

by dependency discharge. If this did not apply, either because the child died or the mother announced her intent to give it away, authority for discharge was, for the duration of the war, solved only by emergency requests to headquarters, which obligingly furnished authority to discharge the woman "by authority of the Secretary of War." It was not until 1947 that authority was published for "pregnancy" discharge if a child had already been delivered, living or stillborn.²⁹

Delay in discharge was particularly conspicuous in overseas theaters. Director Hobby was eventually obliged to obtain a directive stating that, if discharge had been delayed until pregnancy was so advanced that the mother's or unborn child's life would be endangered by travel, the mother might be retained in service overseas until the infant was born, and both returned to the United States. Authority was provided for getting the baby past immigration officials and into Army hospitals as a "patient," and for discharging the mother when she was no longer pregnant. The Navy Department very shortly published an identical circular.³⁰

A related problem was the type of discharge, if any, that should be given for abortion. The problem occurred very rarely, but in early 1944 there came to Director Hobby's attention four or five recent cases in which Army commands had given the offender a blue or "other than honorable" discharge. It was the Director's reaction that a woman guilty of deliberate abortion, married or unmarried, should be promptly discharged, both for the sake of the other women in the Corps and for the good of the individual herself, who would ordinarily be emotionally and physically unfitted for exacting military duty for some months. However, a check

by legal officers revealed that abortion was ordinarily not a civil or criminal offense for a woman, but only for the practitioner who performed it. Furthermore, legal and medical authorities agreed that it was ordinarily impossible, after the event, to certify to a court whether abortion or miscarriage had actually taken place and, if so, whether it was illegal or accidental.³¹

The Army courts that had given blue discharges to enlisted women for this action had therefore been guilty of applying legal penalties to women who had violated no law. In accordance with her previous policy concerning pregnancy, Director Hobby sought some means of honorable discharge, which would protect the individual's rights while preserving the right of the Corps to choose the type of members it desired. She found the WAVES in an identical dilemma. That organization could find no legal basis for discharge but had hesitated to publish this fact, fearing to appear to condone abortion, and so had done nothing, the decision being left to field commands. The SPARS had an ingenious system: a woman was required by regulation to report her possible pregnancy as soon as she suspected it, and was

²⁹ WD Cir 43, 15 Feb 47, sec IV.

³⁰ (1) ETO Bd Rpt, Vol. I, pp. 25, 124-25, and Vol. III, App. 114, p. 7. (2) Ltr, ETO to Dir WAC, 10 Oct 44. WDWAC 702. (3) Ltr, AGO to all Maj Comds, ATC, Ports, and Theaters, 20 Oct 44. AG 704.11 (9-22-44) OB-P-SPGAM-MP-M; in WDWAC 702 (1945). (4) Ltr, Asst Dir WAVES to Dir WAC, 14 May 45. PERS-170-MEK, in WDWAC 370.01.

³¹ Folder, WAC Separation for Pregnancy, esp Ltr, 4th SvC to CO Ft Oglethorpe, 10 Feb 44, directing "Section VIII" discharge for EW, with Ind from JAG. WDWAC 702 (2-23-44). Comments on Colonel Hobby's deliberations on the matter are from the memory of Maj. Mattie E. Treadwell, Assistant Chief, WAC Branch, G-1, who shared the conferences on the subject.