The Straight State of Oregon

Notes Toward Queering the History of the Past Century

by Jacqueline Dirks

My title plays on a recent and much-praised work of political history, Margot Canaday's *The Straight State: Sexuality and Citizenship in Twentieth-Century America*. Canaday examines the evolving bureaucracies of the twentieth-century American state through its institutional policing and regulation of queer bodies and behavior in key federal institutions: immigration law, military regulation, and welfare policy. She argues that as bureaucrats in various developing agencies and institutions encountered evidence of sex and gender nonconformity early in the century, they gradually evolved conceptual frameworks that recognized and penalized “those whose bodies or behaviors seemed perverse to them” (p. 3). As the American state expanded its powers, homophobia — along with scientific justifications of doctors, psychologists, and social scientists — defined who could be fit citizens and soldiers. “State-building itself was instrumental in helping to produce the category [homosexuality] that an expanding state would then see as its function to police” (p. 53). Canaday traces the transformation from officials’ scrutiny of deviants and dependents to their definition of whole categories of second-class citizens. In the same period as American women began to gain voting rights, Canaday argues, new categories were used to exclude others from citizenship. She examines this historical dynamic of inclusion and exclusion, where some Americans won rights even as others were denied legal standing.

Canaday locates key policies that were articulated by turn-of-the-century immigration authorities, and by military officials who policed soldiers’ bodies and sexuality during World War I. Would-be immigrants were stripped and scrutinized to determine if their bodies were “perverse,” a vague category that conflated one’s potential to become a
public charge (either unmarriageable or unemployable) with suspicion of “deviant” sexuality. Mass conscription brought recruits’ sex and gender difference to the attention of military authorities who measured soldiers’ genitalia as well as their IQs (intelligence quotient). In early welfare programs during the Great Depression, policy makers favored programs that purported to turn single unemployed men into bread-winning fathers. Officials increasingly sorted citizens and awarded rights according to a homosexual-heterosexual binary. By mid century, categories that initially had been too diffuse to allow systematic discrimination against homosexuals were refined and consolidated into federal policy.

Canaday asks readers to consider how citizenship came to be constructed as the privilege of straight, heterosexual men and women; she argues that in policing and promoting these norms, discrimination against queer people came to be inscribed in law and policy. In providing a new perspective on how the state defined “perversion” acts and bodies, Canaday offers a way to re-think the intertwined histories of sexuality and citizenship here in Oregon. She tells a sometimes-grim story of how federal authorities used homophobia to construct and control the state. Yet Canaday contends that many queer people simply crossed borders or quietly served out their military service without ever drawing the attention of authorities; the closet had advantages and costs. Canaday reminds readers that “it has been state and local governments that in the later-twentieth century have in practice ameliorated somewhat the federally created system of second-class citizenship for LGBT [lesbian, gay, bisexual, and transgender] persons” (p. 258, emphasis mine). Recent studies that examine the histories of gay, lesbian, and transgendered people in the West support such claims about the relationship among federal authority, citizenship rights, and local resistance. They include Peter Boag’s work on gay identity and community in Portland, Peggy Pascoe’s studies of how the state policed marriage, and Mark Largent’s examination of how forced sterilization became a legal means of punishment in Oregon and other states.4 In each of these cases, criminalization and coercion by the state would become the focus of activists who sought both civil and sexual rights.

Canaday enters an ongoing historical debate about the evolution of the modern state, demonstrating how the American state produced and policed “homosexuality” and that “the history of sexual regulation works against notions of the federal state as monolithic” (p. 257). Over the course of at least a century, the modern state evolved and enforced policies piecemeal, in response to particular problems, such as policing borders, waging war, or allocating aid.

During the late nineteenth century, a weak American state tried, among other efforts, to monitor successive waves of immigrants. Nativist policy-makers defined the democratic United States as against decadent Europe, and they worried that the urban immorality of the continent would contaminate the American metropolis. Policing the borders of the nation came to mean scrutinizing immigrants’ bodies, crossing borders or quietly serving out a weak American state tried, among other efforts, to monitor successive waves of immigrants. Nativist policy-makers defined the democratic United States as against decadent Europe, and they worried that the urban immorality of the continent would contaminate the American metropolis. Policing the borders of the nation came to mean scrutinizing immigrants’ bodies, crossing borders or quietly serving out a weak American state tried, among other efforts, to monitor successive waves of immigrants. Nativist policy-makers defined the democratic United States as against decadent Europe, and they worried that the urban immorality of the continent would contaminate the American metropolis. Policing the borders of the nation came to mean scrutinizing immigrants’ bodies, crossing borders or quietly serving out a weak American state tried, among other efforts, to monitor successive waves of immigrants. Nativist policy-makers defined the democratic United States as against decadent Europe, and they worried that the urban immorality of the continent would contaminate the American metropolis. Policing the borders of the nation came to mean scrutinizing immigrants’ bodies, crossing borders or quietly serving out a weak American state tried, among other efforts, to monitor successive waves of immigrants. Nativist policy-makers defined the democratic United States as against decadent Europe, and they worried that the urban immorality of the continent would contaminate the American metropolis. Policing the borders of the nation came to mean scrutinizing immigrants’ bodies, crossing borders or quietly serving out a weak American state tried, among other efforts, to monitor successive waves of immigrants. Nativist policy-makers defined the democratic United States as against decadent Europe, and they worried that the urban immorality of the continent would contaminate the American metropolis. Policing the borders of the nation came to mean scrutinizing immigrants’ bodies, crossing borders or quietly serving out a weak American state tried, among other efforts, to monitor successive waves of immigrants. Nativist policy-makers defined the democratic United States as against decadent Europe, and they worried that the urban immorality of the continent would contaminate the American metropolis. Policing the borders of the nation came to mean scrutinizing immigrants’ bodies, crossing borders or quietly serving out
bureaucracy, where “federal regulation . . . involved a complex dialectic of discovery and creation” (p. 53).

Nativists and some psychologists believed immigrants embodied foreign perversions, which American doughboys might absorb. During World War I, immigration inspectors and military vice investigators traded jobs while also sharing information. But the stakes were higher for the military officials: “If the Bureau of Immigration failed to detect perverts, it might look ineffective; when the military failed, it looked queer” (p. 58).

Still, military officials, like sexologists, could not yet agree on what constituted perversion. Instead, leaders of the armed forces sought to deflect stigma: they located the source of perversion in civilian life rather than in same-sex military institutions, and they court-marshaled soldiers found guilty of sodomy. Canaday juxtaposes the well-known, decade-long Civilian Conservation Corps (CCC) with the obscure and short-lived (1933–1935) Federal Transient Program (FTP). While the FTP recruited hoboes, tramps, and vagrants (many of them World War I veterans), a footloose population reputed to enjoy a homosexual subculture, the CCC sought to prevent male transience and train young men to be stable future breadwinners. Canaday notes the similarity of the two programs, especially the same-sex camps for aid recipients. Direct state assistance to single, able-bodied men roused critics, who believed that government aid such as the FTP gave shelter to shiftless male transients, kept men from supporting families, and fostered homosexuality.

In response, CCC officials successfully claimed that their program “settled” young men who were full of “wanderlust” and thus trained them for family and/or military life. As with early immigration policy, federal officials rewarded those men who might support dependents or protect the nation.

Public policy that favored straight over gay male citizens (at the expense of women) continued as depression gave way to war. Canaday expands on previous histories of the disgraceful treatment of gay and lesbian veterans after World War II. Military officials who had welcomed these patriotic enlistees now targeted them for “undesirable” discharges based on their sexuality. Many gay and lesbian soldiers were prevented from collecting benefits they deserved and needed, and faced discrimination from employers. Canaday contrasts official denial of widespread homosexuality in the World War I military to show that by World War II, “the military had begun to process homosexuals as a class of people” (p. 147). Further, Canaday locates the emergence of heterosexual-homosexual binarism in post-war welfare policy, especially in the way that the GI Bill rewarded and subsidized straight men and their dependents. She details the long feud between Congress and military officials over legislation that would have permitted some of these “undesirable” veterans to collect benefits. This episode laid the groundwork for “Don’t Ask, Don’t Tell” (the 1993–2011 policy that banned openly gay, lesbian, or bisexual people from serving in the military), as “the military establishment used the GI Bill to build a closet within federal social policy” (p. 170). Canaday notes that some homosexual servicemen and servicewomen were never asked, never told, and quietly collected their hard-won benefits.

Canaday’s analysis of World War II veterans includes both male and female soldiers, but it is her chapter on the treatment of women in the Cold War military that breaks new ground. Instead of focusing on the domestic politics of McCarthyism and the “lavender scare,” Canaday argues that fighting Communism simultaneously necessitated the integration of women into the U.S. military and required the vicious policing of lesbianism among both officers and the rank-and-file. Her book is filled with poignant accounts of individuals’ harsh treatment at the hands of officials; the personal stories, culled from official records, in this chapter are especially tragic.

Cold War bureaucrats also policed the borders of the nation-state, and U.S. immigration policy enacted in the 1952 McCarran-Walter Act barred entry to both Communists and known homosexuals, while it favored family reunification. In her final chapter, Canaday traces the consolidation of sexual identities manifested in mid-century immigration laws. Medical and psychological authorities sparred over the definition of homosexuality, and disagreed, leaving immigration officials without a workable bureaucratic classification. Canaday shows how the Immigration and Naturalization Service, the Public Health Service, and the federal courts, all with different political interests in screening immigrants, evolved “the idea of homosexuality as a legal construct” by the 1970s (p. 216). The new standard assumed hetero-homo binarism, but the final determination of whether an alien fit one or the other category was left to the bureaucrats.

Over the course of the century, federal and state lawmakers produced, policed, and penalized homosexuality, and established second-class U.S. citizenship for LGBT people. “As the state moved to enfranchise women and dismantle Jim Crow, it was gradually working to construct a boundary in law and policy that by midcentury
explicitly defined the homosexual as the anticitizen” (p. 8–9). In doing so, that intrusive state also helped set the terms for rights consciousness, as some queer people argued that their sexuality should not bar them from benefits enjoyed by straight citizens. Since citizenship is a national category, that battle has necessarily engaged partisan politics. Canaday acknowledges that some legal rights have been won in states and localities, yet she emphasizes the power and symbolism of federal laws and insists on the need to change those laws to include LBGT people.

In The Straight State, Canaday has used a wealth of archival evidence to make her case and tell the stories of people caught up (and caught out) by federal agents. Immigration records and accounts of military courts martial bring to light the plight of some individuals, and oral history projects may yield further confirmation. Canaday also compares what were (and are) very different government bodies, with different leaders, powers, and goals. Her study covers more than a century and necessarily skims over some key events. Still, that long trajectory establishes once again that meanings of gender, sex, and sexuality have changed over time, and it shows how public officials have tried to regulate private life in the name of the public interest.

Canaday’s political perspective on the state also offers new ways to make sense of Oregon’s role in producing and policing American citizenship. Putting sexuality and homophobia back into the picture shows how these categories figured in authorities’ calculations to restrict and deny citizenship rights. As scholar Donna Penn has put it, this “notion of queer’ asks that we examine the construction of the normal, and in the process, map the deviant.”1 A number of fine studies of Oregon and the Pacific Northwest have taken up this project.

Oregonians originated and implemented discriminatory laws and policed would-be immigrants at territorial and state borders. Racial exclusion was inscribed in Oregon’s 1857 state constitution (accepted by Congress in 1859), and nineteenth-century Oregon lawmakers denied citizenship rights and land ownership to Native Americans, Hawaiians, Chinese, and Japanese immigrants. At the same time, the wide-open spaces of the West, including nineteenth-century Oregon, also provided cover for people who successfully transgressed the sexual and gender boundaries of their time. In his recent book on cross-dressers in the American West, Peter Boag details their ubiquitous presence. He argues that by the late nineteenth century, sensational press stories about women who passed as men had become “part of a large and forceful national project that heteronormalized America’s frontier past and thus its own national origins.”

Men who dressed as women presented a different problem: “The male-to-female cross-dresser, his gender, and his sexuality ran counter to cherished regional and nation-building myths.”16 Boag argues that by the early twentieth century, male-to-female cross dressers were drawing the negative attention of sexologists and other experts, as “sex invert.”17 Boag’s argument about how queerly dressed people were written out of late-nineteenth-century frontier history ends just where Canaday begins her analysis of federal immigration and military officials’ scrutiny of queer bodies.

As noted above, Canaday’s straight state favored not only those with “normal” bodies but also women and men who were married or marriageable. Marriage was the basis for inheritance of property and receipt of state aid, from widows’ claims to veterans’ pensions to Social Security benefits. As Peggy Pascoe has shown, Oregon and other western states banned intermarriage between whites and racial “others” as a way of defining race and restricting property rights.4 By policing marriage, the state also tried to regulate sexual behavior and reproduction. Tactics included so-called “positive eugenics,” in which reformers and lecturers encouraged marriage and reproduction by the “best” citizens. Oregon lawmakers also engaged in “negative eugenics,” promoting coerced sterilization to discipline and punish prison inmates (including suspected homosexuals) and other wards of the state. After multiple defeats, Oregon’s 1921 compulsory sterilization bill passed, becoming a model for other states. (Such state laws were upheld at the federal level by the Supreme Court in Buck v. Bell in 1927.) As late as 1943, a popular eugenics exhibit on loan from Germany was publicly displayed in Salem and other cities, sponsored by Oregon’s public health officials.8 The 1921 law was finally repealed in 1982, with a formal apology issued only in 2002.10

Moral panics over sex and sexuality drew attention to sexual differences. In Same-Sex Affairs, Boag describes this phenomenon in the making of a visible, gay-male, urban subculture in Portland during the early twentieth century. Boag found evidence of same-sex cultures among working-class and middle-class men, much of it revealed in public records generated by a concerted, and successful, campaign by Portland police and reformers to criminalize and penalize homosexual men.11 During the early 1990s, Oregon was the site of another sex panic, this time promoted by opponents of same-sex civil rights. In her participant-observer study of one rural Oregon town, sociologist Arlene Stein interviewed residents who initially divided over a proposed municipal law to end legal discrimination against its gay and lesbian citizens. By all accounts, “Timbertown” locals had not worried about their neighbors’ sexual choices. (Stein notes the town’s proximity to several communes that Linda Long documents in this issue’s archival history of 1970s lesbian and gay back-to-the-land projects in southern Oregon.) The local dispute fostered the influence of the Oregon Citizens Alliance (OCA), which introduced ballot Measure 9 and framed same-sex civil rights as “special rights” in the text of its own proposed law. Local conservative Christian evangelicals mobilized with help from national right-wing groups. Opponents of anti-discrimination laws drew on residents’ economic and religious beliefs as well as their homophobia to garner support. In this new purity campaign, Stein argues...
Oregon has at times been a leader in legislating civil rights for homosexual citizens: voters repealed the state’s sodomy law in 1971, and the Portland City Council barred discrimination against city workers in 1974. The Oregon Equality Act, which protects gay, lesbian, bisexual, and transgender people from discrimination, was enacted in 2007. Another key means of access to rights, legalization of same-sex marriage, is still contested. In 2004, Multnomah County briefly issued marriage licenses for same-sex couples. That same year, opponents of same-sex unions introduced and passed Measure 36, which defined marriage as between “one man and one woman” in Oregon’s state constitution. As Boag, Stein, and others have shown, such opposition to same-sex civil rights is also part of Oregon’s story.

Canaday shows that citizenship rights have deep historical roots and were part of the foundation of a modern American nation-state whose laws continue to favor straight white people. Constructing homosexuals as anti-citizens took a long time, and the laws and policies established in federal and state institutions have undermined efforts to eliminate discriminatory statutes. Like early campaigners for the vote and civil rights advocates, activists who work for full citizenship for gay, lesbian, and transgendered people will need inspiration and fortitude — and historical studies like Canaday’s.

NOTES

11. Boag, Same-Sex Affairs.