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OFFICE OF THE SECRETARY

CONFIDENTIAL

P13-7

83443

January 1, 1943

From: The Secretary of the Navy.
 To: All Ships and Stations.

Subject: Procedure for the DISPOSITION of HOMOSEXUALS among
 Personnel of the U. S. Naval Service.

1. It has been a source of some concern to the Department that the action taken in regard to cases of homosexuality among naval personnel has lacked uniformity. Varying punishment has been inflicted in comparable cases. In addition to this inequity, the Department believes that heed should be given to the opinions of physicians and penologists who believe its treatment of homosexuals to be, to some degree, archaic. Consequently, the Department sets forth herein a standard procedure for the disposition of such cases among its personnel.

2. It is the generally accepted opinion that homosexuality, in the majority of cases, is a medical rather than a criminological problem. It results from the faulty biological development of the individual and, after the condition has sufficiently developed, the conscious will of the homosexual individual is unable to change any of his perverse desires. The fact, however, that homosexuality is primarily a medical problem does not affect the criminal nature of the acts of certain homosexuals. Society must forbid homosexual assaults or any other homosexual act which presents a threat to, or the invasion of, the rights of others or to the security of the social order as a whole. Socially dangerous homosexuals must be isolated.

3. For the purposes of the procedure laid down herein, therefore, homosexual acts are to be divided into two classes:

Class I is defined as those cases accompanied by assault or coercion; any action with a child under the age of consent, whether the child cooperates or not; or the invasion, or any action accompanied by the invasion, of the rights of others, so long as the other person concerned in the act did not willingly cooperate.

Class II is defined as acts representing the habitual performances of persons actually homosexual in their inclinations and involving no invasion of the rights of others.

4. The following procedure will therefore be carried out in the disposition of all cases of homosexuality:

I. When a case of homosexuality has been brought to the attention of the commanding officer, he shall cause a thorough inquiry into the circumstances to determine: (a) whether an offense, proposed, attempted or completed, has occurred; and (b)

whether the offense should be rightly classified under Class I or Class II as defined in the preceding paragraph. In this determination, the assistance of a psychiatrist or, if none be available, of the senior medical officer present should be sought.

II. If the case is classified as Class II as defined in paragraph three hereof, charges and specifications for trial by general court-martial shall be drawn and the accused shall be confronted with them. At the same time, he shall be offered the following alternative:

(a) Officers shall be informed that a resignation containing the words "for the good of the service and to escape trial by general court-martial" will probably meet with favorable consideration.

(b) Enlisted men shall be informed that a signed statement as follows: "I hereby accept an undesirable discharge for the good of the service and to escape trial by general court-martial" will probably receive favorable action.

Except in the most extraordinary situations, resignations so worded shall be accepted, and, where such statements are signed, discharges as undesirable issued in cases of this character. In the case of an officer, his commanding officer shall at once forward to the Chief of Naval Personnel all papers obtained in connection with the case, including the statements of witnesses. In the case of an enlisted man, a brief account of the circumstances shall be entered in his service record.

If the accused, if an officer, refuses to submit his resignation so worded, or, if an enlisted man, to sign a statement so worded, he shall be tried by general court-martial on the charges and specifications.

III. If it shall be determined that the case falls within Class I as defined in paragraph three, trial by general court-martial, OFFICER OR MAN, shall be the only recourse.

Where the accused is convicted and sentence of confinement has been adjudged and approved by the Secretary of the Navy, the offender shall appear at the place designated for his confinement before a suitable board appointed by the Secretary of the Navy to consist of three officers, one of whom shall be a psychiatrist. After appropriate study, this board shall recommend whether the sentence as confirmed be executed in a naval prison or whether, in lieu thereof, the offender shall be committed to an institution for the insane, to remain there for an indefinite period, until it be determined that his release will be in the best interests of society.

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The questions of parole, discharge prior to serving full sentence, etc., of those who are required to serve their sentence

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in a naval prison shall be subject to the decision of the present parole board, one member of which shall be a psychiatrist.

5. This procedure shall be followed without exception in all cases of homosexuality arising among personnel of the Navy and Marine Corps, Naval Reserve, and Marine Corps Reserve while on active duty, including the Women's Reserve.

FRANK KNOX

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C-200 -- Procedure for the Disposition of Homosexuals Among the Personnel of the United States Naval Service.

CONFIDENTIAL. P13-7, 2 October 1943

Action: All Ships and Stations

(Ref.: (a) SecNav ltr. P13-7 83443, dated 1 Jan. 1943, N. D. Bul. of Jan. 1943, C-15).

1. Insert the following paragraph after paragraph 4, II, (b), of reference (a):

(c) Members of the naval service who hold a permanent enlisted rating and a temporary appointment to officer rank shall be informed that favorable action will probably be accorded to a signed statement as follows: "I hereby consent to the termination of my temporary appointment to officer rank and accept an undesirable discharge for the good of the service and to escape trial by general court martial."

-- SecNav. James Forrestal.

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