

CRIME OUT

LGBTQs and the Criminal Legal System

When we talk about LGBTQ people and the courts today, we're often referring to the seemingly endless stream of LGBTQ victories coming out of judicial systems across the country.

But in the criminal courts, LGBTQ people have long faced a different reality. Perhaps nowhere has that been more visible than in Cook County,

historically a model for criminal legal systems throughout the country.

In the next four weeks, Windy City Times will take readers through that structure today as we look at how LGBTQ people get caught in the system and the challenges they face once there.

A Windy City Times Special Investigative Series



Left to right: 1911 Chicago Vice Commission report. Chicagoan Henry Gerber, who was arrested in the 1920s after starting a homosexual rights group. Clarence Darrow defends the high-profile murderers Leopold and Loeb, a case sensationalized based on the relationship between the two young men. At right: Two men or two women dancing together as well as cross-dressing were banned in gay bars until the 1970s, but some people risked arrest to be themselves. Images this section from the Chicago History Museum, M. Kuda Archives and Windy City Times archives

With Malice Aforethought: LGBTQs and the criminal justice system

BY TRACY BAIM

The legal definition of malice aforethought includes "an intent willfully to act in callous and wanton disregard of the consequences to human life."

Throughout much of U.S. legal history, this would be an apt description of the legal system's approach to people beyond the traditional definitions of sexuality and gender identity.

The ways the system has harmed the LGBTQ community are many, but here are a few key historical problems:

— Sodomy and related sex laws. They primarily targeted gay men. Illinois was the first state to get rid of its sodomy law, in 1961, and the U.S. Supreme Court finally banned such laws in *Lawrence v. Texas* in 2003.

— Targeting "vice." These commissions and police squads go after any illegal activity, including prostitution. But many over-eager departments have also targeted gay men having consensual sex (without prostitution), and police have had handsome decoys pose as gay men in order to entrap victims in public spaces. Police even placed ads in gay papers' personals and massage sections seeking to entrap men.

— Cross-dressing laws. Many states and cities had laws that barred people from wearing items traditionally linked to the opposite sex. These laws allowed for police harassment and arrests. It took Chicago until the 1970s (first through legal rulings and later through City Council action) to eliminate the cross-dressing law.

— Dancing queens. While it was technically not illegal, police often harassed and arrested people for dancing with a partner of the same sex. Until the early 1970s, most Chicago-area gay bars banned same-partner dancing to avoid additional police scrutiny.

— Official harassment. LGBTQ bars, especially prior to 1980, were targets of police shake-downs, and were often also harassed by the Mafia. The police harassment created a large level of distrust in seeking help from authorities when the businesses experienced other problems, and owners often turned to the Mob for pseudo-protection. Police cooperated with media to provide names of those arrested—resulting in lost jobs and even suicides.

— Fear of authorities. Because of this fear, including potential arrest, many gays did not report crimes, including shakedowns by men impersonating police officers, or blackmail from other criminals. This in turn allowed criminals to flourish. Even today, community organizations often document higher anti-LGBT crime numbers than police do, because of this fear of reporting to authorities.

— Institutionalized bias. Past exclusion of known sexual-minority persons from law licenses, police employment and other jobs meant openly LGBT people did not have a seat at the table in creating policies and enforcing laws.

— Gay panic. This is a common "defense" used by those charged with violent gay attacks and murders, and it has often been successful.

— Ignoring violence. Neighborhoods perceived as "gay" have often been targeted by gay-bashers and serial killers. In the past, because police ignored the crimes or often treated them with little seriousness, LGBTQs organized their own street patrols and response, including a whistle-blowing campaign in 1970s Chicago, and a 1980s Pink Angels group. Ignoring violence has gone beyond ignoring neighborhood gay-bashing to ignoring or belittling individual complaints of crime or to inadequate investigations of homicides. Some serial killers likely were able to continue their trade longer because of a lack of police attention to their attacks, and their victims. (John Wayne Gacy, Larry Eyler and Jeffrey Dahmer are three such examples.)

— Criminalization of HIV and AIDS. Gay men have been targeted for their sexuality based on the consequences of these types of laws, many of them still on the books. And new HIV/AIDS transmission laws are also being passed with regressive language.

— Intimate-partner violence. Police and authorities have had a difficult time handling domestic-violence cases involving people of the same gender, or gender non-conforming people. The police ask "who is the man" or "who is the woman" because they do not have the training to understand how LGBT relationships work.

— Mishandling transgender cases. The police across the U.S. have had difficulty with transgender survivors of attacks, and with solving the large number of transgender murder cases.

Victims are often treated with shocking levels of ignorance and transphobia.

— Prison problems. Discriminatory denial of prison rights or privileges, derogation, and the debatable issue of segregation, which has sometimes seemed to benefit sexual-minority prisoners but can lead to more discrimination or harassment by guards.

— Criminalization of sex work. Transgender people, who face employment discrimination and lack of access to extremely expensive (often life-saving) gender-related medical care, are disproportionately engaged in sex work. But even those who are not are frequently arrested as sex workers by police simply for "walking while trans."

These are just a few of the problems related to LGBTQs and the criminal justice system. There are many more problems related to the civil courts. In the civil courts, LGBTQs have lost custody of children, lost their homes after a partner dies, been refused adoptions and encountered many other biased decisions based on their sexuality or gender identity.

Many of these problems have decreased in recent decades, solved in part by pressure from activists, help from allies, and the coming out of LGBTQ police officers, lawyers, judges and elected officials.

But this recent history of harassment and abuse by law enforcement and the courts still has a residual impact, causing mistrust of the system, and in some cases appearing on people's criminal records still today. For example, an adult man arrested for supposedly public consensual sex with another adult man may have to register as a sex offender.

In this special Windy City Times series, we will look in depth at the criminal legal system and the LGBTQ community in Cook County. Our reporters spent several months researching the archives, looking into public records, interviewing authorities, visiting county facilities and talking to people who have an up-close view of the criminal justice system.

In many ways, the problems LGBTQs face with the prison industrial complex are a reflection of the larger societal problem with incarceration and of a society that would spend \$50,000 incarcerating someone for smoking marijuana or for stealing \$100, rather than take a realistic approach to drugs and survival crimes. But perhaps by investigating further this one area of the system, we can see alternative solutions for a system desperately in need of being fixed.



Tony Midnite was a popular female impersonator, including in Chicago. This image is from 1953. Cross-dressing was banned in the city until the 1970s.



Chicago Tribune April 26, 1964 report on a raid of the Fun Lounge, a suburban Chicago gay club.



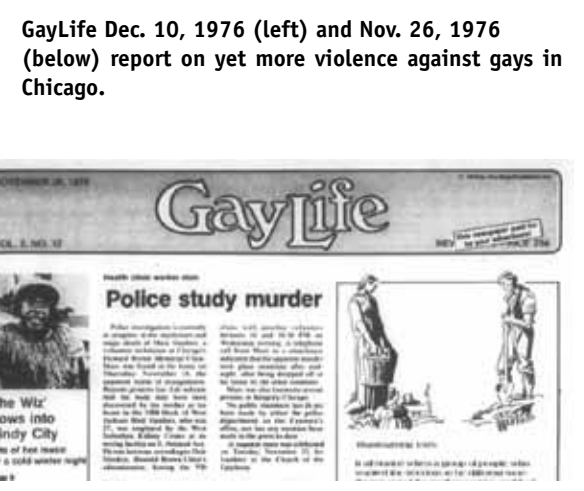
The Gay Crusader December 1973 (left) and August 1973, reports on police reforms and a benefit for people injured in a devastating arson fire in New Orleans.



GayLife Aug. 29, 1975 report on muggings of gay men in Chicago.



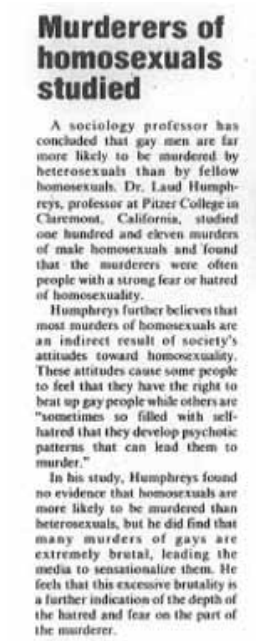
Left: In 1975, The Chicago Gay Crusader alerted readers to attacks on gay men in public parks, as well as police arrests of gays. Right: Activists protested the police response to the murder of Donna Smith by her ex-husband. In GayLife Dec. 24, 1974.



GayLife Dec. 10, 1976 (left) and Nov. 26, 1976 (below) report on yet more violence against gays in Chicago.



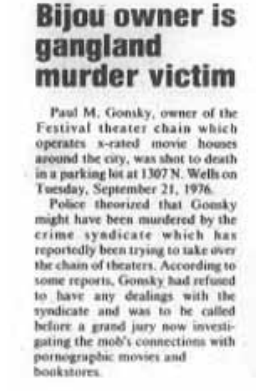
A rare case of a murder of a gay person solved, through a confession reported in The Gay Crusader September 1975.



Bijou owner is gangland murder victim



Gay Life exposes convict's scheme to 'bilk' money from unsuspecting gays



Gay Life exposes convict's scheme to 'bilk' money from unsuspecting gays

Left: GayLife Oct. 1, 1976 reported on a study showing most gay men are killed by heterosexuals, not other gays, and a report on the murder of Bijou's owner. Above: GayLife Feb. 4, 1976, stories about a double murder of two women, and a blackmail scheme.

Gay bartender murdered

Frank Rodde III, 29, was found dead of multiple stab wounds on Saturday, April 2. The time of death was set around 7 PM that same evening, and the body was discovered in a bathtub in his apartment at 3710 N. Pine Grove Ave., Chicago. His wallet was reported to be missing.

Rodde, better known as "Punkin," was a bartender at Carol's in Exile, 3510 N. Broadway. Fellow bartenders acted as pallbearers on Wednesday, April 6, as Rodde was buried from St. Francis Xavier Church. He had previously worked at Mother's Other and the Annex. Carol, Rodde's employer for five years, told *Gay Life* that police were investigating and "have a couple of suspects." He also related leaving Rodde's company fifteen hours before his violent death, and said that "Frank was in good spirits at that time." At press time police had not yet questioned Carol of his other employees, nor any of the tavern's regular patrons.

GayLife April 4, 1977 reported on the murder of gay bartender Frank Rodde III, 29; his murder was never solved. His name was used for a Tavern Guild gay fund and a gay community center.



Vandalism at the Rogers Park gay Center, reported in *GayLife* Aug. 5, 1977.



GayLife Oct. 14, 1977 looks at the blackmail threat to gays.



GayLife Jan. 4, 1980 reported on the police raid of the South Loop Rialto Tap. One hundred men were arrested at the bar, which catered mostly to African American gay men.



Above: Nov. 14, 1980 *GayLife* coverage of the murder of popular Chicago personality Stephen "Wanda Lust" Jones. Below: Dec. 12, 1980 *GayLife* on the murder of Beverly "Tom" Woolard, a bartender.



Alyn Toler (left) founded the Pink Angels in 1991 as a response to anti-gay violence. Curtis Sliwa of the Guardian Angels is pictured middle. Photo by Tracy Baim



GayLife Aug. 11, 1983 coverage of gay murders in Illinois and Indiana.



Baton Show Lounge owner Jim Flint was among gay bar owners forced to testify in a case against mob shakedowns on the North Side. From *GayLife* Oct. 4, 1984.



GayLife from Aug. 23, 1984 and Aug. 30, 1984, including coverage of anti-gay violence nationally, and Larry Eyler's murder of multiple young men and boys.



GayLife May 10, 1984 coverage of a triple murder on Chicago's West Side.



June 14, 1984, coverage of a suspect in bombs planted at 24 gay bars.



Windy City Times reported Dec. 18, 1986 on a \$15 million lawsuit filed against officers of the Northwestern Metropolitan Enforcement Group from a Sept. 12, 1985 raid on the gay bar Carol's Speakeasy.



Ron Cayot was shot in 1992 while coming out of a gay bar on Halsted. He lost the ability to speak normally from the assault. Photo by Tracy Baim



More coverage of Larry Eyler, and one of his victims, Danny Bridges, who was killed after Eyler had been let out of jail because evidence was ruled inadmissible against Eyler. *GayLife*, Sept. 6, 1984.

When Cruising Goes Bad:

The private aspects of public indecency

BY MATT SIMONETTE

Every place with a gay presence has had a place where men have gone to trick—the Ramble in New York City, Dolores Park in San Francisco and Union Station in Los Angeles are just a few.

Chicago is no exception. Numerous locations around the city—the restrooms in the old Marshall Field & Co. building and the Palmer House –hotel on State Street, the Lawson YMCA and secluded parts of Lincoln Park—were legendary among gay men looking for relatively quick and easy sex. The Montrose Point Bird Sanctuary and Cook County forest preserves are current hang-outs.

Frequenting these spots has always carried an element of risk, be it from police or gay-bashers. But for some men, the risks are worth it.

“Paul”—not his real name—is an Edgewater man in his early 50s. He cruises near the bird sanctuary. While he said he doesn’t consider himself an exhibitionist, he does get a rush from cruising in public.

“There’s an element of ‘hanging out’ that’s exciting,” Paul admitted.

Men who have been caught cruising have found themselves up against local or state public indecency laws— whether they actually were thought to have had sex in an arguably public place or, as is sometimes the case, were merely there seeking partners to take home for sex but were victimized by a perjurer who said they were actually having sex there.. The Chicago city ordinance says that any person appearing in specified public places with the person’s private areas “exposed to public view” is subject to a fine of between \$100 and \$500. The Illinois statute defines public indecency as an act of penetration or sexual conduct in public, as well as a “lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of the person.” The law defines “public” spaces as those where the conduct can reasonably be expected to be viewed by others.

Attorney Jon Erickson, who has defended a number of individuals against public indecency charges, pointed out a conundrum at the heart of some cases.

“There has to be an expectation that you’d be viewed if you are accused of public indecency,” Erickson said. “But that expectation is not there if you are hiding in the bushes trying to make sure nobody sees you.”

The history of cruising in Chicago

Attorney Ed Mogul has also represented gay men arrested for public indecency. He said public cruising in Chicago largely grew from some gay men’s reluctance to set foot in gay bars, which for many years were regularly raided by city and county police.

“Back when the law against homosexuality [the sodomy law] was eliminated in Illinois (in 1961), a lot of people thought that Illinois—and Chicago in particular—would become a mecca for homosexuals—and they were right,” said Mogul. At the same time, police were aggressively watching over gay bars for signs of lewd behavior.

“If you were caught in one of the raids, your name and address were published in the newspaper; many lives were ruined,” Mogul added. “It was safer for guys to go looking for sex in public places than it was to be in the bars.”

Attorney and activist William B. Kelley described numerous ways bars diligently worked to avoid having their patrons arrested and having their liquor license revoked decades ago. Some forbade patrons from buying each other drinks, lest anyone be charged with prostitution. Patrons were also discouraged from close contact and same-sex dancing, he said.

It was difficult for bar owners to get around

the harassment. In 1969, a bar called The Trip had its licenses revoked after authorities claimed the management had “overlooked indecency” on the premises.

“The bar had taken steps to protect itself and its patrons by closing on Sunday nights and organizing a private club,” Kelley said. “You could get a membership card, come in, and use the dance floor. Police got hold of a membership card by stopping someone on the sidewalk and seizing it. Then they came in and made arrests.”

Ultimately, The Trip won its case. But the arrests were “a police harassment tactic—there wasn’t anything going on,” Kelley said. “They wouldn’t allow people to kiss or even get close to each other in an intimate way,” except for the Sunday-night dancing.

“Those CPD [Chicago Police Department] busts in bars literally drove gay men looking for sex into the streets,” added Mogul.

People who were afraid to be seen going into bars, Kelley said, “were not afraid to be seen going into Marshall Field’s.” But he was not convinced that the bar raids were the sole reason gays gravitated toward cruising spots.

“I’ve always thought they did it because of a preference for variety,” Kelley said.

Numerous public spots sprung up on Chicago’s lakefront. “There was an area just off Lake Shore Drive ... between Lawrence and Foster,” according to Mogul. “People would go in and just disappear behind these huge bushes—it was a mixture of straight and gay men looking for blow jobs.”

“Oak Street Beach—the retaining wall along Lake Shore Drive—used to be a lineup of guys looking for sex at night,” added Kelley.

Getting gay-bashed was an enormous risk. Thugs would beat and/or rob men, often counting on their victims’ being too embarrassed to report the attack. One of Mogul’s first cases stemming from a cruising incident involved helping a man who had been viciously beaten by a group of young men wielding broken-off car antennas, for example. But police could be equally violent.

“The younger officers were especially vicious,” Mogul said. “They seemed to be having some issues. The real police were interested in fighting crime. What police are interested in arresting prostitutes and homosexuals?”

In 1969, a 63-year-old man named Delizon Bush was arrested by CPD Officer John Manley on a charge of public indecency. Manley contended that Bush had tried to attack him, and Bush was acquitted of the public indecency charge but found guilty of resisting arrest.

But Bush was much smaller than Manley and had suffered numerous injuries.

“That got reversed on appeal. The judges obviously didn’t believe Manley, because Manley was so much bigger and younger,” Kelley said.

Police were going into parks and arresting men on the grounds that they were committing sexual acts. “Many times they were, but they were doing it in seclusion, and many times the police were interrupting them in ways they would never bother doing in an equivalent heterosexual situation,” Kelley said.

The arrests weren’t just taking place on the lakefront. A number occurred in various parts of the Cook County forest preserves, where county officials had established a so-called “lifestyle enforcement unit.”

“It was mostly suburban homosexuals—most of them would leave their car in the preserve and go looking for sex,” Mogul said. “The forest preserve would seize the car, too, and they would have to pay an impound fee, so it was basically a revenue raiser.”

Cruising spots today

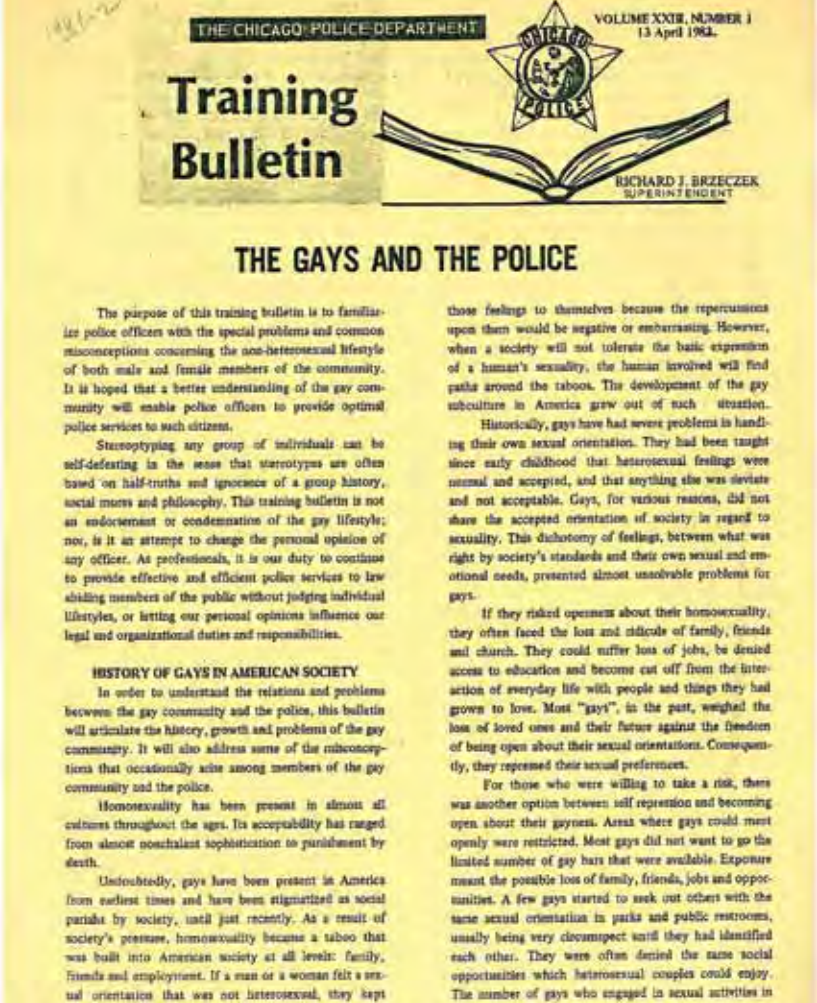
The preserves are still used for cruising—Paul

said he visits occasionally: “It seems to be mostly married men or ‘straight’ men looking to get their cocks sucked or suck cocks themselves.”

In 2010, Erickson defended a man who’d been arrested on a public indecency charge in the forest preserves but had the charges dismissed when a judge agreed that the county Forest Preserve District’s public indecency law was antiquated.

The law read, “No person shall appear in any forest preserve in a state of nudity, or in a dress not properly belonging to his or her sex, or in an indecent or lewd manner, and no person shall make any indecent exposure of his or her person or be guilty of any lewd or indecent act or behavior in any forest preserve, or while in any vehicle within the Forest Preserve District.”

He argued that the ordinance, which would also, for example, ban trans people from using the forest preserves, was unconstitutional. Additionally, the word “lewd” was problematic,



In 1982, the Chicago Police Department, under Superintendent Richard J. Brzeczek, issued this Training Bulletin for officers. Despite this bulletin, undercover arrests continued for many years in parks and bars. Courtesy of the M. Kuda Archives

having been out of favor with the courts for decades.

“It’s so vague and open to interpretation,” Erickson said, adding that the possibility of arrest depended on the mindset of the arresting officer. “‘Lewd’ means one thing to a police officer who’s a Christian fundamentalist and something else to one who was a former San Francisco hippie.”

The county promised to look into the wording of the law after the 2010 case.

“I checked and they kept their word,” Erickson said. “It still says ‘lewd’ in the Illinois public indecency law, but its terms are more concretely defined.”

Erickson said that a number of judges have been concerned with the constitutionality of public indecency laws, adding, “It’s unfortunate because so many men that this happens to are embarrassed by it, so they just go in and plead guilty in order to get it over with.”

He gets a public indecency case about every three months or so.

“They’re not as common as they used to be, but they’re still too frequent,” he said, estimating that about 25 percent are from the forest preserves, while the other 75 percent usually are from the bird sanctuary.

“It seems to be politically motivated—someone in the bird sanctuary complains, usually a birdwatcher—so the police cast a wide net and sweep up people who should not be swept up,” Erickson said. The police have sent out “more-than-good-looking officers to lure gay men—if they were straight men, it would be like they were sending out Christy Turlington.” (Chicago Police Department officials did not return calls for comment by press time.)

He added that the arrests, however infrequent, are “a tool of harassment” against the community. “They don’t arrest straights for doing the same thing out in the open at the beach.”

Paul said he has only actually seen one person getting arrested in the sanctuary.

“From what I could see, they were someone who seemed ‘off’—they were calling attention to themselves. I think by keeping your eyes and ears open and conducting yourselves quietly, you can stay out of trouble.”

He has been stopped by a police officer only once. Paul was beginning to fool around with another man in a parked car when the officer asked what they were doing. “I answered, ‘Just chatting,’ and he fortunately just said to take it home, which we did.”

It’s easy to spot the guys in the sanctuary for cruising, he added. Most are dressed either in clothes not cut out for an afternoon in the park, such as a suit, or wearing items that can be pulled off or opened up easily. In his experience, most of the guys in the sanctuary are usually looking to give or receive oral sex, though he’s occasionally engaged in anal sex there. Paul is a top and insists on using a condom; some of his partners have protested, going so far as to refuse to engage in sex with him.

He has cruised in many places—the gym, adult bookstores, the mall. He knows he is not the only one who finds it exciting, and he doesn’t foresee himself changing.

“After [U.S. Sen.] Larry Craig was busted, gay rights people went on television to say that he was doing that because he was closeted, and that this sort of thing would stop if everyone could live openly as gay,” Paul said. “I don’t think so—for a lot of guys this is just human nature.”

Bars For Life: LGBTQs and sex offender registries

BY YASMIN NAIR

In 1977, Anita Bryant launched her crusade against a recently passed Dade County, Fla., ordinance that banned discrimination on the basis of sexual orientation. As the leader of a coalition named "Save Our Children," Bryant and her supporters tapped into an old perception of gays as sexual predators of children.

In a now-famous statement, she declared, "As a mother, I know that homosexuals cannot biologically reproduce children; therefore, they must recruit our children." Bryant's campaign led to the repeal of the ordinance but paradoxically also became the beginning of the end of her career, alienating her from some conservatives and liberals alike.

In the years since Bryant's campaign, there has been a palpable shift in cultural responses to gay and lesbian issues, with several polls indicating greater support for issues such as marriage equality. But the figure of the gay man in particular as a sexual predator still haunts culture and continues to re-emerge.

In 1955, Boise, Idaho, erupted in a sex scandal where nearly 1,500 men were questioned about allegedly having coerced underage young men into sexual acts. There was no such sex ring, but countless lives were scarred forever.

This April, as the gay marriage debate reached the U.S. Supreme Court, two married gay men in Connecticut, George Harasz and Douglas Wirth, decided to fight charges that they had sexually abused children in their care. In a sign of how differently such cases are still treated in the mainstream press, the website Gay Star News' headline stated, "Gay couple accused of child abuse go to trial to clear their names." New York's Daily New headline ran, "Gay Connecticut couple accused of raping adopted children will face trial."

Since 1977, sex offender registries (SORs) have been instituted in every U.S. state, ostensibly to prevent sexual abuse of minors and others by tracking everyone convicted of sexual abuse.

But according to a growing number of critics across the political spectrum, SORs have also increased so much in scope, by including even acts like public urination in the category of sex crime, that they've become virtually meaningless. In addition, SORs place so many residential and vocational restrictions on offenders that larger numbers are unable to return to society with places to live and stable systems of support.

In Illinois, registered sex offenders cannot live within 500 feet of any school buildings or have trade licenses. Illinois also mandated in 2011 that the licenses of medical and health professionals convicted of sex offenses can be permanently revoked without a hearing. Increasingly, many offenders across the country simply end up homeless.

The term "sex offender" is rarely uttered at gay and lesbian public events, raising as it does an old and timeworn stereotype that still causes fear because of its automatic association with terms such as "pedophile" and "sodomite." To date, none of the major gay and lesbian organizations has explicitly taken a position on issues concerning sex offender registries.

But there are in fact gay sex offenders on the registry, and there have always been widely sensationalized cases of alleged and real sexual abuse of children by men who also identify as gay.

Tracing the specific effects of sex offender registries on LGBTQ people reveals that both terms, "LGBTQ" and "sex offender," are fraught with multiple tensions and definitions. For instance, not all people convicted for sex offenses

are LGBTQ, but the sexual acts, such as oral and anal sex, which place them on the registries are defined as "crimes against nature" in certain states.

The circumstances in which LGBTQs find themselves on sex offender registries both challenge the applications of such terms and hark back to older and still-prevalent ideas about sexual minorities.

The fact both sex offenses and sex offenders fall into such diverse and disparate categories also explains why it has been hard to mobilize a concerted political movement against the prevalence of SORs.

U.S. sex offender registries: A brief history

In 1989, 11-year-old Jacob Wetterling was abducted from his hometown of St. Joseph, Minn. Wetterling was never found, but his disappearance prompted concern that there was, at the time, no verifiable database of sex offenders.

The Jacob Wetterling Act of 1994 was designed to create a registry that could enable easier tracking of sex offenders. Megan's Law, an amendment to the Wetterling Act, was named for Megan Kanka, raped and murdered by a neighbor and convicted pedophile in 1994. The amendment created the Community Notification System, which requires all convicted sex offenders to register whenever they move and on a periodic basis.

The federal Adam Walsh Act, or AWA, was passed in 1994 and named for a six-year-old abducted from a Florida mall in 1981 who was later found decapitated. States are expected to comply fully with the AWA or incur penalties for noncompliance.

As this goes to print, an Illinois bill, SB 1643, which with proposed amendments would bring Illinois into full compliance with the AWA, is under review and has just been listed as "postponed," but it is widely expected to pass. With the proposed amendments, the bill would change current laws to make stricter requirements that place greater financial and social burdens on offenders and make it harder for them to reintegrate. Provisions include forcing "sexual predators" to register every 90 days for life, and persons convicted of misdemeanor offenses to register annually for 15 years.

In 2007, Human Rights Watch, an international nongovernmental organization which researches and advocates on human rights issues, issued a 146-page critical paper, "No Easy Answers."

The HRW paper called for a massive overhaul of the AWA, including terminating public access to information about sex offenders' places of residence, information that has been used by people in search of vigilante justice to intimidate and even kill sex offenders.

In June 2012 in Washington state, a man named Patrick Drum shot and killed two convicted sex offenders; the first was his roommate. When police tracked him down, he admitted that he had planned to kill sex offenders until he was caught.

The HRW piece acknowledges the need to prevent sexual abuse but questions whether the AWA's reach and stringency help or hinder the quest for justice. The AWA contains sweeping and detailed provisions, including those targeting juvenile sex offenders, and places conditions and restrictions stricter or more costly than what states might want or can afford to enact—such as expensive GPS monitoring systems.

So far some states are refusing to comply with the AWA, usually because of the high costs. California, for instance, has decided that the non-compliance penalty of \$5.6 million annually is less than the costs of implementing the AWA,

\$32 million a year.

In 2002, U.S. Justice Department statistics indicated that recidivism among sex offenders is much lower than originally projected, about 5.3 percent, and studies indicate that most child sexual abuse occurs at the hands of family members or people known to victims.

According to HRW, the U.S. has the most punitive and wide-ranging set of laws for sex offenders, and South Korea is the only other country that has community notification laws.

For LGBTQ people on the registry, registration can mean a shame and stigma that many worked to overcome on account of their sexuality or that others may have understood only as a historical fact. For those living in already small communities, it can mean a drastic shrinking of their worlds and a heightened sense of danger as they fear retaliation based on a combination of their sexuality and their recorded offenses.

Time spent in prison, where gays and child molesters are considered fair targets, can be especially dangerous for LGBTQ offenders, and more so in a culture that already naturalizes prison rape as inevitable.

LGBTQs on the registry

The presence of LGBTQ people on sex offender registries is hard to detect, since demographic information says nothing about victims except their ages.

The details provided include criminal legal categories (such as "sexual predator" or "murderer"), the legal terms for their crimes ("aggravated criminal sexual abuse" or "murder with intent to kill"), and their ages at the times of the crimes.

Jeff Haugh, a gay man, recalled the morning of March 14, 2002, when he was awakened by FBI agents who interrogated and arrested him on the charge of having received child pornography the prior year.

Haugh would later find out that he was swept up in the Candyman sting, set up under U.S. Attorney General John Ashcroft in 2002 and named for a Yahoo.com porn e-group. The operation resulted in the arrests of 40 men across 20 states.

The controversial image was of a man and a little girl, and he told the FBI, "I'm gay, this isn't even something I'm interested in." Haugh had been sent the website link by someone and, he said, he immediately deleted it: "But they arrested me on the street five hours after they showed up, for something I'd seen on the Internet a year before."

Haugh, who is now 64, owned the house he lived in, but when he came out of his five-month sentence and a stint in an Indianapolis halfway house, he found the residence had been "vandalized and torn to shreds."

He currently lives on the \$800 he gets in Social Security, after a lifetime of travel and work. Prison was difficult because, he said, "people figured out I was gay. They think you're a child molester automatically if you're gay."

Although Haugh was never charged with physically harming anyone, and although his crime is listed as "child pornography/film/photos," his online registry information records a victim of the age of 13, and him as a "sexual predator."

The term "sexual predator" is defined by a wide range of actions, including possessing child pornography and sexual assault. It can also include "public indecency" for a third or subsequent conviction. Public indecency can also include urinating in public, and there have been several recorded instances of people registered as sex offenders for that act.

"Brett," who asked to use a pseudonym, was also, like Haugh, swept up in the Candyman sting.

He said he didn't remember joining that particular group, but had "downloaded thousands of pictures" from other places. Of these, 33 were deemed to be of minors under the age of 18.

For Brett, the arrest, which sent him to the Butner Correctional Complex in North Carolina and into a sex offender treatment program, meant an immediate end to medical school.

He was also part of the controversial study which emerged from Butner, stating that as many as 85 percent of convicted Internet offenders had committed acts of sexual abuse against minors.

"I felt like I had to give them what they wanted, because I didn't want to get kicked out of the program," he said.

In comparison to what many LGBTQ sex offenders report going through, Brett felt insulated and somewhat protected because he was in a special program. But, "for me, it was still prison, and it was difficult being away from my family."

Brett had not been very out as a gay man prior to his arrest, and the end of his prison sentence left him wanting more connection to the gay community.

"I would probably try to be more active in the gay community but for my conviction. If I didn't have that, I'd want to be more of an activist," he said.

Brett has found a job as a paralegal, but he



These two GayLife stories from July 10, 1981 show that arrests used to be very common at gay bars and in public spaces, and these arrests may still be on the records of some people today.

feels the daily weight of the restrictions on his mobility. Once an avid tennis player, he has stopped playing, because most courts are in parks.

For these Illinois men, the restrictions, which tie them down in terms of both physical and social mobility, are the hardest aspects of the registry. Brett also added that Illinois especially overuses the term "predator," which can make people seem more dangerous than they are: "If you go online, over 50 percent are listed as predators. Nobody in Illinois wants to get rid of [the word] 'predator' [as a legal category]." Brett and others feel that the term is applied too loosely, and only increases the stigma for those who may not fit the stereotype. Echoing the thoughts of many, he also said, "The registries have lost their intended purpose anyway—if you register everyone for everything."

In 1997, Richard Hunt of Massachusetts was arrested for what he described as an "offense against an 11-year-old boy."

"I was 20, I should have known better," he said. But Hunt also said, "It wasn't a Lifetime movie. It was not what people think, the rape of a child. It was not brutal but also not innocuous, not what people want to imagine."

Hunt likens being on the registry to having a chronic illness.

"It informs every decision you make in your life and how you go about your daily business when you think about it," he said. "People hate you; they want you to die and go away."

He describes getting a job and housing as impossible. He managed to put himself through four years of state college and then two years of graduate work at Brandeis University, before notification requirements made that difficult.

Today, Hunt cobbles together a living working for an older gay couple whose house and gardens he looks after. He considers himself fortunate.

nate in having a connection with the older gay community, which has been, according to him, more supportive than many young people in the community.

Frustrated with a lack of online resources and help in navigating the system, he set up a blog, [http://masexoffenderresource.blogspot.com/] which he hopes to turn into a resource book.

There are fewer women than men on SORs, but the effects are as far-ranging.

Rebecca Curtis, of Luray, Va., was 21 when she, as she put it, fell in love with a 12-year-old girl who was also the daughter of the man drywalling her home in 2004. Today, the two are married.

Curtis said that the girl's mother neglected her and told her she could have her daughter move in with her for \$500, claiming she needed the money for bills and rent. (Curtis also said that the woman offered to sign over full guardianship for \$5,000 but that she refused.)

Over the next few years, Curtis and the young girl developed a sexual relationship while they lived together, until the mother filed charges against her—Curtis claimed this was an attempt to deflect attention from having left her 4-1/2-year-old son unattended for two hours.

Curtis was convicted as a nonviolent sex offender in 2007, but when Virginia laws changed to comply with the AWA, she was recategorized as a violent sex offender.

The relationship continued, and they eventually married in Washington, D.C.; Curtis' wife is currently five months pregnant.

Being parents will not be simple for Curtis and her wife, since Curtis will be banned from gatherings that include children.

Such cases represent a range of ways in which LGBTQs can find themselves placed on sex offender registries. Both Haugh and Brett were targeted in the kind of chat rooms in which gay men in particular often find themselves. Intergenerational sex and the issue of consent between adults and minors are still topics that the gay community has never fully reconciled satisfactorily, and the conversations are gendered very differently. For women, who feel more at threat from sexual violence because of what many call "rape culture," and from a general cultural reluctance to think of women's sexual agency in terms of desire, the question of sex between minors and adults is a more fraught one. Intergenerational sex has a longer cultural history among gay men, where the issue has been more of a topic of conversation, until relatively recently.

Neither Hunt nor Curtis is likely to find many sympathetic audiences in the younger gay community. As Hunt put it, the work of Wilhelm von Gloeden, the German photographer famous for his nude studies of young Sicilian farm boys, graces the walls of many gay homes, but the subject of man-boy sex is still a forbidden one.

Patty Wetterling, mother of the child after whom the Wetterling Act was named, has been outspoken about the problems she now sees with SORs. "We need to keep sight of the goal: no more victims," she said. "We need to be realistic. Not all sex offenders are the same. We need to ask tougher questions: What can we do to help those who have offended so that they will not do it again? What are the social factors contributing to sexual violence and how can we turn things around?"

Currently, it's not just parents such as Wetterling but even organizations in support of SORs that echo similar questions about how far they have been extended. On its website, the group, Parents for Megan's Law, fully supports SORs and the need for "arrests for non-compliance and increased accuracy of registry information." However, it has also posted a letter from its director, Laura Ahearn, pointing out that residency restrictions may have gone too far: "Enacting ill conceived politically correct in the moment laws may lead to a constitutional challenge, bringing invited attention to the lawmaker but seriously compromising existing laws. More importantly,

Corey Rayburn Yung, a law professor at the University of Kansas, pointed out that it was difficult to gauge how many people who committed sodomy crimes before Lawrence v. Texas might still be on sex offender registries. "But there certainly are people who engaged in consensual sodomy and are on the registry," Yung said. "Given that so many of our sex laws have overwhelmingly been used to target sexual minorities, it's not surprising that there's going to be a lot of people left over from that era and continuing criminal laws that are in LGBTQ communities."

it will lead to a greater number of homeless and non-compliant sex offenders—exacerbating their tracking, monitoring and supervision—ultimately placing our children at greater risk for victimization."

Scholars and activists have differing opinions about how SORs became what they are, and what needs to change, but they're united in opposing the current state of things.

'They Need to Go'

Corey Rayburn Yung, a law professor at the University of Kansas, has studied the rise of SORs. Yung argues that there is a war on sex offenders as much as there was and still is a war on drugs.

Speaking to Windy City Times, Yung said, "Within the next couple of years, we're going to have a million sex offenders, people found guilty or who plead guilty. That's an enormous population we're going to isolate from mainstream society."

Yung expanded on the similarities between the war on drugs and the war on sex offenders: "In some African-American communities in places like California, under the war on drugs, half of African-American males between the ages of 18 to 26, are either currently in the prison system or the criminal justice system more broadly, or were in the past. You have communities where the men in particular are now tagged as criminals and have their employment options diminished and are left to fend for themselves. That same phenomenon occurs with sex offenders."

A lesser-known aspect of sex offender registries is that sodomy statutes can still play a role in ensnaring people in them. Some states still have sodomy laws on the books, and those are all states that had them in 2003 as well. The U.S. Supreme Court case of Lawrence v. Texas in 2003 addressed sodomy as a private, consensual act between adults, but that means that commercial acts of sex, such as prostitution, and perhaps anal and oral sex between minors can still be prosecuted.

Yung said that "crime against nature" statutes include sodomy and bestiality: "In those states in particular, they've not removed these statutes from the books, because, as they argue, bestiality is still a crime. But then it turns out they've done a lot of targeting of gay and trans communities in some cases, using these laws that were thought to be struck down in Lawrence v. Texas."

In some prostitution cases, undercover police officers target gay male prostitutes for acts involving oral or anal sex, defined as sodomy—and which brings longer prison sentences and sex offender registration. Yung also spoke of a Virginia case involving minors, 14 or 15 years old, prosecuted for sodomy, where the courts declared Lawrence v. Texas couldn't apply because they weren't consenting adults.

Yung pointed out that it was difficult to gauge how many people who committed sodomy crimes before Lawrence v. Texas might still be on sex of-

fender registries. "But there certainly are people who engaged in consensual sodomy and are on the registry," Yung said. "Given that so many of our sex laws have overwhelmingly been used to target sexual minorities, it's not surprising that there's going to be a lot of people left over from that era and continuing criminal laws that are in LGBTQ communities."

For Yung, moving forward and away from overreaching sex offender registries means using more resources "in terms of imprisonment and also in terms of police investigation for the more heinous of our sex crimes, rape and child molestation." He pointed out that, "right now, rape continues to be one of the most underprosecuted crimes" and that his own work on SORs had come about because of his interest in studying how to combat sexual violence in particular.

The issue of sexual violence strikes close to home for Jason Lydon, a founder of Black and Pink, an organization of LGBTQ prisoners and allies on the outside.

Lydon spent six months in federal prison for civil disobedience against the U.S. Army School of the Americas (now the Army's Western Hemisphere Institute for Security Cooperation). His experience in prison, where he says he was sexually assaulted, did not change his politics regarding prison abolition. Like many queer radical prison activists, including Angela Davis, Lydon believes that the prison system—which activists refer to as the "prison industrial complex"—serves no purpose other than to make profits for the state and private companies.

Lydon's appraisal of sex offender registries comes from what he calls "a critique of the idea that the state can protect people and create authentic safety."

"My immediate response [to SORs] is as an abolitionist: This is not going to bring us forward to transformative justice," Lydon said. "They need to go."

Lydon said that his experience with sex offender registries comes from his past work as a Unitarian Universalist minister, in which he spoke openly about the need to have frank conversations about adult-minor sexual relations, as well as from knowing several friends on SORs.

Aware of his views, a member of his congregation approached him to talk about the member's own sexual desire for children. Lydon said that, "as a minister and mandated reporter, I had to think about what information I could and couldn't hear, how I could be supportive of him and what that would mean, I was able to gather that he wasn't in physical contact with children. So we talked about his support and got him in to see a counselor."

Lydon wants to see more conversations about the age of consent.

"I do have a value judgment if someone is under puberty, I don't believe there can be consent with an adult," he said. "I think that young people's sexuality with other young people can be mutually fulfilling and doesn't need to be policed by adults. But I do think we need to have

open and honest conversations about what consent looks like and where age and power dynamics play into that, how alcohol and drugs play into that."

Alan Mills, legal director of the Uptown People's Law Center in Chicago, works with clients on sex offender registries and sees no value in those registries.

"I think they should be scratched, but I don't think that's politically possible," he said. "[They] should be brought back to where they started, which is to list pedophiles. The realistic solution is to work with victim advocate communities to try to work on the 'smart on crime' rhetoric. Unfortunately, it's far too easy for politicians to be 'tough on crime.' If you talk to them off the record, most of the legislators in Springfield will admit that what we're doing with sex offenders makes no sense whatsoever."

Mills does not think the critical conversation on SORs has made its way into the general public.

"Registries seem to be the in thing now," he said. "It's easy, cheap, and it gets votes."

Erica Meiners, a professor at Northeastern Illinois University in Chicago, is also a co-founder of St. Leonard's Adult High School, an alternative high school for formerly incarcerated men and women.

She's also the author of several books and articles that address the intersection of LGBTQ politics, the prison industrial complex, and public education. She has, in both her research and activism, encountered people trying to get back to normal life after prison and while on the registry.

When asked if sex offender laws might deliberately or inadvertently target LGBTQs in particular, as in gay chat rooms, Meiners pointed out they're not the only ones affected by the law's relationship to sexual identity.

"The people I interact with may or may not identify as non-heterosexual but may engage in non-heterosexual or non-gender-conforming sexual practices, including sex work that then makes them more vulnerable towards being picked up by police, being under surveillance, where they can live or move, how their bodies are seen in particular locations in the city," Meiners said. "So that's in addition to gay men being targeted in chat sites or the idea of gay male sexuality as predatory being recirculated." For Meiners, it's important to consider how sex offender laws are set up to target the most vulnerable among us.

Meiners spoke about a need to do two things at once. The first is to develop ways for people harmed by sexual violence to recover from the trauma. The second is to make sure that those who inflicted the violence are held accountable without society's resorting to harsh and long-lasting measures such as sex offender registries.

"There's no evidence that registries are successful in preventing sexual assault or transforming our larger culture or that they stop sexual violence," she said "And people who have to lodge complaints often find themselves violated by the system itself."

Meiners called SORs "the ideological scaffolding" that has pushed prison expansion in the past decade.

"That expansion has happened with such little critical interrogation from the general public and also queers as we march towards assimilation," she said. "Now is a politically important moment for LGBTQ people to interrogate these claims of protection being made, who benefits from them, who doesn't. Because decades ago, those claims were being leveled against us."

WCT contacted groups strongly in favor of sex offender registries, but they were not able to respond in time for publication. A later piece, on sex offender registries and HIV-disclosure laws, will return to this topic.

The crime series continues in next week's Windy City Times.