual activity, students would be turned over to the city police for prosecution, and if the activity were proven students would be dismissed.[24]

Where there was suspicion but no proof, the administrative course of action was to send a student to the Student Health Services for psychiatric evaluation. The director of psychiatric services was Dr. Annette Washburne, whose beliefs about homosexuality fit well with the new sexual psychopathic offender law. Washburne's psychiatric studies led her to believe that a "true" homosexual suffered from a sexual neurosis, or some other pathology, usually a form of dementia. If the "subject" was a "true" homosexual, the student would be "dispose[d] of as [a] medical case" for which there was no known effective treatment.[25]

Washburne believed that in addition to "true" homosexuals, there were "pseudo" homosexuals, a category that applied to people who had engaged in homosexual activity, but did not exhibit a fixed pattern of engagement. She believed that their homosexuality was temporary and that because they possessed the potential to develop "normal heterosexual patterns" they might benefit from psychotherapy. Her views may have reflected the view of military psychiatrists that homosexuals could be latent, casual, first-timers, or merely immature, or they might be "true" or "confirmed."[26] Washburne's taxonomy was simpler than the military's; for her, the choice was "true" or "pseudo." At the University of Wisconsin, the Director of Student Health Services could refer the "pseudo" homosexual to the Committee on Discipline for further consideration. Washburne was dismayed that even a "true" homosexual

[23]"Morals Offenses Bring Probation," *Wisconsin State Journal*, June 21, 1948, 9; "Haresfoot Secretary Draws $100 Fine," *Wisconsin State Journal*, June 17, 1948, 7.

[24]Memorandum from Thomas A. Brady to President Frederick Middlebush, President, University of Missouri, December 7, 1949, 5. This Memo includes a report on "Practice at University of Wisconsin."

[25]Ibid., 2.

[26]Bérubé, *Coming Out Under Fire*, 146.

could not be dismissed by the university if there was no proof of homosexual activity. She told University of Missouri's Dean of Students, who was visiting Wisconsin for help in setting policy at his own university, that "it would be a blessing if a governing board could sanction dismissal in these cases," because "[true homosexuals] are a menace."[27]

The university took a harder line on homosexuality than the court system did in Madison at the time. As noted, the judge could have sentenced these men to prison for years, or could have had them institutionalized as sexual psychopaths. Instead, noting that "[s]ome would have us believe that abnormal sexual behavior is natural and normal biologically," Proctor merely placed them on probation for a year.[28] By the summer of 1948, findings of the Kinsey Report had been splashed across newspapers and magazines. Proctor himself clearly did not condone homosexuality, as he told the men they should be "deeply ashamed," yet he also sentenced them lightly. Another judge dismissed altogether sodomy charges against two other men arrested in this same purge, fining them each $300 for possession of obscene literature.[29] The university, however, not only dismissed the students; the administration also refused to end their form of "probation."

At least one of the students was about to graduate at the time of his arrest. A decorated war hero who had served as a navigator in the Air Force, Keith Pritchett made local headlines in 1944 when he was hit by enemy fire. Demonstrating remarkable calm under pressure, "before examining himself, he checked the nose turret to determine whether the gunner had been wounded and then gave a heading to the pilot so that if his wounds proved serious, the pilot could still find his way back to base."[30] In college as a veteran, he made headlines again in 1948 for his arrest for disorderly conduct, reduced from the initial sodomy charge. The university withheld the granting of Pritchett's degree on the condition that he seek psychiatric treatment for one year. At the end of the year, if the Student Health Center concurred, then the university would review the file and possibly grant the degree. Instead, he left the state. Almost two years later, in March 1950, Pritchett expected to be called back to active duty because of the Korean conflict. He wrote to the university asking for his degree to be granted so that he could be promoted. In his letter, he noted that seeing a psychiatrist was one of the requirements for getting his degree, and said, in a simple declarative

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[27]Ibid., 5, 7.

[28]"Morals Offenses Bring Probation," 9.

[29]"Two Men Fined for Obscene Literature," *Wisconsin State Journal*, September 29, 1948, 13.

[30]Keith Pritchett is a pseudonym. "Edgerton Man Hit By Flak On Munich Trip," *Wisconsin State Journal*, July 11, 1944, 1.

statement, "I have not done so." He offered "financial limitations" as one reason for not seeing a psychiatrist, but did not leave it at that. "There has also been a sincere question in my mind concerning the real need which I have for such help." His instructor in his Air Training Squadron, and a psychiatrist on the base, sent letters to the university on his behalf, attesting to his mental fitness. But the University of Wisconsin's psychiatric services, after reviewing his file, upheld its own previous recommendation not to grant the degree. "After reviewing the case," psychiatrist Benjamin Glover wrote, "it is felt that there has been no essential change in the status of this young man from a medical viewpoint and, therefore, the previous recommendation should be retained."[31] The mark against this student, and possibly others, was indeed indelible.

When the University of Missouri learned that it too had a "homosexual problem," it turned to the University of Wisconsin for help in dealing with it. Therefore, much of the way that officials at Missouri handled the issue was similar to that at Wisconsin, including the decision to leave a permanent blot on a student's record that would make enrollment at any other institution nearly impossible. This was the fate of Richard Jackson in 1949.

The Case of the University of Missouri

By the time Richard Jackson came to the attention of the Committee on Discipline in 1949, the University of Missouri—and in particular, its Dean of Men—had already created the organizational apparatus to deal with him. When the Dean of Men, Thomas A. Brady, set out to build the "administrative machinery" for dealing with homosexuality, he was helping forge a new course that would change how many campuses dealt with gay students for the next decades.[32] When Harvard dealt with what it considered its "homosexual problem" in the 1920s, Harvard did so by means of a secret and an ad hoc court. That judicial body was cobbled together to deal with that situation; there did not seem to be an intention to build a system to deal with future cases. The 1948–1949 cases in Missouri were very different. Missouri administrators were self-consciously setting out to create "administrative machinery." They knew this was not the beginning nor would it be the end of their "problem." Rather, it would be an ongoing issue, one that would require them to have a system permanently in place to deal with the problem

[31] Student Affairs, Division of Committees and Councils, Discipline, Box 4, Folder July 1948, University of Wisconsin Archives, Steenbock Memorial Library.

[32] Memorandum from Thomas A. Brady to President Frederick Middlebush, President, University of Missouri, December 7, 1949.

of homosexuality. They were not alone; in fact, they could model their system on that recently put in place at the University of Wisconsin.

As early as the Spring of 1946, Missouri university officials were aware of the possible occurrence of homosexual activity involving members of the campus community, but did not have enough evidence to pursue an investigation. Beginning around December 1947, Prosecuting Attorney Howard B. Lang, Jr. began a long investigation into "abnormal sex orgies" in St. Joseph and other central Missouri cities. During his investigation Lang asked the university to provide funds to pursue a private investigation that would "go into the student angle." Initially, the university accepted Lang's request, but later rejected it for reasons that are unclear. In May of 1948 the police identified E.K. Johnston, a tenured faculty member who had been at the university for 24 years and who had recently held the position of Acting Dean of the School of Journalism, as the principal leader of a homosexual "ring" that included up to 48 students, faculty, and community members. Ultimately, a total of five men pled guilty to the charge of sodomy. Johnston was dismissed from the university before his case went to trial.[33]

After the discovery of this homosexual "ring," the university sought to create a system that would deal with the problem. Similar to the system at the University of Wisconsin, Dean Brady created a system that involved campus investigators and local police, university disciplinary committees, and psychological assessments.[34] By Fall of 1948, Dean Brady developed "an excellent team" to conduct the work required to handle the discipline and homosexual cases. The members of his administrative machine included a psychiatrist in the Student Health Service, a university instructor in the field of Police Science, and a faculty member who served as Chair of the Committee on Discipline. When the original members had to be replaced (the psychiatrist took a position elsewhere, the instructor died, and the faculty member was assigned another administrative position), the roles and functions were well enough established that the new committee was quickly formed

[33]"Missouri U. Professor in Sex Scandal: Prosecutor Charges Abnormal Orgies," *St. Joseph News-Press*, May 27, 1948, 1; "Morals Charge Filed Against M.U. Teacher: Journalism Professor, Two Friends Booked After 2-week Probe," *The Nevada Daily Mail*, May 27, 1948, 1; "Journalism Professor Charged with Sodomy," *Schenectady Gazette*, May 28, 1948, 3; "Mad Parties Get Professor Fired," *The Spokesman-Review*, May 28, 1948, 16; "Sex Offenses Charged to 3: Two Others Sought in Missouri Scandal," *Toledo Blade*, May 28, 1948, 4; "Accused In Sex Cases, Professor Posts Bond," *The Sun*, May 29, 1948, 4; "Accused Journalism Teacher at Missouri Fired By Curators," *Chicago Daily Tribune*, June 5, 1948, 13; "4 Named in Missouri University Sex Orgy Probe Plead Guilty," *Chicago Daily Tribune*, June 7, 1949, 10.

[34]Memorandum from Thomas A. Brady to President Frederick Middlebush, President, University of Missouri, December 7, 1949.

(with an instructor from the new Law Enforcement Training Program replacing the instructor from Police Science).[35]

In Fall of 1949 when Dean of Men Brady met with officials at the University of Wisconsin regarding the system in place there, it seems to have solidified for him the belief that his own system was in good shape. His meeting with Washburne, though, gave him new ways to think about the psychiatric condition of homosexuals. Brady returned to Missouri with an outline of Washburne's views on "true" and "pseudo" homosexuals. The Committee on Discipline would send suspected homosexual students to a psychiatrist to determine if the student was a homosexual. The distinction between a "true" homosexual and a "pseudo" homosexual had implications for the student's discipline.[36] If psychiatric evaluation concluded that the student was a "true" homosexual, the student would be dismissed as an incurable medical case. If evaluation suggested that the student was not a "true" homosexual, then the Committee on Discipline would decide the student's fate. This still might result in dismissal, but might also result in therapy. This system differs sharply from what was in place at the University of Kansas, where, according to Beth Bailey, "very, very few" gay students were expelled. There, she argues, gay students were *less* likely to be expelled than heterosexual students who also were caught in sexual misbehavior. At Kansas, gay students were seen as in need of therapy rather than discipline. In investigations of homosexuality on campus in 1955 and again in 1963, Bailey contends that there was no "witch hunt," and that no action was taken against any of the students.[37] If this is true, and if it had also been true in the 1940s, then the University of Kansas may have been perceived by administrators at other institutions as being weak on this issue. This might explain why Missouri's Dean of Men chose to travel a longer distance to learn about Wisconsin's system rather than travel to the much closer University of Kansas.

The documentation of the development of the University of Missouri's "administrative machinery" created to deal with cases of homosexuality sheds light on the methods used to handle what was perceived of as "the homosexual problem" in the 1940s. Unfortunately for Richard Jackson and perhaps countless other students, the administration created a system without an avenue to ensure due process; rather, they created a system to eradicate what they considered a pervasive threat to normalcy.

Richard Jackson had come to the attention of the Committee during the purge of 1948–1949, having been named by informants as a

[35] Ibid.
[36] Ibid.
[37] Bailey, *Sex in the Heartland*, 53, 66.

regular attendee of "homosexual parties," including at least one party that also was attended by now-dismissed professor Johnston. Richard Jackson was called in for an interview with a subset of the committee, chaired by Willard L. Eckhardt, in March 1949. Jackson denied attending parties, but then admitted to attending one particular party but seeing nothing "wrong" at the party. The Committee was certain he was lying about everything. "An alarming development in a companion case" led to a report to the full committee on March 16, 1949. Apparently some of the "homosexual rings" that the Committee believed had been successfully purged during the prior year were resurfacing, and the Committee did not initiate dismissal action against Jackson because they thought he could help them identify the ringleader; he did not help them with this. On June 2, Eckhardt met with Jackson again, telling Jackson that his continual denials were absurd and that he was clearly lying. Eckhardt suggested Jackson meet with a psychiatrist who could either verify his statements of denial, or help him "correct his problem if he had one." Jackson agreed to meet with the psychiatrist, and Eckhardt told him to return to campus prior to the beginning of the Fall term so that the psychiatric sessions could be conducted before the term began. Jackson then left campus for the summer, assuming he would be able to return as a student in the fall.

However, on June 5, Eckhardt interviewed another student who confirmed to Eckhardt's satisfaction that Jackson had lied. Eckhardt now saw Jackson's willingness to meet the psychiatrist as nothing but "a stall," and concluded that the administration had no reason to postpone dismissal. Official notice was sent on September 13. On October 3, Jackson finally met with the entire Committee, which upheld his dismissal. Jackson then appealed to the Board, who decided against him when they met the following March. The Committee was forthright about not having any solid evidence that Jackson was a homosexual or had ever engaged in any homosexual acts, on or off campus. Jackson's unacceptable actions were that "he associated frequently if not almost exclusively with homosexuals and persons believed to be homosexuals, and attended their 'gay' parties."[38]

In addition to Jackson's actual behavior—that is, party attendance—the Committee accrued a lot of other "evidence" regarding his homosexuality. For instance, Jackson came from a broken home. Jackson's father left the family in 1946 and moved to California, and his mother indicated that her husband was mentally ill. This, the Committee determined, was in itself evidence of Jackson's homosexuality, because "most homosexuals come from disorganized homes. The

[38] Eckhardt to Middlebush letter, 4.

family life is part of the complete picture the Committee needs to properly evaluate a case." In addition, the Chairman of the Committee volunteered his own assessment of Jackson's mother as "emotionally unstable."[39]

Richard Jackson's family could have been used as evidence for exactly the opposite conclusion. Both of his parents held college degrees, a clear marker of class standing in the 1940s. His mother was a graduate of this same institution—the University of Missouri—and one might expect a bit of leeway toward the offspring of an alum. His father was a Baptist minister, and his uncle was a judge who had graduated from the University of Missouri's school of law.[40] Richard Jackson, then, seemed to come from a solid family that included a minister and a judge. Looked at this way, the family background seemed to invite leniency. Instead, the Committee found suspicious the fact that Richard's father switched denominations from Baptist to Methodist, and moved from Missouri to California; the mother was "emotionally unstable," and the judge had moved to another state and therefore did not have influence in Missouri.

Democratic Discourse

When Richard Jackson was expelled, he fought to be readmitted. He wanted an opportunity to prove his innocence, and he took great pains to provide evidence of his whereabouts on the dates of certain events. He even solicited a letter from the minister of a church verifying that the sermon and the music on a particular day were what Jackson had said they were, thereby, he hoped, proving that he was nowhere near a party that newspapers had reported was a party for homosexuals. In addition to attempting to document his innocence, he also took the administration to task for the way they treated him. Their lack of due process and their interrogation techniques, Richard Jackson argued, were not in keeping with the values of a democratic society. In challenging the administrators' commitment to a free and open society, Jackson and his mother, who used similar arguments, were following in the steps of civil rights activists across the country who challenged racism in the United States in the wake of having just fought a world war that was supposed to ensure democracy.

From November 1949 through March 1950, both Richard Jackson and his mother wrote letters of appeal to the university. They did not shy away from the possibility of public scrutiny, even though the

[39]Ibid., 3.
[40]Ibid., 3.

Jackson case followed the highly public arrest of a Missouri faculty member, E.K. Johnston, for sodomy, and Richard Jackson was known to have attended at least one party that Johnston also attended. The Jacksons argued that Richard had not received a hearing at all, let alone a fair one; that no charges were ever brought against him; and that no evidence of guilt was ever offered. How could he refute charges that were never made plain, they argued; how could he show his innocence when he did not know why they believed he was guilty? The hollowness of their case especially raised their ire, and they sharply critiqued the administration for being undemocratic and therefore un-American. In fact, the weapon that the federal government used against gay State Department workers—the threat to democracy inherent in workers who posed a security risk—was the very same weapon that Richard Jackson and his mother used to resist the university. They argued that the real threats to democracy were spurious charges, and too much power and control in the wrong people's hands going unquestioned. They made this argument several years before a backlash against McCarthy that employed similar arguments.

The Committee on Discipline for Men may have used sodium amatol, a so-called "truth serum," in its questioning during its purge of gay students and faculty. It is not clear from these documents whether they did administer the drug or not, but it is clear that Richard Jackson and his mother believed that the university had used it or would use it. Mrs. Jackson flatly refused to allow the university to administer truth serum to her son. In a letter to Frank Mann, Chair of the Committee on Discipline, she stated that she "protested the use of such a drug in the disciplining of students," and asked, "Do you approve of such procedure...? Is it not illegal to give such a drug, particularly to a minor?"[41]

Both mother and son framed their position as more American and democratic than the university's. They questioned the university's handling of the case, particularly objecting to the lack of clear charges, the lack of evidence, the secrecy of the hearings, and the possible use of drugs to force confessions. Just a few years after the end of a war against Nazis and totalitarianism, the Jacksons accused university officials of using Nazi tactics. Mrs. Jackson wrote to Mann:

> Do you want "gestappo" [sic] procedures used in a Democratic state institution—Do you think the people of Missouri would like that—do you

[41] Letter from JJ to Frank C. Mann, December 15, 1949. Frank Mann Papers, 1943–1951, General Correspondence, UM-System Board of Curators, University Archives, University of Missouri-Columbia, Columbia, MO, UW:1/6/2 MFR 4 FF 7–8. [Note: here and in the following, initials of correspondents are used when names are confidential.]

> think that the people of Missouri would like to know that drugging with Sodium Amytal [sic] is sometimes part of the disciplinary procedure? ... We still prefer the democratic principles to Gestappo Techniques [sic]. May we have consideration in the American tradition of open and frank charges.[42]

In another letter addressed to the Committee on Discipline for Men, she again asserted her son's innocence and stated that the Committee had no evidence of any wrongdoing. If they have such evidence, she wrote, they have not made it known either to her or to her son. Again accusing the administrators of undemocratic procedures, she wrote that any evidence they might have should be "dealt with as our democratic precepts prescribe—not by the tactics and techniques that the gestapo employ, and that is meted out to individuals in a dictatorship."[43] Richard Jackson, in a letter to the university president, Frederick Middlebush, accused the Committee of having "proceeded on the thesis that I am guilty until proven innocent—just the opposite of the procedure employed in a democracy."[44]

Questions about American democracy abounded during and immediately after World War II. Most well-known are the questions that the war raised regarding race. During the war, anti-U.S. propaganda highlighted the juxtaposition of the United States fighting for freedom overseas while simultaneously practicing egregious racism at home. Civil rights proponents used the wartime rhetoric regarding American democracy to protest racial discrimination in the United States.[45] Within just a few years after the end of the war, challenging racism would be used as a bludgeon against civil rights activists, calling these social critiques un-American and therefore pro-Communist. But during the war and for a brief moment immediately following the war, it was the anti-democratic practices of racism that were fingered as being un-American.

The Jackson case shows a lesser-known use of the democratic discourse in this post-War period. While not directly challenging homophobia and certainly not championing homosexuality, the Jacksons used the rhetoric of democracy to challenge accusations of homosexuality,

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[42] Ibid.

[43] Letter from JJ to The Committee on Discipline for Men, University of Missouri, December 31, 1949. Frank Mann Papers, 1943–1951, General Correspondence, UM-System Board of Curators, University Archives, University of Missouri-Columbia, Columbia, Mo, UW:1/6/2 MFR 4 FF 7–8.

[44] Letter from RJ to Frederick A. Middlebush, President, University of Missouri, January 8, 1950. Frank Mann Papers, 1943–1951, General Correspondence, UM-System Board of Curators, University Archives, University of Missouri-Columbia, Columbia, Mo, UW:1/6/2 MFR 4 FF 7–8.

[45] Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, NJ: Princeton University Press, 2011).

and the issuing of a verdict with no evidence. The Jacksons also challenged the heavy-handed administrative use of university policy that labeled student behavior in such a way as to limit a student's future educational options without providing any evidence of that behavior whatsoever. Even the administrators were clear that they had no evidence that Richard Jackson was homosexual or had ever engaged in any homosexual activity; they knew only that he associated with people who the administration believed to be homosexual. Presuming guilt-by-association would be used to horrifying extent by McCarthy shortly, but here it was used by university officials and condemned by citizens who used the familiar rhetoric of the democratic necessity of challenging authority, protesting secret courts, and attempting to quash the abuse of power. That power grew as the administration cemented new policies and procedures.

One such procedure that was used both at Wisconsin and at Missouri was the imprint of the "indelible mark." Just as Wisconsin withheld a diploma from a student who had met all the degree requirements, had written letters of recommendation from his military training unit after college, and who was about to go on another tour of military duty, so too did Missouri curtail the future options open to Richard Jackson. He applied to at least two other institutions—the University of Illinois, and the University of Chicago—but was admitted to neither because those registrars in turn wrote to the University of Missouri and were told why he was dismissed.[46] Jackson wrote that he "was dismissed in my senior year... for a reason or reasons that I do not know, by a Committee that I did not know, and by a Committee that did not know me.... [Y]ou have taken three years out of my life and cast it away for no reason."[47] Likely the Wisconsin student, along with others expelled for homosexuality, felt the same.

Conclusions and Future Research

The history of gays and lesbians on campuses, as either faculty or students, in the pre-McCarthy years has yet to be written. The case of Richard Jackson led us to learn about a series of other cases: a purge of as many as ten faculty and fifteen students from the University of Texas in 1944; a faculty member and another student at Missouri the year before Jackson's case; and five students, some of whom were veterans in college on the G.I. Bill, at the University of Wisconsin in 1948. Patrick Dilley's oral histories suggest there also may have been a purge at the

[46]Letter from RJ to Frank C. Mann, March 7, 1950.
[47]Letter from RJ to Frederick A. Middlebush, January 8, 1980.

University of Illinois in the late 1940s.[48] We assume that there are more cases yet to be found. Finding such cases is difficult, since most personnel files are confidential and closed. Based on this research, though, we know that there was a sea change in administrative responses to homosexuality on campuses between the ad hoc "secret court" of Harvard in the 1920s and the building of permanent administrative machinery in the 1940s. Much more about the building of this machinery is yet to be learned.

One area of future research and theorizing is to more fully situate higher education history into the broader context of gay purges in the early-to-mid-20th century. Clearly, justification for purges changed depending on context. Drawing on Pierre Bourdieu's field theory, historians might more carefully analyze differences in discourse around homosexuality. According to Bourdieu, every "field"—such as education, science, politics, religion, and government—has its own logic and beliefs.[49] Therefore, perhaps historians need to think not just about anti-gay purges writ large, but about anti-gay discourses and structures in each field. Regarding homosexuality, we know that what legitimated the purges in the State Department—the unsubstantiated view that homosexuals posed a threat to national security—could not legitimate the purges in higher education, since students had no access to state secrets that enemies of the nation might want. Similarly, purges in K–12 education had their own "logic" or justification—that of protecting children—which was different from that used in either the State Department or higher education, or than in the military. While we might have a sense that there was general oppression and suppression of gays and lesbians in this period, we do not yet know where the purges began: not in what region, that is, but in what "field;" how the rationale differed, either over time or by field of discourse; and how the purges may have moved from field to field.

Another area of future research is to look for cross-institutional conversations, given the evidence of Missouri officials drawing on the expertise at Wisconsin. Is it possible that there were other meetings for the purpose of creating seamless, cross-institutional responses? Were some regions more concerned with this issue than others? Did anyone object to the creation of administrative machinery for this purpose? One next step is to look in the archives of the National Association of Deans and Advisers of Men (an organization that became the National Association of Student Personnel Administrators) to see if there was a

[48] Dilley, *Queer Man on Campus*.

[49] Pierre Bourdieu, *The Logic of Practice* (Stanford, CA: Stanford University Press, 1992); Pierre Bourdieu, *Distinction: A Social Critique of the Judgment of Taste* (Cambridge: Harvard University Press, 1984).

national conversation among this group about homosexuality on college campuses.

Finally, the purge in Texas is ripe for further study. This is the first and the largest instance we have found so far, following the purges of the 1920s. This purge also became a springboard into a large national discussion of academic freedom. When the Texas Regents dismissed President Rainey, the reason they first gave was his lack of vigor in ousting homosexuals. The Rainey case at Texas received a lot of national press for several years—at first when Rainey was fired, and then two years later when the AAUP issued its report. We do not yet know the extent of the influence this incident may have had on other universities.

This article is a small step in what needs to be a much larger project of uncovering the history of gays and lesbians on college campuses, of those perceived to be gay or lesbian, and of those students, faculty, and staff who were dismissed under that umbrella whether or not anyone believed them to be gay or lesbian. The stories that this research reveals are worthy of attention for their own sake, as well as for their potential to add to our knowledge of the history of higher education and administrative responses to cultural shifts, the history of sexuality, and the history of gays and lesbians on college campuses.