

Sex Offenses: Sexuality and the Criminal Justice System in 20th-Century US History

Course #:
Term:
Day and time:
Location:

Instructor: Scott De Orio, PhD
Email:
Office:
Office hours:

Sex Offenders Must Register

**City Council Adopts
Antidegeneracy Law
Urged by Police Board**

At the request of the Police Commission the City Council yesterday unanimously adopted an ordinance requiring that all persons convicted, here or elsewhere, since 1921, of sexual offenses, must register with the Police Department.

It was stated that this registration will do much to assist the police in solving crimes of degeneracy.

Los Angeles Times, September 24, 1940.

Course Description

On September 24, 1940, the *Los Angeles Times* reported that the city council there established a police sex offender registry, the first of its kind in the nation, requiring people convicted of certain sex crimes to check in with the local police about their whereabouts and where they were living. Today, the registry is overseen by the federal government, and there are almost a million Americans who are registered sex offenders. This course examines the creation and historical evolution of new ways of policing sexual crime, such as the sex offender registry, that ultimately became a significant part of the contemporary crisis of mass incarceration in America. Along the way, we will investigate how sexual policing has produced hierarchies of race, class, gender, gender expression, sexuality, and age, in terms of who has or has not been criminalized. Topics include policing “promiscuous” women during World War I, the criminalization of black children as “juvenile delinquents,” the crackdown on lesbians in the military after World War II, the criminalization of HIV, and the creation of Title IX sexual assault offices at colleges and universities in recent decades.

Learning Objectives

- Understand and explain major topics and issues related to the history of sex crime law and the history of mass incarceration in the United States
- Develop critical-thinking skills such as evaluating historical evidence and strategic reading
- Develop a deeper understanding of how social hierarchies affect your own life and the lives of others

Discussion

- Attendance and participation account for 20% of your final grade
- Discussion is a valuable space of experimentation, because talking and dialogue is one way in which people learn
- Guidelines: tact, openness, aim to contribute to large-group discussion at least once per class period
- 1 unexcused absence no questions asked, email me otherwise
- More than four unexcused absences may result in a failing grade

Course Notes

- Writing center:
- Mental health note:
- Academic integrity:
- I reserve the right to amend this syllabus if the need arises, or if we decide as a class to make a change
- Do not record the class without my permission
- Please email me or come to my office hours to discuss a grade. If you would like a re-grade, I may ask you to write a short statement explaining why.

Readings

- All readings are available on Canvas in the “hypothes.is” module

Schedule

Week 1: introduction to the course

Date

- Review syllabus
- Icebreaker: name, favorite subject in school, fun fact
- Primary source:

Week 2: governing rape and campus sexual assault

Date

- Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge, MA: Harvard University Press, 2013).
- Primary source: New York Historical Society resource on New York state's married women's property law

Date

- Karen Tani, "An Administrative Right To Be Free from Sexual Violence? Title IX Enforcement in Historical and Institutional Perspective," *Duke Law Journal* 66, no. 8 (2017): 1847–1903.

Theme: the politics of child protection and child sexual abuse

Week 3

Date

- Stephen Robertson, *Crimes against Children: Sexual Violence and Legal Culture in New York City, 1880–1960* (Chapel Hill: University of North Carolina Press, 2005), 1–72.

Date

- Joseph J. Fischel, "Transcendent Homosexuals and Dangerous Sex Offenders: Sexual Harm and Freedom in the Judicial Imaginary," *Duke Journal of Gender Law & Policy* 17, no. 277 (2010): 277–311.
- Primary source: Philip Fornaci and Roger Lancaster, "In Arlington, a Judge Must Decide If a Nonviolent Sex Offender Should Stay Incarcerated after Serving His Sentence," *Washington Post*, August 23, 2019, <https://www.washingtonpost.com/opinions/2019/08/23/arlington-judge-must-decide-if-nonviolent-sex-offender-should-stay-incarcerated-after-serving-his-sentence/>.

Week 4

Date

- Tera Eva Agyepong, "Constructing a Black Female Delinquent: Race, Gender, and the Criminalization of African American Girls at the Illinois Training School for Girls at Geneva," in *The Criminalization of Black Children: Race, Gender, and Delinquency in*

Chicago's Juvenile Justice System, 1899–1945 (Chapel Hill: University of North Carolina Press, 2019), 70–96.

Date

- Nicola Beisel, *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America* (Princeton, NJ: Princeton University Press, 1997), 3–24.
- Primary source: Anthony Comstock, *Traps for the Young* (1883), <https://archive.org/details/trapsforyoung00comsiala/page/n5>.

Week 4: punishing sex work

Date

- Nayan Shah, introduction and chapter 3, “Perversity, Contamination, and the Dangers of Queer Domesticity,” in *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Oakland: University of California Press, 2021), 1–16, 77–104.

Date

- Anne Gray Fischer, “‘Land of the White Hunter’: Legal Liberalism and the Racial Politics of Morals Enforcement in Midcentury Los Angeles,” *Journal of American History* 105, no. 4 (2019): 868–84.

Week 5: queer public sexual subcultures

Date

- Julio Capó Jr., *Welcome to Fairyland: Queer Miami before 1940* (Chapel Hill: University of North Carolina Press, 2017), 1–59.

Date

- Cookie Woolner, “‘Woman Slain in Queer Love Brawl’: African American Women, Same-Sex Desire, and Violence in the Urban North, 1920–1929,” *Journal of African American History* 100, no. 3 (2015): 406–27.
- Primary source: “An Excerpt from ‘Times Square Red / Times Square Blue,’” Metrograph, accessed October 16, 2019, <http://metrograph.com/edition/article/85/an-excerpt-from-times-square-red-times-square-blue>.

Week 6: lesbians and queer women

Date

- Margot Canaday, “‘Finding a Home in the Army’: Women’s Integration, Homosexual Tendencies, and the Cold War Military, 1947–1959” in *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, NJ: Princeton University Press, 2009), 174–213.
- Primary sources related to keyword search “Women’s Army Corps,” USC Digital Library (ONE National Gay and Lesbian Archives), <http://digitallibrary.usc.edu/cdm/search/searchterm/women's%20army%20corps/collection/p15799coll4>

Date

- Primary source: Leslie Feinberg, *Stone Butch Blues* (1993)
- Do a keyword search: “police,” “feminist”

Week 7: policing gender nonconformity

Date

- Clare Sears, introduction to *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco* (Durham, NC: Duke University Press Books, 2014), 1–22.
- Primary source: *In re Martinez* (California Supreme Court, 1955)

Date

- Documentary: *Screaming Queens* (2005), <https://www.youtube.com/watch?v=G-WASW9dRBU>
- Primary source: *Mayes v. Texas* (US Supreme Court, 1974)

Week 8: sexually transmitted infections

Date

- Scott W. Stern, “‘Young Lady, Do You Mean to Call Me a Liar?’” and “‘Willing to Go to Jail for Such a Cause,’” in *The Trials of Nina McCall: Sex, Surveillance, and the Decades-Long Government Plan to Imprison “Promiscuous” Women* (Boston, MA: Beacon Press, 2018), 1–31.
- Primary source: *Josephine E. Butler: An Autobiographical Memoir* (1909), <https://archive.org/details/josephineebutler00butliala/page/n6>

Date

- Steven W. Thrasher, “‘Tiger Mandingo,’ a Tardily Regretful Prosecutor, and the ‘Viral Underclass,’” *Souls* 21, no. 2–3 (2019): 248–52.

- Emily S. Rueb, “He Emerged From Prison a Potent Symbol of H.I.V. Criminalization,” *New York Times*, July 14, 2019, <https://www.nytimes.com/2019/07/14/us/michael-johnson-hiv-prison.html>.
- Primary source: Ryan White Comprehensive AIDS Resources Emergency Act, 42 U.S.C. § 201 (1990).

Week 9: punishing black women

Date

- Carolyn E. Cocca, “From ‘Welfare Queen’ to ‘Exploited Teen’: Welfare Dependency, Statutory Rape, and Moral Panic,” *NWSA Journal* 14, no. 2 (2002): 56–79.
- Primary source: Alan Guttmacher Institute, *Sex and America’s Teenagers* (1994), <https://www.guttmacher.org/sites/default/files/pdfs/pubs/archive/SaAT.pdf>.

Date

- Beth E. Richie, introduction and chapter 4: “Black Women, Male Violence, and the Buildup of a Prison Nation,” *Arrested Justice: Black Women, Violence, and America’s Prison Nation* (New York: NYU Press, 2012), 1–22, 99–124.

Week 10: conclusion

Date

- Discussion about overarching themes in the course